



**Australian Government**  
**Department of the Environment,  
Water, Heritage and the Arts**

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## **TRADITIONAL CHINESE MEDICINE ENDANGERED SPECIES CERTIFICATION SCHEME APPLICANT INFORMATION SHEET**

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### **OVERVIEW OF THE CERTIFICATION SCHEME**

Under international and Australian wildlife protection laws, it is illegal to import, export or trade in items that are on the CITES list of endangered species unless the appropriate permits have been issued. CITES refers to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

The export, import, sale and use of endangered species by unethical traders and practitioners has been the source of substantial negative publicity for the Traditional Chinese Medicine (TCM) profession. It needlessly damages the professional reputation of bona fide practitioners and traders in Australia who comply with wildlife protection laws.

In April 2007, the Australian Acupuncture and Chinese Medicine Association Ltd entered into a funding agreement with the Department of the Environment and Water Resources, now the Department of the Environment, Water, Heritage and the Arts (DEWHA), to establish and administer a collaborative certification scheme for professionals and traders involved in the research, recommendation, prescription, supply, export or import of traditional Chinese medicines.

### **PURPOSES OF THE CERTIFICATION SCHEME**

The purposes of the Traditional Chinese Medicine Endangered Species Certification Scheme (ESCS) are:

- to raise the level of awareness, education and compliance with the legal requirements associated with the international wildlife trade;
- to recognise professionals and traders involved in the ethical research, recommendation, prescription, supply, export or import of traditional Chinese medicines; and
- to provide a credible mechanism to acknowledge and support professionals and traders to publicly promote that they do not use or support the use of Chinese medicines containing illegally traded wildlife ingredients.

### **BENEFITS OF THE CERTIFICATION SCHEME**

The chief benefit of certification will be the acquisition of a certificate advertising that the certified person or organisation will trade only in legally acquired wildlife parts and products.

A public identification sticker (window decal or door sticker) and posters will also be issued.

These represent positive statements about the profession and its attitude to the use of illegally traded wildlife. This has an offshoot in enhancing public awareness and hopefully reducing demand from the community for product containing or holding out to contain illegally traded wildlife

## WHAT THE CERTIFICATION SCHEME IS NOT

The certification system is not:

- a system of accreditation of a person, practice or business for the practice of traditional Chinese medicine;
- a qualifications assessment;
- an endorsement of the individual's competence or legal right to practise;
- an endorsement of the individual's or organisation's business practices;
- immunity from, or pretext for, investigation of possible illegal activity.

## WHO CAN PARTICIPATE?

Participation in the certification system is open to TCM practitioners, traders and other organisations and individuals involved in the research, recommendation, prescription, supply, import or export of traditional Chinese medicines.

Typically this includes:

- practitioners of traditional Chinese medicine including, but not limited to, members of the Australian Acupuncture and Chinese Medicine Association Ltd (AACMA);
- individual TCM practitioners as well as group practices;
- importers, exporters, wholesalers and retailers of traditional Chinese medicines;
- researchers into traditional Chinese medicines;
- organisations and institutions involved in the education and training of traditional Chinese medicine.

Participation in the scheme is voluntary.

Applicants for certification will be provided with an information kit, including a Certification Examination that will need to be passed to the required standard as well as an Anonymous Questionnaire. Applicants will be required to sign a declaration to trade only in legally acquired wildlife parts and products and pay the application fee. Once accepted, a certificate of participation, a window decal or door/window sticker, and two posters, each with the AACMA, DEWHA and ESCS logos will be issued for display at the applicant's business premises.

Certification will be on an annual basis, with a declaration as to compliance to be submitted each year in order to maintain certification and the right to continue to display the decal/sticker etc. A reasonable annual fee will be charged.

Participating individuals and organisations must agree to be subject to the AACMA Disciplinary Committee in relation to complaints under the scheme and to the release of complaint details to the relevant personnel in DEWHA for investigation and legal action if appropriate.

## LEGISLATION FRAMEWORK

The Australian Government cooperates with other nations to protect wildlife by implementing the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES).

In Australia, the export and import of wildlife and wildlife products is regulated under Part 13A of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), which is administered by the Department of the Environment, Water, Heritage and the Arts (the Department). Regulation applies equally to individuals, commercial organisations and not-for-profit organisations.

You may need a permit issued by the Department in order to legally:

- export or import specimens of CITES species
- export specimens of Australian native species
- import live specimens

Failure to obtain the relevant Australian export or import permit prior to consignment is an offence under the EPBC Act, and may result in the item being seized. Severe penalties apply to breaches of the EPBC Act.

NB. Never assume that a product has been legally acquired by the seller, even if it is purchased within Australia. Always enquire with the Department to ascertain the permit requirements and be sure to obtain CITES documentation from the seller.

## HOW TO APPLY

Obtain an ESCS Application Kit from the Australian Acupuncture and Chinese Medicine Association Ltd.

