



Laws to combat illegal logging

New rules for Australian importers



Australia has put in place a law called the *Illegal Logging Prohibition Act 2012* (the Act).

The Act promotes the purchase and sale of legally logged timber products in Australia.

The Act:

- prohibits the import of illegally logged timber and timber products; and
- prohibits the processing of Australian grown raw logs that have been illegally logged.

These prohibitions are now in force in Australia—this means that penalties apply to Australian importers who have knowledge, intention or are reckless when importing an illegally logged timber or timber product.

The *Illegal Logging Prohibition Amendment Regulation 2013* (the Regulation) was developed with stakeholders and tabled in the Australian Parliament on 3 June 2013. The Regulation sets out what is required of Australian importers and domestic processors. It says that before importing a regulated timber product into Australia, an importer must have a due diligence system.

What will I have to do after November 2014?

In November 2014, the Regulation will come into effect. It specifies due diligence requirements and the regulated timber products subject to those requirements. The Regulation states that importers must undertake due diligence to minimise the risk of importing regulated timber products that are made from, or contain, illegally logged timber. This means that after November 2014 importers and processors must comply with the requirements set out in the Regulation.

What is a “regulated timber product”?

- The regulated timber products are listed in the *Illegal Logging Prohibition Amendment Regulation 2013*. They include a variety of products in the following tariff chapters: Chapter 44, Chapter 47, Chapter 48 and Chapter 94.
- Australian importers of regulated timber products will have to carry out due diligence on the products before they import them.

Information sessions to be held around Australia and overseas

- The Australian Government is undertaking a range of outreach activities over the next 18 months in capital cities and regional centres across Australia, and with trading partners across the region.
- If you would like more details about the information sessions or the Regulation, please email illegallogging@daff.gov.au.
- The DAFF website will be updated as the dates of the information sessions are confirmed.

THE DUE DILIGENCE PROCESS



Keep a written record of your due diligence process

What is due diligence?

Before importing a regulated timber product into Australia, an importer must have a due diligence system and retain a written record of that due diligence system. Due diligence is a four step process:

1. An importer must obtain information about the timber or timber product they intend to import;
2. An importer may use the optional process set out in step two – this involves assessing and identifying risk against a timber legality framework or a country specific guideline.
3. Where an importer has not used the optional process set out in Step 2, or where they have used the Step 2 process but they have identified a risk that the timber is illegally logged and the risk is other than a low risk, an importer must undertake a risk assessment; and
4. Where an importer has, during Step 3, identified that there is a risk that the timber was illegally logged and the risk was not a low risk, an importer must undertake a risk mitigation process in accordance with the Regulation.

