
Improving Australia's export legislation

1 September 2017

In brief

Minister for Agriculture and Water Resources, the Hon Barnaby Joyce MP, recently made the draft *Export Control Bill 2017* (the Bill) and associated Regulatory Impact Statement (RIS) available for public comment. This provides Australian businesses and other interested stakeholders with an opportunity to review the draft legislation and comment on its impact to business practices.

The measures proposed by the Bill and associated Export Control Rules seek to consolidate current export-related requirements from 17 Acts and more than 40 legislative instruments, resulting in an export regulatory framework for agricultural products that is more streamlined, easier to understand and more responsive to changes in market access requirements.

The implementation of the new export legislative framework is scheduled to take effect prior to 1 April 2020, when much of the existing framework will expire.

The public consultation period closes on 24 October 2017.

In detail

As part of a broad initiative to strengthen the export landscape for Australian businesses, the Department of Agriculture and Water Resources is improving the current agricultural export legislative framework by replacing it with a new framework that will come into effect by April 2020.

The modernised and streamlined export legislative framework aims to better support Australia's farmers and exporters.

Once implemented, the new legislative framework will result in a number of benefits to Australian businesses undertaking international export, including:

- Providing a simplified and easier to understand legislative framework with:
 - Consolidated export-related requirements, such as certificates, export permits, registered establishments, approved arrangements, accredited properties and audit and inspection, into one set of provisions for all commodities and points in the supply chain.
 - A standardised set of definitions to ensure terminology and regulatory applications across commodities is consistent.

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- A consolidated set of provisions for merit review of decisions made by the Secretary of the Department of Agriculture and Water Resources and authorised officers.
 - A single character test to ensure that parties seeking approval to be involved in export activities are suitable and responsible entities.
 - Allowing for swifter Government response to changes in market conditions by replacing the existing Orders with more flexible Export Control Rules, as well as providing greater clarity for exporters and enhanced efficiencies in getting to market. The measures in the Bill will also allow, where appropriate, the Secretary of the Department of Agriculture and Water Resources to expand the definition of goods, for example where certification or regulatory oversight is required by an importing country, international agreements, sanitary requirements or other Australian laws.
 - Providing additional tools for managing non-compliance, leading to fairer outcomes for exporters, and continued protection of Australia's trading reputation. The new framework will consolidate monitoring and investigation powers, and will adopt the provisions of the *Regulatory Powers (Standard Provisions) Act 2014*. This will include a graduated enforcement regime to allow for a proportionate response to issues of non-compliance – ranging from infringement notices, suspending export activity, to more serious penalties such as criminal charges.

The proposed Bill also incorporates requirements relating to the appointment and obligations of third party authorised officers. These changes seek to provide more transparency to ensure the performance of third-party authorised officers is consistent with that of Government employees undertaking the same task.

The takeaway

The *Export Control Bill 2017*, once enacted, will result in a more streamlined and simple way of international export for Australian businesses. Exporters, industry, trading partners and other interested stakeholders have 60 days to provide comment on the draft Bill and RIS.

Feedback collected as part of the consultation period will inform and improve Australia's approach to agricultural export. Submissions can be made online through the Department of Agriculture and Water Resources. Public comment and feedback will be sought through to 24 October 2017.

Let's talk

For a deeper discussion of how these issues might affect your business, please contact:

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