The Application Kit includes:

- Applicant Information Sheet
- Application Form and Declaration
- DEWHA Wildlife Booklet
- Certification Examination
- Anonymous Questionnaire
- Checklist

All sections on the Application Form should be completed. Please read and sign the Declaration Section on the Application Form in front of a witness and get the witness to sign and complete their details.

The Declaration Section has the following components:

- authority for AACMA to make enquiries as it deems relevant about the information/documents supplied with the application from third parties, including but not limited to institution(s) or organisations listed on the form or in any attached documents;
- agreement to be bound by the terms and conditions of certification under the scheme as outlined in the Applicant Information Sheet;
- agreement to receive information and updates about the legislative framework, the Environment Protection and Biodiversity Conservation Act 1999 and the requirements for legal international wildlife trade;
- declaration that the person/business will trade only in legally acquired wildlife parts and products and that medicines and other products derived from the illegal trade in endangered plants and animals will not be supplied by the business or from the premises;
- agreement to be subject to the Disciplinary Committee (or its successor) of the Australian Acupuncture and Chinese Medicine Association Ltd in relation to complaints under the scheme;
- agreement to the release of personal information to the Department of the Environment, Water, Heritage and the Arts about certification issued under the scheme as well as the details of any complaints related to the scheme; and
- declaration that the information submitted on the form and in any documents attached with, or submitted later as part of, the application are truthful and correct to the best of the applicant's knowledge and belief and that the applicant has signed the form willingly after reading the attached Applicant Information Sheet, Wildlife brochure and related materials.

All questions on the Certification Examination should be completed by the applicant, after reading the ESCS materials and the Instructions on the Certification Examination. Each page of the Certification Examination should be signed by the applicant. The Declaration Section of the Certification Examination must be signed in front of a witness and the witness must sign and complete their details.

The Anonymous Questionnaire will be separated from your application and sent directly to the DEWHA. No identifying information about you or your organisation will be recorded by AACMA or forwarded to the Department in relation to the Anonymous Questionnaire.

A non-refundable Application Fee of \$165.00 (including GST) applies to each application and is payable with the application. **A discounted Application Fee of \$82.50 will apply to the first 200 applications received from non-members of AACMA, including traders and researchers.**

The above materials, when completed, should be forwarded with the Application Fee to the AACMA national office, and be addressed as follows:

TCM Endangered Species Certification Scheme  
 AACMA  
 PO Box 1635  
 COORPAROO DC QLD 4151

When received, AACMA will process your application as follows:

- undertake an initial document check to ensure all materials have been submitted;
- issue a Tax Invoice for any payment;
- forward a letter of acknowledgement with an application number;
- undertake an assessment of your answers to the questions on the Certification Examination;
- provide feedback and/or request re-submission of the Certification Examination if required;
- determine eligibility according to the published criteria;
- forward your Anonymous Questionnaire to DEWHA.

## **ASSESSMENT**

The Certification Examination consists mainly of multiple choice questions with a small number of short answer questions. The pass mark on all sections 100%. Unsatisfactory responses will be sent back to the applicant to be re-submitted after consulting relevant reading materials.

## **CERTIFICATION**

Once eligibility for certification has been determined, AACMA will issue you/your business with following items for display at your business premises:

- your ESCS Certificate;
- an ESCS window decal or door sticker (see the Application Form) for each business premises;
- two ESCS posters.

## **ANNUAL RENEWAL**

There will be a common renewal date of 31 March.

Information on renewal of your ESCS certification will be sent at least two months prior to the annual renewal date. This will include information on updates to the legal framework.

In order to obtain renewal of your ESCS certification, you will be required to:

- read any updates on the legislative framework supplied with the renewal information;
- submit a new declaration confirming your continuing compliance with the ESCS certification conditions and your understanding of and agreement to abide by any changes to the legislative framework;
- pay the annual renewal fee.

You will then be issued with a new Annual ESCS Certificate.

If you fail to renew your certificate by the annual renewal date, you are required to remove any window decals and door stickers and return your any Certificates to the AACMA office.

## **COMPLAINTS PROCESS**

All complaints about non-compliance with the ESCS should be directed in the first instance to the Australian Acupuncture and Chinese Medicine Association Ltd (AACMA).

AACMA will forward details of the complaint to relevant personnel in DEWHA for investigation and legal action if appropriate. Should criminal charges be found proven against a person certified or representing a business certified under the scheme, DEWHA will notify AACMA in writing and AACMA will be required to revoke the certification.

AACMA may run a parallel investigation. The principles of natural justice shall apply to the AACMA investigation. If a finding is duly made by the AACMA Disciplinary Committee that the certified person/business has breached the conditions for certification, the following actions may result:

- counselling in relation to the alleged conduct;
- written warning about future conduct; and
- revocation of the ESCS certification of that person or business.

DEWHA will be notified of the findings/outcome of a complaint related to the scheme that was investigated by the AACMA Disciplinary Committee.