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Outline of the Export Control (Wood and Woodchips) Rules 2021

Improved agricultural export legislation



Introduction

Australia's new agricultural export legislation began on 28 March 2021. It comprises the *Export Control Act 2020* (the Act), and the Export Control Rules 2021 (the Rules) which set out the operational requirements that must be met to export specific goods from Australia (e.g. wood).

The Export Control (Wood and Woodchips) Rules 2021 (the Wood Rules) specify how the export of wood and woodchips are regulated. The Wood Rules must be read in conjunction with the Act.

At the commencement of the new legislation, the Wood Rules replaced the Export Control (Unprocessed Wood) Regulations, Export Control (Hardwood Wood Chips) Regulations 1996, Export Control (Regional Forest Agreements) Regulations and relevant parts of the Export Control (Prescribed Goods - General) Order 2005. *The Regional Forest Agreements Act 2002* will continue to operate.

Some chapters of the Act are not repeated in the Wood Rules. This is because some chapters are not in use for wood or no additional content is required to supplement the Act.

Structure and content

Chapter 1 – Preliminary

This chapter outlines the Wood Rules and defines key terms. The definitions are specific to the wood and woodchip sector and are in addition to those provided in the Act.

Chapter 2 – Exporting goods

Prescribed goods

This chapter sets out the kinds of wood and woodchips that are prescribed goods and those that are not prescribed goods. Prescribed goods will be regulated under the new export legislation while non-prescribed goods can be exported without a wood export licence.

Wood or woodchips may also be considered prescribed plant products under the Export Control (Plant and Plant Products) Rules 2021 (the Plant Rules) and require a government certificate. Please read the information sheet titled “Outline of the Export Control (Plant and Plant Products) Rules 2021” for more information on how the exports of plants and plant products are regulated.

Prescribed export conditions

This chapter specifies conditions for the export of prescribed wood and woodchips from Australian territory. One condition is that an exporter holds a wood export licence, which is in force and not suspended, at the time of exporting the goods.

State codes of practice

This chapter sets out the Minister's powers to approve, refuse or revoke plantation codes of practice developed by State or Territory authorities. The Minister must be satisfied that the code of practice satisfactorily, or in certain circumstances substantially, protects environmental and heritage values in the State or Territory.

The Minister must have regard to the findings of a scientific assessment based on the national plantation principles when they decide whether to approve a code of practice.

Existing approved codes of practice will transition to the new legislative framework.

Government certificates

This chapter also provides information for government certificates that may be issued for wood and woodchips that are to be exported.

Chapters 3 to 5 – Accredited properties, registered establishments and approved arrangements

These chapters do not apply to wood and woodchips.

Chapter 6 – Export licences

Exporters of prescribed wood or woodchips will need to have a wood export licence. This chapter sets out information for wood export licences, including the:

- requirements for granting a wood export licence
- conditions for a wood export licence
- grounds for suspending or revoking an export licence
- consideration period for an application for a wood export licence.

Chapters 7 and 8 – Export permits and other matters relating to export

These chapters do not apply to wood and woodchips.

Chapters 9 and 10 – Powers and officials and compliance and enforcement

No additional content is required to supplement the Act.

Chapter 11 – Miscellaneous

This chapter outlines requirements relating to records, including when records must be kept by exporters, matters relating to Commonwealth liabilities and circumstances in which these liabilities are taken to have been paid.

Further information

Email: exportlegislation@agriculture.gov.au

Web: agriculture.gov.au/market-access-trade/improving-export-legislation