AUSTRALIA

Statutory Rules 1996 No. 325[1]

# Customs (Prohibited Imports) Regulations[2] (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Customs Act 1901*.

Dated 20 December 1996.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

G. D. PROSSER
Minister for Small Business and Consumer Affairs

## 1. Commencement

1.1 Regulation 4 commences on 29 April 1997.

1.2 The remainder of these Regulations commence on 1 January 1997.

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## 2. Amendment

2.1 The Customs (Prohibited Imports) Regulations are amended as set out in these Regulations.

## 3. New Regulation 5J

3.1 After regulation 5I, insert:

### Importation of goods containing certain chemical compounds

"**5J. (1)** In this regulation:

**'authorised person'** means an officer or employee of the Department of Foreign Affairs and Trade authorised in writing by the Minister for Foreign Affairs to give permission to import prescribed goods into Australia for the purposes of this regulation;

**'CAS number'**, for a chemical compound, means the Chemical Abstracts Service number, which is the registry number:

(a) assigned to the compound by the Chemical Abstracts Service, Columbus, Ohio, United States of America; and

(b) published by the Service in the journal *Chemical Abstracts*;

**'prescribed goods'** means goods containing any of the following chemical compounds:

(a) a chemical compound mentioned in column 2 of an item in Part 2 of Schedule 11;

(b) a chemical compound of a type mentioned in column 2 of an item in Part 2 of Schedule 11.

[NOTES:

(a) The Chemical Abstracts Service number of a chemical compound mentioned in column 2 of an item is shown in column 3 of the item.

(b) For chemical compounds mentioned by type in column 2 of an item in Part 2 of Schedule 11, Chemical Abstracts Service numbers for compounds comprising the type are not mentioned in column 3.]

"**(2)** The importation into Australia of prescribed goods is prohibited unless:

(a) the Minister for Foreign Affairs or an authorised person has given permission in writing to import the goods; and

(b) the permission is produced to the Collector.

"**(3)** If an authorised person dealing with an application for a permission believes that the permission should not be given:

(a) the authorised person must refer the application to the Minister for Foreign Affairs; and

(b) that Minister may give, or refuse to give, the permission.

"**(4)** A permission for the importation of prescribed goods may:

(a) include conditions or requirements to be complied with by the holder of the permission; and

(b) set a time (being a time before or after the importation of the goods to which the permission relates) at or before which a condition or requirement must be complied with by the holder.

"**(5)** The Minister for Foreign Affairs may revoke a permission if:

(a) it is subject to a condition or requirement; and

(b) the holder fails to comply with the condition or requirement (whether or not the person is charged with an offence against subsection 50 (4) of the Act in respect of the failure to comply with the condition or requirement).".

**4. Regulation 5J (Importation of goods containing certain chemical compounds)**

4.1 Subregulation 5J (1):

After the definition of "CAS number", insert:

"'**Chemical Weapons Convention'** means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature in Paris on 13 January 1993;".

4.2 Subregulation 5J (2):
Omit the subregulation, substitute:

"**(2)** The importation into Australia of prescribed goods from a country that is not a State Party to the Chemical Weapons Convention is prohibited absolutely.

"**(2A)** The importation into Australia of prescribed goods from a country that is a State Party to the Chemical Weapons Convention is prohibited unless:

(a) the Minister for Foreign Affairs or an authorised person has given permission in writing to import the goods; and

(b) the permission is produced to the Collector.

"**(2B)** The Minister for Foreign Affairs or an authorised person must not give permission to import prescribed goods unless an application for the permission is received at the Chemical Weapons Convention Office at least 37 days before the day when it is proposed to import the goods.".

**5. New Schedule 11**

5.1 After Schedule 10, insert:

"**SCHEDULE 11** Regulation 5J

CHEMICAL COMPOUNDS

PART 1—INTERPRETATION

1. In Part 2, a reference to a group of dialkylated chemicals, followed in parentheses by a list of alkyl groups, includes all possible combinations of the alkyl groups.

2. In Part 2, references to O-alkyl ( $C_{10}$, including cycloalkyl) compounds include compounds in which the alkyl group is a saturated ring system (cycloalkyl group) or contains one or more saturated ring systems (cycloalkyl groups).

3. In Part 2, references to the terms "alkyl", "cycloalkyl", "alkylated", "Me" (methyl), "Et" (ethyl), "n-Pr" (n-propyl) and "i-Pr" (iso-propyl) (other than references to which item 2 applies):

(a) are to be read literally; and

(b) do not include any substituted alkyl, cycloalkyl, alkylated, methyl, ethyl, n-propyl or iso-propyl groups.

