

Additional Comments - Australian Greens

The Australian Greens are generally supportive of the Illegal Logging Prohibition Bill 2011 but believe that in a number of areas the balance between providing clarity in the legislation and allowing for flexibility in drafting regulations has not been well struck. Greater clarity is important in the following areas.

(a) The definition of illegal logging

Numerous stakeholders, including the timber industry, timber retail, environment and social organisations agree that the definition of illegal logging should be expanded. The Greens are not persuaded by the Government's reasoning that that “An unintended consequence of a prescriptive definition of illegally logged may result in some elements of applicable legislation being overlooked or excluded through omission”, and we retain the view that the Australian definition should be consistent with the EU definition.

(b) Due diligence

The Greens can find no reason why the due diligence provisions relating to the declaration form should remain unclear. As suggested (without prejudice) by DAFF officials, in a working group meeting in August 2011, the Bill should specify that the declaration form must include the following information critical to satisfying due diligence:

- (i) name of importer
- (ii) name of supplier
- (iii) botanical name and common name for the timber being imported
- (iv) value of the import
- (v) countries of origin
- (vi) region/coupe
- (vii) permit or approval details or harvest concession details in country of origin
- (viii) vessel name
- (ix) voyage number
- (x) container number
- (xi) description of product
- (xii) trade name and type of product
- (xiii) component of the product
- (xiv) tariff code
- (xv) quantity of timber
- (xvi) due diligence system/components used to verify legality

- (xvii) the level of risk of illegality in the imported timber (high, low, medium)
- (xviii) other information as required in the regulations

We emphasise in particular that the due diligence requirements must provide for traceability to coupe level and an assessment of the risk of illegality due to corruption. There is evidence around the world of companies paying bribes to officials to secure the 'legal' allocation of logging rights. Corruption criteria must allow for scrutiny of the logging permit allocation process.

(c) Assessing and reporting compliance

The Greens agree with Greenpeace that in order to determine the levels of compliance and assist in assessing the standards used in due diligence documentation on an ongoing basis, the Bill would benefit from a requirement for regular (preferably quarterly) compliance audits and aggregate data reports. As noted by the Committee report, annual compliance audits was a measure proposed by DAFF following the Legislation Committee's report and the Minister's office did not appear opposed to its inclusion.

Senator Christine Milne

Senator Rachel Siewert