

INFORMATION FOR IMPORTATION

What types of material can I import?

Generally, you can import into Australia any film, computer game or publication that has been classified. However, material that has been classified RC (refused classification) cannot be imported into Australia. You can search the Classification Database to find out the classification of a film, computer game or publication.

Material that is imported is subject to assessment by Customs. Material that is considered to be objectionable or has been refused classification is a restricted import and requires permission to be imported. These types of goods may be detained or seized by Customs.

What are ‘objectionable goods’?

Under subregulation 4A(1A) of the *Customs (Prohibited Imports) Regulations 1956* (the Customs Import Regulations) ‘objectionable goods’ are publications and any other goods 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 such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be imported; 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 of the Customs (Prohibited Imports) Regulations.

Can I get permission to import ‘objectionable goods’?

You may make a request in writing for permission to import ‘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 4A(2AA) of the Customs Import Regulations:

- (a) the purposes for which the goods are to be imported; and
- (b) the extent to which the person to whom any permission to import the goods would be granted 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 (3) in relation to the goods; and
- (e) any other relevant matters.

Your request for permission to import the ‘objectionable goods’ must adequately address each of the matters in subregulation 4A(2AA). Importation for personal use or entertainment is generally not considered a sufficient reason for granting permission. If you are considering importing ‘adult material’ for personal use or distribution, it is advised that you determine that the material does not contain any elements that would cause them to be considered ‘objectionable goods’ before purchasing, otherwise you risk seizure of the goods by Customs.

The Director or Deputy Director may grant permission to import ‘objectionable goods’ in writing. The permission may also impose requirements or prohibitions on:

- (a) the custody, use, reproduction, disposal, destruction or exportation of the goods, or
- (b) with respect to accounting for the goods, as the Director or Deputy Director thinks necessary to ensure that the goods are not used otherwise than for the purpose for which permission was granted.

What can I do if my request for permission is refused?

You may make an application for review of a decision, for refusal of a permission, or grant of permission subject to conditions, to the Administrative Appeals Tribunal (AAT). You may also request that the Director or Deputy Director provide a statement that includes the reasons for its 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 s'.

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