Export Control (Unprocessed Wood) Regulations\(^2\) (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Export Control Act 1982*.

Dated \(\checkmark\) 1996.

\(20\) December

\(\checkmark\) WILLIAM DENNE

Governor-General

By His Excellency's Command,

\(\checkmark\) JOHN ANDERSON

Minister for Primary Industries and Energy

1. Amendment

1.1 The Export Control (Unprocessed Wood) Regulations are amended as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]
2. Regulation 3 (Interpretation)

2.1 Subregulation 3 (1):
Omit the subregulation, substitute:

"(1) In these Regulations, unless the contrary intention appears:
‘Act’ means the Export Control Act 1982;
‘code of practice’, in relation to a State, means the practices adopted in a State for the establishment, management and harvesting of all plantations in that State, whether or not those practices are contained in a single document;
‘CSIRO’ means the Commonwealth Scientific and Industrial Research Organisation established under section 8 of the Science and Industry Research Act 1949;
‘plantation’ means an intensively managed stand of trees of either native or exotic species that is created by the regular placement of seedlings or seed;
‘State’ includes the Australian Capital Territory and the Northern Territory.”.

3. Regulation 4 (Declaration of prescribed goods)

3.1 After the note following subregulation 4 (1), insert:

“(2) Subregulation (1) does not apply to wood or wood chips derived from a plantation in a State where a code of practice has been approved by the Minister under regulation 4B.”.

4. New regulations 4A, 4B and 4C

4.1 After regulation 4, insert:

Minister not to give preference, etc.

“4A. In exercising any of the Minister’s powers under these Regulations, the Minister must not give preference to one State, or a part of that State, over another State, or a part of that State (within the meaning of section 99 of the Constitution)."
Approval of code of practice

"4B. (1) The Minister may approve a code of practice for a State only if subregulation (2) or (3) applies.

(2) This subregulation applies if the Minister finds that the State’s code of practice would satisfactorily protect environmental and heritage values in the State.

(3) This subregulation applies if:
   (a) the Minister finds that the State’s code of practice would substantially protect environmental and heritage values in the State; and
   (b) the State agrees, in writing, with the Commonwealth:
      (i) to amend the code, by an agreed date, to ensure that the code would satisfactorily protect those values; and
      (ii) to advise the Commonwealth, in writing, when the amendments have been made.

(4) Before deciding whether to approve a State’s code of practice, the Minister must consider a report by CSIRO that:
   (a) states that CSIRO has conducted a scientific assessment of the code, using as a basis the document entitled ‘Forest Practices Related to Wood Production in Plantations: National Principles’, published by the Standing Committee on Forestry in March 1996; and
   (b) sets out the findings of that assessment.

(5) If the Minister approves a State’s code of practice, the Minister must cause to be published in the Gazette a notice stating:
   (a) that the approval has been given; and
   (b) the date on which the approval was given.

Revocation of approval of code of practice

"4C. (1) The Minister may revoke the approval of a State’s code of practice only if the Minister finds that the code does not satisfactorily protect environmental and heritage values in the State.
“(2) The Minister must not revoke the approval of a State’s code of practice unless the Minister:

(a) has given the State written notice that states that the approval is to be revoked on a date specified in the notice unless the State amends the code by that date to ensure that the code satisfactorily protects environmental and heritage values in the State; and

(b) has considered a report by CSIRO that:

(i) states that CSIRO has conducted a scientific assessment of the code, using as a basis the document entitled ‘Forest Practices Related to Wood Production in Plantations: National Principles’, published by the Standing Committee on Forestry in March 1996; and

(ii) sets out the findings of that assessment.

“(3) If the Minister revokes an approval, the Minister must cause to be published in the Gazette a notice stating:

(a) that the approval has been revoked; and

(b) the date on which the approval was revoked.”.

5. Regulation 7 (Application for a licence)
5.1 Omit the regulation, substitute:

Application for a licence

“7. (1) An application for a licence to export prescribed goods must be:

(a) in writing; and

(b) lodged with the Department.

“(2) If the Minister so requests, an applicant for a licence must give the Minister, in writing, any information that the Minister reasonably requires for the purpose of making a decision in relation to the application.

“(3) Without limiting the generality of subregulation (2), the Minister may require information in relation to the effect on the environment of obtaining the prescribed goods.”.
6. Regulation 16 (Reconsideration and review of certain decisions)
   6.1 Subregulation 16 (1) (definition of "reviewable decision"):
       Paragraph (a):
       Omit "regulation 8,", substitute "regulation 4B, 4C, 8, ".

   6.2 Subregulation 16 (7):
       Before paragraph (a), insert:
       "(aa) in the case of a decision by the Minister made under
       regulation 4B or 4C—the State to which the decision
       relates; or"

7. Regulation 17 (Statements to accompany notification of certain decisions)
   7.1 Subregulation 17 (3):
       Omit "paragraph 16 (7) (a),", substitute "paragraph 16 (7) (aa), (a), ".

8. Regulation 18 (Delegation)
   8.1 Subregulation 18 (1):
       Omit the subregulation, substitute:
       "(1) The Minister may, either generally or as otherwise
       provided by the instrument of delegation, by writing signed by the
       Minister, delegate to an authorised officer any of the Minister's
       powers under these Regulations, except:
       (a) the power under regulation 4B or 4C; and
       (b) this power of delegation."

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NOTES

1. Notified in the Commonwealth of Australia Gazette on 1996, 24 December

   (disallowed by the House of Representatives on 16 September 1996); 1996
   No. 207 (disallowed by the Senate on 6 November 1996).