Australian Customs Notice 2002 03

**Amendments to the Customs (Prohibited Imports) Regulations 1956, Customs (Prohibited Exports) Regulations 1958 and the Customs Regulations 1926**

The following amendments to the *Customs (Prohibited Imports) Regulations 1956*, the *Customs (Prohibited Exports) Regulations 1958* and the *Customs Regulations 1926* were notified in Special Gazette No. S74 of 7 March 2002. The amendments commenced on gazettal.

# UNITED NATIONS SECURITY COUNCIL - SANCTIONS AGAINST LIBERIA

On 7 March 2001 the United Nations Security Council (UNSC) passed Resolution 1343 (2001) obliging member countries, including Australia, to impose further sanctions against Liberia. These latest sanctions against Liberia are aimed at stopping the flow of arms, war-related mat riel and funds to warring factions in neighbouring Sierra Leone. This Resolution builds on earlier sanctions imposed in UNSC Resolution 985 (1995) of 13 April 1995, which placed an arms embargo on Liberia.

# Imports of diamonds from Liberia

The sanctions impose a total prohibition on the direct or indirect importation of rough diamonds from Liberia, whether on not the diamonds originate from Liberia. The prohibition is implemented by regulation 4P of

the *Customs (Prohibited Imports) Regulations 1956*. **Export of certain goods destined for Liberia**

The sanctions also prohibit the exportation to Liberia of arms and related mat riel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and all spare parts. The prohibition is implemented by regulation 13CK of the *Customs (Prohibited Exports) Regulations 1958*.

The exportation of paramilitary equipment and spare parts to Liberia is prohibited unless a permission in writing to export the goods, given by the Foreign Minister or an authorised person in the Department of Foreign Affairs and Trade, is presented to Customs at or before the time of exportation.

The sanctions do not restrict the supply of non-lethal military equipment intended solely for humanitarian and protective use as determined by the Security Council Sanctions Committee for Liberia.

Any enquiries concerning the above amendments should be directed to the Department of Foreign Affairs and Trade, Canberra on (02) 6261 2603.

Those aspects of the resolution that relate to arms, weapons, ammunition, military vehicles and equipment and spare parts are implemented under existing regulation 13E of the *Customs (Prohibited Exports) Regulations 1958.* Regulation 13E prohibits the exportation from Australia of those goods unless a permission in writing to export the goods given by the Minister for Defence or an authorised person of the Department of Defence, is presented to Customs at or before the time of exportation.

Any enquiries concerning permits for items included on the Defence Strategic Goods List should be directed to the Department of Defence, Canberra, on (02) 6266 4392.

**SCHEDULE 2, *CUSTOMS (PROHIBITED IMPORTS) REGULATIONS 1956* - AMENDMENTS AND ADDITIONS**

As a result of an Australasian Police Ministers' Council (APMC) resolution to develop a uniform prohibited weapons (non-firearms) list, the definitions of 10 existing items have been amended and 13 new items have been included in Schedule 2.

The definitions of the following items have been amended: Item 9 - daggers

Item 12 - electric shock devices Item 13 - acoustic shock devices Item 18 - blowpipes and blowguns

Item 18A - blowpipe and blowgun darts

Item 18C - pistol crossbows Item 19 - flick knives

Item 19A - knuckle dusters

Item 21 - goods incorporating a concealed knife, spike or blade Item 23 - shuriken throwing irons or star knives

Refer to the *Customs (Prohibited Imports) Amendment Regulations 2002 (No 1)* for specific changes. The following thirteen items have been added to Schedule 2:

Item 35 - sheath knives

Item 36 - push knives Item 37 - trench knives

Item 38 - throwing blades, throwing knives or throwing axes Item 39 - knives, blades or spikes, neither metallic or ceramic Item 40 - hand or foot claws

Item 41 - weighted gloves

Item 42 - butterfly knives, balisongs Item 43 - shark darts

Item 44 - dart projectors known as "darchery dartslingers" Item 45 - maces

Item 46 - flails

Item 47 - extendable or telescopic batons

Refer to the *Customs (Prohibited Imports) Amendment Regulations 2002 (No 1)* for detailed changes. Fact sheets on import clearance procedures for prohibited weapons are available on the our website.

**SCHEDULE 3, *CUSTOMS (PROHIBITED IMPORTS) REGULATIONS 1956* - AMENDMENTS AND ADDITIONS**

Item 1 of Schedule 3 controls the importation of anti-personnel sprays and chemicals for use in the manufacture of anti-personnel sprays. This item has been amended to allow the importation of these goods for the purposes of the government of the Commonwealth.

