

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 7.3 OF THE
AGREEMENT ON IMPORT LICENSING PROCEDURES

AUSTRALIA

The following notification, dated 16 July 1996, has been received from the Permanent Mission of Australia.

Import controls are administered by the one authority, the Australian Customs Service, at the port of entry, but a number of Australian Commonwealth Departments are responsible for legislation and approval of licences. Consequently replies to the Questionnaire have been organized according to specific products or goods, and the legislative instruments under which import controls for them are maintained.¹

¹Copies of legislation and regulations related to Australia's response to the Questionnaire are available for consultation in the Secretariat (Market Access Division).

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I Animals (including Birds, Fish and Insects) and Animal Products, Plants and Goods of General Quarantine Concern

Wildlife Protection (Regulation of Exports and Imports) Act 1982

Quarantine Legislation

Commonwealth of Australia Customs Act 1901

Customs (Prohibited Imports) Regulations

Outline of System

1. The Wildlife Protection (Regulation of Exports and Imports) Act 1982 (Wildlife Act) regulates Australian and international trade in wildlife and wildlife products.

The Quarantine Act, Quarantine (Animals) Regulations, Quarantine (Plants) Regulations, Quarantine (General) Regulations and Quarantine Proclamations (collectively, Quarantine Legislation) apply controls to the importation of all plants, parts of plants and goods made therefrom; animals (including birds, fish and insects), animal products, soil and other items of general quarantine concern.

Sections of the Customs (Prohibited Imports) Regulations control the importation of some animals/items.

Purposes and Coverage of Licensing

2. Apart from regulating the export of specimens of native Australian flora and fauna, the Wildlife Act as presently constituted, controls:

- the import of live animals, plants, and all parts, products and derivatives of animals and plants;
- the import and export of birds subject to the Japan-Australia Migratory Birds Agreement;
- the import and export of animals and plants listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

As well as controlling the importation of plants and animals and their products and derivatives, Quarantine Legislation applies to a diverse range of items such as:

- straw packing, pallets, skids;
- dunnage and waste;
- brushware (bristles or hair of animal origin);
- vehicles and certain machinery and equipment (for soil traces);
- infants food (milk in any form); and
- galley waste and refuse.

The Customs (Prohibited Imports) Regulations control the importations of:

- fish caught by foreign based fishing vessels (Regulation 4B);
- dangerous dogs (Item 26, Schedule 1); and
- electric or pronged dog collars (Item 10, Schedule 2).

3. The regulations apply to the importation of goods from all countries.

4. The Wildlife Act seeks, by regulating Australian and international trade in wildlife and wildlife products, to contribute to the protection and conservation of all native Australian wildlife, endangered wildlife and other wildlife that could become endangered. The Quarantine Legislation and Wildlife

Act also seek to protect the Australian environment against further establishment of pest species of plants and animals by controlling the importation of certain live plants and animals. Additional quarantine controls are applied to the importation of foodstuffs to more specifically protect human health.

Under the Customs (Prohibited Imports) Regulations importation of fish caught by foreign based fishing vessels is prohibited, to provide quarantine protection of the Australian fishing resources. Prohibition on the importation of dangerous breeds of dogs was introduced because of public concern at the increasing incidence of attacks by dogs on humans. The control on the entry into Australia of electric or pronged dog collars was put in place as a result of concerns expressed by veterinary and animal welfare organisations regarding the potential for such items to inflict pain and suffering on dogs.

5. The controls on the importation of goods specified in this category are statutory requirements under the legislation detailed below.

Wildlife Protection (Regulation of Exports and Imports) Act 1982
Quarantine Act
Quarantine (Animals) Regulations
Quarantine (Plants) Regulations
Quarantine (General) Regulations
Quarantine Proclamations
Customs (Prohibited Imports) Regulations

The Australian Nature Conservation Agency (ANCA) within the Commonwealth Department of Environment, Sport and Territories is responsible for administration of the legislation contained in the Wildlife Protection Act.

The Australian Quarantine and Inspection Service (AQIS) within the Commonwealth Department of Primary Industries and Energy is responsible for administration of the Quarantine Legislation.

The Australian Customs Service (ACS) within the Commonwealth Department of Industry, Science and Tourism is responsible for administration of the Customs (Prohibited Imports) Regulations.

The legislation does not allow for administrative discretion regarding goods/items subject to import controls. It is not possible for the Government or executive branch to abolish the systems without legislative approval.

Procedures

6. Not applicable.
7. (a) Application should be made well in advance of arrival of the goods to allow time for any necessary checks to be made regarding details supplied etc. In certain circumstances import permission can be given for goods which have arrived at the point of entry and where no pre-arranged permission is available.
- (b) In the case of most importations in this category it will not be possible for permission to be issued immediately on request.
- (c) Permits may be issued at any period of the year.

- (d) Applications for permission to import most animals, plants and products thereof into Australia involve a single approach to the appropriate area of the Australian Quarantine and Inspection Service (AQIS). Some requests may require written support from State authorities or particular specialist organisations before Commonwealth permission can be considered.

8. Beyond the failure of an applicant to meet standard criteria, a request for permission to import can be refused at the discretion of the relevant Minister. Reasons for refusal will normally be advised. While there are no formal structures in place through which an appeal may be lodged, an applicant may choose to correspond with the Minister to question his/her decision.

Eligibility of Importers to Apply for a Licence

- 9. (a) Not applicable.
- (b) All persons, firms and institutions are eligible to apply for permission to import.

Documentational and Other Requirements for Application for Licence

10. Applications for permission to import must be made in writing to the relevant Minister. The form of the application and information required will depend on the nature of the animal/plant/product/derivative for which permission to import is required. Where the importation of the item comes under the jurisdiction of the Australian Nature Conservation Agency the importer should approach that Agency directly specifying details of whether animals are alive or dead, whether plants are alive or dead, as well as other variations on which type of animal, animal product, plant or goods to be imported. The Agency will then forward the appropriate form to the importer for completion. The address for correspondence is:

Australian Nature Conservation Agency
GPO Box 636
CANBERRA ACT 2601
Australia

Where the importation of the item comes under the jurisdiction of the Australian Quarantine Inspection Service the importer should approach that Service directly specifying details of what aspect of animal, animal product, plant or goods are to be imported. The Service will then forward the appropriate form to the importer for completion. The address for correspondence is:

Australian Quarantine Inspection Service
Department of Primary Industries and Energy
GPO Box 858
CANBERRA ACT 2601
Australia

- 11. Permits must be obtained prior to importation and are required on importation.
- 12. Where importations require periods of quarantine containment or treatment, e.g. cleaning, spraying, to eliminate the risk of entry into Australia of diseases, pests etc., the importer will usually be required to bear the costs of such action. Specific details of charges may be obtained on enquiry directed to the appropriate permit issuing authority.
- 13. No.

Conditions of Licensing

14. The period of validity of a permission would depend on the nature of the importation: specific details to be supplied on enquiry. Legislation will normally not allow for continuing permission.
15. No.
16. No.
17. Conditions may be applied in respect of such issues as custody, end use, disposal or distribution of imported goods. Specific details may be supplied on enquiry.

Other Procedural Requirements

18. No.
19. Not applicable.

II Wildlife and Wildlife Products

Wildlife Protection (Regulation of Exports and Imports) Act 1982

Outline of System

1. Under the Wildlife Protection (Regulation of Exports and Imports) Act 1982 (the Act), administered by the Australian Nature Conservation Agency (ANCA), paper permits, as required under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and authorities are issued to persons, firms and organisations for the importation of wildlife and wildlife products that are subject to the legislation. This legislation is enforced at the ports of entry by the Australian Customs Service which acts on behalf of the ANCA. An obligation exists under the Act that requires the Designated Authority to prepare a document not less frequently than every 12 months, setting out particulars of permits granted or authorities given; refusals to grant permits and authorities; and the specimens exported or imported in accordance with permits or authorities.

Purposes and Coverage of Licensing

2. Wildlife and wildlife products that are subject to control under this legislation are listed on the schedules to the Act. These schedules are similar to the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The system applies to all wild animals with the exception of domesticated stock.
3. The system applies to wildlife/wildlife products originating from all countries.
4. There are no restrictions in relation to the quantity or value of imports.
5. Wildlife Protection (Regulation of Exports and Imports) Act 1982. Licensing is a statutory requirement and designation is by statute. It is not possible to change designations or abolish the system without legislative approval.

Procedures

6. Not applicable.
7.
 - (a) The importer must obtain approval before the item leaves the country of export. The maximum period allowed under the Act is 90 days i.e. the time allowed to assess applications to import. Licences can be obtained within a shorter time period. Licences cannot be issued for items arriving at a port without the prescribed documentation.
 - (b) In exceptional circumstances licences can be granted immediately on request.
 - (c) There are no such limitations.
 - (d) Consideration of licence applications is effected by the ANCA. Importers may, however, have to approach other government (Commonwealth, State and Territory) agencies for approval to import due to conditions that apply to the type of item. Examples of such agencies would be the Australian Quarantine and Inspection Service (AQIS), Therapeutic Goods Administration or a State National Parks and Wildlife Service.
8. Apart from statutory or ordinary requirements there are no other criteria. Reasons for refusal are given to applicants. Applicants refused permission to import may appeal to the Administrative Appeals Tribunal.

