

Export Control (Hardwood Wood Chips) (1996) Amendment Regulations 1998 (No. 2) 1998 No. 311

EXPLANATORY STATEMENT

STATUTORY RULES 1998 NO. 311

Issued by the Authority -of the Minister for Forestry and Conservation

Export Control Act 1982

Export Control (Hardwood Wood Chips) (1996) Amendment Regulations 1998 (No. 2)

The *Export Control Act 1982* (the Act) commenced in 1982 in order to provide for the control of the export of certain prescribed goods.

Section 25 of the Act provides that the Governor-General may make regulations for the purpose of the Act. The Export Control (Unprocessed Wood) Regulations, the Export Control (Hardwood Wood Chips) (1996) Regulations (the '1996 Regulations'), and the Export Control (Regional Forest Agreements) Regulations (the 'RFA Regulations') provide necessary support to the Act by prescribing export licensing arrangements for unprocessed wood and woodchips.

The Schedule to the 1996 Regulations (the 'Schedule') originally described eleven forest regions to which both the 1996 Regulations and the RFA Regulations refer. Under the 1996 Regulations, transitional and other export licences are restricted to a specified region or regions, as described in the Schedule. Under the RFA Regulations, export licensing controls on unprocessed wood and woodchips derived from native forests for a specified region, as described in the Schedule, are effectively removed while ever that region is covered by an Regional Forest Agreement ('RFA').

The RFA process is a dynamic one and, over time, government parties have found that certain of the original regional boundaries described in the Schedule were not appropriate for some of the regions. Consequently, in April 1998, the 1996 Regulations were amended to amend the boundary descriptions for the Central Highlands, Gippsland and North East regions in Victoria, as well as including a new Eden region in New South Wales. The Amendment also incorporated associated provisions in relation to existing transitional export licences.

The purpose of the proposed Amendment Regulations is to add to the Schedule descriptions of two new regions which have been agreed between the relevant government parties in relation to the South East Queensland Region in Queensland and the South West Forest Region in Western Australia. These new regions are each a part of another larger region described in the Schedule (the 'Queensland Region' and the 'South West Region', respectively).

The proposed Amendment Regulations will also clarify the boundary limits of a region which is delineated in the Schedule by reference to a map. Further, minor changes to the 1996 Regulations have been made to give effect to the new design arrangements for principal instruments adopted by the Office of Legislative Drafting, Attorney-General's Department.

Details of the proposed 1998 Amendment Regulations are as follows:

Regulation 1 provides that the name of these regulations is the *Export Control (Hardwood Wood Chips) (1996) Amendment Regulations 1998 (No. 2)*.

Regulation 2 provides that these regulations commence on gazettal.

Regulation 3 provides that the 1996 Regulations are amended as set out in Schedule 1 of these regulations.

Item [1], Schedule 1 changes the name of the 1996 Regulations to the *Export Control (Hardwood Wood Chips) Regulations 1996*. This amendment ensures the 1996 Regulations comply with the new design for principal instruments adopted by the Office of Legislative Drafting.

Item [2], Schedule 1 incorporates a technical change to enable subregulation 3(2) to be inserted.

Item [3], Schedule 1 amends the definition of "region" to now read "a region, so described, in Schedule 1". This amendment ensures the 1996 Regulations comply with the new design for principal instruments adopted by the Office of Legislative Drafting, whereby all Schedules are numbered.

Item [4], Schedule 1 inserts a new subregulation 3(2) to make it clear that the boundary of a region which is described in the Schedule to the 1996 Regulations by reference to a map is the mid-point of the line used in the map to represent the boundary.

Item [5], Schedule 1 amends the Schedule heading to now read "Schedule 1 Regions". This amendment ensures the 1996 Regulations comply with the new design for principal instruments adopted by the Office of Legislative Drafting, whereby all Schedules are numbered.

Items [6], [7] and [8]. Schedule 1 makes appropriate amendments to Item 4 of Schedule 1 of the 1996 Regulations to incorporate boundary descriptions for the South East Queensland Region in Queensland.

Items [9], [10] and [11], Schedule 1 makes appropriate amendments to Item 5 of Schedule 1 of the 1996 Regulations to incorporate boundary descriptions for the South West Forest Region in Western Australia.

The 1998 Amendment Regulations commenced on gazettal.