

# **Customs (Prohibited Imports) Regulations (Amendment) 1994 No. 171**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 1994 No. 171**

Issued by the Authority of the Minister for Small Business, Customs and Construction

*Customs Act 1901*

Customs (Prohibited Imports) Regulations (Amendment)

Section 50 of the Customs Act 1901 (the Act) provides in part that:

"(1) The Governor-General may, by regulation, prohibit the importation of goods into Australia.

"(2) The power conferred by the last preceding subsection may be exercised -(c) by prohibiting the importation of goods unless specified conditions or restrictions are complied with.

"(3) Without limiting the generality of paragraph (2)(c), the regulations - ... (a) may provide that the importation of the goods is prohibited unless a licence, permission, consent or approval to import the goods or a class of goods in which the goods are included has been granted as prescribed by the regulations; and

The Customs (Prohibited Imports) Regulations (the Regulations) control the importation of the goods specified in the various regulations or the Schedules to the Regulations, by prohibiting importation absolutely, or making importation subject to the permission of a Minister or a specified person.

These Regulations amend the Regulations to impose sanctions against Haiti arising from Australia's obligation as a member of the United Nations to give effect to United Nations Security Council (UNSC) Resolution 917 of 6 May 1994 order to increase international pressure on the Haitian de facto authorities with a view to achieving a comprehensive and peaceful settlement of the crisis in Haiti.

Operative paragraph 6(a) of Resolution 917 requires all member States to prevent the import into their territories of all commodities and products originating in Haiti.

These Regulations give effect to this obligation by inserting a new regulation 4QD into the Regulations which prohibits the importation of goods originating in Haiti without the permission of the Minister for Foreign Affairs.

New subregulation 4QD(2) provides that the Minister may only grant a permission if satisfied that to do so will not infringe Australia's international obligations.

New subregulation 4QD(3) allows the permission to specify conditions or requirements to which it is subject, the quantity of goods that may be imported and the circumstances in which the goods may be imported.

New subregulation 4QD(4) allows the Minister to revoke a permission if any specified conditions or requirements have not been complied with or if he or she is satisfied that to continue to permit the importation would infringe Australia's international obligations.

The Regulations provide for the Minister's power to be exercised by an authorised person (new subregulation 4QD(5) refers) provided that if the authorised person decides that a permission should not be granted that the application for permission must be referred to the Minister to personally decide (new subregulations 4QD(6) and (7) refer).

The Regulations commence on gazettal.