Eligibility of Importers to Apply for Licence

9.
 - (a) Not all persons, firms and institutions are eligible to apply due to restrictions that are imposed on transfers between such organisations as zoos, museums and universities.
 - (b) All persons, firms and institutions are eligible under the non-restrictive system.

A register of approved institutions and zoos is maintained. The persons or firms must meet statutory requirements. A registration fee of \$A 150 applies in most instances. There is no published list of authorised importers.

Documentational and other Requirements for Application for Licence

10. The documents that are required are those that will verify the origin of the wildlife or wildlife products, usually an export permit from the Convention on International Trade in Endangered Species of Flora and Fauna Management Authority of the exporting country.

Prior to importation occurring a permit issued by ANCA is required. ANCA import permits are not able to be issued after importation. If the import permit is not issued before import has occurred then the item will be seized. Import refers to arrival at any Australian territory/port or waters. A copy of the application form is attached. (Appendix A)

11. The ANCA import permit and a valid export permit from the country of origin.
12. A fee of \$A 30 applies to the granting of each import permit.

13. The fee must be paid before the issue of the licence. The fee is fully refundable. Full payment of the fee applies - there is no requirement for an advance payment which is retained for a defined period.

Conditions of Licensing

14. The import permit is valid for a period of six months in the case of an individual consignment permit and twelve months for a multiple transaction authority. Neither can be extended.

15. No.

16. No.

17. Conditions may be imposed on the permit. These conditions usually relate specifically to the trade in wildlife. One such condition that may be imposed is a prohibition on the transfer of a wildlife specimen to another party.

Other Procedural Requirements

18. In some cases the approval/certification of other agencies is required prior to the issue of a permit or authority.

19. Not applicable.

III Therapeutic Substances and Goods

Therapeutic Goods Act 1989

Commonwealth of Australia Customs Act 1901

Customs (Prohibited Imports) Regulations

Outline of Systems

1. The Australian Registration system for therapeutic goods for human use under the provisions of the Therapeutic Goods Act 1989, and Customs (Prohibited Imports) Regulations 5A to 5H prohibit the importation of substances specified in Regulation 5A(1), or goods included in Schedule 8 to the Regulations, except with permission of the Secretary of the Commonwealth Department of Health and Family Services.

Purposes and Coverage of Licensing

2. The therapeutic substances/goods covered are:

- Substances named in Regulation 5A(1). Currently, only antibiotic substances are so specified. An Exemption applies in the case of:
 - antibiotics carried by a passenger on a ship or aircraft where the antibiotics are for the sole use of the passenger or the passenger's relative; or,
 - antibiotics imported by a member of a group of persons visiting Australia to participate in a national or international sporting event for use in the treatment of a member or members of that group; and,

- the amount does not exceed 3 months supply of the substance at the maximum dose recommended by the manufacturer of the substance.
 - Goods to which Regulation 5H refers, that is, goods which are listed in the Schedule 8 to the Regulations.
3. The Regulations apply to the importation of therapeutic goods from all countries.
4. The importation of antibiotics is regulated as a public health measure to provide information on antibiotic distribution and consumption in Australia. Goods included in the Schedule 8 to the Regulations are those known to be associated with particular hazards or concerns which warrant restriction or prohibition of their use. The monetary value of the goods is not a criterion for control.
5. The control on importation of the specified goods is a statutory requirement under the Customs (Prohibited Imports) Regulations made under the Commonwealth of Australia Customs Act 1901. It is not possible to abolish the system without legislative approval.

Procedures

6. Not applicable.
7. (a) Applications should be made in advance of the arrival of the goods. In certain circumstances, import permission can be given for goods which have inadvertently arrived at the point of entry.
- (b) Permits may be issued immediately if a genuine emergency exists.
- (c) Permits may be issued at any period of the year.
- (d) Applications for import permission required by Regulation 5A to 5H are processed and issued within the Commonwealth Department of Health and Family Services.
8. If permission for importation is refused, the reasons are notified to the applicant in writing. An appeal to the Commonwealth Minister for Health may be made within 90 days of the decision being notified. In the case of the applicant being dissatisfied with the Minister's finding, an application may be made to the Administrative Appeals Tribunal for the review of the decision.

Eligibility of Importers to Apply for Licence

9. (a) Not applicable.
- (b) All persons, firms and institutions are eligible to apply for permission to import provided they are domiciled in Australia.

Documentational and other requirements for application of licence

10. For permission to import antibiotics (under Regulation 5A(1)) applications should be made in writing, including the following information:
- importer's name and address;
 - name and location of the manufacture of the goods;
 - details of the goods to be imported (whether raw material or formulated product);

- quantity and distribution (end-use).

For permission to import goods specified in Schedule 8 (Regulation 5H refers) the written application must include:

- importer's name and address;
- exporter's name and address;
- full details of the product proposed for import;
- supervising doctor's prescription, if applicable;
- depending on the nature of the goods and the intended purposes, further documentation or evidence may be required.

11. Import authorization is usually issued in the form of a permit (Form T26), but may be by letter of authority.

12. No.

13. No.

Conditions of Licensing

14. Permits may apply to one consignment only, or remain valid for successive consignments within a stated period (usually two years).

15. No.

16. No.

17. Conditions may be applied regarding:

- (a) the custody, use, disposal or distribution of the imported goods;
- (b) the keeping of records relating to the imported goods.

Other Procedural Requirements

18. Importers of therapeutic goods should familiarise themselves with the requirements of the Therapeutic Goods Act 1989 in relation to the importation of therapeutic goods for supply in Australia: for example, requirements for entry of goods in the Australian Register of Therapeutic Goods prior to supply; requirements for compliance with standards and advertising regulations and with Codes of Good Manufacturing Practice.

19. Not applicable.

IV Narcotic Drugs, Psychotropic Substances and Related Chemicals

Australian Commonwealth Customs Act 1901 Customs (Prohibited Imports) Regulations

Outline of System

1. Licences and permits are issued to control the import of specified narcotic drugs, psychotropic substances and related chemicals. This system fulfils part of Australia's obligation under three United Nations conventions in relation to restricting the supply of controlled substances to that necessary to meet medical and scientific need and preventing diversion to the illicit drug market.

Purposes and Coverage of Licensing

2. The drugs covered are substances listed in Schedule 4 of the Customs (Prohibited Imports) Regulations. The licensing system covers persons involved in international trade of those substances listed in Schedule 4, their derivatives, precursors and related substances. These include the drugs and chemicals required to be controlled under the Single Convention on Narcotic Drugs, 1961, the Convention on Psychotropic Substances, 1971, and Table I of the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

An exemption applies in the case of a drug that is imported by a passenger on a ship or aircraft where the drug:

- is required for the medical treatment of the person or another passenger under the care of the person;
- was prescribed by a medical practitioner for the purpose of that treatment;
- was supplied to the person in accordance with the prescription of the medical practitioner.

3. The system applies to importers of controlled substances from all countries.

4. The use of import licences and permits enables the Government to restrict and monitor the quantities of controlled substances imported. This is intended to prevent the over-supply and diversion of controlled substances and is one strategy adopted to address drug misuse. The system is based on the requirements of the international treaties.

5. The Commonwealth of Australia Customs Act 1901 and the Customs (Prohibited Imports) Regulations govern the importation of drugs. The licensing of importers is a statutory requirement under Section 50.3(a) and (s).

Section 50.3(b) of the Commonwealth of Australia Customs Act 1901. The drugs subject to control are specified in Schedule 4 to Regulation 5 of the Customs (Prohibited Imports) Regulations. The system cannot be abolished without legislative approval.

Procedures

6. I. National import limits for substances controlled by the Single Convention are set by an estimates system administered by the International Narcotics Control Board (INCB). The INCB publishes the estimates (import limits) for all parties to the conventions. Allocation of limits for imports from particular countries is not applicable. Individual

importers are allocated a quota, within Australia's estimate, for each substance and are advised of their quotas. These quotas are regarded as commercial-in-confidence and are not published or made available to third parties. Requests for exceptions and derogations from the licensing requirements must be directed to the Treaties and Monitoring Section, Drugs of Dependence Branch, Commonwealth Department of Health and Family Services.

- II. Quotas are allocated annually to each licensed importer based on previous requirements and stock levels. Some of the estimate is not allocated in initial quotas so that individual allocations may be increased where justified and to make provision for new importers.
- III. Whether applicants are domestic producers is not relevant to their application for an import licence. Import permits are required for each shipment and are only issued to licensed importers. Quotas are maximums rather than targets and therefore it is not necessary for permits to be issued for the entire amount, nor is unused allocation accumulated. A list of licensed importers is available to governments on request. Quota information is not available.
- IV. Applications for licences are accepted at any time. Quotas are assigned and reviewed as INCB estimates are set.
- V. Licence applications may take six to eight weeks to process because of the stringent checks made on the personnel involved and on the security arrangements in place. Licences are issued annually. Permits generally take ten working days to process. Where the importer is already licensed, a permit may be issued on the day of application. Almost all permits are issued within ten working days of the application.
- VI. An import permit may be issued immediately following the grant of a licence. Import could then proceed.
- VII. Licences and permits are administered by the Treaties and Monitoring Section, Drugs of Dependence Branch, Commonwealth Department of Health and Family Services. Generally, no other authority is required. However additional controls are imposed on some substances (for example, if the drug is not approved in Australia, quarantine restrictions etc.) and the appropriate procedures for these controls must also be completed.
- VIII. There is no limit on the number of licences and permits to be issued. However, where relevant, the total imports cannot exceed the INCB administered estimate. Licence renewals are examined simultaneously. New licence applications are examined upon receipt.
- IX. Import permits are required for all shipments of controlled substances, regardless of whether an export permit is also required. In fact, for many of the controlled substances, the conventions require that the export permit can only be issued after an import permit has been sighted.
- X. As required by the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances, copies of all import and export permits are forwarded to the competent authority of the importing or exporting country.

