

INFORMATION FOR EXPORTATION

What types of goods can I not export?

Restrictions apply to the exportation of ‘objectionable goods’. Under subregulation 3(2) of the *Customs (Prohibited Exports) Regulations 1958* (the Customs Export Regulations), unless you have written permission from the Director or Deputy Director of the Classification Board, you may not export goods including publications that:

- (a) describe, depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in a way that offends against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that the goods should not be exported; or
- (b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or who appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or
- (c) in relation to a computer game — are unsuitable for a person under 18 to see or play; or
- (d) promote, incite or instruct in matters of crime or violence; or
- (e) promote or incite the misuse of a drug specified in Schedule 4 to the Customs (Prohibited Imports) Regulations.

This means that material that has been refused classification, or computer games that are not suitable for persons less than 18 years of age, may not be exported without written permission. You may check the classification database at www.classification.gov.au to find out the classification of a film, computer game or publication.

How can I get permission to export ‘objectionable goods’?

You may make a request in writing for permission to export ‘objectionable goods’ to the Director or the Deputy Director of the Classification Board.

Requests can be made to:

Post	Courier
The Director Classification Board Locked Bag 3 HAYMARKET NSW 1240	The Director Classification Board Level 5, 23 – 33 Mary Street SURRY HILLS NSW 2010

In considering whether to grant permission, the Director or Deputy Director is to have regard to the following matters in subregulation 3(5) of the Customs Export Regulations:

- (a) the purposes for which the goods are to be exported; and

- (b) the extent to which the person to whom a permission would be given conducts activities of an artistic or educational, or of a cultural or scientific, nature to which the goods relate; and
- (c) the reputation of the person referred to in paragraph (b), both generally and in relation to an activity referred to in that paragraph; and
- (d) the ability of that person to meet conditions that may be imposed under subregulation (6) in relation to the goods; and
- (e) any other relevant matters.

The Director or Deputy Director may grant permission to export 'objectionable goods' in writing. The permission may also specify conditions with which you, as the holder of the permission, must comply. If you don't comply with conditions imposed, the Director or Deputy Director may revoke your permission.

What if my request for permission is refused, subject to conditions or revoked?

If the Director or Deputy Director refuses to give you permission, if the permission is subject to conditions, or if your permission is revoked, s/he must inform you of their decision by written notice within 30 days. You may make an application for review of the Director's or Deputy Director's decision to the AAT and request that they provide a statement that includes the reasons for the decision under section 28 of the *Administrative Appeals Tribunal Act 1975*.

Details of the AAT registry in your capital city are available at www.aat.gov.au/Contact.htm. Alternatively, you can call 1300 366 700 to contact the Tribunal's office in the capital city of your home State or Territory.

The Attorney-General may also certify in writing that it is in the public interest that a decision to give, or refuse to give, a permission should be made solely by the Attorney-General and should not be reviewable by the AAT. In this instance, the Attorney-General must provide you with a certificate, including a statement of the grounds on which the certificate was issued, within 30 days after making the decision, and cause a copy of the certificate to be laid before each House of Parliament within 15 sitting days of that House after the day on which the certificate was issued. While the certificate is in force in relation to a permission or a refusal of a permission, applications may not be made to the AAT about permission or refusal.

Where can I get more information?

Further information on Customs processes can be obtained by contacting the Customs Information and Support Centre on 1300 363 263 or by e-mail at information@customs.gov.au.

Further queries about the importation of 'objectionable goods' may be made to the Exemptions Officer on (02) 9289 7100.