



Export Control Amendment Act 1991

No. 87 of 1991

An Act to amend the *Export Control Act 1982*, and for related purposes

[Assented to 26 June 1991]

The Parliament of Australia enacts:

Short title etc.

1. (1) This Act may be cited as the *Export Control Amendment Act 1991*.

(2) In this Act, “**Principal Act**” means the *Export Control Act 1982*¹.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Interpretation

3. Section 3 of the Principal Act is amended:

(a) by omitting the definition of “enter for export” and substituting the following definition:

“‘**enter for export**’, in relation to any prescribed goods, means the presentation of the goods by a person to an authorised officer for the purpose of the authorised officer performing his or her functions under section 10, being a presentation occurring at a particular stage of the preparation of the goods that is prescribed in respect of any proposed export of such goods;”;

(b) by inserting the following definition:

“‘**enter for export to a specified place**’, in relation to any prescribed goods, means the presentation of the goods by a person to an authorised officer for the purpose of the authorised officer performing his or her functions under section 10, being a presentation occurring at a particular stage of the preparation of the goods that is prescribed in respect of any proposed export of such goods to a place specified in the regulations;”.

4. The heading to Part II of the Principal Act is amended by inserting “**AND ENTRY FOR EXPORT**” after “**EXPORT**”.

Notice of intention to export prescribed goods

5. Section 6 of the Principal Act is amended by omitting from subsection (1) “\$2,000 or imprisonment for 12 months, or both” and substituting “Imprisonment for 12 months”.

6. After section 7 of the Principal Act the following section is inserted:

Entering for export of certain prescribed goods

“7A. (1) A person who enters prescribed goods for export is guilty of an offence if:

- (a) under the regulations, the export of the goods is prohibited unless specified conditions and restrictions are complied with; and
- (b) at the time the goods are entered for export, the person falsely represents to an authorised officer, either expressly or by necessary implication, that the conditions or restrictions applicable to the goods at or before that time have been complied with.

Penalty: Imprisonment for 5 years.

“(2) A person who enters prescribed goods for export to a place specified in the regulations is guilty of an offence if:

- (a) under the regulations, the export of the goods to that place is

prohibited unless specified conditions or restrictions are complied with; and

- (b) at the time the goods are entered for export to that place, the person falsely represents to an authorised officer, either expressly or by necessary implication, that the conditions or restrictions applicable to the goods at or before that time have been complied with.

Penalty: Imprisonment for 5 years.”.

Export of prescribed goods

7. Section 8 of the Principal Act is amended by omitting from subsection (5) “a fine not exceeding \$100,000 or imprisonment for a period not exceeding 5 years, or both” and substituting “imprisonment for a period not exceeding 5 years”.

Obstructing authorised officers

8. Section 12 of the Principal Act is amended by omitting “\$1,000 or imprisonment for 6 months, or both” and substituting “Imprisonment for 6 months”.

Persons to assist authorised officers

9. Section 13 of the Principal Act is amended by omitting from subsection (1) “\$1,000 or imprisonment for 6 months, or both” and substituting “Imprisonment for 6 months”.

Contravention of regulations relating to official marks

10. Section 14 of the Principal Act is amended by omitting “\$100,000 or imprisonment for 5 years, or both” and substituting “Imprisonment for 5 years”.

False trade descriptions

11. Section 15 of the Principal Act is amended:

- (a) by omitting from subsections (1) and (1A) “\$100,000 or imprisonment for 5 years, or both” and substituting “Imprisonment for 5 years”;
- (b) by adding at the end the following subsection:

“(3) In this section:

‘enter for export’ includes enter for export to a specified place.”.

False declarations

12. Section 16 of the Principal Act is amended by omitting from subsection (1) “\$2,000 or imprisonment for 12 months, or both” and substituting “Imprisonment for 12 months”.

Indictable offences

13. Section 17 of the Principal Act is amended:

- (a) by inserting in subsection (1) “7A,” after “section”;
- (b) by omitting paragraph (3)(a) and substituting the following paragraph:
 - “(a) in the case of an offence against section 7A, 8, 14 or 15—imprisonment for a period not exceeding 12 months.”.

14. Section 23 of the Principal Act is repealed and the following section is inserted:

Certificate with respect to goods

“23. (1) The regulations may provide for the issue by the Secretary of a certificate in relation to goods to be exported from Australia where:

- (a) the certificate relates to matters in respect of which a country requires certification before the goods may be imported into that country from Australia; or
- (b) the certificate relates to requirements of this Act or the regulations that must be satisfied before the goods may be exported from Australia; or
- (c) the certificate relates to matters concerning goods of the kind that are to be exported.

“(2) Regulations made for the purposes of subsection (1) may provide for:

- (a) applications to be made, in accordance with the regulations, for the issue of certificates; and
- (b) the matters in respect of which the Secretary must be satisfied before he or she may issue such a certificate.

“(3) The Secretary may cancel such a certificate if the Secretary is satisfied that the information contained in that certificate is incorrect in a significant respect.”.

Supply of goods or services to authorised officers

15. Section 24 of the Principal Act is amended:

- (a) by omitting from subsection (1) “\$2,000 or imprisonment for 12 months, or both” and substituting “Imprisonment for 12 months”;
- (b) by inserting after subsection (1) the following subsection:

“(1A) An authorised officer must not receive any goods or services supplied to him or her by the registered owner of a registered establishment, or an employee or agent of such a person, unless the supply of the goods or services has been approved in writing by the Secretary under subsection (1).

Penalty: Imprisonment for 12 months.”.

Regulations

16. Section 25 of the Principal Act is amended:

(a) by inserting after paragraph (2) (a) the following paragraph:

“(aa) the remission of fees so imposed;”;

(b) by adding at the end of paragraph (2) (d) “, and the remission of fees so imposed”.

Saving

17. Order 17B of the Export Control (Fees) Orders made under the Export Control (Orders) Regulations has effect, and is taken always to have had effect, as if section 16 of this Act had commenced immediately before that order was made.

NOTE

1. No. 47, 1982 as amended. For previous amendments, see No. 72, 1984; No. 65, 1985; No. 141, 1987; Nos. 99 and 111, 1988; and No. 134, 1990.

*[Minister's second reading speech made in—
House of Representatives on 11 April 1991
Senate on 30 May 1991]*