



Additional comments—Australian Greens

The Greens support passage of the Illegal Timber Prohibition Bill 2011 (recommendation 3).

We support broader consultation with importer countries in order to ensure that countries are given adequate time to respond to the new laws and to provide input that will make those laws and regulations more effective (recommendation 1). However, we are not convinced that recommending just two countries be permitted representation on a working group (recommendation 2) is the best way to accomplish this. If countries in addition to Malaysia and Papua New Guinea decide they want to participate in the development of regulations, an already large working group will become unworkable. The Greens recommend that a more considered approach to consultation and input on the regulations from importing countries is developed.

In the context of this inquiry the Greens recommend that the legal advice received by the Department regarding our WTO obligations be tabled.

One of the persistent complaints from a variety of submitters to this and previous inquiries has been the lack of clarity and certainty in the current bill. In particular, the lack of clarity regarding the definition of illegal timber and the lack of clarity regarding due diligence requirements remains unresolved. While the Greens are now confident that in the near future there will be clarity regarding what will constitute regulated timber, we remain convinced that a precise (although not necessarily exclusive) definition of illegal timber should be in the primary legislation. While many of the due diligence requirements will necessarily be left to the regulations, a clearer statement of the structure of the due diligence requirements, the basic information that must be ascertained and the oversight, monitoring and enforcement provisions that will attach to due diligence could be significantly strengthened in the primary legislation.

We note and incorporate by reference our comments to the February 2012 Rural and Regional Affairs and Transport Committee report relating to these two issues.

Finally, the Committee notes the Government's intent to have regulations tabled within 6 months of Royal Assent. The Committee does not explicitly support this intent. The Greens support an additional recommendation that the Regulations be tabled within 6 months of Royal Assent.

Senator Scott Ludlam

Senator Sarah Hanson-Young