Item 1A has been added to Schedule 3 and covers grenades or canisters, designed for use with anti-personnel sprays or anti-personnel chemicals. These goods will be able to be imported if they meet the same requirements applicable to goods in item 1.

Refer to the *Customs (Prohibited Imports) Amendment Regulations 2002 (No 1)* for detailed changes.

**SCHEDULES 4, 7A AND 8**, ***CUSTOMS (PROHIBITED IMPORTS) REGULATIONS 1956,* SCHEDULE 8 *(CUSTOMS (PROHIBITED EXPORTS)REGULATIONS 1958* - ADDITION OF CERTAIN DRUGS**

At the request of the Minister responsible for the Therapeutic Goods Administration, border controls have been placed on the following substances:

# Zolpidem

This drug has recently been added to Schedule IV of the 1971 *United Nations Convention on Psychotropic Substances*. To enable Australia to meet its obligations under this Convention zolpidem has been included in

the *Customs (Prohibited Imports) Regulations 1956* (new item 233 of Schedule 4) and in the *Customs (Prohibited Exports) Regulations 1958*(new item 42 in Part 4 of Schedule 8).

# Darbepoetin alfa

This substance is used for the treatment of anaemia associated with chronic renal failure, but has the potential for misuse as a performance-enhancing drug. The import prohibition will take the form of new item 4 in Schedule 7A to the *Customs (Prohibited Imports) Regulations 1956*.

# Ketamine

This substance has legitimate uses in human and veterinary medicine as a short-acting general anaesthetic. Abuse of this drug has been widely reported overseas. Ketamine is often used in tablets sold as "ecstasy" and has the potential for abuse as a "party drug". The import prohibition will take the form of new item 11 in Schedule 8 to the *Customs (Prohibited Imports) Regulations 1956*.

**PART 3 OF SCHEDULE 11 TO THE *CUSTOMS (PROHIBITED IMPORTS) REGULATIONS 1956***

# *-* CORRECTION OF CAS NUMBERS

Corrections have been made to two Chemical Abstracts Service (CAS) numbers listed against items 10(b) and 12

(b) in Part 3 of Schedule 11 to the *Customs (Prohibited Imports) Regulations 1956*.

***CUSTOMS (PROHIBITED IMPORTS) REGULATIONS 1956 -* AMENDMENTS TO DEFINITIONS IN REGULATION 4R (1)**

The definition of ***authorised officer*** has been amended to enable the Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) or an employee of ARPANSA to issue import permissions.

The amendment also changes the definition of ***Minister*** to reflect the new title of the Minister for Health and Ageing.

***CUSTOMS (PROHIBITED IMPORTS) REGULATIONS 1956 -* CHEWING TOBACCO AND ORAL SNUFF**

Item 5 of Schedule 12 has been amended to remove the prohibition on chewing tobacco and snuffs intended for oral use when imported in an amount of 1.5 kgs or less.

**AMENDMENTS TO THE *CUSTOMS REGULATIONS 1926***

Darbepoetin alfa becomes a "tier 1 good" and will be listed in Part 1 of Schedule 1AA to the *Customs Regulations 1926*. It is an offence to import tier 1 goods without the appropriate authority. The maximum penalty for such an offence is a fine not exceeding $100,000 or imprisonment for 5 years, or both (s.233BAA of the *Customs Act 1901* refers).

New items 35 to 47 (inclusive) as listed in Schedule 2 and new item 1A as listed in Schedule 3 to the *Customs (Prohibited Imports) Regulations 1956* become "tier 2 goods" and will be listed in Part 2 of Schedule 1AA to the *Customs Regulations 1926*. It is an offence to import tier 2 goods without the appropriate authority. The maximum penalty for such an offence is a fine not exceeding $250,000 or imprisonment for 10 years, or both. (s.233BAB of the *Customs Act 1901* refers).

# LEGISLATIVE AUTHORITY

The legislative authority for the abovementioned amendments is as follows:

Customs Amendment Regulations 2002 (No. 1) (Statutory Rules 2002 No. 28) Customs (Prohibited Exports) Amendment Regulations 2002 (No. 1) (Statutory Rules 2002 No. 29)

Customs (Prohibited Imports) Amendment Regulations 2002 (No. 1) (Statutory Rules 2002 No. 30)

Jeff Buckpitt National Manager

Import/Export Management Branch for

the Chief Executive Officer March 2002