- XI. Yes, when an import would result in Australia exceeding the INCB estimate and the import is for the purpose of re-export.
7. (a) There is no minimum advance notice required for a licence or permit application. However, stringent checks of applicants for licences are undertaken in order to issue a licence. Permits will only be issued to a licensed importer. Goods arriving at the port without a permit cannot be imported and retrospective permits cannot be issued.
- (b) A licence would not normally be granted immediately as some conditions must be fulfilled. Checking of applicants' suitability to hold a licence generally takes some time and therefore licences cannot generally be issued immediately upon request.
- (c) No.
- (d) Import licences and import permits are both issued by the Commonwealth Department of Health and Family Services. When considering licence applications, other authorities may be contacted by the Department to verify application details (for example, criminal records). The applicant does not need to approach these authorities.
8. An application may be refused if :
- the criteria are not met. These criteria require the importer to be a 'fit and proper person' and maintain adequate security for storage for security;
 - the import would be excessive to national requirements;
 - if other permission is required but have not been obtained (for example, quarantine, State licences).

A licence or permit may be revoked if the licence holder fails to comply with the conditions of the licence.

The affected person is notified in writing of any refusal or revocation. The person may appeal to the Commonwealth Minister for Health and subsequently to the Administrative Appeals Tribunal.

Eligibility of Importers to Apply for Licence

9. (a) Any person, firm or institution may apply for a licence. A licence shall not be granted unless the applicant is a fit and proper person to be granted a licence to import drugs and suitable security arrangements for the holding of drugs are in place. A licence is granted subject to conditions concerning use, sale and distribution of the substances. Import permits are only issued to licence holders. In addition, the licence holder must have an authority under State or Territory law to be in possession of the substance before a permit will be issued.
- A list of licensed importers is available to other governments from the Commonwealth Department of Health and Family Services.
- (b) Not applicable.

Documentational and Other Requirements for Application for Licence

10. Applications for licences and permits must be submitted on either an "Application for a Licence to Import Controlled Substances" or "Application for a Permit to Import Controlled Substances" respectively. Copies of these Application Forms are attached. (Appendices B and C).

For a licence application, the following information must be supplied:

- name of the applicant (person or organisation);
- address of the premises on which the controlled substance will be held;
- nature of the business (e.g. pharmaceutical manufacture, chemical distribution, etc.);
- classes of controlled substances to be held (e.g. narcotic drugs, psychotropic substances, precursor chemicals, laboratory standards, etc.);
- details of licences held relating to the storage, manufacture or distribution of the substances;
- details of all persons who will have access to the controlled substances, including their positions and qualifications and specific background information to enable a security check;
- details of the security arrangements for the storage, distribution and handling of the substances;
- details relating to the applicant's appointment of an agent (e.g. shipping, agent, customs agent, etc.).

For a permit application, the following information must be supplied:

- importer's name and address;
- overseas exporter's name and address;
- product description (name, form and strength);
- number and size of the packs;
- proposed date of import;
- mode of transport (e.g. airfreight, seafreight, etc.);
- where applicable, the name of the end user and the use of the end substance.

A separate Permit to Import is required for every shipment of a controlled substance and will not be issued unless a licence is already held. All permits must be obtained in advance of the controlled substance arriving in Australia.

11. The import permit is the required document and, for some substances, the complementary overseas export permit.

12. No.

13. No.

Conditions of Licensing

14. Import licences are valid until the end of the calendar year (year of application or if applied for before September or following year if after September). Import permits are usually valid for six months, but may be amended if necessary.

15. No. However, if a licence holder has not used the licence during the year and applies for a renewal, the applicant may need to justify retention of the licence.

16. Licences and permits are not transferable. However, quotas may be transferred between importers with the agreement of both parties.

17. For licences, conditions apply to the keeping of records and the reporting of movements. For permits, specific conditions may be endorsed on the permit (for example for re-export only or for veterinary use only).

Other Procedural Requirements

18. No.

19. Not applicable.

V Antarctica

Antarctic Treaty (Environment Protection) Act 1980 as amended by the Antarctic (Environment Protection) Legislation Amendment Act 1992

Outline of System

1. Under the Antarctic Treaty (Environment Protection) Act 1980 as amended by the Antarctic (Environment Protection) Legislation Amendment Act 1992, in line with the requirements of the Protocol on Environmental Protection to the Antarctic Treaty (the Madrid Protocol), it is not permitted to import certain items into Antarctica. The legislation applies to Australian nationals for all areas of 60° South and for foreign nationals to the Australian Antarctic Territory only.

Purposes and Coverage of Licensing

2. The import licensing system is maintained under the Antarctic Treaty (Environment Protection) Act 1980, which provides, under:

- Paragraph 19(1)(c), that a person shall not bring into the Antarctic an animal, plant, virus, bacterium, yeast or fungus that is not indigenous to the Antarctic unless the animal (not being a live bird), plant, virus, bacterium, yeast or fungus, as the case may be, was brought into the Antarctic to be used as food. None of these items may be brought into Antarctica for research purposes unless authorised by a permit.
- Paragraph 19(1)(ca), that a person shall not bring into, or keep in, the Antarctic non-sterile soil, or polychlorinated biphenyls, or polystyrene beads or chips or any similar kind of packaging material.
- Paragraph 19(1)(cb), that a person shall not bring into, or keep in, the Antarctic any pesticide unless for scientific, medical or hygienic purposes.

3. The system applies to goods coming from all countries.

4. The above restrictions have been put in place to implement the Madrid Protocol, the objective of which is the comprehensive protection of the Antarctic environment and dependent and associated ecosystems.

5. The Antarctic Treaty (Environment Protection) Act 1980. The system cannot be abolished without legislative approval.

Procedures

6. Not applicable.
7. (a) and (b) Scientists who have applied to conduct research under the umbrella of Australian National Antarctic Research Expeditions are advised if there is a need for them to obtain a permit under paragraph 19(1)(c).
- Approximately 2 weeks should be allowed for processing of an application for a permit. Permits cannot be issued retrospectively, accordingly, where necessary, the researcher must have obtained a permit prior to arriving in Antarctica.
- (c) No.
- (d) Permits are prepared by the Policy Section of the Antarctic Division of the Commonwealth Department of the Environment, Sport and Territories.
8. An application for a permit will only be refused if it does not meet the ordinary criteria. Particulars of refusals to grant permits are provided to the applicant and those particulars are accompanied by a statement to the effect that, subject to the Administrative Appeals Tribunal Act 1975, application may be made to the Administrative Appeals Tribunal for the review of a decision to refuse to grant a permit by or on behalf of the person or persons whose interests are affected by the decision.

Eligibility of Importers to Apply for Licence

9. All scientists whose research projects have been accepted by the Antarctic Science Advisory Committee are eligible to apply for a permit. No fee is charged for a permit.

Documentational and Other Requirements for Application for Licence

10. The chief investigator for a research project completes an application form for a permit. The application should include the following information:
- name and address of applicant;
 - research location and research methodology;
 - any non-indigenous species being introduced to Antarctica;
 - intended access to specially protected areas;
 - sample specimens to be extracted;
 - members of research team or field project;
 - organisation affiliated to research project.

A copy of the application form is attached. (Appendix D)

11. Inspectors appointed under the Act monitor activity undertaken to ensure that it is in accordance with the approved licence.
12. No.
13. Not applicable.

Conditions of Licensing

14. The period of validity of a permit is dependent on the length of time the scientist is scheduled to stay in Antarctica, but it would be unlikely for this period to exceed 12 months. An application may be made by the chief investigator to extend the period of validity of a permit.

15. There is no penalty for non-utilisation of a permit.

16. Permits are not transferable. However, application can be made to amend a permit to include a new researcher's name and, where appropriate, delete any previous researcher's name.

17. Not applicable.

Other Procedural Requirements

18. Not applicable.

19. Not applicable.

VI Territory of Heard and McDonald Islands

Environment Protection and Management Ordinance 1987

Outline of Systems

1. The purpose of this Ordinance is to preserve and manage the Territory so as to protect the environment and the indigenous wildlife of the Territory.

Purposes and Coverage of Licensing

2. The Territory of Heard and McDonald Islands Environment Protection and Management Ordinance 1987 prohibits:

- under Section 13 of the Ordinance the importation into the Territory of any diseased organism, or live poultry;
- under Subsection 14(1) of the Ordinance the importation into the Territory of any organism, or any dead poultry or poultry products unless in accordance with a permit. However, under Subsection 14(2) no permit is required where importation is done to avoid possible loss of human life or injury to persons, or risk to the safety of an aircraft, a vehicle or a vessel.

3. The system applies to goods coming from all countries.

4. No.

5. The Territory of Heard and McDonald Islands Environment Protection and Management Ordinance 1987. It is not possible to abolish the system without legislative approval.

