



## **DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION NOTICE**

**No. 2017/21**

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### **Assurances that imported goods do not contain asbestos**

This notice outlines the Australian Border Force's (ABF) requirements for importers and licensed customs brokers in relation to Australia's prohibition on the importation of asbestos and goods containing asbestos.

This notice repeals and replaces Department of Immigration and Border Protection Notice No.2016/30.

#### **Background**

An Australia-wide ban on the manufacture and use of all types of asbestos and asbestos containing materials took effect on 31 December 2003. It is prohibited to import fibrous forms of asbestos or goods containing asbestos into Australia unless a permission or exemption has been granted, or a lawful exception applies under Regulation 4C of the *Customs (Prohibited Imports) Regulations 1956*.

The ABF must be satisfied that goods entering Australia do not contain asbestos. Under powers in the *Customs Act 1901*, the ABF can examine goods and seek additional information from importers to determine whether the goods are prohibited imports.

Goods suspected of containing asbestos will be held at the border until either the ABF is assured the importation is lawful or the ABF is satisfied of no asbestos content. Goods found to contain asbestos will be seized and the importers may be subject to penalties or prosecution.

It is the responsibility of importers to take appropriate action to ensure that they do not import goods that contain asbestos into Australia, unless an exception, exemption or prior permission from the Minister of Employment applies.

When making an import declaration, importers are required to declare if goods contain, or may contain, asbestos. However, the ABF does not solely rely on information included on an import declaration. It risk assesses 100 per cent of goods entering Australia and targets those considered at risk of containing asbestos. This may include goods that are known to contain asbestos, are supplied from countries with asbestos-producing industries, and/or are shipped from overseas suppliers previously identified as sending asbestos or goods containing asbestos to Australia. This means that importers who have declared "no" to the presence of asbestos may be required to provide information to assure the ABF that the goods do not contain asbestos.

#### **Assurance Requirements**

The ABF will require importers who have declared "yes" to the presence of asbestos to arrange testing and certification in Australia, unless a relevant exception, exemption or permission applies.

Importers need to have sufficient knowledge of their goods back to the point of manufacture. Importers declaring "no" to asbestos content in their goods must only do so if they are certain that their goods do not contain asbestos by design, or by the use of naturally contaminated ingredients, during manufacture. Importers need to obtain sufficient information, prior to shipment, when unsure of any asbestos content, parts or components accompanying the primary item of import that are a risk (such as gaskets), or whether asbestos was present at any point in the supply chain process.

If the information presented does not provide sufficient assurance, the ABF will require importers to arrange testing and certification in Australia by a laboratory accredited by the National Association of Testing Authorities (NATA).

## Due diligence prior to importing goods

Certain testing certificates, laboratory reports or supply chain documentation can provide assurance that asbestos is not present in imported goods.

Importers can import samples into Australia (with prior Ministerial permission) for testing, or undertake testing overseas.

For testing in Australia, the ABF will only accept certification from a laboratory, that is accredited by NATA to undertake asbestos testing, that confirms asbestos was not detected.

For testing undertaken overseas, the ABF will only accept certification confirming no asbestos was detected in samples from a laboratory accredited to undertake asbestos testing by a NATA-recognised equivalent through a Mutual Recognition Arrangement (MRA). MRAs recognise the accreditation process of the organisation with oversight of the laboratories in that economy, not the test undertaken. Importers should request that the laboratory prepare a report that meets Australian content requirements.

It is important that any international testing certificates clearly state that any level of asbestos detected is noted in the report, as some countries allow small levels of asbestos (<0.1%, or in some economies <1%). The report must indicate that no levels of asbestos were detected, regardless of the testing standard of that economy. The DIBP website provides more detail around engaging an international laboratory including links to NATA industry guides.

Other documentation such as supply chain declarations, established quality assurance requirements and risk management reports, may be considered for assurance of no asbestos content.

## Licensed customs brokers

Licensed customs brokers have an obligation to declare accurate information to the ABF. They should exercise due diligence to ensure that the information they report to the ABF on behalf of their clients is correct. This includes seeking information from importers prior to making the import declaration to be assured that goods do not contain asbestos.

## Further information

- Further information about Australia's asbestos import prohibition is located on the Department of Immigration and Border Protection's website at <http://www.border.gov.au/asbestos> and in the [Managing the risk of asbestos at the border](#) factsheet.
- A list of goods considered high risk for containing asbestos can also be found at <http://www.border.gov.au/asbestos>.
- Further details on testing for asbestos can be found at <http://www.nata.com.au>.

[signed]

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