



# Illegal Logging Prohibition Rules 2024

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I, Julie Collins, Minister for Agriculture, Fisheries and Forestry, make the following rules.

Dated 19 December 2024

Julie Collins  
Minister for Agriculture, Fisheries and Forestry

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## Part 1—Preliminary

### 1 Name

This instrument is the *Illegal Logging Prohibition Rules 2024*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	At the same time as the <i>Illegal Logging Prohibition Amendment (Strengthening Measures to Prevent Illegal Timber Trade) Act 2024</i> commences.	3 March 2025

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Illegal Logging Prohibition Act 2012*.

### 4 Definitions

In this instrument:

**ABN** has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

**ACN** has the meaning given by section 9 of the *Corporations Act 2001*.

**Act** means the *Illegal Logging Prohibition Act 2012*.

**certified raw logs** has the meaning given by subsection 11(3).

**certified timber product** has the meaning given by subsection 8(4).

**CITES** means the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington on 3 March 1973, as amended and in force for Australia from time to time.

Note: The Convention is in Australian Treaty Series 1976 No. 29 ([1976] ATS 29) and could in 2024 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

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*country specific guideline* means a guideline mentioned in this table, as the guideline is in force from time to time.

<b>Country specific guidelines</b>	
<b>Item</b>	<b>Guideline</b>
1	Country specific guideline for Canada, co-endorsed by the Government of Australia and the Government of Canada on 25 September 2014.
2	Country specific guideline for Chile, co-endorsed by the Government of Australia and the Government of Chile on 19 February 2020.
3	Country specific guideline for Finland, co-endorsed by the Government of Australia and the Government of Finland on 16 April 2020.
4	Country specific guideline for Indonesia, co-endorsed by the Government of Australia and the Government of Indonesia on 1 October 2018.
5	Country specific guideline for Italy, co-endorsed by the Government of Australia and the Government of Italy on 19 December 2022.
6	Country specific guideline for Malaysia, co-endorsed by the Government of Australia and the Government of Malaysia on 12 May 2020.
7	Country specific guideline for New Zealand, co-endorsed by the Government of Australia and the Government of New Zealand on 16 September 2019.
8	Country specific guideline for Papua New Guinea, co-endorsed by the Government of Australia and the Government of Papua New Guinea on 20 November 2015.
9	Country specific guideline for the Republic of Korea, co-endorsed by the Government of Australia and the Government of the Republic of Korea on 26 June 2018.
10	Country specific guideline for Thailand, co-endorsed by the Government of Australia and the Government of Thailand on 24 August 2021.

Note: The country specific guidelines could in 2024 be viewed on the Department's website (<http://www.agriculture.gov.au>).

*customs value* of goods means the customs value of the goods worked out or determined in accordance with Division 2 of Part VIII of the *Customs Act 1901*.

*forest certification standard* means the following:

- (a) a standard of a country, or a part of a country, that was developed in accordance with the international standard known as the FSC Principles and Criteria for Forest Stewardship (FSC-STD-01-001), as those standards are in force from time to time;
- (b) the international standard known as the Chain of Custody Certification (FSC-STD-40-004), as that standard is in force from time to time;
- (c) a standard of a country, or a part of a country, that was:
  - (i) developed in accordance with the international standard known as the Sustainable Forest Management – Requirements (PEFC ST 1003:2018); and

- (ii) endorsed by the international organisation known as the Programme for the Endorsement of Forest Certification;  
as those standards are in force from time to time;
- (d) a standard of a country, or a part of a country, that was:
  - (i) developed in accordance with the international standard known as the Chain of Custody of Forest and Tree Based Products – Requirements (PEFC ST 2002:2020); and
  - (ii) endorsed by the international organisation known as the Programme for the Endorsement of Forest Certification;  
as those standards are in force from time to time.

Note 1: Information about the international standards mentioned in paragraphs (a) and (b) could in 2024 be viewed on the website of the Forest Stewardship Council (<http://www.fsc.org>).

Note 2: Information about the international standards mentioned in paragraphs (c) and (d) could in 2024 be viewed on the website of the Programme for the Endorsement of Forest Certification (<http://www.pefc.org>).

*recycled material* has the meaning given by section 6.