Procedures

6. Not applicable.

7. (a) and (b) Scientists who have applied to conduct research under the umbrella of Australian National Antarctic Research Expeditions are advised if there is a need for them to obtain a permit under Subsection 15(1).

Non-government tourists may contact the Antarctic Division of the Commonwealth Department of the Environment, Sports and Territories to seek general information and requirements and are at that time informed of the need for them to obtain a permit under subsection 15(1).

Approximately two weeks should be allowed for processing of an application for a permit. Permits cannot be issued retrospectively. The permit-holder must have obtained the permit prior to arrival in the Territory.

- (c) No.

- (d) Permits are prepared by the Policy Section of the Antarctic Division of the Commonwealth Department of the Environment, Sport and Territories.

8. An application for a permit will only be refused if it does not meet the ordinary criteria. The reasons for refusals are given to the applicant and the applicant has a right of appeal. Particulars of refusals to grant permits are published in the Commonwealth Government Gazette and those particulars are accompanied by a statement to the effect that, subject to the Administrative Appeals Tribunal Act 1975, application may be made to the Administrative Appeals Tribunal for the review of a decision to refuse to grant a permit by or on behalf of the person or persons whose interests are affected by the decision.

Eligibility of Importers to Apply for Licence

9. Any person is eligible to apply for a permit to import into the Territory.

Subsection 15(4) of the Ordinance provides for the charge of a fee, not to exceed \$A 50, payable in respect of the issue of a permit. However, no fee is charged.

Documentational and Other Requirements for Application for Licence

10. The application should include the following information:

- name and address of applicant;
- details of research location;
- any non-indigenous species being introduced to the Territory;
- use of radioisotopes;
- details of sample specimens to be extracted;
- members of research team or field project;
- organisation affiliated to research project.

The applicant is not required to supply documentation with the application. A copy of the application form is attached. (Appendix E)

11. The permit system in the Territory is self-regulating.

12. Not applicable.

13. Not applicable.

Conditions of Licensing

14. The period of validity of a permit is dependent on the length of time the applicant is scheduled to stay in the Territory. Permits may be varied to extend the period of validity of the permit.

15. There is no penalty for non-utilisation of a permit.

16. Permits are not transferable. However, a permit can be varied to amend the permit to include a new name and, where appropriate, delete any previous name.

17. Not applicable.

Other Procedural Requirements

18. Not applicable.

19. Not applicable.

VII. Ozone Protection

Ozone Protection Act 1989

Ozone Protection Regulations

Outline of Systems

1. The Ozone Protection Act 1989 establishes a system of controlled substances licences for the import, export and manufacture of hydrochlorofluorocarbons (HCFCs) and methyl bromide. Import, export and manufacture of chlorofluorocarbons (CFCs), halons, methyl chloroform and carbon tetrachloride has been banned since 1 January 1996, other than in limited circumstances in which an essential uses licence may be granted, or where, in the case of recycled or used substances, a used substance licence may be granted. Strict conditions and reporting requirements apply.

Purposes and Coverage of Licensing

2. Ozone-depleting substances are controlled under The Montreal Protocol on Substances that Deplete the Ozone Layer. Within Australia, the Ozone Protection Act 1989 implements the controls agreed by the Montreal Protocol Parties.

Import licences are required for CFCs, halons, methyl chloroform, carbon tetrachloride, methyl bromide (both pure and in mixtures). The import and manufacture of some manufactured products containing these chemicals (e.g. aerosols) is prohibited, therefore there is no licence system for these. Exemptions may be granted whenever the product is deemed to be essential.

Import licences have been required for HCFCs since 1 January 1996.

3. The system applies to goods from all countries.

4. The licensing is intended to restrict quantities, for the purpose of protection of the ozone layer as required by The Montreal Protocol, although currently there are no restrictions on quantities of

HCFCs. If overall HCFC activity exceeds a predetermined limit, a quota system will be triggered. Alternative methods have not been adopted as this would not be consistent with Australia's international legal obligations.

5. The statutory requirements under which licensing is maintained and required are:

- Ozone Protection Act 1989
- Ozone Protection (Licence fees - Manufacture) Act 1995
- Ozone Protection (Licence Fees- Imports) Act 1995
- Ozone Protection Regulations 1995
- Ozone Protection (Licence Fees- Manufacture) Regulations 1995
- Ozone Protection (Licence Fees- Imports) Regulations 1995

Licensing is statutory requirement. The system cannot be abolished without legislative approval.

Procedures

6. Note: At present, restrictions apply only to countries not operating under Article 5.1 of The Montreal Protocol.

- I. Details are published in the Gazette, customs notices, journals and in an Australian database for business. The Government deals directly with holders of existing licences. The overall amount only, and not individual importer's allocation, is published in the Commonwealth Gazette. There is nothing in the Act that allows for exceptions or derogations from the licensing requirement.
- II. Where quantities are limited, this is done through licence conditions. The current licence period is 2 years, or from application to end of 1997. Not applicable.
- III. Manufacturers are subject to the same controls as importers. Not applicable. No. Yes.
- IV. Licence applications may be made at any time.
- V. The average is about 2 months for licence applications. Licence applications are submitted to the Minister in batches whenever possible. The Ozone Protection Act provides that if at the end of 60 days after a licence application the Minister has not granted a licence or requested further information under Section 15, the application is deemed to be refused.
- VI. This depends on the company. Theoretically, a licence could be issued on one day and imports occur the next.
- VII. Yes, the Environment Protection Agency. Not applicable. Not applicable. No.
- VIII. For methyl bromide, based on previous activity. For other substances, based on application, provided totals are consistent with Australia's international obligations. either or both, depending on the circumstances. On HCFC quotas, see 4 above. Anyone may apply for a licence, and must meet "fit and proper" person requirements before being granted a licence.

- IX. There are no such bilateral arrangements. Not applicable.
- X. Not applicable.
- XI. No.
7. (a) Within usual processing times, 2 months. No.
- (b) No.
- (c) No. Licence periods are 2 calendar years. Applications may be made at any time within the two years - the commencement date will be the date of grant and the termination date will be the end of the current two year period. The licence grant fees of \$A 10,000 for controlled substances licences and used substances licences and \$A 2,000 for essential uses licences remain the same whether applications are made at the start of or during the licence period.
- (d) Yes, the Environment Protection Agency. No. Not applicable. No.
8. If the applicant meets the criteria, the licence is granted. Reasons for refusal of the licence would be give to the applicant. Applications may be made to the Administrative Appeals Tribunal for a review of the decision of refusal to issue a licence.

Eligibility of Importers to Apply for Licence

9. (a) Yes
- (b) No. There is no system of registration.

Documentational and Other Requirements for Application for Licence

10. In general, the applications should include the following information:
- name and address of applicant;
 - amount of the substance proposed to import;
 - the proposed use of the substance;
 - amount of previous licences;
 - convictions for offences against the Act or Regulations committed within previous 10 years;
 - contraventions of conditions of a licence under the Act.
- Copies of the application forms are attached. (Appendices F - J).
11. Standard customs documentation and valid Ozone Protection Act licence.
12. Yes. See Section 7(c) for details of grant fees. In addition, quarterly activities fees are payable for the import and manufacture of HCFCs and methyl bromide under controlled substances licences. These fees are calculated at a rate based on the quantities, imported or manufactured, of HCFCs (measured in Ozone Depleting Potential, ODP, tonnes) and methyl bromide (measured in metric tonnes).
13. Licences cannot be granted prior to payment of the prescribed fee.

Conditions of Licensing

14. See 7(c).
15. No.
16. Yes. Transferee must be a fit and proper person to be a licence holder. The transferrer and transferee make a joint application to the Minister.
17. Yes. Trading with countries that are not signatories to the Montreal Protocol is prohibited. Reporting requirements apply to all licences. Substances and approved essential uses are specified under essential uses licences. In some cases where there is concern as to the company's environmental record, special conditions are imposed regarding environmental management systems.

Other Procedural Requirements

18. No.
19. Not applicable.

VIII Hazardous Wastes

Hazardous Wastes (Regulation of Exports and Imports) Act 1989

Outline of Systems

1. Under the Hazardous Wastes (Regulation of Exports and Imports) Act 1989 (the Act), administered by the Environment Protection Agency (EPA), permits and authorities are issued to persons, firms and organisations for the importation of hazardous waste products that are subject to the legislation. This legislation is enforced at the ports of entry by the Australian Customs Service (ACS) who act on behalf of the EPA. All records in relation to the issuing of import permits and authorities are maintained either in hardcopy or on a computerised database.

The Act regulates all transboundary movements of hazardous wastes as agreed by Australia as a Party to the Basel Convention. The Act is currently deficient in that it only regulates those hazardous wastes which are deemed to be without value. Whereas the Basel Convention requires Parties to control all wastes listed or described in its Annexes, regardless of value. As there is a substantial trade between Australia and other countries in hazardous waste products for recycling or recovery, amendments to the Act have been proposed to cover these transactions. At present, Australia advises and requests exporting countries to make voluntary notifications. The need for this system would be removed under the proposed amendment of the Act in 1996, where all transboundary movements of hazardous wastes will be subject to the Act.

