

Export Control (Regional Forest Agreements) Regulations 1997 No. 77

EXPLANATORY STATEMENT

STATUTORY RULES 1997 No. 77

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

Export Control Act 1982

Export Control (Regional Forest Agreements) Regulations

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 commenced in 1982 in order to provide for the control of the export of certain prescribed goods. The Export Control (Unprocessed Wood) Regulations were introduced in 1986 to establish licensing arrangements under the Act for certain categories of wood, including hardwood and softwood wood chips. In 1995, the Export Control (Hardwood Wood Chips) Regulations and the Export Control (Unprocessed Wood) Regulations (Amendment) (the '1995 Regulations') were made which established separate licensing arrangements for certain native hardwood wood chip exports.

The 1995 Regulations were subsequently disallowed to enable new export licensing arrangements to be applied. Those new arrangements were effected through the making in September 1996 of the Export Control (Hardwood Wood Chips) (1996) Regulations and the Export Control (Unprocessed Wood) Regulations (Amendment) (the '1996 Regulations').

The purpose of the Export Control (Regional Forest Agreements) Regulations (the 'RFA Regulations') is to exclude hardwood wood chips and other unprocessed wood [derived from a region subject to a Regional Forest Agreement ('RFA')] from licensing requirements otherwise required under the Export Control (Hardwood Wood Chips) (1996) Regulations or the Export Control (Unprocessed Wood) Regulations, except where such wood and wood chips are plantation-sourced.

The RFA Regulations give effect to the Government's undertaking in the recently signed East Gippsland Regional Forest Agreement (RFA) to remove licensing requirements in recognition of better environmental and harvesting protections contained in that RFA. They also provide for the removal of licensing requirements as RFAs for other regions come into effect.

Details of the Export Control (Regional Forest Agreements) Regulations are as follows:

Regulation 1 provides for citation of the Export Control (Regional Forest Agreements) Regulations.

Regulation 2 provides that where a Regional Forest Agreement is in force for a region, hardwood wood chips derived from native forests in that region are not "Prescribed goods" under the Export Control (Hardwood Wood Chips) (1996) Regulations. Regulation 2 also provides that other wood or wood chips derived from such a region, except for plantation-sourced material, which would otherwise have been covered by the Export Control (Unprocessed Wood) Regulations, are similarly not "prescribed -goods" under those lastmentioned Regulations. Consequently, such wood and wood chips are not subject to the controls contained under either

Regulations whilst ever the RFA remains in force. Regulation 2 does not apply to plantation-sourced material as such material is subject to a separate deregulation process under the Export Control (Unprocessed Wood) Regulations (Amendment) (Statutory Rules 1996 No. 338). To avoid doubt, subregulation 2(2) states that any RFA export licence for a particular region granted previously under the Export Control (Hardwood Wood Chips) (1996) Regulations has no effect whilst an RFA for that region is in force.

Regulation 3, for clarity, provides that the coming into effect of an **RFA does not** authorise the Minister to grant more transitional licences under the Export Control (Hardwood Wood Chips) (1996) Regulations if the maximum aggregate mass of wood chips authorised to be exported under licence for the year under those Regulations has been fully allocated, as calculated under subregulation 10(2) of those Regulations.

Regulation 4, for clarity, provides that these Regulations do not permit the Minister, after an RFA comes into force for a region, to grant a transitional licence under the Export Control (Hardwood Wood Chips) (1996) Regulations to export wood chips from another region. unless the Minister would otherwise have been so authorised if the RFA or the RFA Regulations were not in force.

Regulation 5, for clarity, provides that, after an RFA comes into force for a region, the holder of a transitional licence under the Export Control (Hardwood Wood Chips) (1996) Regulations that authorises the export of wood chips from that region and another region not covered by an RFA, cannot take an increased mass of wood chips from the other region under that licence. This provision, together with Regulation 3 and Regulation 4, ensures that the advent of an RFA does not have the unintended consequence of allowing greater masses of wood chips being exported from other regions not covered by RFAs than would have otherwise been allowed under the Export Control (Hardwood Wood Chips) (1996) Regulations.

Regulation 6 requires the Minister to notify in the *Gazette* the coming into force of an RFA and any subsequent cessation of that RFA, as soon as practicable after the event. This provision is to promote public awareness of the process.

The Regulations commenced upon gazettal.