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Export Legislation Taskforce
Department of Agriculture and Water Resources

via email: exporthortlegislation@agriculture.gov.au

Dear Sir/Madam

Exposure Draft *Export Control Bill*

APL is the national representative body for Australian pork producers. APL is a producer-owned not-for-profit company combining marketing, export development, research and innovation and policy development to assist in securing a profitable and sustainable future for the Australian pork industry.

The Australian pork industry supports more than 35,000 jobs in Australia and contributes approximately \$5.2 billion in gross domestic product to the Australian economy. The pork industry comprises approximately 2.13% of total Australian farm production with roughly 1500 pig producers producing around 5 million pigs annually.

While domestic sales account for the bulk of Australia's pork production, exports play an important and growing role in the industry. APL works closely with supply chain partners in the processing industry to ensure that Australian-grown pigs are able to reach global markets. APL welcomes the opportunity to comment on the Department of Agriculture and Water Resources ("the Department") exposure draft *Export Control Bill*. APL endorses submissions to this consultation process by the National Farmers Federation and the Australian Meat Industry Council.

APL supports the Department's efforts to improve and streamline Australia's export legislation by consolidating the current seventeen applicable Acts into one. In particular, we welcome proposals to apply consistency of definitions across the proposed legislation and its associated rules, regulations, and orders, and to simplify the process for minor technical and operational amendments to the rules, regulations, and orders. These improvements will contribute to a clearer set of regulations that are better able to adapt to changing circumstances.

At the same time, there are proposals in the exposure draft *Export Control Bill* that require further clarification or consideration.

For example, a number of instances in the exposure draft *Export Control Bill* grant considerable discretionary powers to the Secretary. While APL, in general, welcomes the intent of these proposals to improve the speed at which changes can be made to the rules, regulations, and orders, we would welcome more clarity around the extent of these powers, the circumstances in which they apply, and review mechanisms.

In granting the Secretary the power to approve and suspend arrangements (chapter five: Approved Arrangements), it is not clear whether the exposure draft *Export Control Bill*

allows the Secretary to suspend/revoke parts of Approved Arrangements, rather than the entire Approved Arrangement, for specific non-compliances. Chapter seven, section 230 provides for the Secretary to vary the conditions of an export permit, under the Secretary's own initiative, without providing any guidance as to the circumstances in which this would apply, making any decision powers arbitrary and subjective. The exposure draft *Export Control Bill* (chapter eleven, section 369) gives the Secretary the power to publish show-cause notices at his/her discretion, including the name of the person and information around the show-cause. This section may breach privacy standards, particularly in cases where the show-cause is not upheld in court, and lead to reputational damage to targeted businesses.

Recognising that the exposure draft *Export Control Bill* does not include a review of the existing export control regulations and orders, APL looks forward to engaging with the Department on new Export Control Rules as they are developed.

Should you have any questions about this submission, please do not hesitate to contact Andrew Robertson on 02 62708888 or via email andrew.robertson@australianpork.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Deb Kerr', written in a cursive style.

DEBORAH KERR
General Manager, Policy