Purposes and Coverage of Licensing

2. In accordance with Australia's obligations under the Basel Convention and in the Organisation for Economic Co-operation and Development (OECD) Council Decision C(92)39, the Act presently applies to Hazardous Waste products listed on the Schedules to those Agreements. Under the proposed amendments to the Act, a system of evidentiary certificates of listed hazardous wastes would provide greater certainty about those materials subject to control. The definition of "hazardous waste" and

discriminating between "waste" and "product" remain areas of difficulty, and an expert Technical Working Group is also proposed to be formed to assist the Government with these issues.

3. The system at present applies to the import of hazardous waste products classified as worthless originating from all countries. Under the proposed amendments to the Act, the system would apply to the import of all hazardous wastes from other countries.

4. The licensing ensures that Australia's commitments as a Party to the Basel Convention are upheld. To that effect, transboundary movement of hazardous wastes and other wastes is to be reduced to the minimum consistent with the environmentally sound and efficient management of such wastes and to be conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement. It is not intended to place specific restrictions as to value or quantity of imports. The Convention requires that a strict regime of prior informed consent be established by each Party.

5. Hazardous Waste (Regulation of Exports and Imports) Act 1989. Licensing is a statutory requirement for the import of any hazardous waste deemed to be worthless. The proposed amendments require all hazardous wastes to be regulated regardless of whether they are of value. Designation is at present decided after reference to the Act, the Basel Convention and OECD Council decision C(92)39. Under the proposed amendments to the Act, matters of dispute re. designation would be referred to an expert Technical Working Group authorised by the Commonwealth Minister for the Environment. It is not possible to abolish the system without legislative approval.

Procedures

6. Not applicable.

7. (a) The importer must obtain approval before the item leaves the country of export. The period allowed under the Act is normally 60 days, i.e., the time allowed to assess applications to import. Licences can be obtained within a shorter time period. Licences cannot be issued for items arriving at a port without the prescribed documentation.

(b) No. Permits are issued only after authorization by the Commonwealth Minister for the Environment or delegate, with a requirement under the Act for determination of the justification for import and the fitness of the processing organisation to treat the material in an environmentally sound manner.

(c) There are no such limitations.

(d) Consideration of licence applications is effected by a single administrative organ, the EPA. Importers may, however, have to approach other Government (Commonwealth, State and Territory) agencies for approval to import due to conditions that apply to the type of item. Examples of such agencies would be the Australian Quarantine and Inspection Service (AQIS), Therapeutic Goods Administration or the appropriate state Environment Protection Agency.

8. Apart from statutory or ordinary requirements, there are requirements under the Basel Convention for all States of Transit to control the transboundary movement. These controls will normally be the responsibility of the State of export. Refusal to accept the movement by any such state shall cause the State of export to deny a permit. Reasons for refusal of an import permit are given to applicants. Applicants refused permission to import may appeal to the Administrative Appeals Tribunal.

Eligibility of Importers to Apply for Licence

9. (a) Not applicable
- (b) Any person may apply.

Documentational and other Requirements for Application for Licence

10. In general the application requests the following information:

- identity and suitability of the applicant, including applicant's name and address and financial situation;
- description of the material to be imported and/or exported;
- method of transportation, ports of entry/exit for importation/exportation;
- method of disposal of the waste.

A copy of the application form is attached. (Appendix K)

Additional documentation required with the application includes verification that the disposal is safe, the capability of the processors to treat the material, proof that appropriate insurance has been arranged and consent from the relevant state instrumentality.

11. The EPA import permit is required and a valid export permit from the country of origin may be required as a condition of this permit.

12. A fee of \$A 4,000 applies to the granting of each import permit. The fees for permit applications were set by regulation at the time the Act was promulgated. The amount of \$A 4,000 was estimated at that time to be approximately the staff and ancillary costs of administering a permit. A very low number of permits was anticipated to be involved, and thus unit costs to be high. It soon became apparent that the scope of hazardous wastes regulated by the Act was greater than originally anticipated, with the number of permit applications increasing markedly.

The amendment Bill, currently under consideration by the Government, contains amendments to the fees provisions. Item 100 of the Bill proposes to amend Section 32 of the Act so that separate fees can be charged for different types of permits, based on the real costs involved for individual permits. This would allow the full cost of administration to be charged on an equitable basis. Item 101 of the Bill proposes in Section 32(5) a reduction in fees by the Commonwealth Minister for the Environment under certain circumstances, e.g. for humanitarian reasons, scientific research and testing or encouraging activities which further environmentally sound management of hazardous wastes as required by the Basel Convention.

13. The fee must be paid at the time of application. The fee is not refundable. Full payment of the fee applies - there is no requirement for an advance payment which is retained for a defined period. Changes to this and other conditions described above are the subject of proposed amendments to the Act.

Conditions of Licensing

14. The import permit is valid for a period of up to twelve months and may cover either individual consignments or multiple transactions. The permit cannot be extended.

15. No.

16. Permits/licences are not transferable between importers.
17. (a) No.
- (b) For products not subject to quantitative restriction there may be other conditions imposed on the permit. These conditions usually relate specifically to the transport, treatment and/or disposal of the hazardous waste.

Other Procedural Requirements

18. In some cases the approval/certification of other agencies is required prior to the issue of a permit or authority.
19. Not applicable.

IX Radioactive Substances

Commonwealth of Australia Customs Act 1901 Customs (Prohibited Imports) Regulations

Outline of System

1. The importation of radioactive materials and goods containing radioactive materials is prohibited under the provisions of the Customs Act 1901 and Customs (Prohibited Imports) Regulations unless the permission of the Commonwealth Minister for Small Business and Consumer Affairs or the Commonwealth Minister for Health and Family Services or an authorised officer from the Commonwealth Department of Health and Family Services is granted. In order for a permit to be considered the applicant must obtain a Radioactive Substance Licence from the relevant State or Territory Department of Health.

Purposes and Coverage of Licensing

2. The goods covered include any radioactive material or substance including radium, any radioactive isotope or any article containing any radioactive material or substance. Examples of goods which are queried for the presence of radioactive material are listed in Appendix 2:9 of Volume 5 of the Australian Customs Service Manual.
3. The regulations apply to the importation of goods from all countries.
4. The importation of radioactive substances is regulated as a community protection measure and to comply with Australia's international obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes. The monetary value is not a criterion for control.
5. The control on importation of the specified goods is a statutory requirement under Regulation 4R of the Customs (Prohibited Imports) Regulations made under the Commonwealth of Australia Customs Act 1901. The system cannot be abolished without legislative approval.

Procedures

6. Not applicable.
7. (a) Application should be made in advance of arrival of the goods.

- (b) Permits cannot be issued immediately as importers must obtain a Radioactive Substance Licence from the relevant State or Territory Department of Health in order to be granted a permit to import.
- (c) Permits may be issued at any period of the year.
- (d) A permit is issued by the Minister for Small Business and Consumer Affairs or the Minister for Health and Family Services, or an officer authorised by either Minister. However applications to import radioactive materials or articles containing radioactive materials must be made to the Australian Radiation Laboratory. Before submitting an application for permission to import, importers must obtain a Radioactive Substance Licence from the relevant State or Territory Department of Health. A copy of that licence must accompany the application.

8. Application for permission to import can be refused on the discretion of the relevant Minister. There is no right of appeal against the Minister's decision.

Eligibility of Importers to Apply for Licence

- 9. (a) Not applicable.
- (b) All persons, firms and institutions are eligible to apply for permission to import.

Documentational and Other Requirements for Application for Licence

10. For permission to import applications must be made in writing to the relevant Minister. The application should include the following information:
- importer's name and address;
 - details of the goods to be imported;
 - a copy of the Radioactive Substance Licence.

11. The written permission of the relevant Minister is required to be produced on import.

12. No.

13. No.

Conditions of Licensing

14. Permits apply to one consignment only.

15. No.

16. No.

17. A permission granted under Regulation 4R may specify conditions or requirements to be complied with by the holder of the permission.

Other Procedural Requirements

18. No.

19. Not applicable.

X Hazardous and Health Related Goods

Commonwealth of Australia Customs Act 1901 Customs (Prohibited Imports) Regulations

Outline of System

1. The importation of certain goods which are a threat to consumer welfare or human health and safety is prohibited under the provisions of the Customs Act 1901 and Customs (Prohibited Imports) Regulations unless the permission of the Commonwealth Minister for Small Business and Consumer Affairs is granted or unless specified conditions, restrictions or requirements are complied with.

Purposes and Coverage of Licensing

2. The goods covered are:

Consumer welfare goods included in Schedules to the Regulations as listed:

Fireworks	Schedule 2
Venomous reptile specimens	Schedule 2
Dummy shaped erasers	Schedule 2
Motor vehicle helmets	Schedule 2
Windscreens for motor vehicles	Schedule 2
Insulated electric conductors	Schedule 3

Human health and safety related items included in Schedules to the Regulations as listed:

Apparel containing tris	Schedule 2
Toys and playthings containing toxic metals	Schedule 2
Cosmetics containing lead	Schedule 2
Money boxes containing lead	Schedule 2
Pencils and paintbrushes coated with toxic metals	Schedule 2
Certain poisonous seeds	Schedule 2
Snake bite kits	Schedule 2
Erasers which resemble food in scent and appearance	Schedule 2
Metal drink dispensers leaching contaminants	Schedule 2
Chemical warfare gas	Schedule 2
Organic compounds of lead	Schedule 3
Certain petroleum and shale products	Schedule 3
Glazed ceramic-ware leaching toxic metals	Reg 4E
Polychlorinated biphenyls and polychlorinated terphenyls	Reg 4AB

3. The regulations apply to the importation of goods from all countries.

4. The importation of these goods is regulated as a community protection measure. Goods included are known to be associated with particular public health or safety hazards or concerns which warrant restriction or prohibition of their use. The monetary value is not a criterion for control.

