



Julie Collins MP

Minister for Agriculture, Fisheries and Forestry

Ref: GR25-000011

Senator the Hon Sue Lines
President of the Senate
PO Box 6100
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Parliament House
CANBERRA ACT 2600


Dear President

I am writing to advise you that the Australian Government provided its response to the Senate Rural and Regional Affairs and Transport Legislation Committee's report on the Illegal Logging Prohibition Amendment (Strengthening Measures to Prevent Illegal Timber Trade) Bill 2024 [Provisions] (Bill) during the debate in the Senate on Monday 9 September 2024.

During the debate, Senator the Hon Anthony Chisholm welcomed the Committee's recommendation to pass the Bill, noted the Coalition's dissenting recommendation and addressed the Australian Greens' additional recommendations. I have enclosed an extract of the relevant Hansard.

Yours sincerely 


Julie Collins MP

25 / 1 / 2026

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didn't see a habitat tree—and slated the entire chunk of forest, about four different compartments, for wholesale logging. Locals cannot believe it.

They also can't believe it because it's the same forest that their local council has identified for the extraordinary, 70-kilometre Mogo mountain bike trail network. All the locals are excited about the jobs that could be in the forests through having this amazing mountain bike network on some of the converted forestry roads and tracks. They're excited about the investment in ecotourism and about the protection of their forest. Yet, right smack bang in the middle of the proposed new Mogo mountain bike trail network, the New South Wales government, under Labor, wants to destroy the forest. Locals just cannot believe the environmental and economic vandalism in their local area.

They also note that these mature forests were the thing that stopped the big fires. The mature forests, with their moist understorey, were what stopped the big fires and will stop the next big bushfire. If these forests get logged—and I can tell you now that forest campaigners like Colleen, Joslyn and others are going to be in there doing what they can to protect these forests and stop them being logged—we know what will happen. The whole forest will dry out. It will be replaced with spindly saplings, and it will be ripe and primed for the next big fire, which will tear through those forests and destroy homes, like we've seen time after time with recently logged forests. The locals know that for their own safety, for the planet's safety, protecting these forests is absolutely essential.

So I join with my colleagues to say to Labor: 'Grow a backbone. You know it's right to protect native forests from logging. You know that it's essential for climate. You know it's essential for our native species. You know it's essential for keeping communities safe from the next big bloody fire that's coming.' Surely even Labor could realise that it's wrong to log forests that are chock-a-block full of endangered greater gliders. Surely even Labor can see that that's wrong. And if you see it's wrong, do something about it: join with the Greens, join with the progressive majority in this chamber and finally end native forest logging in this country.

Senator CHISHOLM (Queensland—Assistant Minister for Agriculture, Fisheries and Forestry, Assistant Minister for Education, Assistant Minister for Regional Development and Deputy Manager of Government Business in the Senate) (11:50): The Illegal Logging Prohibition Amendment (Strengthening Measures to Prevent Illegal Timber Trade) Bill 2024 will modernise and strengthen Australia's illegal logging laws to better protect the Australian market from illegally harvested timber and support a legal and sustainable timber trade. It will increase regulatory efficiency and effectiveness by strengthening monitoring, investigation and enforcement powers, including through new timber testing powers and the use of injunctions and enforceable undertakings. It will also enable the provision of key due diligence information up-front, thereby enhancing our ability to use data to identify high-risk timber products and enable appropriate enforcement action to be taken.

Changes proposed by the bill have been informed by a comprehensive public consultation process that sought broad support from industry and non-government organisations for the improvements and by the development of a regulation impact statement published in 2023. These changes complement the work the Australian government is doing through the 2022 election commitment to invest \$4.4 million to improve timber identification testing and illegal logging traceability.

The bill has been subject to a Rural and Regional Affairs and Transport Legislation Committee inquiry, and I thank everyone who participated in the inquiry as well as the committee for its consideration of the bill. The committee released its report on 20 June 2024, and I will take this opportunity to provide the government response to the report. The report recommended that the bill be passed, and the government welcomes and agrees with this recommendation. The coalition senators' dissenting report recommended that the passage of the bill be deferred until after the finalisation of the rules to be made under the proposed act. The government notes this recommendation but does not agree with it. The rules cannot be finalised until the bill passes the parliament and the rule-making power becomes operative. However, the government is ensuring that the regulated community and other stakeholders have an opportunity to comment on the draft rules before they are finalised. On 19 August this year an exposure draft of the rules was released for public consultation, and the department has held a public webinar to explain key changes. They have received valuable feedback from stakeholders to date.

In relation to the other matters raised in the dissenting report, I note that the strict liability offences and publication powers are increasingly common across Australian legislation, including environmental legislation, as they broaden regulatory options. These are appropriately framed, and I thank the committee for recognising the intentions to utilise these appropriately and sensitively. As stated in the explanatory memorandum to the bill, the proposed new publication powers are intended to be used only when noncompliance is repeated or very serious and when it is considered in the public interest to do so. Such instances may be where a person has been convicted of an offence on several occasions or has repeatedly failed to comply with due diligence requirements without undertaking further checks or adjusting practices. It is not intended that publication would occur for minor instances of noncompliance where publication would not be in the public interest or where noncompliance can be otherwise addressed.

