12 May 2017

Assistant Minister Anne Ruston  
PO Box 6100, Senate  
Parliament House, Canberra ACT 2600  
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Dear Minister Ruston

Illegal Logging Legislation - ‘deemed to comply’

The Australian Forest Products Association (AFPA) and the two internationally-recognised timber legality frameworks operating in Australia, Australian Forestry Standard (AFS) and the Forest Stewardship Council (FSC), wish to congratulate the Turnbull Government for its strong stance on prohibiting Illegally logged timber from entering the Australian market, and to urge the Government to consider further measures to tackle this problem.

We have each contributed to your recent consultation on the regulatory impact statement (RIS) for Reforming Australia’s Illegal Logging Regulations.

Our submissions were united in supporting the adoption of the “deemed to comply” provisions recommended by the RIS. These “deemed to comply” provisions would enable importers and domestic processors to use the respected international timber legality frameworks of the Forest Stewardship Council (FSC) and the Programme for the Endorsement of Forest Certification (PEFC) systems for their due diligence requirements.

In permitting this pathway, the Government will want to be reassured that there are appropriate safeguards in place and regular audits to ensure businesses and individuals are applying a high level of scrutiny to certification documents. We have outlined these safeguards and procedures in our respective meetings with your officials.

Both FSC and PEFC took extraordinary steps to align their Chain of Custody (CoC) certification schemes with the European Union Timber Regulation (EUTR). While respecting certificate holders’ desire to preserve the confidentiality of their own suppliers, both FSC and PEFC obliged the direct CoC certificate holders to provide additional information to help importers comply with the due diligence requirements of the EUTR.

Under both the FSC and PEFC schemes, direct certified suppliers are obliged to go back through the supply chain until they have obtained the original forest management certificate.
indicating both country/concession of harvest or species and provide this information to the importer. This arrangement has worked very efficiently and effectively in the EUTR.

As part of the consultations with your officials, both FSC Australia and AFS/PEFC provided source and reference documents relating to EUTR compliance for review by DAWR.

Were the Government to adopt the view that the FSC and PEFC systems can substantially fulfil the due diligence requirements for the import of certified products, both FSC and PEFC would produce Implementation Guides for certificate holders trading wood products certified under our systems, as they did to assist compliance with the EUTR.

FSC Australia and AFS would also undertake to work with the Government to provide appropriate guidance to Australian importers to help them access our respective certification systems effectively to ensure compliance. There could be merit in this being jointly produced with DAWR, covering both the FSC and PEFC schemes in a single document.

We look forward to discussing this with you in the near future.

Yours sincerely,

Mr Simon Dorries
Chief Executive Officer
Australian Forestry Standard

Mr Ross Hampton
Chief Executive Officer
Australian Forest Products Association

Mr Bill Royce
Chief Executive Officer
Forest Stewardship Council (FSC) Australia