

EXPLANATORY STATEMENT
STATUTORY RULES 1986 No. 76
Issued by the Authority of the Minister for Industry,
Technology and Commerce

CUSTOMS ACT 1901
CUSTOMS (PROHIBITED EXPORTS) REGULATIONS

Since 1968, exports of woodchips and unprocessed wood have been controlled under the Customs (Prohibited Exports) Regulations made pursuant to the Customs Act 1901. Regulation 5 (2) of the Customs (Prohibited Exports) Regulations prohibits the exportation from Australia of the goods specified in the Third Schedule to the Regulations unless an approval in writing for the exportation of the goods issued by the Minister for Primary Industry or by an authorised officer is produced to the Collector of Customs. Item 33 in the Third Schedule specifies woodchips, logs (including logs roughly squared or half squared) and wood of a kind known as billets, off-cuts or dockings.

Since the Export Control Act 1982 became law, the legislative bases for controls on exports of a number of primary industry commodities (fish, meat, eggs, dairy products etc) have been progressively transferred from the Customs Act 1901 administered by the Department of Industry, Technology and Commerce, to the Export Control Act 1982 administered by the Department of Primary Industry. Omission of Item 33 from the Third Schedule, Customs (Prohibited Exports) Regulations simultaneously with the coming into operation of the proposed Export Control (Unprocessed Wood) Regulations would enable a similar transfer to occur in respect of the control on exports of woodchips and unprocessed wood and would overcome the present administrative difficulty whereby operational and policy functions associated with the control are performed by the Department of Primary Industry but authority for the control rests in regulations administered principally by the Department of Industry, Technology and Commerce. The Minister for Industry, Technology and Commerce has agreed to the Minister for Primary Industry repealing Item 33, Third Schedule, Customs (Prohibited Exports) Regulations on his behalf.

S.R. No.
0207f

ATTACHMENT

Customs Regulations (Amendment)
Statutory Rules 1986 No

Details of the proposed regulations are as follows:

Regulation 1

As a consequence of the distinction now made between outwards duty free shops and IDFS, inserts a definition of "duty free shop" in Regulation 93 of the regulations to mean an outwards duty free shop.

Regulation 2

- (i) Prescribes for the purposes of the definition of "airport shop goods" in section 4(1) of the Act alcoholic liquor, tobacco products and perfume to be airport shop goods (regulation 94); and
- (ii) Inserts a new Regulation 95 into the regulations prescribing the other matters in respect of IDFS.

Sub-regulation 95(1)

Defines the term 'relevant flight' for the purposes of the regulations;

Sub-regulation 95(2)

Provides that the words and phrases used in section 96B of the Act have the same meanings in these regulations unless the contrary intention appears;

Sub-regulation 95(3)

Prohibits a Collector of Customs from giving a permission under sub-section 96B(3) of the Act unless an application for such a permission is made in accordance with the regulations. Sub-section 96B(3) of the Act provides for permission to be given for airport shop goods to be delivered to a relevant traveller and taken by the traveller for reporting to an officer of Customs at the "Customs barrier";

Sub-regulation 95(4)

Provides that an application for a permission under sub-section 96B(3) of the Act is to:

- (a) be in writing;
- (b) relate to a single IDFS;
- (c) specify certain details relating to the shop; and
- (d) be lodged with a Collector of Customs for the State or Territory in which the IDFS is situated;

Sub-regulation 95(5)

Prescribes the circumstances in which a permission may be given under sub-section 96B(3) of the Act namely:

- (i) that the applicant is the holder of a warehouse licence issued under Part V of the Act; and
- (ii) that the applicant has been granted a lease or a licence and an authority to trade under the Airports (Business Concessions) Act 1959 to operate an IDFS;

Sub-regulation 95(6)

Provides for a permission to have effect from the day of the permission for the period specified in the permission;

Sub-regulation 95(7)

Specifies the conditions to which a permission under sub-section 96B(3) of the Act is to be subject. Such conditions are -

- (a) that goods shall not be sold in the shop to a person unless that person is a relevant traveller and produces to the proprietor a ticket or other document that is evidence that the person has arrived in Australia on an international flight;
- (b) that the proprietor, and servants and agents of the proprietor, shall not enter into an arrangement with a relevant traveller pursuant to which goods delivered to that relevant traveller under that permission are -
 - (i) to be transferred to the proprietor, or any servant or agent of the proprietor, after the relevant traveller has cleared customs;
 - or
 - (ii) to remain with the proprietor or any servant or agent of the proprietor;
- (c) that the proprietor shall, with reasonable prominence and in numbers sufficient to give reasonable notice to relevant travellers of the matters so stated, display in the IDFS signs in a form authorised in writing by a Collector for the purposes of this provision that state clearly -

- (i) the amounts of alcoholic liquor, tobacco products and perfume that may be entered for home consumption by a relevant traveller free of duties of Customs and of duties of Excise; and
- (ii) the conditions (if any) with which, for the purposes of the Customs Acts, a relevant traveller is to comply in relation to the purchase of goods at the shop;

Sub-regulation 95(8)

Specifies the grounds on which a Collector may revoke a permission given under section 96B(3) of the Act. Such grounds are -

- (a) that a condition to which the permission is subject, being a condition required to be complied with by the proprietor of the IDFS to which the permission relates or by his servants or agents, has not been so complied with;
- (b) that revocation of the permission is, for any other reason, necessary for the protection of the revenue or otherwise to ensure compliance with the Customs Acts;
- (c) that a lease or licence or authority to trade as granted under the Airports (Business Concessions) Act 1959 has expired or been cancelled; and

Sub-regulation 95(9)

Requires a Collector to give notice in writing of the revocation of a permission given under sub-section 96B(3) of the Act and for such statement to include reasons for the revocation.