



Customs Legislation Amendment (Flags) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 31 March 2022

David Hurley
Governor-General

By His Excellency's Command

Jason Wood
Assistant Minister for Customs, Community Safety and Multicultural Affairs
Parliamentary Secretary to the Minister for Home Affairs

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1 Name

This instrument is the *Customs Legislation Amendment (Flags) Regulations 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the day after this instrument is registered; and (b) 25 March 2022.	5 April 2022 (paragraph (a) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Customs Act 1901*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Customs (Prohibited Imports) Regulations 1956

1 In the appropriate position before Schedule 1

Insert:

14 Transitional matters—amendments made by the Customs Legislation Amendment (Flags) Regulations 2022

- (1) The amendments of this instrument, made by the *Customs Legislation Amendment (Flags) Regulations 2022*, apply in relation to goods imported into Australia on or after the commencement of this regulation.
- (2) Item 10A of the table in Schedule 3 also applies on and after the commencement of this regulation in relation to goods:
 - (a) specified in item 15 of the table in Schedule 2 as in force immediately before that commencement; and
 - (b) covered by a permission:
 - (i) granted under subregulation 4(1) or (1AB); and
 - (ii) in force immediately before that commencement; and
 - (c) imported into Australia on or after that commencement;as if the conditions, restrictions or requirements specified in that table item in Schedule 3 were complied with for the goods.

Note: An application:

- (a) for a permission under subregulation 4(1) or (1AB) to import goods mentioned in paragraph (2)(a); and
- (b) that is made before the commencement of this regulation; and
- (c) that has not been finally dealt with before that commencement; lapses on that commencement.

2 Schedule 2 (table item 15)

Repeal the item.

3 Schedule 3 (table item 10, column headed “Conditions, restrictions and requirements”, paragraph (a))

After “for”, insert “the purposes of”.

4 Schedule 3 (after table item 10)

Insert:

10A	Goods to which, or the coverings to which, there is applied a representation of the Arms, a flag or a seal of a State or Territory or a representation so nearly resembling the Arms, a flag or a seal of a State or Territory as to be likely to deceive	The goods must not be imported unless: <ol style="list-style-type: none">(a) the design of the representation has been approved in writing by:<ol style="list-style-type: none">(i) the head (however described) of the Department of State of the State or the Territory administered by the Premier of the State or the Chief Minister of the Territory; or(ii) an officer (however described) of that Department who is authorised by that head to
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- give such approval; and
- (b) if the Collector asks the importer to produce the approval—the importer produces it

Customs Regulation 2015

5 Section 120 (table item 12, column headed “Kinds of prohibited imports”)

Omit “15 or”.

6 Section 120 (table item 13, column headed “Kinds of prohibited imports”)

Omit “or 10”, substitute “, 10 or 10A”.

7 In the appropriate position in Part 18

Insert:

161 Amendments made by the Customs Legislation Amendment (Flags) Regulations 2022

The amendments of this instrument made by the *Customs Legislation Amendment (Flags) Regulations 2022* apply in relation to goods imported into Australia on or after the commencement of this section.