5. The control on importation of the specified goods is a statutory requirement under the Customs (Prohibited Imports) Regulations made under the Commonwealth of Australia Customs Act 1901. The system cannot be abolished without legislative approval.

Procedures

6. Not applicable.

7. (a) Application should be made in advance of arrival of the goods. In certain circumstances, import permission can be given for goods which have inadvertently arrived at the point of entry.

(b) Permits may be issued promptly if a genuine emergency exists.

(c) Permits may be issued at any period of the year.

(d) Applications for import permission required by Schedule 2 to the Regulations and Regulation 4AB are processed and issued by the Australian Customs Service. Advice is sought from the Bureau of Consumer Affairs, within the Commonwealth Department of Industry, Science and Tourism, with respect to consumer welfare goods and from the Commonwealth Department of Health and Family Services with respect to human health and safety issues.

Goods specified in Schedule 3 to the Regulations and Regulation 4E are not permitted to be imported unless certain conditions are met or, in the case of insulated cable, the permission of the Commonwealth Minister for Small Business and Consumer Affairs is obtained. Whether the specified conditions are met is a matter of which the importer must satisfy the Customs officer at the time of import

8. Application for permission to import can be refused on the discretion of the relevant Minister. There is no right of appeal against the Minister's decision.

Eligibility of Importers to Apply for Licence

9. (a) Not applicable.

(b) All persons, firms and institutions are eligible to apply for permission to import.

Documentational and Other Requirements for Application for Licence

10. For permission to import applications must be made in writing to the relevant Minister. The application should include the following information:

- importer's name and address;
- name and location of the manufacture of the goods;
- details of the goods to be imported;
- quantity and distribution (end use).

11. Proof of authorization is required on importation.

12. No.

13. No.

Conditions of Licensing

14. Permits apply to one consignment only.

15. No.

16. No.

17. (a) Not applicable.

(b) Permission to import goods specified under Schedule 2 to the regulations may be subject to conditions regarding the custody, use, disposal or distribution of the imported goods.

Goods specified in Schedule 3 to the regulations are not permitted to be imported unless certain conditions are met as follows:

- Insulated electrical cord as specified must comply with the conditions and requirements specified in any Approval and Test Specification of the Standards Association of Australia or the importer must have obtained the consent in writing of the Commonwealth Minister for Small Business and Consumer Affairs.
- Organic compounds of lead as specified must be transported to Australia in a tanker or strongly built containers to prevent leakage or breakage and carry a label indicating that the contents are poisonous and that care should be taken to avoid inhalation of vapours and contact with the skin.
- Petroleum and Shale products as specified, unless imported in a tanker, must be imported in secure containers and be labelled that the contents are "Highly Inflammable".

Other Procedural Requirements

18. No.

19. Not applicable.

XI Weapons

Commonwealth of Australia Customs Act 1901 Customs (Prohibited Imports) Regulations

Outline of System

1. The importation of firearms and other dangerous weapons is regulated by the Commonwealth of Australia Customs Act 1901, and the Customs (Prohibited Imports) Regulations. Regulation 3 prohibits absolutely the importation of firearms and parts for firearms specified in Schedule 1 to the Regulations. Regulation 4 prohibits the importation of goods specified in Schedule 2 to the Regulations unless the

permission of the Minister for Justice is granted and Schedule 3 to the Regulations unless specified conditions or restrictions are complied with.

Purposes and Coverage of Licensing

2. The weapons covered are:
 - weapons named in Schedule 2 which require a permit for import;
 - firearms and parts of firearms listed in Schedule 3 which require compliance with certain conditions, restrictions or requirements before importation.
3. The regulations apply to importation from all countries.
4. Controls on the importation of weapons have been introduced as a community protection measure. The importation of weapons is regulated as a means of preventing their use for unlawful purposes. Imported firearms are also required to satisfy certain safety requirements. The monetary value is not a criterion for control.
5. The control on importation of the specified goods is a statutory requirement under the Customs (Prohibited Imports) Regulations made under the Commonwealth of Australia Customs Act 1901. The system cannot be abolished without legislative approval.

Procedures

6. Not applicable.
7.
 - (a) Application should be made in advance of arrival of the goods. In certain circumstances, import permission can be given for goods which have inadvertently arrived at the point of entry.
 - (b) Permits would be issued as soon as possible if a genuine emergency exists.
 - (c) Permits may be issued at any period of the year.
 - (d) Applications for import permits required by Schedule 2 are processed by the Australian Customs Service. The permission of the Commonwealth Minister for Justice is given subject to approval of State Police that the importer complies with all the laws of the state of residence or importation, therefore the applicant must apply to the respective State Police for approval prior to applying for a permit.

Applications for import permits under Regulation 4D, 4DA and 4DB are processed by the Commonwealth Law Enforcement Board, with the permission being issued by the Commonwealth Minister for Justice.

Applications for permits under Regulation 2(1) (exempt firearms) are issued by:

- in the case of firearms for official purposes either the Commonwealth Minister for Justice or the Minister responsible for police in the respective State or Territory;
- in the case of hand-guns the respective State or Territory Police Commissioner.

In addition, Regulation 2(1)A requires all firearms of a class defined as exempt firearms to only be imported subject to the importer being issued by the relevant State Police authority a statement in an approved form that the importer holds a licence or authorization in accordance with the laws of the State or Territory to possess a firearm of that kind.

8. Application for permission to import can be refused at the discretion of the relevant Minister. If permission for importation is refused the reasons need not be notified to the applicant. There is no right of appeal against the Minister's decision where the decision in question is a decision of Government policy.

Permission to import an exempt firearm or hand-gun can also be refused depending on the outcome of safety testing requirements.

Eligibility of Importers to Apply for Licence

9. (a) Not applicable.

(b) All persons, firms and institutions are eligible to apply for permission to import.

Documentational and Other Requirements for Application for Licence

10. Where a weapon may be imported subject to the relevant Police authority having no objection to the importer possessing the weapon, the police endorsement should be on a Form B709A: "Importation of Firearms - Police Confirmation". The following information is required on the form:

- name and address of the importer;
- quantity of weapons to be imported;
- description of weapons to be imported;
- supplier (if applicable) of weapons;
- Licence/Authorization No. and Date of Issue.

A copy of the form is attached. (Appendix L)

Where permission of the Minister is required, application must be made in writing to the respective Minister.

11. Where the permission of a Minister is required the certificate or statement approving the import must be produced at the time of actual importation.

Where a weapon may be imported subject to the relevant Police authority, a completed Form B709A must be produced at the time of importation.

12. No.

13. No.

Conditions of Licensing

14. Permits apply to the import of the stated goods only.

15. No.

16. No.
17. Conditions may be applied regarding:
- the custody, use, disposal or distribution of the imported goods;
 - the keeping of records relating to the imported goods.

Other Procedural Requirements

18. No.
19. Not applicable.

XII Objectionable Items

**Commonwealth of Australia Customs Act 1901
Customs (Prohibited Imports) Regulations**

Outline of Systems

1. Import controls exist on offensive publications and goods entering Australia. Material which is prohibited under Regulation 4A, Importation of Objectionable Goods, of the Customs (Prohibited Imports) Regulations may not be imported without the prior written approval of the Commonwealth Attorney-General or by a person authorised by him/her.

Purposes and Coverage of Licensing

2. The goods covered by this control are objectionable goods which include:
- publications that:
- depict a child in a manner likely to cause offence;
 - depict bestiality in a manner likely to cause offence;
 - depict acts of considerable violence or cruelty or sexual violence against non-consenting persons;
 - promote, incite or instruct in matters of crime or violence;
 - promote the use of a prohibited drug;
- other goods that:
- depict matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in a manner likely to cause offence;
 - depict a child in a manner that is likely to cause offence.
3. The regulations apply to the importation of goods from all countries.
4. The importation of these goods is regulated as a community protection measure. Goods included are considered to be detrimental to the well being of the community. The monetary value is not a criterion for control.
5. The control on importation of the specified goods is a statutory requirement under the Customs (Prohibited Imports) Regulations 4A made under the Commonwealth of Australia Customs Act 1901. The system cannot be abolished without legislative approval.

Procedures

6. Not applicable
7.
 - (a) Application should be made in advance of arrival of the goods.
 - (b) No.
 - (c) Permits may be issued at any period of the year.
 - (d) Applications for import permission required by Regulation 4A are processed and issued by the Commonwealth Attorney-General's Department. The responsibility for determining whether material is prohibited under Regulation 4A rests with the Office of Film and Literature Classification of the Commonwealth Attorney-General's Department.
8. Application for permission to import can be refused on the discretion of the Commonwealth Attorney-General. Where an application is refused, application for a review of the decision to refuse a permit may be made to the Administrative Appeals Tribunal. The Attorney-General may certify in writing that in the public interest the responsibility for permission or refusal should remain solely with the Attorney-General and should not be reviewable by the Administrative Appeals Tribunal. A copy of the certificate including a statement of the grounds on which the certificate is given should be given to the person to whom permission is refused. If permission is refused the Attorney-General is to notify the person refused in writing within 30 days of the decision.