*State specific guideline* means a guideline mentioned in this table, as the guideline is in force from time to time.

<b>State specific guidelines</b>	
<b>Item</b>	<b>Guideline</b>
1	State specific guideline for New South Wales, co-endorsed by the Commonwealth and New South Wales governments on 15 September 2022.
2	State specific guideline for Victoria, co-endorsed by the Commonwealth and Victorian governments on 13 October 2022.
3	State specific guideline for Queensland, co-endorsed by the Commonwealth and Queensland governments on 29 June 2022.
4	State specific guideline for Western Australia, co-endorsed by the Commonwealth and Western Australian governments on 26 October 2022.
5	State specific guideline for South Australia, co-endorsed by the Commonwealth and South Australian governments on 27 April 2021.
6	State specific guideline for Tasmania, co-endorsed by the Commonwealth and Tasmanian governments on 7 April 2021.

Note: The State specific guidelines could in 2024 be viewed on the Department's website (<http://www.agriculture.gov.au>).

## 5 Regulated timber products

For the purposes of the definition of *regulated timber product* in section 7 of the Act, the timber products prescribed are timber products classified to a heading or subheading of Schedule 3 to the *Customs Tariff Act 1995* that is specified in column 1 of an item in this table (and with the description covered by column 2 of that item).

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<b>Regulated timber products</b>		
<b>Item</b>	<b>Column 1 Heading or subheading of Schedule 3 to the <i>Customs Tariff Act 1995</i></b>	<b>Column 2 Description</b>
1	4403	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK OR SAPWOOD, OR ROUGHLY SQUARED
2	4407	WOOD SAWN OR CHIPPED LENGTHWISE, SLICED OR PEELED, WHETHER OR NOT PLANED, SANDED OR END-JOINTED, OF A THICKNESS EXCEEDING 6 mm
3	4408	SHEETS FOR VENEERING (INCLUDING THOSE OBTAINED BY SLICING LAMINATED WOOD), FOR PLYWOOD OR FOR SIMILAR LAMINATED WOOD AND OTHER WOOD, SAWN LENGTHWISE, SLICED OR PEELED, WHETHER OR NOT PLANED, SANDED, SPLICED OR END-JOINTED, OF A THICKNESS NOT EXCEEDING 6 mm
4	4409.10.00	WOOD (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, REBATED, CHAMFERED, V-JOINTED, BEADED, MOULDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES, ENDS OR FACES, WHETHER OR NOT PLANED, SANDED OR END-JOINTED: -Coniferous
5	4409.22.00	WOOD (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, REBATED, CHAMFERED, V-JOINTED, BEADED, MOULDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES, ENDS OR FACES, WHETHER OR NOT PLANED, SANDED OR END-JOINTED: -Non-coniferous: --Of tropical wood
6	4409.29.00	WOOD (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, REBATED, CHAMFERED, V-JOINTED, BEADED, MOULDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES, ENDS OR FACES, WHETHER OR NOT PLANED, SANDED OR END-JOINTED: -Non-coniferous: --Other
7	4410	PARTICLE BOARD, ORIENTED STRAND BOARD (OSB) AND SIMILAR BOARD (FOR EXAMPLE, WAFERBOARD) OF WOOD OR OTHER LIGNEOUS MATERIALS, WHETHER OR NOT AGGLOMERATED WITH RESINS OR OTHER ORGANIC BINDING



