

# **Control (Hardwood Wood Chips) (1996) Regulations 1996 No. 206**

EXPLANATORY STATEMENT

STATUTORY RULES 1996 No. 206

Issued by the Authority of the Minister for Primary Industries and Energy

*Export Control Act 1982*

Control (Hardwood Wood Chips) (1996) Regulations

The *Export Control Act 1982* (the Act) provides for the control over the export of certain prescribed goods. The Export Control (Unprocessed Wood) Regulations, made in 1986, the Export Control (Unprocessed Wood) Regulations (Amendment), and the Export Control (Hardwood Wood Chips) (1996) Regulations, provide necessary support to the Act.

Regulation 2 of the Export Control (Unprocessed Wood) Regulations (Amendment) provides for certain hardwood wood chips to be the subject of separate regulations known as the Export Control (Hardwood Wood Chips) (1996) Regulations.

Regulation 4 of the Export Control (Hardwood Wood Chips) (1996) provides for the declaration of prescribed goods, being hardwood wood chips (except wood chips derived either from sandalwood or from plantation-grown trees).

Details of the Export Control (Hardwood Wood Chips) (1996) Regulations are set out in the Attachment.

The Regulations commence upon gazettal.

## **ATTACHMENT**

### **PART 1**

Regulation 1 provides for citation of the Export Control (Hardwood Wood Chips) (1996) Regulations.

Regulation 2 sets out the purpose of the Regulations.

Regulation 3 provides for definitions of certain terms in the Regulations.

Regulation 4 provides for the declaration of prescribed goods to include hardwood wood chips (except wood chips derived either from sandalwood or from plantation-grown trees).

Regulation 5 provides that the Minister may not give preference to one State or any part thereof over another State or any part thereof.

Regulation 6 prohibits the export of controlled wood chips without a licence, unless the export is of 2 tonnes or less, green mass.

**PART 2** provides conditions and restrictions relating to the granting of transitional export licences, as follows.

Regulation 7 provides that a person may apply in writing for a transitional licence, specifying certain particulars. It also requires the applicant to provide any information the Minister reasonably requests in relation to the application.

Regulation 8 details the matters the Minister may take into account when considering an application for a transitional licence.

Regulation 9 prescribes the conditional power of the Minister to grant or refuse to grant a transitional licence. It also prescribes the action the Minister must take following the refusal of an application for a transitional licence.

Regulation 10 requires the Minister to specify in a transitional licence the category and mass of the wood chips authorised to be exported. In addition, it specifies the maximum aggregate mass of wood chips that the Minister may authorise in any one year under transitional licences.

Regulation 11 prescribes certain considerations which determine when transitional licences take effect and when they cease to have effect.

Regulation 12 prescribes further conditions and restrictions applying to transitional licences, including the requirement that the licence must specify the region or regions from which the controlled wood chips are derived..

**PART 3** provides conditions and restrictions relating to the granting of degraded forest licences, as follows.

Regulation 13 provides that a person may apply in writing for a licence to export wood chips derived from degraded forest on private land and must provide any information the Minister reasonably requests in relation to the application.

Regulation 14 details the matters the Minister must take into account when considering an application for a degraded forest licence.

Regulation 15 prescribes the conditional power of the Minister to grant or refuse to grant a degraded forest licence. It also prescribes the action the Minister must take following the refusal of an application for a degraded forest licence.

Regulation 16 makes it a condition of a degraded forest licence that the wood chips to be exported under it must be derived only from the forest or forests specified in the licence.

Regulation 17 describes further conditions and restrictions that may be applied to degraded forest licences.

Regulation 18 specifies that the validity of a degraded forest licence is not affected by reason only of a Regional Forest Agreement (RFA) coming into force in a region within which the degraded forest is located.

Regulation 19 prescribes certain considerations which determine when degraded forest licences cease to have effect.

**PART 4** provides conditions and restrictions relating to the granting of an RFA export licence, if there is in place an RFA as defined in Regulation 3, as follows.

Regulation 20 provides that a person may apply in writing for an RFA licence and must provide any information the Minister reasonably requests in relation to the application.

Regulation 21 prescribes the conditional power of the Minister to grant or refuse to grant an RFA licence, ensuring the granting of an RFA licence is consistent with the relevant RFA. It also prescribes the action the Minister must take following the refusal of an application for an RFA licence.

Regulation 22 specifies that controlled wood chips to be exported under an RFA licence are to be derived only from a specified region or regions where an RFA is in force.

Regulation 23 describes other conditions and restrictions which may be included in an RFA licence.

**PART 5** provides conditions and restrictions relating to the granting of restricted shipment export licences, as follows.

Regulation 24 provides that a person may apply in writing for a restricted shipment licence to trial a prospective market or to enable the analysis of certain wood chips to be undertaken. It also requires the applicant to provide any information the Minister reasonably requires in relation to the application.

Regulation 25 prescribes the conditional power of the Minister to grant or refuse to grant a restricted shipment licence. It also prescribes the action the Minister must take following the refusal of an application for a restricted shipment licence.

Regulation 26 specifies that the controlled wood chips to be exported under a restricted shipment licence are to be derived only from a specified region or regions.

Regulation 27 describes other conditions and restrictions which may be included in a restricted shipment licence. It also prescribes that wood chips exported under a restricted licence for the purposes of trailing a prospective market must be exported in 1 shipment.

**PART 6** provides for dealings with all licences, as follows.

Regulation 28 allows for the surrender of any licence in certain circumstances.

Regulation 29 allows for the surrender and exchange of any licence in certain circumstances.

Regulation 30 allows for the surrender of any licence (except a restricted shipment licence) in exchange for other licences in certain circumstances.

Regulation 31 allows for the assignment of any licence in certain circumstances.

Regulation 32 allows the Minister to suspend, vary conditions or restrictions, or impose additional conditions or restrictions upon any licence if the Minister has reasonable grounds to believe the licence holder has not complied with the licence conditions or restrictions and consequential adverse environmental effects have occurred or are threatened.

Regulation 33 allows the Minister to revoke any licence if the holder of a licence fails to comply with a condition or restriction of the licence.

**PART 7** provides for reconsideration and review of certain decisions, as follows.

Regulation 34 provides for definitions of terms in this Part.

Regulation 35 requires a statement to be included in a notice of certain decisions which advises of the relevant avenue of reconsideration or appeal if the relevant person is dissatisfied with the decision.

Regulation 36 provides that a relevant person in relation to a decision may request reconsideration by the Minister of certain decisions made by a delegate of the Minister.

Regulation 37 permits applications to be made for review of reviewable decisions to the Administrative Appeals Tribunal in certain circumstances.

**PART 8** contains miscellaneous provisions, as follows.

Regulation 38 requires the holder of a licence to keep such records as the Minister reasonably requires.

Regulation 39 permits a licence granted under these Regulations and a licence granted under the Export Control (Unprocessed Wood) Regulations to be combined in the one instrument.

Regulation 40 prescribes that, subject to these Regulations, the Minister may delegate to an officer of the Department any of his or her powers under these Regulations, other than the power of delegation.

**PART 9** contains transitional provisions, as follows.

Regulation 41 provides for definitions of terms in this Part.

Regulation 42 ensures licences granted previously under the Export Control (Hardwood Wood Chips) Regulations continue in effect until the earlier of. the time they would have ceased to be in force under those Regulations; or 31 December 1996; subject to any conditions and restrictions contained in those licences or in those Regulations.

Regulation 43 provides that Part 6 applies to a licence under this Part as if it were a transitional licence.

**THE SCHEDULE** is made under Regulation 3 and provides definitions of regions for the purpose of these Regulations.