Eligibility of Importers to Apply for Licence

9.
 - (a) Not applicable.
 - (b) All persons, firms and institutions are eligible to apply for permission to import.

Documentational and Other Requirements for Application for Licence

10. For permission to import applications must be made in writing to the Commonwealth Attorney General or an authorised person (Chief Censor). The application should include the following information:
 - importer's name and address;
 - details of the goods to be imported;
 - quantity and distribution (end use); and,
 - the purposes for which the goods are to be imported.
11. Proof of authorization is required on importation.
12. No.
13. No.

Conditions of Licensing

14. Permits apply to one consignment only.

15. No.

16. No.

17. Conditions may be applied regarding the custody, use, reproduction, disposal, destruction or exportation of the imported goods or with respect to accounting for the goods for the purpose of ensuring that the goods are not used otherwise than for the purposes for which permission was granted.

Other Procedural Requirements

18. No.

19. Not applicable.

XIII Goods Originating in Certain Countries

Commonwealth of Australia Customs Act 1901 Customs (Prohibited Imports) Regulations

Outline of System

1. Import controls exist on goods originating in certain countries. Under the Customs (Prohibited Imports) Regulations goods originating in specified countries may not be imported without the prior written approval of the Minister for Foreign Affairs.

Purposes and Coverage of Licensing

2. The import of goods originating in certain countries is regulated to comply with Australia's international obligations. The goods which are regulated include:

goods of any description from:

- Iraq;

from any country - goods originating in:

- Iraq.

3. The regulations apply to the importation of goods from:

- the specified countries;
- all countries - with respect to goods originating in the specified countries.

4. The importation of these goods is regulated in accordance with Australia's international obligations. The quantity or monetary value is not a criterion for control.

5. The control on importation of the specified goods is a statutory requirement under the Customs (Prohibited Imports) Regulations 4QA made under the Commonwealth of Australia Customs Act 1901. The system cannot be abolished without legislative approval.

Procedures

6. Not applicable.

7. (a) Application should be made in advance of arrival of the goods.
- (b) In certain circumstances permission may be granted once the goods have inadvertently arrived at the point of entry.
- (c) Permits may be issued at any time.
- (d) Applications for import permission required by Regulation 4QA are processed and issued by the Department of Foreign Affairs and Trade.

8. Application for permission to import can be refused on the discretion of the Minister for Foreign Affairs. There is no right of appeal against the Minister's decision where the decision in question is a decision of Government policy.

Eligibility of Importers to Apply for Licence

9. (a) Not applicable.
- (b) All persons, firms and institutions are eligible to apply for permission to import.

Documentational and Other Requirements for Application for Licence

10. For permission to import applications must be made in writing to the Minister for Foreign Affairs. The application should include the following information:

- importer's name and address;
- details of the goods to be imported;
- quantity of goods to be imported;
- reason for importation.

11. Proof of authorization is required on importation.

Conditions of Licensing

14. Permits apply to one consignment only.
15. No.
16. No.
17. Conditions may be applied regarding:
 - the quantity of goods to be imported;
 - the circumstances in which the goods may be imported;
 - times for compliance to which the importation is subject.

Other Procedural Requirements

18. No.
19. Not applicable.

XIV Communications Equipment

Commonwealth of Australia Customs Act 1901 Customs (Prohibited Imports) Regulations

Outline of Systems

1. The importation of prescribed radiotelephony equipment is prohibited unless a Type Approval Certificate Issued by the Commonwealth Minister for Communications and the Arts certifies that the equipment meets the Australian standard. The importation of cordless telephones is prohibited without this permission of the Minister or unless a certificate of compliance with Australian standards and a Permit-to-connect Authorization issued by the Australian Telecommunications Authority (AUSTEL) are produced.

Purposes and Coverage of Licensing

2. The goods covered by this system are those listed in Regulations 4M and 4P of the Customs (Prohibited Imports) Regulations which include:

- Radiotelephony equipment which is described in Regulation 4M(1) as radiotelephony equipment that transmits on frequencies selected by means of a frequency selector switch and no other means. This includes Citizen Band radios able to transmit on any channel other than the 40 approved Australian channels in the 27 MHz frequency band;
- Cordless telephones as defined in Regulation 4P(1) which consist of two components:
 - a fixed base station connected by means of a cord to the telephone network; and a handset (or handsets) not connected to the base station by a cord, but which communicates with the fixed base station by means of radio signals. The base station then relays the signal to the telephone network by means of the cord.

The permit system does not apply to mobile or cellular telephones.

3. The regulations apply to importation from all countries.

4. The control on the importation of these goods was introduced to prevent the importation of models which do not comply with technical specifications introduced to overcome radio and television interference problems. With mains powered cordless telephones there are also electrical safety considerations. The monetary value is not a criterion for control.

5. The control on importation of these goods is a statutory requirement under the Commonwealth of Australia Customs Act 1901 and the Customs (Prohibited Imports) Regulations 4M and 4P. The system cannot be abolished without legislative approval.

Procedures

6. Not applicable

7. (a) Application should be made in advance of arrival of the goods. In certain circumstances, import permission can be given for goods which have inadvertently arrived at the point of entry.

(b) Permits may be issued promptly if a genuine emergency exists.

- (c) Permits may be issued at any period of the year.
- (d) Applicants for import permits required by Regulation 4M are required to produce a Type Approval Certificate issued by the Commonwealth Department for Communications and the Arts certifying that the model meets Ministerial Standard ECR 312.

Applicants for import permits required under Regulation 4P are required to produce a permit issued by the Commonwealth Minister for Communications and the Arts or an authorised officer; or a compliance certificate issued by the Commonwealth Department of Communications and the Arts or a Certificate of Compliance issued by the Minister of Communications and the Arts, the Spectrum Management Agency (under the Minister for Communications and the Arts) or a test laboratory approved by the Spectrum Management Agency, and a Permit-to-connect Authorization issued by the Australian Telecommunications Authority (AUSTEL).

8. Application for permission to import can be refused on the discretion of the Commonwealth Minister for Communications and the Arts. There is no right of appeal against the Minister's decision.

Eligibility of Importers to Apply for Licence

- 9. (a) Not applicable.
- (b) All persons, firms and institutions are eligible to apply for permission to import.

Documentational and Other Requirements for Application for Licence

10. For permission to import, applications must be made in writing to the relevant Minister. The application should include the following information:

- importer's name and address;
- name and location of the manufacture of the goods;
- details of the goods to be imported;
- quantity and distribution (end use).

11. Under Regulation 4M a Type Approval Certificate issued by the Commonwealth Minister for Communications and the Arts certifying that the equipment meets the Ministerial Standard ECR 312 must be produced at the time of importation.

Under Regulation 4P a Permission to import issued by the Commonwealth Minister for Communications and the Arts or a Certificate of Compliance issued by the Commonwealth Minister for Communications and the Arts, the Spectrum Management Agency or a test laboratory approved by the Spectrum Management Agency, and a Permit-to-connect Authorization issued by the Australian Telecommunications Authority (AUSTEL) must be produced at the time of importation.

12. No.

13. No.

Conditions of Licensing

14. Permits apply to one consignment only.

15. No.

16. No.

17. Permission to import under Regulation 4M is conditional on the equipment complying with Ministerial Standard ECR 312.

In considering an application for permission to import under regulation 4P the Minister will have regard to whether the equipment will:

- cause injury to persons or damage to property; or
- cause interference with the use of other equipment used in telecommunications.

Other Procedural Requirements

18. No.

19. Not applicable.

XV Woolpacks

**Commonwealth of Australia Customs Act 1901
Customs (Prohibited Imports) Regulations**

Outline of Systems

1. The importation of woolpacks and woolpack caps is prohibited under the provisions of the Commonwealth of Australia Customs Act 1901 and Customs (Prohibited Imports) Regulations unless the permission of the Commonwealth Minister for Primary Industries and Energy or authorised person is granted, or a Test Certificate certifying that the woolpacks conform to Australian standards is produced.

Purposes and Coverage of Licensing

2. The goods covered are:

- New woolpacks and woolpack caps unless:
 - the permission of the Minister or an authorised person is obtained; or,
 - a Test Certificate issued by a prescribed testing authority, certifying that the woolpacks or woolpack caps conform to Australian Wool Research and Promotion Organisation Standards is produced.
- Second-hand woolpacks and woolpack caps unless the permission of the Minister or an authorised person is obtained. The importation of second-hand woolpacks for use as containers of wool is not permitted.

3. The regulations apply to the importation of goods from all countries.

4. The importation of woolpacks is regulated to provide adequate pack strength and to minimise fibre contamination of the Australian Wool clip.

5. The control on importation of the specified goods is a statutory requirement under Regulation 4K of the Customs (Prohibited Imports) Regulations made under the Commonwealth of Australia Customs Act 1901. The system cannot be abolished without legislative approval.

Procedures

6. Not applicable

7. (a) Application should be made in advance of arrival of the goods. In certain circumstances, import permission can be given for goods which have inadvertently arrived at the point of entry.

(b) Permits may be issued promptly if a genuine emergency exists.

(c) Permits may be issued at any period of the year.

(d) A Test Certificate may be issued by a prescribed testing authority in Australia or overseas to certify that the woolpacks or woolpack caps conform to Australian Wool Research and Promotion Organisation Standards. A list of prescribed testing authorities is contained in Appendix 2:3 of Customs Service Manual Volume 5.