As for concerns raised over the new power to enable testing of timber and regulated timber products, the bill does not impose any requirements on importers or processors to test timber themselves and bear the associated costs. The new timber testing power would be available to Commonwealth officers to utilise under compliance activities and is strictly limited to being exercised only when the timber or regulated timber product is subject to biosecurity control or customs control.

The opposition has previously raised a proposal to exclude domestic timber processors from the application of the laws. I note that it is appropriate to maintain the current situation whereby the illegal logging prohibition legislation applies to both timber importers and processors of raw logs. This ensures that the regulation of illegally logged timber is consistent with Australia's trade law obligations. The opposition has also previously questioned the need to require notices of intention to import a regulated timber product. Changing the operation of key provisions would undermine the intention of the new notice requirement, which is to obtain and use information to better target compliance powers.

Finally, the government notes the committee's comments on the importance of continued stakeholder consultation. As demonstrated by the current consultation process, the government recognises this and is fully committed to ongoing engagement with regulated entities.

Recommendations in the RRAT report from the Australian Greens have also been reflected in proposed amendments tabled, which the government notes but does not agree to.

In recommendation 1, corresponding to the amendment on sheet 2643, the Australian Greens recommended that section 18B of the bill be amended to require that import notices include, at a minimum, information on the species and countries of harvest of imported timber. The government does not agree to this recommendation. The government's position is that the timber species and country of harvest would be more appropriately prescribed in the rules, along with other requirements under section 18B of the bill as drafted, and as noted in the explanatory memorandum. It is intended that these matters would be prescribed by the rules once an IT system that would support receiving notices is operational and the regulated community has been consulted.

In recommendation 2, corresponding to the amendments on sheet 2626, the Australian Greens recommended that section 7 of the act be amended to cover further laws that may impact supply chain illegality. The government does not agree with this recommendation because the due diligence requirements already require importers of regulated timber products and processors of raw logs to consider any other information the importer or processor knows indicating illegal logging risk.

In recommendation 3, corresponding to the amendment on sheet 2645, the Australia Greens recommended that the bill be amended to require regular public reporting of the extent of illegal logging in Australia and of the action taken under the act. The government does not support this recommendation, as the act does not directly regulate the act of harvesting timber within Australia. These matters are regulated by state and territory legislation, the reporting of which is not the responsibility of the Commonwealth.

In recommendation 4, corresponding to the amendments on sheet 2646, the Australian Greens recommended that the bill be amended so that the rules may provide that the due diligence obligations can be satisfied by compliance with specific domestic or foreign laws, rules or operational processes as part of the due diligence applications. The government does not agree with this recommendation as the act already provides for this. Consequently the amendments do not add anything and may have unintended consequences for the interpretation of the provisions.

In recommendation 5, corresponding to the amendments on sheet 2647, the Australian Greens recommended that the Senate pass the Ending Native Forest Logging Bill. The government does not agree to this recommendation. The Ending Native Forest Logging Bill has no relevance to, or connection with, this bill.

In recommendation 6, the Australian Greens recommended that the bill be passed by the Senate with amendments in line with the above recommendations. For the reasons already given, the government does not agree to this recommendation, nor does the government agree to further amendments proposed by the Australian Greens.

Regarding amendment sheet 2665, to add prohibitions for further dealings in illegally logged timber, the government notes that the illegal logging prohibition legislation already prohibits illegally logged timber from entering the Australian market by way of importation and the processing of raw logs within Australia. This was informed by extensive work in developing the current illegal logging prohibition legislation. There's no good reason to deviate from this.

Regarding the proposed amendment on sheet 2664, that 'interested persons' be able to apply for injunctions relating to conduct or proposed conduct, the government does not agree to this amendment. Injunctions are available under the Regulatory Powers Act for those who administer and enforce the legislation to restrain contraventions of the legislation or to compel compliance with the legislation. It would not be appropriate or practical to extend these powers to other 'interested persons'.

Regarding the proposed amendment on sheet 2645, that an independent review of the operation of the act be conducted within five years and during each subsequent five-year period, the government does not agree to this recommendation. The government notes that it has already agreed to amendments moved in the House of Representatives to conduct an independent review of the act within five years.

The Australian government remains committed to combating illegal logging and associated trade and its global environmental, social and economic impacts. Illegal logging remains the greatest transborder environmental crime globally and undercuts the prices our domestic forest industries can receive for sustainably produced timber products.

I commend this bill, which will optimise Australia's illegal logging laws to protect our market from illegally harvested timber and illegally logged raw logs, to the Senate.

I also table an addendum to the revised explanatory memorandum relating to the Illegal Logging Prohibition Amendment (Strengthening Measures to Prevent Illegal Timber Trade) Bill 2024. The addendum responds to matters raised by the scrutiny of bills committee.

The DEPUTY PRESIDENT: The question before the Senate is that the second reading amendment as moved by Senator McKim be agreed to.

