



**Australian Government**  
**Australian Customs and  
Border Protection Service**

Customs House  
5 Constitution Ave  
Canberra City 2601

Ms Fiona Patten  
EROS Foundation  
PO BOX 69  
Deakin West ACT 2600

Dear Fiona,

I am writing to inform you of the outcomes of Customs and Border Protection's recent review of the management of risk involving objectionable material, and to provide advice and guidance to you and your members about our future approach to compliance.

The review has been necessary following several detections of objectionable material in commercial shipments of adult DVDs and magazines being imported into Australia, and certain inappropriate practices being followed in relation to the declaration of goods.

The Customs cargo environment operates largely on the basis of self assessment, casting an obligation on importers to ensure that all their imported goods comply with legislative requirements at the time of importation.

Customs and Border Protection's role is to ensure that border controls and requirements are met while facilitating legitimate trade. Recently, we have received feedback from some importers that they are relying on our assessments of their material to gauge the legality of the goods they have imported. This is not an acceptable practice.

Examinations of shipments at the border are for the purpose of testing compliance and are not to provide a pseudo classification service for imported goods.

The Australian Government has in place appropriate arrangements for the classification of commercial material through the Classification Board, and importers should use those arrangements for classifying their goods against the National Classification Code.

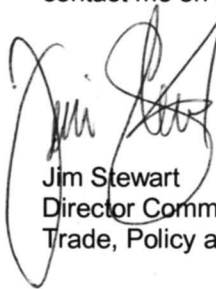
Importers will be expected to implement appropriate arrangements, including if necessary with their offshore suppliers, to ensure that their shipments do not contain objectionable material. Exceptions will only apply to importers given prior approval from the Minister for Home Affairs or an authorised person for the importation. It is important to note that some material may be legal in the country of supply, but considered objectionable in Australia under the Customs regulations. Attached for your information please find relevant extracts of Customs legislation (Attachment A).

Any importers who declare the presence of objectionable material in a consignment subject to an import declaration will be required to produce detailed information on the goods considered objectionable, and the grounds for their declaration. You will be aware that the importation of commercial quantities of objectionable goods or importation of objectionable goods for the purpose of sale, hire trade or exhibiting the goods can carry a fine not exceeding 1000 penalty units (\$110,000) or imprisonment up to 5 years, or both.

We are currently writing to the known importers of adult material, and their brokers, to outline our requirements for importing these types of goods and the steps they should take to provide ongoing assurance with the import regulations for future importations of similar material.

Customs and Border Protection is aware that the great majority of your members are seeking to undertake legitimate commercial activities, and to comply with import regulations. We not seeking to unduly interfere with legitimate trade and would always prefer a cooperative and proactive model where your members implement arrangements to reduce the risk of non-compliant imports. This approach protects importers from the risk of increased costs due to additional examinations and delays and significantly reduces the risk of goods being seized.

If you have any queries regarding this matter or would like to further discuss this issue please contact me on 62756642 or alternatively by email on [jim.stewart@customs.gov.au](mailto:jim.stewart@customs.gov.au).



Jim Stewart  
Director Community Protection  
Trade, Policy and Implementation Branch

14 May 2012