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## PART 2—COMPOUNDS

| Column 1<br>Item No. | Column 2<br>Chemical compound or group of compounds | Column 3<br>CAS number |
|---|---|---|
| 1 | O-alkyl ( $C_{10}$, including cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)- phosphonofluoridates, including: | |
| | (a) Sarin: O-isopropyl methylphosphonofluoridate; and | 107-44-8 |
| | (b) Soman: O-pinacolyl methylphosphonofluoridate | 96-64-0 |
| 2 | O-alkyl ($\leq C_{10}$, including cycloalkyl) N, N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidocyanidates, including: | |
| | (a) Tabun: O-ethyl N, N-dimethyl phosphoramidocyanidate | 77-81-6 |
| 3 | O-alkyl (H or $\leq C_{10}$, including cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i- Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated and protonated salts, including: | |

| Column 1<br>Item No. | Column 2<br>Chemical compound or group of compounds | Column 3<br>CAS number |
|---|---|---|
| | (a) VX: O-ethyl S-2-diisopropylaminoethyl methylphosphonothiolate | 50782-69-9 |
| 4 | The following sulphur mustards: | |
| | (a) 2-chloroethylchloro-methylsulphide | 2625-76-5 |
| | (b) Mustard Gas (H): bis (2-chloroethyl) sulphide | 505-60-2 |
| | (c) bis (2-chloroethylthio) methane | 63869-13-6 |
| | (d) Sesquimustard: 1,2-bis (2-chloroethylthio) ethane | 3563-36-8 |
| | (e) 1,3-bis (2-chloroethylthio)-n-propane | 63905-10-2 |
| | (f) 1,4-bis (2-chloroethylthio)-n-butane | 142868-93-7 |
| | (g) 1,5-bis (2-chloroethylthio)-n-pentane | 142868-94-8 |
| | (h) bis (2-chloroethylthiomethyl) ether | 63918-90-1 |
| | (i) O-Mustard (T): bis (2-chloroethylthioethyl) ether | 63918-89-8 |
| 5 | The following Lewisites: | |
| | (a) Lewisite 1: 2-chlorovinyldichloroarsine | 541-25-3 |
| | (b) Lewisite 2: bis (2-chlorovinyl) chloroarsine | 40334-69-8 |

| Column 1<br>Item No. | Column 2<br>Chemical compound or group of compounds | Column 3<br>CAS number |
|---|---|---|
| | (c) Lewisite 3: tris (2-chlorovinyl) arsine | 40334-70-1 |
| 6 | The following nitrogen mustards: | |
| | (a) HN1: bis (2-chloroethyl) ethylamine | 538-07-8 |
| | (b) HN2: bis (2-chloroethyl) methylamine | 51-75-2 |
| | (c) HN3: tris (2-chloroethyl) amine | 555-77-1 |
| 7 | Saxitoxin | 35523-89-8 |
| 8 | Ricin | 9009-86-3 |
| 9 | Alkyl (Me, Et, n-Pr or i-Pr) phosphonyl difluorides, including: | |
| | (a) DF: methylphosphonyl difluoride; and | 676-99-3 |
| | (b) ethyl phosphonyl difluoride | 753-98-0 |
| 10 | O-alkyl (H or $\leq C_{10}$, including cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i- Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated and protonated salts, including: | |
| | (a) QL: O-ethyl O-2-diisopropylaminoethyl methylphosphonite | 57856-11-8 |

| Column 1<br>Item No. | Column 2<br>Chemical compound or group of compounds | Column 3<br>CAS number |
|---|---|---|
| 11 | Chlorosarin: O-isopropyl methylphosphonochloridate | 1445-76-7 |
| 12 | Chlorosoman: O-pinacolyl methylphosphonochloridate | 7040-57-5". |

## NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 24 December 1996.

2. Statutory Rules 1956 No. 90 as amended by 1958 Nos. 6 and 67; 1959 Nos. 17, 31 and 93; 1960 No. 22; 1961 No. 117; 1962 No. 82; 1963 No. 26; 1964 Nos. 25 and 39; 1965 Nos. 81, 91, 135, 167 and 190; 1966 No. 95; 1967 Nos. 41, 58, 114 and 178; 1968 Nos. 100, 141 and 161; 1969 Nos. 2, 7, 10, 39, 43 and 218; 1970 Nos. 8, 72, 105 and 194; 1972 No. 97; 1973 Nos. 5, 6, 42, 43, 89, 93, 162, 175, 217, 227, 228 and 262; 1974 Nos. 123 and 249; 1975 Nos. 58, 62, 121, 172 and 183; 1976 Nos. 98, 159, 186 and 291; 1977 Nos. 18, 23, 24, 59, 67 and 162; 1978 No. 276; 1979 Nos. 145, 155 and 280; 1980 Nos. 71, 78, 150, 211, 368, 376, 380 and 382; 1981 Nos. 29, 71, 176, 309, 369 and 383; Act No. 75, 1981; Statutory Rules 1982 Nos. 44, 80, 102, 170, 236 and 252; 1983 No. 331; 1984 Nos. 55, 64, 102, 128, 260, 261, 317 and 318; 1985 Nos. 26, 96, 139, 160, 305 and 377; 1986 Nos. 180, 307, 342, 362 and 385; 1987 Nos. 37, 98, 101, 320 and 321; 1988 Nos. 64, 136, 177, 326, 327, 374 and 375; 1989 Nos. 60 and 379; 1990 Nos. 39, 191, 265, 324, 460 and 467; 1991 Nos. 23, 76, 248 and 289; 1992 Nos. 49, 154, 189, 286 and 413; 1993 Nos. 67, 211, 256, 257 and 382; 1994 Nos. 104, 171, 241, 314 and 378; 1995 Nos. 15, 89, 403 and 412; 1996 Nos. 31, 59, 68, 91, 123, 226 and 324.

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