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GENERAL AGREEMENT ON TARIFFS AND TRADE

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

AUSTRALIA

Information on import licensing procedures of Australia submitted in response to the questionnaire annexed to document L/5106, has been made available to contracting parties in document COM.IND/W/55-COM.AG/W/72/Add.63. The following notification, describing the present import licensing system, replaces the data previously submitted by Australia.

Outline of systems

1. - Import Licensing in Australia applies only in respect of designated goods (see Question 2), the majority of which have been placed under quota control on a short-term basis as an emergency protective device where industry has been found through public enquiry to be in need of urgent assistance.

   - A few commodities are controlled on a longer term non-quota basis, where allocation of licence is related to domestic equivalent availability.

   - The system is operated through legislation which requires all goods (other than those excepted by the Minister) to be covered by Import Licence: the Minister has excepted all goods except those few now controlled.

   - The Department of Business and Consumer Affairs (Bureau of Customs) is responsible for administration of the system.

   - The power to impose quantitative restrictions on additional products is vested in the Minister or his delegate.

Purposes and coverage of the licensing

2/3. - All licensing restrictions are imposed as a protection to Australian industries.

- All licences are issued by Department of Business and Consumer Affairs (Bureau of Customs) following, where appropriate, liaison with the Department of Industry and Commerce in relation to the current local supply situation and quantity of imports requested.

- Goods covered and origin concerned are:

Goods	Origin
Used, secondhand or disposals earthmoving or excavating vehicles, machinery or equipment, tractors, roadrollers, materials handling equipment and parts thereof	Global
Used, secondhand or disposals fourwheel drive vehicles excluding public service type passenger vehicles	Global
All footwear other than ski boots, goloshes, wading boots, diving dressboots and footwear having outer soles and uppers of leather etc. under $A 3	Global
Parts of footwear	Global
Passenger motor vehicles (C.B.U.)	Global
Double edged safety razor blades	Global
Certain works trucks and stackers	Global

- There are generic exemptions from the above:

  - Non-commercial importations up to $A 100

  - Goods from an Australian territory

4. - Intention of all licensing is to restrict quantities imported as an assistance to recovery of local industry.

   - In general licensing has been introduced only where other restraint measures have been considered to be inappropriate or ineffective.

5. - Import licensing is maintained under the Customs (Import Licensing) Regulations (statutory requirement).

   - Decision to apply licensing is at ministerial level but generally follows governmental decision.

   - The system may be abolished without legislative approval but would only be so abolished with the full agreement of the Government.

Procedures

6(a) - Licensing imposition announced by Ministerial press statement, followed by detailed explanation through public Bureau of Customs Notice.

- The overall quota quantity to be admitted is publicized unless publication could inhibit associated bilateral negotiations.

- Except when control applies against a particular origin, there is no mandatory allocation of quotas between different origins (importers are free to nominate source).

- Allocations to individual importers are not publicized, although names and addresses of licence holders are published in a Government Gazette available to the public.

(b) - Governmental decision following public inquiry fixes the overall quota admissible, generally for a period of one year initially.

- A re-examination of the industry situation will normally be made before the end of the first year if quotas for a second year are contemplated.

- Allocation of quotas and licences to importers is generally on a six-monthly basis. It is necessary for importers to apply for allocation after initial period.

(c) - Allocation of quota/licence is to established importers in proportion to relevant importations made during a base period, irrespective of whether also a domestic producer.

- There is no compulsion to use licences issued: unused allocations are not generally carried forward to succeeding period.

- Names and addresses of licensed importers are published in a Government Gazette available to the public.

(d) - Generally, twenty-one days allowed for application for quota licences following imposition announcement.

(e) - Applications can be processed in a minimum of twenty-four hours; the maximum is indefinite where the number of importers is high in quota situations and further information is required from the trade; maximum generally not in excess of three weeks from closing of applications; separate provision is made (minimum delay) for goods in transit and special applications are considered (maximum a few days) for goods arriving prior to licence issue.

(f) - Quota licences for first period of imposition are valid for immediate importation; licences for subsequent periods generally available up to three months before importation period but depending upon industry consideration and/or hardship allocations, the period between issue and import entitlement could be nil.

(g) - Issue of import licences is solely by Department of Business and Consumer Affairs (Bureau of Customs). In some cases however, the issuance of licences is dependent on the recommendations of the Minister for Industry and Commerce.

(h) - In quota licence situations allocation is generally on the basis of past import performance. Import licensing on secondhand vehicles and equipment is administered on a case-by-case basis.

- Quota applications are considered simultaneously but hardship and applications for licences to import second-hand goods are considered as received.

(i) - Not applicable.

(j) - No arrangements currently exist for imports to be made on the basis of export permits.

(k) - Provision to issue this type of licence exists should the need arise.

7. - Not applicable.

8. - Applications for import licence are only refused on grounds of failure to meet the specified criteria.

- Applicants are advised of the reasons for any refusal.

- Right of appeal to the Minister is included in the legislation.

Eligibility of importers to apply for licence

9. - There is no restriction on who may apply for a licence.

- The restriction is on grant of a licence and then only to the extent of the specified criteria.

Documentational and other requirements for application of licence

10. - Application form is not generally required for goods under quota control; detail obtained from submission of evidence of base period performance.

- Where application is required, detail necessary is:
  - Name and address of applicant
  - Port of importation
  - Tariff item
  - Quantity and full description of goods, including origin
  - Value for duty of the goods
  - CIFE and/or weight of the goods
- Sample form attached.[1]

11. - Upon entry of goods subject to import licence, a Customs Entry (Goods Declaration), invoices and the import licence are required to be produced.

12. - There is no licensing fee or administrative charge payable.

13. - Not applicable.

Conditions of licensing

14. - The period of validity of a licence is as specified therein.
  - Generally, the period of validity is twelve months with few exceptions according to circumstances of control.
  - Consideration is given to further extension of validity upon request.

15. - Eligibility for future quota is based upon utilization of past quota.

16. - Import licences are not transferable, however licensing entitlement may be transferred.

17. - Other than as specified above, no other conditions attached to the issue of an import licence.

Other procedural requirements

18. - Except for currency exchange control formalities administered through the Reserve Bank of Australia (and its agencies), no other administrative controls apply prior to the importation of goods subject to import licence.

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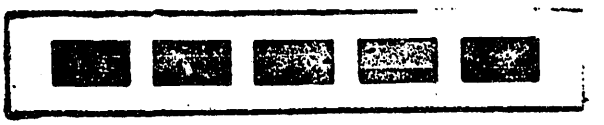
[1] The sample form is not reproduced in this document.

19. - There are not normally any restrictions on payments for imports. It is not necessary for an import licence to be produced before payment is authorized.

- Australia's trading banks have been authorized to handle the exchange control aspects of the great majority of current transactions and applications for the necessary foreign exchange should be made direct to a trading bank.

- Australian importers are normally required to make payment not later than six months after the arrival of the goods in Australia. Pre-payments earlier than one month prior to expected arrival date are not normally permitted. Payments outside those limits are allowed where it has been established to the satisfaction of the Reserve Bank that such payments are normal commercial practice in the particular circumstances or for the particular type of goods involved.