

Export Control (Unprocessed Wood) Regulations (Amendment) 1996 No. 338

EXPLANATORY STATEMENT

STATUTORY RULES 1996 No. 338

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

Export Control Act 1982

Export Control (Unprocessed Wood) Regulations (Amendment)

Section 25 of the *Export Control Act 1982* (the Act) provides that the Governor-General may make regulations for the purpose of the Act.

The Act provides for the control of the export of certain prescribed goods. The purpose of the Export Control (Unprocessed Wood) Regulations (Statutory Rules 1986 No. 79) is to prescribe specific licensing restrictions to apply to the export of unprocessed wood (except for hardwood chips which are prescribed under the Export Control (Hardwood Wood Chips) (1996) Regulations).

The purpose of the amendments is to give effect to the National Forest Policy Statement and the Wood and Paper Industry Strategy initiative to remove controls over the export of unprocessed public and private plantation wood subject to the application of codes of practice to protect environmental values. The codes of practice are defined in the regulations and relate to the practices adopted in a State for the establishment, management and harvesting of plantations.

This initiative is part of a package of measures designed to increase investment in plantations in Australia. At the present time, export controls are not applied to any other agricultural product, and the existence of the controls on wood has been represented by industry as a significant disincentive to investment by agricultural land holders in forestry. The removal of export controls is expected to see more landholders choose to invest in tree fanning in preference to other agricultural activities. This is expected to have environmental and commercial benefits for Australian agriculture and rural Australia. It is hoped to lead to growth in regional employment opportunities and, in the long term, the development of an internationally competitive wood processing industry.

Export controls have been seen as providing some protection for environmental values in Australian native forests. However, the environmental impacts of plantations are most relevant when plantations are being established. The effectiveness of controls on exports (where the exports take place up to 50 years after the plantations were established) in addressing the protection of environmental values has been questioned by successive inquiries into the Australian Forest industry. Further, in recent years Commonwealth, State and Territory Governments have agreed on National Plantations Principles, and these principles have been designed to have regard to these impacts.

These amendments do not alter the arrangements currently applying to exports of hardwood chips from Australian native forests.

The amendments remove controls over the export of unprocessed public and private plantation wood for a State only where:

* CSIRO has conducted an assessment of a State's plantation code of practice for the protection of environmental values and

* the Minister, on considering CSIRO's assessment report finds the State's plantation code of practice either satisfactorily protects environmental and heritage values or the code substantially protects values and the State agrees to amend the code to ensure satisfactory protection of environmental and heritage values.

Details of the proposed regulations are as follows.'

Regulation 1 provides for the Export Control (Unprocessed Wood) Regulations to be amended by these regulations and for commencement on gazettal.

Regulation 2 provides for definitions of certain terms in the Regulations.

Regulation 3 provides for the declaration of prescribed goods not to apply to unprocessed plantation wood in a State where its plantation code of practice has been approved by the Minister under new regulation 4B.

Regulation 4A provides that the Minister may not give preference to one State or any part thereof over another State or any part thereof.

Regulation 4B provides for the Minister to approve a code of practice for a State where CSIRO has conducted an assessment of a State's plantation code of practice for the protection of environmental values and the Minister, on considering CSIRO's assessment report, finds the State's plantation code of practice either satisfactorily protects environmental and heritage values or the code substantially protects values and the State agrees to amend the code to ensure satisfactory protection of environmental and heritage values. The regulation also provides for the gazettal of a notice of approval.

Regulation 4C provides that the Minister must not revoke an approval of a State's code of practice unless he/she has considered a CSIRO assessment report and finds that the code does not now satisfactorily protect environmental and heritage values in that State.

Regulation 5 simplifies the matters the Minister may have regard to in considering the granting of an export licence for unprocessed wood, without restricting the matters which might be relevant. It also gives attention to information on the effect on the environment of obtaining the prescribed goods.

Regulation 6 provides for the Minister's decisions under regulation 4B and 4C to be reviewed by the Administrative Appeals Tribunal.

Regulation 7 requires a statement to be included in a notice regarding the Minister's decisions under regulation 4B and 4C which advises of the relevant avenue of appeal.

Regulation 8 amends regulation 18 on delegation to not allow the Minister to delegate his powers under regulation 4B and 4C.