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<b>Regulated timber products</b>		
<b>Item</b>	<b>Column 1 Heading or subheading of Schedule 3 to the <i>Customs Tariff Act 1995</i></b>	<b>Column 2 Description</b>
		SUBSTANCES
8	4411	FIBREBOARD OF WOOD OR OTHER LIGNEOUS MATERIALS, WHETHER OR NOT BONDED WITH RESINS OR OTHER ORGANIC SUBSTANCES
9	4412	PLYWOOD, VENEERED PANELS AND SIMILAR LAMINATED WOOD
10	4413.00.00	DENSIFIED WOOD, IN BLOCKS, PLATES, STRIPS OR PROFILE SHAPES
11	4414	WOODEN FRAMES FOR PAINTINGS, PHOTOGRAPHS, MIRRORS OR SIMILAR OBJECTS
12	4416.00.00	CASKS, BARRELS, VATS, TUBS AND OTHER COOPERS' PRODUCTS AND PARTS THEREOF, OF WOOD, INCLUDING STAVES
13	4418	BUILDERS' JOINERY AND CARPENTRY OF WOOD, INCLUDING CELLULAR WOOD PANELS, ASSEMBLED FLOORING PANELS, SHINGLES AND SHAKES
14	4701.00.00	MECHANICAL WOOD PULP
15	4702.00.00	CHEMICAL WOOD PULP, DISSOLVING GRADES
16	4703	CHEMICAL WOOD PULP, SODA OR SULPHATE, OTHER THAN DISSOLVING GRADES
17	4704	CHEMICAL WOOD PULP, SULPHITE, OTHER THAN DISSOLVING GRADES
18	4705.00.00	WOOD PULP OBTAINED BY A COMBINATION OF MECHANICAL AND CHEMICAL PULPING PROCESSES
19	4801	NEWSPRINT, IN ROLLS OR SHEETS
20	4802	UNCOATED PAPER AND PAPERBOARD, OF A KIND USED FOR WRITING, PRINTING OR OTHER GRAPHIC PURPOSES, AND NON PERFORATED PUNCH-CARDS AND PUNCH TAPE PAPER, IN ROLLS OR RECTANGULAR (INCLUDING SQUARE) SHEETS, OF ANY SIZE, OTHER THAN PAPER OF 4801 OR 4803; HAND-MADE PAPER AND PAPERBOARD
21	4803	TOILET OR FACIAL TISSUE STOCK, TOWEL OR NAPKIN STOCK AND SIMILAR PAPER OF A KIND USED FOR HOUSEHOLD OR SANITARY PURPOSES, CELLULOSE WADDING AND WEBS OF CELLULOSE FIBRES, WHETHER OR NOT CREPED, CRINKLED, EMBOSSSED, PERFORATED, SURFACE-COLOURED, SURFACE-DECORATED OR PRINTED, IN ROLLS OR SHEETS
22	4804	UNCOATED KRAFT PAPER AND PAPERBOARD, IN

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<b>Regulated timber products</b>		
<b>Item</b>	<b>Column 1 Heading or subheading of Schedule 3 to the <i>Customs Tariff Act 1995</i></b>	<b>Column 2 Description</b>
		ROLLS OR SHEETS, OTHER THAN THAT OF 4802 OR 4803
23	4805	OTHER UNCOATED PAPER AND PAPERBOARD, IN ROLLS OR SHEETS, NOT FURTHER WORKED OR PROCESSED THAN AS SPECIFIED IN NOTE 3 TO THIS CHAPTER
24	4806.20.00	VEGETABLE PARCHMENT, GREASEPROOF PAPERS, TRACING PAPERS AND GLASSINE AND OTHER GLAZED TRANSPARENT OR TRANSLUCENT PAPERS, IN ROLLS OR SHEETS: -Greaseproof papers
25	4806.30.00	VEGETABLE PARCHMENT, GREASEPROOF PAPERS, TRACING PAPERS AND GLASSINE AND OTHER GLAZED TRANSPARENT OR TRANSLUCENT PAPERS, IN ROLLS OR SHEETS: -Tracing papers
26	4806.40.00	VEGETABLE PARCHMENT, GREASEPROOF PAPERS, TRACING PAPERS AND GLASSINE AND OTHER GLAZED TRANSPARENT OR TRANSLUCENT PAPERS, IN ROLLS OR SHEETS: -Glassine and other glazed transparent or translucent papers
27	4807.00.00	COMPOSITE PAPER AND PAPERBOARD (MADE BY STICKING FLAT LAYERS OF PAPER OR PAPERBOARD TOGETHER WITH AN ADHESIVE), NOT SURFACE-COATED OR IMPREGNATED, WHETHER OR NOT INTERNALLY REINFORCED, IN ROLLS OR SHEETS
28	4808	PAPER AND PAPERBOARD, CORRUGATED (WITH OR WITHOUT GLUED FLAT SURFACE SHEETS), CREPED, CRINKLED, EMBOSSSED OR PERFORATED, IN ROLLS OR SHEETS, OTHER THAN PAPER OF THE KIND DESCRIBED IN 4803
29	4809	CARBON PAPER, SELF-COPY PAPER AND OTHER COPYING OR TRANSFER PAPERS (INCLUDING COATED OR IMPREGNATED PAPER FOR DUPLICATOR STENCILS OR OFFSET PLATES), WHETHER OR NOT PRINTED, IN ROLLS OR SHEETS
30	4810	PAPER AND PAPERBOARD, COATED ON ONE OR BOTH SIDES WITH KAOLIN (CHINA CLAY) OR OTHER INORGANIC SUBSTANCES, WITH OR WITHOUT A BINDER, AND WITH NO OTHER COATING, WHETHER OR NOT SURFACE-COLOURED, SURFACE-DECORATED OR

