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Due diligence - Answering the illegal logging community protection question

FACTSHEET 2.5



Under the *Illegal Logging Prohibition Act 2012*, it is a criminal offence to intentionally, knowingly or recklessly import illegally logged timber products into Australia. A new element of the laws, as outlined in the *Illegal Logging Prohibition Amendment Regulation 2013* (the Regulation), came into effect on 30 November 2014.

From this date, importers of regulated timber or timber products need to assess and manage the risk that timber has been illegally logged before importing it. This is known as 'due diligence'.

The regulated timber products are identified using Customs tariff codes under Chapters 44, 47, 48 and 94. This includes most timber and wood-based products such as sawn timber, veneer, mouldings, wood panels, plywood, pulp, paper and wooden furniture.

Importers are required to make a declaration about whether they have complied with the due diligence requirements. This question is part of the import declaration to the Australian Customs and Border Protection Service (ACBPS). The community protection question must be declared for each regulated product line in consignments.

The community protection question

The community protection question (Lodgement question 510) reads:

"Has the importer complied with the due diligence requirements of the Illegal Logging Prohibition Act 2012 and associated regulations? (if product is exempt or does not contain timber, answer yes)"

In answering it, importers need to identify whether they have completed their due diligence responsibilities. Information on these requirements is at agriculture.gov.au/illegallogging.

The following products are exempt from the due diligence requirements:

- products made out of recycled materials
- products imported into Australia where the combined value of the regulated products within a consignment declaration does not exceed AUD\$1,000 – this includes goods that are imported through Self-Assessed clearance.

Packaging material used to support, protect or carry another product is not regulated.

How will the community protection question affect the goods?

- Regardless of the response provided for the community protection question, the goods will not be held at the border for this purpose.
- The declaration will not trigger any biosecurity entry management processes or entry management fees.
- The declaration response will be considered by the Department of Agriculture as part of its compliance assessment activities.
- The importer may be approached at a later time to provide evidence of their due diligence for the product or to claim an exemption.



Importers

Importers will need to answer the question honestly. Providing a false or misleading declaration is a criminal offence. It is the importer's responsibility to inform their broker how to answer the question.

The department recognises it may take time for some businesses to transition to the new due diligence requirements. For this reason, for the 18 months following the start of the regulation the department's focus will be on helping importers to comply with the requirements.

Customs brokers

Customs brokers are not directly regulated under the illegal logging laws. The government recognises that, where brokers are acting as an agent for an importer, they will make this declaration on their behalf as part of the existing import declaration process. Brokers should be able to undertake these activities using established arrangements with their clients.

Tools and Guidance

The Timber Development Association has developed a range of tools and guidance on due diligence, including an optional importer declaration document that can be used for advising customs brokers. This is available for free at www.timberduediligence.com.au.

Further information

For more information, visit the department's website at agriculture.gov.au/illegallogging, email illegallogging@agriculture.gov.au or phone 1800 657 313.

