



**SENATOR THE HON. RICHARD COLBECK**

Parliamentary Secretary to the Minister for Agriculture

Liberal Senator for Tasmania

Ref: MC14-000026

Mr Oliver Moon  
Combined Small Business Alliance of Western Australia  
PO Box 2237  
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**16 SEP 2014**

Dear Mr Moon

Thank you for your letter of 28 August 2014 regarding Ken Phillips' article 'Axe the Illegal Logging Laws' (The Australian, 28 August 2014) on the *Illegal Logging Prohibition Act 2012* and the Illegal Logging Prohibition Amendment Regulation 2013.

Since taking office, I have taken time to consider how the government will progress the illegal logging laws. I have met with key industry stakeholders and have listened to a range of views on this issue. I have also sought briefing from the Department of Agriculture on how the legislation might be more effectively administered.

After considering all of these views, I am confident that the existing laws strike the right balance between encouraging businesses to do the right thing and minimising the impact on their day to day operations. As a result, the government will not be seeking to significantly amend the Act or the Regulation. Some minor amendments to the Regulation will be progressed, but these will be largely administrative or corrective in nature and will not affect the broader character of the illegal logging legislative framework.

It is important to note that the Regulation and associated due diligence requirements have been developed with a view to providing businesses with significant flexibility in how they fulfil their obligations. The Regulation is not intended to be a significant burden on industry. In many cases, businesses should be able to rely on existing or slightly modified systems and practices to comply with the new due diligence requirements.

However, I recognise that it may take time for some businesses to transition to the new requirements. For this reason, for the 18 months following commencement of the Regulation, the government's focus will be on raising awareness and promoting compliance. We will not be seeking to 'catch out' businesses who are trying to do the right thing. Instead our focus will be on working with businesses to ensure they have sufficient information to understand and comply with the due diligence requirements.

You have suggested that the regulations reverse the onus of proof and require importers and processors to prove the timber they are dealing with is legal. This is not the case. Importers and processors are only required to implement a due diligence system to minimise the risk of a timber product having been illegally logged. Nevertheless, we expect that businesses will take reasonable and practical steps to check the legality of the products they are dealing with.

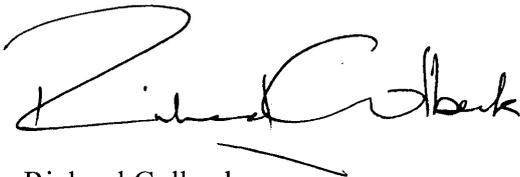
The government has also been working with our key trading partners to develop country specific guidelines. These guidelines will help Australian importers to better understand the legal frameworks that are in place in other countries and assist them in meeting their due diligence obligations. The first of the Country Specific Guidelines, for the Solomon Islands was released on 6 June 2014 and can be found on the department's website ([daff.gov.au/illegallogging](http://daff.gov.au/illegallogging)). As others are finalised, they will be made available on the site.

The department's website also contains a range of information to help importers and processors understand and comply with the illegal logging laws. This includes several factsheets specifically designed for importers as well as details on how to subscribe to the department's illegal logging mailing list to keep up to date on the process. I would encourage your members to make use of these resources.

Illegal logging is a serious issue that needs decisive action by all responsible nations. We are committed to doing our part to combat this destructive practice, while at the same time supporting the purchase and sale of legally logged timber products.

Thank you again for bringing your concerns to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Colbeck', with a long horizontal stroke extending to the right.

Richard Colbeck