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<b>Regulated timber products</b>		
<b>Item</b>	<b>Column 1 Heading or subheading of Schedule 3 to the <i>Customs Tariff Act 1995</i></b>	<b>Column 2 Description</b>
		PRINTED, IN ROLLS OR RECTANGULAR (INCLUDING SQUARE) SHEETS, OF ANY SIZE
31	4811	PAPER, PAPERBOARD, CELLULOSE WADDING AND WEBS OF CELLULOSE FIBRES, COATED, IMPREGNATED, COVERED, SURFACE-COLOURED, SURFACE-DECORATED OR PRINTED, IN ROLLS OR RECTANGULAR (INCLUDING SQUARE) SHEETS, OF ANY SIZE, OTHER THAN GOODS OF THE KIND DESCRIBED IN 4803, 4809 OR 4810
32	4813	CIGARETTE PAPER, WHETHER OR NOT CUT TO SIZE OR IN THE FORM OF BOOKLETS OR TUBES
33	4816	CARBON PAPER, SELF-COPY PAPER AND OTHER COPYING OR TRANSFER PAPERS (OTHER THAN THOSE OF 4809), DUPLICATOR STENCILS AND OFFSET PLATES, OF PAPER, WHETHER OR NOT PUT UP IN BOXES
34	4817	ENVELOPES, LETTER CARDS, PLAIN POSTCARDS AND CORRESPONDENCE CARDS, OF PAPER OR PAPERBOARD; BOXES, POUCHES, WALLETS AND WRITING COMPENDIUMS, OF PAPER OR PAPERBOARD, CONTAINING AN ASSORTMENT OF PAPER STATIONERY
35	4818	TOILET PAPER AND SIMILAR PAPER, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES, OF A KIND USED FOR HOUSEHOLD OR SANITARY PURPOSES, IN ROLLS OF A WIDTH NOT EXCEEDING 36 cm, OR CUT TO SIZE OR SHAPE; HANDKERCHIEFS, CLEANSING TISSUES, TOWELS, TABLECLOTHS, SERVIETTES, BED SHEETS AND SIMILAR HOUSEHOLD, SANITARY OR HOSPITAL ARTICLES, ARTICLES OF APPAREL AND CLOTHING ACCESSORIES, OF PAPER PULP, PAPER, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES
36	4819	CARTONS, BOXES, CASES, BAGS AND OTHER PACKING CONTAINERS, OF PAPER, PAPERBOARD, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES; BOX FILES, LETTER TRAYS, AND SIMILAR ARTICLES, OF PAPER OR PAPERBOARD OF A KIND USED IN OFFICES, SHOPS OR THE LIKE
37	4820	REGISTERS, ACCOUNT BOOKS, NOTE BOOKS, ORDER BOOKS, RECEIPT BOOKS, LETTER PADS, MEMORANDUM PADS, DIARIES AND SIMILAR ARTICLES, EXERCISE BOOKS, BLOTTING-PADS, BINDERS (LOOSE-LEAF OR OTHER), FOLDERS, FILE COVERS, MANIFOLD BUSINESS FORMS,