The Senate divided. [12:04]

(The Deputy President—Senator McLachlan)

Ayes12
Noes28
Majority.....16

AYES

Allman-Payne, P. J.
Hanson-Young, S. C.
Pocock, B.
Steele-John, J. A.

Cox, D.
Hodgins-May, S.
Pocock, D. W.
Waters, L. J.

Faruqi, M.
McKim, N. J. (Teller)
Shoebridge, D.
Whish-Wilson, P. S.

NOES

Ayres, T.
Ciccone, R.
Duniam, J. R.
Green, N. L.
McCarthy, M.
O'Sullivan, M. A. (Teller)
Roberts, M. I.
Smith, M. F.
Tyrrell, T. M.
Watt, M. P.

Brown, C. L.
Colbeck, R. M.
Farrell, D. E.
Grogan, K.
McLachlan, A. L.
Polley, H.
Scarr, P. M.
Sterle, G.
Urquhart, A. E.

Chisholm, A.
Darmanin, L.
Ghosh, V.
Lambie, J.
O'Neill, D. M.
Pratt, L. C.
Sheldon, A. V.
Stewart, J. N. A.
Walsh, J. C.

Question negatived.

Senator DAVID POCOCK (Australian Capital Territory) (12:07): I move:

At the end of the motion, add ", but the Senate:

(a) notes that:

- (i) native forest logging operates at a loss in Australia and is heavily subsidised by Australian governments,
- (ii) native forest logging is driving at least 48 Australian native wildlife/fauna species, and many more native flora species, towards extinction, including the swift parrot, koala and greater glider,
- (iii) native forest logging has operated under an exemption from Australia's environment law for 25 years, which has accelerated the loss of forest-dwelling species and caused ecosystem decline, with some forest ecosystems now at risk of collapse,
- (iv) in the last 25 years of native forest logging in Australia, more than one in four forest-dependent threatened fauna species have officially moved closer to extinction, 15 previously common forest-dependent fauna have been added to the

- (1) The Minister must cause an independent review to be conducted of the operation of this Act:
- (a) during the 5-year period starting on the commencement of the *Illegal Logging Prohibition Amendment (Strengthening Measures to Prevent Illegal Timber Trade) Act 2024*; and
 - (b) during each subsequent 5-year period.
- (1A) Without limiting subsection (1), a review under subsection (1) must examine and report on:
- (a) the extent of illegal logging in Australia; and
 - (b) action taken under the Act to respond to illegal logging in Australia.

Reporting

Question negatived.

The CHAIR: I order that it be recorded that the Greens voted for that amendment.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator CHISHOLM (Queensland—Assistant Minister for Agriculture, Fisheries and Forestry, Assistant Minister for Education, Assistant Minister for Regional Development and Deputy Manager of Government Business in the Senate) (13:06): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Australian Human Rights Commission Amendment (Costs Protection) Bill 2023

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator CASH (Western Australia—Deputy Leader of the Opposition in the Senate) (13:06): I rise to speak on the Australian Human Rights Commission Amendment (Costs Protection) Bill 2023. It's appropriate to commence my speech by reflecting on the genesis of this bill and the objectives that it should have been achieving, because this is a bill that should be implementing recommendation 25 of the *Respect@Work* report.

The *Respect@Work* report made 55 recommendations across a range of areas, the bulk of which have now become law with coalition support. Recommendation 25 came in the context of a discussion about barriers to pursuing general sexual harassment claims in the courts. The discussion in the report is short but clear and dealt with just a few key points. It's worth reflecting on those points which should have been—but are not—the guiding principles for our discussion today.

First, the commissioner noted submissions recommending a cost protection provision in the Australian Human Rights Commission Act which would 'provide that applicants and respondents should bear their own costs unless an exception applies—if the court is satisfied that the party instituted proceedings vexatiously or without reasonable cause'. Second, the report cited submissions to the effect that the general rule that costs follow the event operates as 'a disincentive to pursuing sexual harassment matters under the Sex Discrimination Act'. Third, in response to those submissions, the commissioner acknowledged:

... the risk of a costs order acts as a disincentive to pursuing sexual harassment matters in the federal jurisdiction.

The report specifically and explicitly recommended a new provision along the lines of section 570 of the Fair Work Act, which establishes what is known as a costs neutrality model. Critically, it noted the intended effect of such a provision is as follows:

Such a provision should ensure costs may only be ordered against a party by the court if satisfied that the party instituted the proceedings vexatiously or without reasonable cause, or if the court is satisfied that a party's unreasonable act or omission caused the other party to incur costs.

The discussion in the report specifically and expressly made clear that the provision was about limiting the circumstances in which a complainant can be made to pay costs. It recommended a provision that means that, as a default, each party bears their own costs, except where they act vexatiously or unreasonably. In other words, it is a protective provision.

What this bill does, though, is take a fundamentally different approach. It does not implement recommendation 25 of the Jenkins report. The bill does not implement a regime that is directed towards harassment and discrimination claims under the Sex Discrimination Act. This bill does not implement a provision modelled on section 570 of the