

## Asbestos Border Protection Regulations. Importing Historic Vehicles & Parts.

Brian Kuerschner our shipping Co-Ordinator for the 2020 New Zealand International Jampot Rally. Was shocked to be advised that club member's motorcycles that have been shipped to New Zealand for the 2020 International Jampot Rally may be subjected to providing accredited professional certification that all components of their motorcycles are free of asbestos before being allowed

re -entry to Australia.

The following information from Drive and a download from the Government web site is the only details that I have been able to find on this subject.

### DRIVE

#### Asbestos

The Australian Border Force is targeting cars, motorcycles and parts imported by Australian enthusiasts to address the use of asbestos in foreign vehicles.

The border agency says it recently discovered the deadly material in a classic Ford Falcon, Chevrolet Corvette and Mazda RX-2 imported from overseas. The material, which is banned in Australia, has also been found in brake pads for golf buggies, electric vehicles and motorcycles. A spokesman for the ABF says it is the responsibility of importers to ensure that asbestos is not used in any parts coming to Australia, including the brake linings and gaskets of classic cars.

"It doesn't matter how old the vehicle is, or what type it is - if we suspect it may contain asbestos, we will request assurances from the importer to ensure that it doesn't," he says.

"In a number of countries, there are few to no restrictions on the use and supply of asbestos.

"Local standards in some countries may even classify goods as 'asbestos-free' when low levels of asbestos are actually present. Many products containing asbestos can be ordered on the internet and will often claim to be 'asbestos-free', even though they have some asbestos content.

"As a result, asbestos can be unintentionally and unknowingly imported into Australia, even in new products."

Products suspected of containing asbestos may be quarantined for inspection at a significant cost to consumers.



**Australian Government**  
**Department of Immigration  
and Border Protection**

<http://www.border.gov.au/>

## Asbestos

An Australia-wide ban on the manufacture and use of all types of asbestos and Asbestos Containing Material (ACM) took effect on 31 December 2003. Work Health and Safety (WHS) laws in all states and territories prohibit the supply, transport, use, or handling of asbestos unless an exception or exemption applies.

To support the domestic ban:

- Importing fibrous forms of asbestos or ACM to Australia is prohibited unless a permission or exemption has been granted or a lawful exception applies pursuant to [Regulation 4C of the Customs \(Prohibited Imports\) Regulations 1956](#).
- Exporting asbestos or ACM from Australia without permission is prohibited, unless a permission or exemption has been granted or a lawful exception applies, pursuant to [Regulation 4 of the Customs \(Prohibited Exports\) Regulations 1958](#).

For the purpose of the border regulations, for definitions of asbestos and ACM please refer to the [Work Health and Safety Regulations 2011](#) (Cth).

Australia is one of the few countries that have a ban on asbestos. Most countries allow low amounts or particular types of asbestos (for example, certain types of asbestos such as chrysotile can be used in some countries). Goods manufactured outside Australia might be labelled “asbestos free” and still contain a low amount or certain types of asbestos. Such goods will not be permitted for import into Australia, except in very limited circumstances.

### Goods that might contain asbestos

Asbestos has been used in a wide number of products due to its flexibility, tensile strength, insulation, chemical inertness and affordability and is still used outside Australia in many applications.

- Brake linings or blocks
  - Clutch linings or brake disc pads
  - Diaphragms
  - Electrical cloth and tapes
  - Electrical panel partitioning
  - Friction materials for, or within, internal combustion and electric motor vehicles (for example, clutch linings, brake pads and shoes and gaskets)
  - Gaskets or seals
  - Heat resistant sealing or caulking compounds
  - Mastics, sealants, putties or adhesives

### **Penalties**

Importers of the goods that contain asbestos may be subject to penalties or prosecution.

Border offences relating to asbestos can attract fines for individuals up to \$210,000 or three times the value of the goods (if the court can determine the value of the goods), whichever is the greater, pursuant to the *Customs Act 1901* (Cth).

Where a body corporate is convicted of an offence, relating to asbestos, against a law of the Commonwealth, the court may impose a fine up to \$1,050,000 or 15 times the value of the goods (if the court can determine the value of the goods), whichever is the greater, pursuant to the *Crimes Act 1914* (Cth).

### **Importing a motor vehicle**

#### **Key points**

- Before importing any motor vehicle, including a disassembled or partly completed road motor vehicle, you should contact the [Department of Infrastructure and Regional Development](#).
- Do not make arrangements to transport your road vehicle to Australia until you have been issued with a valid Vehicle Import Approval (VIA). It is an offence to ship a road vehicle before obtaining a VIA.

- Apply for a VIA through the [Department of Infrastructure and Regional Development](#). Information is available about [Importing vehicles into Australia](#).
- A VIA is required regardless of the value of your road vehicle.
- When you have started transport of your road vehicle to Australia, you must lodge an Import Declaration with us.
- Your vehicle will not be cleared from customs control until you have provided a valid VIA for that road vehicle to us and you have paid customs duty, goods and services tax (GST), luxury car tax (LCT) and other charges, where applicable. More information on payment of LCT is below.
- It is your responsibility to ensure each vehicle is clean and free of contamination of biosecurity concern, internally and externally, before it arrives in Australia. See the Department of Agriculture and Water Resources website for information about the biosecurity requirements for [importing motor vehicles, motor cycles, machinery and tyres](#).
- If your road vehicle is shipped to Australia before you receive a VIA, and/or it arrives before your VIA application is processed, you might incur storage costs and other charges (not our charges) until the vehicle is cleared. If you do not have a VIA, your vehicle will be exported or destroyed at your expense.

Before importing a road vehicle, consider the costs of importation such as:

- freight and insurance (for the transport of the goods to Australia)
- customs duties, GST and LCT
- storage and delivery charges
- logistics service provider charges
- customs brokers' charges
- import processing charges
- steam cleaning for biosecurity
- wharf and transport charges
- costs to have your vehicle meet State or Territory registration and insurance requirements.

Hi Folk,

I do appreciate and take on board all the comments on this asbestos issue but sadly it's not going to change anything with reference to the Australian Customs or Boarder Control Authorities about not allowing the return of our motorcycles into Australia following our much awaited International motorcycle Rally in New Zealand come 2020. I guess we

can object as much as we like but it sadly won't hold any weight on the bottom line I'm afraid. We either don't take our machines and hire bikes when in NZ or have our old machines fitted with non-asbestos material in the clutch and brakes as I've done. We will require a specially signed document from a reputable authority on this stuff to satisfy the Australian Authorities.

Cheers Nip Kuerschner. Shipping Co-ordinator on behalf of the AJS and Matchless Owners Club Of Aust.