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<b>Regulated timber products</b>		
<b>Item</b>	<b>Column 1 Heading or subheading of Schedule 3 to the <i>Customs Tariff Act 1995</i></b>	<b>Column 2 Description</b>
		INTERLEAVED CARBON SETS AND OTHER ARTICLES OF STATIONERY, OF PAPER OR PAPERBOARD; ALBUMS FOR SAMPLES OR FOR COLLECTIONS AND BOOK COVERS, OF PAPER OR PAPERBOARD
38	4821	PAPER OR PAPERBOARD LABELS OF ALL KINDS, WHETHER OR NOT PRINTED
39	4823	OTHER PAPER, PAPERBOARD, CELLULOSE WADDING AND WEBS OF CELLULOSE FIBRES, CUT TO SIZE OR SHAPE; OTHER ARTICLES OF PAPER PULP, PAPER, PAPERBOARD, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES
40	9401.61.00	SEATS (OTHER THAN THOSE OF 9402), WHETHER OR NOT CONVERTIBLE INTO BEDS, AND PARTS THEREOF: -Other seats, with wooden frames: --Upholstered
41	9401.69.00	SEATS (OTHER THAN THOSE OF 9402), WHETHER OR NOT CONVERTIBLE INTO BEDS, AND PARTS THEREOF: -Other seats, with wooden frames: --Other
42	9403.30.00	OTHER FURNITURE AND PARTS THEREOF: -Wooden furniture of a kind used in offices
43	9403.40.00	OTHER FURNITURE AND PARTS THEREOF: -Wooden furniture of a kind used in the kitchen
44	9403.50.00	OTHER FURNITURE AND PARTS THEREOF: -Wooden furniture of a kind used in the bedroom
45	9403.60.00	OTHER FURNITURE AND PARTS THEREOF: -Other wooden furniture
46	9403.91.00	OTHER FURNITURE AND PARTS THEREOF: -Parts: --Of wood
47	9406.10.00	PREFABRICATED BUILDINGS: -Of wood

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## Part 2—Importing

### 6 Exempt regulated timber products

- (1) For the purposes of paragraphs 12(1)(d), (2)(d) and (3)(d) of the Act, the following regulated timber products are prescribed as exempt:
  - (a) a regulated timber product:
    - (i) that is recycled material; or
    - (ii) that is entirely made from recycled material; or
    - (iii) where all timber, and products derived from timber, included in the regulated timber product are recycled material;
  - (b) a regulated timber product that is imported as part of a consignment if the total customs value of the regulated timber products in the consignment, on import, does not exceed \$1,000.
- (2) Timber, or a product derived from timber, is *recycled material* if:
  - (a) the timber or product has been, or has been part of, another thing; and
  - (b) the timber or product has ceased to be the other thing, or has been removed from the other thing, and, at the time of the cessation or removal, the other thing was no longer used for its intended purpose.
- (3) However, timber, or a product derived from timber, is not recycled material if the timber or the product is the by-product of a manufacturing process.

Example: Off-cuts from sawn timber used to make particle board or medium density fibreboard.

### 7 Due diligence requirements—due diligence system

For the purposes of paragraph 13A(2)(c) of the Act, the prescribed information is the following information:

- (a) the importer's name, street address, postal address, telephone number and email address;
- (b) if the importer is not an individual—the name, position and contact details (including telephone number and email address) of the individual who is responsible for maintaining the system;
- (c) if the regulated timber products are to be imported in connection with a business carried on by the importer—the principal business activity conducted by the importer and the importer's ABN (if any) and ACN (if any).

### 8 Due diligence requirements—other requirements

- (1) For the purposes of subsection 14(1) of the Act, the other due diligence requirements for importing regulated timber products are the requirements set out in this section.

Note: Section 12 of the Act contains offences and a civil penalty for a person who imports a regulated timber product and who does not comply with one or more due diligence requirements for importing the regulated timber product.

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- (2) However, the requirements in this section do not apply in relation to a regulated timber product to the extent that it is made from, or includes, recycled material.

*Information gathering requirements*

- (3) The importer must, before importing a regulated timber product, obtain as much of the following information as is reasonably practicable to obtain:
- (a) a description of the product, including:
    - (i) the type of product and the trade name (if any) of the product; and
    - (ii) the common name and scientific name of the tree from which the timber, or the timber in the product, was derived;
  - (b) the country, and the area of the country, in which the timber, or the timber in the product, was harvested;
  - (c) if applicable, the country in which the product was processed or manufactured;
  - (d) the name, address, trading name and business registration number (if any) of the supplier of the product;
  - (e) the quantity of the shipment of the product, expressed in volume, weight or number of units;
  - (f) the sales or delivery document in relation to the purchase of the product by the importer.

