AUSTRALIAN CUSTOMS NOTICE NO. 2005/35

Ammonium nitrate Import and Export controls

Amendments to the *Customs (Prohibited Imports) Regulations 1956* (PI Regulations) and the *Customs (Prohibited Exports) Regulations 1958* (PE Regulations) relating to security sensitive ammonium nitrate (SSAN) commenced on 23 July 2005.

As part of its national review of the regulation, reporting and security around the storage, sale and handling of hazardous materials, the Council of Australian Governments (COAG) identified a number of means to limit opportunities for the illegal or unauthorised use of hazardous materials. Many of these materials have legitimate use in industry, mining, agriculture, and scientific research, and therefore the COAG recommendations have been framed to balance the legitimate needs of users with the need for regulation and control.

As a result, COAG agreed to a set of principles to ensure that ammonium nitrate is only accessible to persons who can demonstrate a legitimate need. States and Territories agreed to implement a licensing regime for the manufacture, transport, storage, supply, use, and import and export of SSAN. State and Territory legislation will provide for regulatory authorities to administer licensing regimes to control access to SSAN. It is intended that a nationally consistent regime be in place in all States and Territories by mid-2006.

The Commonwealth’s role in the regulation and control of access to SSAN is to control the importation into, and exportation from, Australia of SSAN. The PI Regulations and PE Regulations have been amended to fulfil this role.

New regulation 4X of the PI Regulations prohibits the importation into Australia of SSAN unless permission for the importation has been granted by an authority of the State or Territory where the SSAN is to be located after importation. Customs has made arrangements to advise State and Territory authorities about the importation of SSAN even where the local controls have not yet been introduced.

New regulation 9AC of the PE Regulations prohibits the exportation of SSAN from Australia unless permission for the exportation has been granted by an authority of the State or Territory where the SSAN is located before exportation. Customs will also advise the State and Territory authorities of the exportation of SSAN even where the local controls are not yet in place.

SSAN is defined as ammonium nitrate, an emulsion of ammonium nitrate that is made up of more than 45 per cent ammonium nitrate, and a mixture of ammonium nitrate that is made up of more than 45 per cent ammonium nitrate, but does not include a solution of ammonium nitrate. A solution of ammonium nitrate is ammonium nitrate dissolved in water.

Importers and exporters of SSAN who operate in more than one State or Territory where controls are in place will need to have the relevant permission issued by an authority of each of those States and Territories through which the SSAN is imported or exported, in order to satisfy the new Customs regulations.

Inquiries concerning this notice may be directed to the Manager, Weapons & Strategic Goods, Cargo Branch, on telephone number (02) 6275 6189 or fax number (02) 6275 6699.

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