Applications for import permission are processed and issued by the Commonwealth Department of Primary Industries and Energy.

8. Application for permission to import can be refused on the discretion of the Minister. There is no right of appeal against the Minister's decision.

Eligibility of Importers to Apply for Licence

9. (a) Not applicable.

(b) All persons, firms and institutions are eligible to apply for permission to import.

Documentational and Other Requirements for Application for Licence

10. For permission to import applications must be made in writing to the Minister. The application should include the following information:

- importer's name and address;
- details of the goods to be imported;
- quantity and distribution (end use).

11. Proof of authorization or a Test Certificate is required on importation.

12. No.

13. No.

Conditions of Licensing

14. Permits apply to one consignment only.

15. No.

16. No.

17. Conditions may be applied regarding the custody, use, disposal or destruction of the imported woolpacks or woolpack caps for the purpose of ensuring that they are not used otherwise than for the purpose for which the permission is granted.

Other Procedural Requirements

18. No

19. Not applicable.

XVI Moveable Cultural Heritage

**Commonwealth of Australia Customs Act 1901
Protection of Moveable Cultural Heritage Act, 1986**

Outline of Systems

1. The importation of particular objects of cultural property, which the Commonwealth Minister for Communications and the Arts has specified, is prohibited. No system of licensing or permits applies to moveable cultural objects.

Purposes and Coverage of Licensing

2. The cultural objects covered are:

- those objects which the Minister considers should be forfeited under section 9 of the Protection of Moveable Cultural Heritage Act, 1986.
- those objects which a foreign country has requested the return of and the Minister considers should be forfeited under section 14 of the Protection of Moveable Cultural Heritage Act, 1986.

3. The regulations apply to importation from all countries.

4. The control on the importation of cultural objects has been introduced to enable Australia to honour its obligations under the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The monetary value is not a criterion for control.

5. The control on importation of moveable cultural heritage is a statutory requirement under the Commonwealth of Australia Customs Act 1901 and the Protection of Moveable Cultural Heritage Act 1986. The designation of goods to be controlled is at the discretion of the Commonwealth Minister for Communications and the Arts. The system cannot be abolished without legislative approval.

Procedures

6. Not applicable.

7. Not applicable.

8. Not applicable.

Eligibility of Importers to Apply for Licence

9. Not applicable.

Documentational and Other Requirements for Application for Licence

10. Not applicable.

11. Not applicable.

12. Not applicable.

13. Not applicable.

Conditions of Licensing

14. Not applicable.

15. Not applicable.

16. Not applicable.

17. Not applicable.

Other Procedural Requirements

18. Not applicable.

19. Not applicable.

XVII Cheeses, Certain Types

Commonwealth of Australia Customs Act 1901

Commonwealth of Australia Customs Tariff Act 1987

Outline of Systems

1. Australia administers a tariff quota on imports of certain types of cheese. The tariff quota applies to certain types of cheese originating in, and coming from, all countries with the exception of New Zealand, Papua New Guinea and South Pacific Forum Island countries. The tariff quota allows for the importation of up to 11,500 tonnes of dutiable cheese at a tariff rate of \$A 96 per tonne with imports above that level attracting tariff at the bound rate - \$A 1.403 per kilogram in 1995, reducing to \$A 1.220 per kilogram in 2000.

The allocations are based on fiscal years from July to June.

Up to 31 December 1994, imports in excess of the tariff quota were dutiable at \$A 2.100 per kilogram. The tariff quota arrangements outlined in this notification were revised on 1 January 1995 in order to implement Australia's Uruguay Round commitments as listed in Australia's Schedule of Commitments.

Purposes and Coverage of Licensing

2. No licensing system, as such, is maintained. Individuals or companies which have historically imported dutiable cheese are allocated a share of the tariff quota, allowing them to import a quantity of cheese at the concessional rate of duty. Individuals or companies which do not have a share of the tariff quota may still import cheese however at the out-of-quota tariff rate. The products covered by the tariff quota are as follows:

Number 0406	Product Type Cheese and curd	Rate of Duty
0406.10	Fresh (unripened or uncured) cheese including whey cheese, and curd	\$A 0.096/kg (a) \$A 1.403/kg (b)
0406.20	Grated or powdered cheese of all kinds	\$A 0.096/kg (a) \$A 1.403/kg (b)
0406.30	Processed cheese, not grated or powdered	\$A 0.096/kg (a) \$A 1.403/kg (b)
0406.40	Blue-veined cheese: - Roquefort, Stilton - other	Free (c) \$A 0.096/kg (a) \$A 1.403/kg (b)
0406.90	Other cheeses of the following types - made wholly from goats milk other than Feta or Kasseri - Surface-ripened soft, having: (a) a fat content in the dry matter of not less than 50% by weight, and (b) a moisture content of not less than 65% by weight of the non-fatty matter - Other (includes Edam, Gouda, unprocessed Cheddar, Feta, Kasseri and Swiss or Emmenthaler types	Free (c) Free (c) \$A 0.096/kg (a) \$A 1.403/kg (b)

(a) Rate for cheese imported within the tariff quota.

(b) Bound rate for cheese imported in excess of tariff quota ceiling, reducing to \$A 1.366 per kilogram from 1 January 1996, \$A 1.330 from 1 January 1997, \$A 1.294 from 1 January 1998, \$A 1.257 from 1 January 1999 and \$A 1.220 from 1 January 2000.

(c) Not subject to the tariff quota. Included in table only to indicate coverage of residual tariff item ("other").

Note: The rate for developing countries is as shown in the table above, less 5% of the customs value (f.o.b. price) of the product.

3. The system applies to cheeses originating in and coming from all countries with the exception of New Zealand, Papua New Guinea and South Pacific Forum Islands.
4. The licensing is used to administer the tariff quota.
5. The law is the Commonwealth of Australia Customs Act 1901, and the Commonwealth of Australia Customs Tariff Act 1987.
6.
 - I. The names of all tariff quota holders are made public through publication in the Commonwealth Government Gazette.
 - II. The size of the tariff quota is 11,500 tonnes per annum. The allocation of the tariff quota to individual importers occurs on an annual basis.
 - III. Tariff quota allocations to individuals or companies are based on historical trade performance in the importation of cheese. No tariff quota is allocated on the basis of domestic production of like product. Unused parts of the tariff quota allocation are not added to the tariff quota for the following year except where there are exceptional circumstances preventing the landing of a consignment in the period immediately before the new tariff quota period begins.
 - IV. Not applicable.
 - V. Not applicable.
 - VI. Not applicable.
 - VII. The Australian Customs Service administers all aspects of the scheme.
 - VIII. Tariff quotas are allocated to importers on the basis of historical trade performance. Both the 1993/94 and 1994/95 tariff quotas have been allocated on the basis of the size of their cheese imports in 1990/91 and 1991/92. New importers are able to acquire tariff quota allocation on transfer from an existing holder of tariff quota allocation.
 - IX. Not applicable.
 - X. Not applicable.
 - XI. No.
7. Not applicable.
8. None.

Eligibility of Importers to Apply for Licence

9.
 - (a) No. Only those firms that have a history of trade performance in importing cheese are allocated a share in the tariff quota. The allocation by Government of the tariff quota is made strictly on the basis of this historical trade performance. Firms are free to transfer tariff quota allocation.
 - (b) Not applicable.

Documentational and Other Requirements for Application for Licence

10. Applications are not required. Eligible importers are advised of their entitlement based on the Australian Customs Service records of entries lodged during the base period (for 1994/95, this period is 1 July 1990 to 30 June 1992).
11. No quota specific document is required on importation.
12. There is no licensing fee or administrative charge.
13. No.

Conditions of Licensing

14. Twelve months period with no extensions.
15. There are no official penalties for individuals or companies that do not utilise their allocation. However, since allocations are based on historical trading performance, individuals or companies that do not utilise their allocation will either lose their allocation or have it reduced.
16. Tariff quota allocations can be transferred between individuals and companies without limitation.
17. (a) No
(b) No.

Other Procedural Requirements

18. No.
19. Not applicable.

APPENDICES²

- A Application for a Permit to Export or Import Wildlife
- B Application for a Licence/Licence Renewal to Import Controlled Substances (including Personal Details of Employees Responsible for Control over, Access to and Security of Controlled Substances form)
- C Application for a Permit to Import Controlled Substances
- D Antarctic treaty (Environment Protection) Act 1980 - Application for a Permit
- E Territory of Heard and McDonald Islands Environment Protection and Management Ordinance 1987 - Application for a Permit
- F Application for a Controlled Substances Licence Under Section 13A (To Manufacture, Import and Export Hydrochlorofluorocarbons (HCFCs))
- G Application for a Controlled Substances Licence Under Section 13A (Methyl Bromide)
- H Application for an Essential Uses Licence Under Section 13A (To Manufacture, Import and/or Export CFCs, Halons, Methyl Chloroform or Carbon Tetrachloride)
- I Application for a Used Substances Licence Under Section 13A (To Import and/or Export CFCs, Halon, Methyl Chloroform or Carbon Tetrachloride)
- J Joint Application for Transfer of a Licence Under Section 19B
- K Form of Application for a Permit Under the Hazardous Waste (Regulation of Exports and Imports) Act 1989
- L Form B709A - Importation of Firearms - Police Confirmation

²Available for consultation in the Secretariat (Market Access Division).