*Certified timber products*

- (4) A regulated timber product is a **certified timber product** if the importer of the regulated timber product:
- (a) has obtained a copy of a record from a database maintained by the Forest Stewardship Council, or the Programme for the Endorsement of Forest Certification, to the effect that the following fall within the scope of the certification held by the supplier in accordance with a forest certification standard:
    - (i) the regulated timber product;
    - (ii) if the record refers to the species of timber that is, or is in, the regulated timber product—that species of timber; and
  - (b) has verified that the details in the record about the supplier of the regulated timber product, and the other details in the record, are true and correct; and
  - (c) has obtained from that supplier a sales or delivery document for the regulated timber product that contains a certification claim that is consistent with the certification referred to in paragraph (a).

*Risk identification and assessment process for certified timber products*

- (5) If the regulated timber product is a certified timber product, the importer must, before importing the regulated timber product:
- (a) identify and assess the risk that the regulated timber product is, is made from, or includes, illegally logged timber; and
  - (b) in the identification and assessment of that risk, consider:
    - (i) the information the importer obtained under subsection (3); and

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- (ii) the extent of illegal logging in general involving entities, known to the importer, in the supply chain for the timber that is, or the timber that is in, the regulated timber product; and
- (iii) any other information the importer knows that may indicate whether the regulated timber product is, is made from, or includes, illegally logged timber; and
- (c) in the identification and assessment of that risk, consider the source, validity and reliability of the matters the importer considered under paragraph (b); and
- (d) make a written record of the risk identification and assessment made by the importer.

*Risk identification and assessment process for non-certified timber products*

- (6) If the regulated timber product is not a certified timber product, the importer must, before importing the regulated timber product:
  - (a) identify and assess the risk that the regulated timber product is, is made from, or includes, illegally logged timber; and
  - (b) in the identification and assessment of that risk, consider:
    - (i) the information the importer obtained under subsection (3); and
    - (ii) any country specific guideline that relates to the timber that is, or the timber that is in, the regulated timber product; and
    - (iii) the extent of illegal logging in general involving entities, known to the importer, in the supply chain for the timber that is, or the timber that is in, the regulated timber product; and
    - (iv) the extent of illegal logging in general of the species or genus of tree from which the timber that is, or the timber that is in, the regulated timber product was derived; and
    - (v) the conservation status (if any) of that species or genus, including if that species or genus is included in Appendix I, II or III to CITES; and
    - (vi) the extent of illegal logging in general in the area or country in which the timber that is, or the timber that is in, the regulated timber product was harvested; and
    - (vii) the extent of armed conflict in that area or country; and
    - (viii) the extent of corruption in that area or country; and
    - (ix) the governance arrangements for forest management in that area or country; and
    - (x) any other information the importer knows that may indicate whether the regulated timber product is, is made from, or includes, illegally logged timber; and
  - (c) in the identification and assessment of that risk, consider the source, validity and reliability of the matters the importer considered under paragraph (b); and
  - (d) make a written record of the risk identification and assessment made by the importer.

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*Identification and assessment of risk must be to a reasonable standard*

- (7) The identification and assessment of the risk mentioned in paragraph (5)(a) or (6)(a) must be to a reasonable standard.

*Risk mitigation*

- (8) The importer must, before importing a regulated timber product:
- (a) conduct a risk mitigation process if:
    - (i) the importer has identified a risk that the product is, is made from, or includes, illegally logged timber; and
    - (ii) the risk is not a low risk; and
  - (b) ensure that the risk mitigation process the importer conducts is reasonable and proportionate to the identified risk mentioned in paragraph (a); and
  - (c) following the risk mitigation process, reassess the risk that the regulated timber product is, is made from, or includes, illegally logged timber; and
  - (d) make a written record of the risk mitigation process the importer conducted, including setting out:
    - (i) following that process, the level of risk that the regulated timber product is, is made from, or includes, illegally logged timber; and
    - (ii) any further information the importer obtained as part of that process.
- (9) Without limiting subsection (8), the risk mitigation process may include the following steps:
- (a) obtaining further information about the risk that the regulated timber product is, is made from, or includes, illegally logged timber;
  - (b) the use of scientific methods relating to timber identification in order to identify the scientific name of the tree from which the timber that is, or the timber that is in, the regulated timber product was derived and the country in which that timber was harvested.

