

EXPLANATORY STATEMENT
STATUTORY RULES 1986 No. 79
Issued by the Authority of the Minister for Primary Industry

EXPORT CONTROL ACT 1982
EXPORT CONTROL (UNPROCESSED WOOD) REGULATIONS

Since the Export Control Act 1982 became law, the legislative bases for controls on exports of a number of primary industry commodities (fish, meat, eggs, dairy products etc) have been progressively transferred from the Customs Act 1901 administered by the Department of Industry, Technology and Commerce, to the Export Control Act 1982 administered by the Department of Primary Industry. Omission of Item 33 from the Third Schedule, Customs (Prohibited Exports) Regulations simultaneously with the coming into operation of the proposed Export Control (Unprocessed Wood) Regulations would enable a similar transfer to occur in respect of the control on exports of woodchips and unprocessed wood and would overcome the present administrative difficulty whereby operational and policy functions associated with the control are performed by the Department of Primary Industry but authority for the control rests in regulations administered principally by the Department of Industry, Technology and Commerce. The Minister for Industry, Technology and Commerce has agreed to the Minister for Primary Industry repealing Item 33, Third Schedule, Customs (Prohibited Exports) Regulations on his behalf.

The Export control (Unprocessed Wood) Regulations (proposed Regulations) provide that the export of woodchips, wood in the round that is intended to undergo further processing following export, and wood with a cross sectional area of 225 square centimetres or greater which is intended to undergo further processing following export is prohibited unless the person exporting the goods is the holder of a licence to export those goods granted by the Minister for Primary Industry.

Proposed Regulation 9 provides, inter alia, that a licence granted under regulation 8 may specify conditions or restrictions to be complied with by the holder of the licence.

Proposed Regulation 12 provides, inter alia, that a licence granted under regulation 8 may, with the consent of the Minister, be assigned but not assigned for reward.

Proposed Regulation 14 provides, inter alia, that where the Minister has reasonable grounds to believe that the holder of a licence has not complied with a condition or restriction and by reason of non-compliance damage, degradation or disruption of the environment has occurred or there is an imminent threat that such damage, degradation or disruption will occur, the Minister may suspend the licence, vary the conditions, or impose additional conditions upon the licence.

Proposed Regulation 15 provides, inter alia, that where the holder of a licence fails to comply with a condition or restriction, the Minister may revoke the licence.

Proposed Regulation 16 Sections (1) to (5) inclusive provides for Ministerial review of a decision made by a delegate in respect of the grant or refusal of a licence, the imposition of conditions and restrictions on a licence, consent to the surrender and subsequent grant of another licence subject to conditions and restrictions at variance with the original licence, and consent to assignment of a licence.

Proposed Regulation 16 Sections (6) and (7) provides for Administrative Appeals Tribunal (AAT) review of a Ministerial decision in respect of the grant or refusal of a licence, the imposition of conditions and restrictions on a licence, consent to the surrender and subsequent grant of another licence subject to conditions and restrictions at variance with the original licence, consent to assignment of a licence, and revocation of a licence. Provision is also made for AAT review of Ministerial and delegate's decisions in respect of the time limit by which requests for review are to be forwarded to the Minister and the time within which the Minister is required to respond to requests.

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