

EXPLANATORY STATEMENT

Issued by Authority of the Minister for Agriculture

Export Control Act 1982 and Export Control (Orders) Regulations 1982

Export Control Legislation (Processed Fruits and Vegetables) Repeal Order 2014

Legislative Authority

Section 3 of the *Export Control Act 1982* (Act) defines ‘prescribed goods’ to mean goods, or goods included in a class of goods, that are declared by the *Export Control (Orders) Regulations 1982* (Regulations) to be prescribed goods for the purposes of the Act.

Section 7 of the Act provides that the Regulations may prohibit the export of prescribed goods from Australia absolutely or to a specified place or unless specified conditions or restrictions are complied with or to a specified place unless conditions or restrictions are complied with.

Regulation 3 provides that the Minister may, by instrument in writing, make orders, not inconsistent with regulations made under the Act, with respect to any matter for or in relation to which provision may be made by regulations under the Act.

The *Export Control (Processed Fruits and Vegetables) Orders* (Processed Fruits and Vegetables Orders) are made under the Regulations and regulates the export of processed fruits and vegetables and in particular, the conditions and restrictions of their export.

Purpose

The purpose of the *Export Control Legislation (Processed Fruits and Vegetables) Repeal Order 2014* (Repeal Order) is to:

- enable processed fruits and vegetables to be treated as non-prescribed goods for the purpose of the Act;
- make consequential amendments to the *Export Control (Fees) Orders 2001* (Fees Order) to reflect that fees will no longer be charged for the certification of processed fruits and vegetables as prescribed goods.

Impact and Effect

The repeal of the Processed Fruits and Vegetables Orders will enable:

- the Department of Agriculture to provide government to government certification for the export of processed fruit and vegetables to overseas markets through order 8.05 of the *Export Control (Prescribed Goods–General) Order 2005*.
- a smoother passage for the export of processed fruits and vegetables to overseas markets which require official assurances on Australian foods for human consumption and human health.

The repeal of the Processed Fruits and Vegetables Orders will have minimal impact and effect as the processed fruits and vegetables industry is small, with fewer than 1000 government certificates issued annually for the export of these products. To date, there have been no market access issues involving government certification for the export of Australian processed fruits and vegetable products.

The consequential amendments made to the Fees Order resulting from the repeal of the Processed Fruits and Vegetables Orders remove specific fees relating to processed fruits and vegetables, enabling fees relating to non-prescribed goods to be imposed so that they are consistent with similar goods.

Consultation

Consultation with industry has not been undertaken in relation to the amendments as the department's current approach is to treat processed fruit and vegetables in the same manner as a non-prescribed good. As a result, the repeal of the Processed Fruits and Vegetables Orders will have no impact on stakeholders.

The Office of Best Practice Regulation (OBPR) was consulted on the proposed changes to the Repeal Order and has advised that a Regulation Impact Statement is not required (OBPR reference 17272).

Details of the *Export Control Legislation (Processed Fruits and Vegetables) Repeal Order 2014*

Section 1 – Name of the Order

The section provides that the name of the Repeal Order is the *Export Control Legislation (Processed Fruits and Vegetables) Repeal Order 2014*.

Section 2 – Commencement

This section provides for the Repeal Order to commence on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 – Authority

This provides that the Repeal Order is made under the *Export Control (Orders) Regulations 1982*.

Section 4 – Schedule(s)

Each instrument that is specified in a Schedule to the Repeal Order is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to the Repeal Order has effect according to its terms.

Schedule 1 – Repeals

Export Control (Processed Fruits and Vegetables) Orders made on 3 August 1987

Item 1 repeals the Processed Fruits and Vegetables Orders.

Schedule 2 – Consequential Amendments

Export Control (Fees) Orders 2001

Item 1 omits definitions of 'processed fruits' and 'processed vegetables' from section 4(1) of the Fees Order.

The purpose of this amendment is to remove obsolete references to the repealed Processed Fruits and Vegetables Order.

Item 2 removes paragraphs 40A(1)(b) and (c) of the Fees Order.

The purpose of this amendment is to remove an obsolete reference to 'processed fruit' and 'processed vegetables'.

Item 3 removes the subheading of table item 4 from schedule 5 of the Fees Order.

The purpose of this amendment is to remove an obsolete reference to ‘processed fruit or processed vegetables’.

Item 4 removes the reference to fees relating to the certification of processed fruits and vegetables from schedule 5 of the Fees Order.

The purpose of this amendment is to remove obsolete fees for the certification of processed fruits and vegetables. The effect of this amendment is that exporters seeking certification of processed fruits and vegetables will now be subject to fees relating to non-prescribed goods set out in Schedules 1A and 1C of the Fees Order.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Export Control Legislation (Processed Fruits and Vegetables) Repeal Order 2014

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of the *Export Control Legislation (Processed Fruits and Vegetables) Repeal Order 2014* is to:

- enable processed fruits and vegetables to be treated as non-prescribed goods for the purpose of the Act;
- make consequential amendments to the *Export Control (Fees) Orders 2001* (Fees Order) to reflect that fees will no longer be charged for the certification of processed fruits and vegetables as non-prescribed goods.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Hon. Barnaby Joyce MP
Minister for Agriculture