*Exception*

- (10) Subsections (5) to (8) do not apply in relation to the importation of a regulated timber product (the **current product**) by an importer if:
- (a) the importer, in the previous 12 months, imported a regulated timber product (the **earlier product**); and
  - (b) the importer complied with subsections (3) and (5) to (8), as applicable, in relation to the importation of the earlier product; and
  - (c) either:
    - (i) the current product and earlier product are certified timber products; or
    - (ii) the current product and earlier product are not certified timber products; and
  - (d) the importer has obtained the information covered by paragraphs (3)(a) to (d) for the current product and that information is the same as the information for the earlier product; and
  - (e) the importer:
    - (i) has considered whether, since the importer complied with subsections (3) and (5) to (8), as applicable, in relation to the



- importation of the earlier product, there has been a significant change in circumstances that has increased the risk that the current product is, is made from, or includes, illegally logged timber; and
- (ii) if the importer is satisfied that there has not been such a significant change in circumstances—has made a written record to that effect.

*Record-keeping*

- (11) The importer must:
- (a) keep a record of the information the importer obtained under subsection (3) for the period of 5 years beginning on the day the regulated timber product is imported; and
  - (b) keep the copy of the record referred to in paragraph (4)(a), and the sales or delivery document referred to in paragraph (4)(c), for the period of 5 years beginning on the day the regulated timber product is imported; and
  - (c) keep the record referred to in paragraph (5)(d), (6)(d), (8)(d) or (10)(e) for the period of 5 years beginning on the day the regulated timber product is imported.

## Part 3—Processing

### 9 Exempt circumstances

For the purposes of subsection 17(5) of the Act, prescribed circumstances are that the person who processed the raw log is the person who harvested the raw log.

### 10 Due diligence requirements—due diligence system

For the purposes of paragraph 17A(2)(c) of the Act, the prescribed information is the following information:

- (a) the name, street address, postal address, telephone number and email address of the person doing the processing;
- (b) if the person is not an individual—the name, position and contact details (including telephone number and email address) of the individual who is responsible for maintaining the system;
- (c) if the raw logs are to be processed in connection with a business carried on by the person—the principal business activity conducted by the person and the person's ABN (if any) and ACN (if any).

### 11 Due diligence requirements—other requirements

- (1) For the purposes of subsection 18(1) of the Act, the other due diligence requirements for processing raw logs by a person (the *processor*) are the requirements set out in this section.

Note: Section 17 of the Act contains offences and a civil penalty for a person who processes a raw log and who does not comply with one or more due diligence requirements for processing the raw log.

#### *Information gathering requirements*

- (2) The processor must, before processing raw logs, obtain as much of the following information as is reasonably practicable to obtain:
  - (a) a description of the raw logs, including the common name and scientific name of the tree from which the raw logs were derived;
  - (b) the State or Territory, and the area in the State or Territory, in which the raw logs were harvested;
  - (c) the name, address, trading name, ABN (if any) and ACN (if any) of the supplier of the raw logs;
  - (d) the quantity of raw logs processed, expressed in volume, weight or number of units;
  - (e) the sales or delivery document in relation to the purchase of the raw logs by the processor.

#### *Certified raw logs*

- (3) Raw logs are *certified raw logs* if the processor of the raw logs:

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- (a) has obtained a copy of a record from a database maintained by the Forest Stewardship Council, or the Programme for the Endorsement of Forest Certification, to the effect that the raw logs fall within the scope of the certification held by the supplier in accordance with a forest certification standard; and
- (b) has verified that the details in the record about the supplier of the raw logs, and the other details in the record, are true and correct; and
- (c) has obtained from that supplier a sales or delivery document for the raw logs that contains a certification claim that is consistent with the certification referred to in paragraph (a).

*Risk identification and assessment process for certified raw logs*

- (4) If the raw logs are certified raw logs, the processor must, before processing the raw logs:
  - (a) identify and assess the risk that the raw logs have been illegally logged; and
  - (b) in the identification and assessment of that risk, consider:
    - (i) the information the processor obtained under subsection (2); and
    - (ii) the extent of illegal logging in general involving entities, known to the processor, in the supply chain for the raw logs; and
    - (iii) any other information the processor knows that may indicate whether the raw logs are illegally logged; and
  - (c) in the identification and assessment of that risk, consider the source, validity and reliability of the matters the processor considered under paragraph (b); and
  - (d) make a written record of the risk identification and assessment made by the processor.

*Risk identification and assessment process for non-certified raw logs*

- (5) If the raw logs are not certified raw logs, the processor must, before processing the raw logs:
  - (a) identify and assess the risk that the raw logs have been illegally logged; and
  - (b) in the identification and assessment of that risk, consider:
    - (i) the information the processor obtained under subsection (2); and
    - (ii) any State specific guideline that relates to the raw logs; and
    - (iii) the extent of illegal logging in general involving entities, known to the processor, in the supply chain for the raw logs; and
    - (iv) the extent of illegal logging in general of the species or genus of tree from which the raw logs were derived; and
    - (v) the conservation status (if any) of that species or genus, including if that species or genus is included in Appendix I, II or III to CITES; and
    - (vi) the extent of illegal logging in general in the area in which the raw logs were harvested; and
    - (vii) any other information the processor knows that may indicate whether the raw logs are illegally logged; and

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- (c) in the identification and assessment of that risk, consider the source, validity and reliability of the matters the processor considered under paragraph (b); and
- (d) make a written record of the risk identification and assessment made by the processor.

*Identification and assessment of risk must be to a reasonable standard*

- (6) The identification and assessment of the risk mentioned in paragraph (4)(a) or (5)(a) must be to a reasonable standard.

*Risk mitigation*

- (7) The processor must, before processing raw logs:
  - (a) conduct a risk mitigation process if:
    - (i) the processor has identified a risk that the raw logs are illegally logged; and
    - (ii) the risk is not a low risk; and
  - (b) ensure that the risk mitigation process the processor conducts is reasonable and proportionate to the identified risk mentioned in paragraph (a); and
  - (c) following the risk mitigation process, reassess the risk that the raw logs are illegally logged; and
  - (d) make a written record of the risk mitigation process the processor conducted, including setting out:
    - (i) following that process, the level of risk that the raw logs are illegally logged; and
    - (ii) any further information the processor obtained as part of that process.
- (8) Without limiting subsection (7), the risk mitigation process may include the following steps:
  - (a) obtaining further information about the risk that the raw logs are illegally logged;
  - (b) the use of scientific methods relating to timber identification in order to identify the scientific name of the tree from which the raw logs were derived and the area in which the raw logs were harvested.

*Exception*

- (9) Subsections (4) to (7) do not apply in relation to the processing of raw logs (the **current logs**) by a processor if:
  - (a) the processor, in the previous 12 months, processed raw logs (the **earlier logs**); and
  - (b) the processor complied with subsections (2) and (4) to (7), as applicable, in relation to the processing of the earlier logs; and
  - (c) either:
    - (i) the current logs and earlier logs are certified raw logs; or
    - (ii) the current logs and earlier logs are not certified raw logs; and
  - (d) the processor has obtained the information covered by paragraphs (2)(a) to (c) for the current logs and that information is the same as the information for the earlier logs; and

- (e) the processor:
  - (i) has considered whether, since the processor complied with subsections (2) and (4) to (7), as applicable, in relation to the processing of the earlier logs, there has been a significant change in circumstances that has increased the risk that the current logs are illegally logged; and
  - (ii) if the processor is satisfied that there has not been such a significant change in circumstances—has made a written record to that effect.

*Record-keeping*

- (10) The processor must:
  - (a) keep a record of the information the processor obtained under subsection (2) for the period of 5 years beginning on the day the raw logs are processed; and
  - (b) keep the copy of the record referred to in paragraph (3)(a), and the sales or delivery document referred to in paragraph (3)(c), for the period of 5 years beginning on the day the raw logs are processed; and
  - (c) keep the record referred to in paragraph (4)(d), (5)(d), (7)(d) or (9)(e) for the period of 5 years beginning on the day the raw logs are processed.