

EXPLANATORY STATEMENT

STATUTORY RULES 1982 NO 311

ISSUED BY THE AUTHORITY OF  
THE MINISTER FOR THE CAPITAL TERRITORY  
ACTING FOR AND ON BEHALF OF THE  
MINISTER FOR INDUSTRY AND COMMERCE

The purpose of the regulations is to amend the Customs Regulations as a consequence of amendments made to the valuation provisions of the Customs Act in 1981 by prescribing.

- (a) additional circumstances under which a refund of customs duty should be made; and
- (b) revised methods for calculating the amount of the refund payable

Regulation 1

Deems the regulations to have come into operation on 30 November 1981 which is the same day as the amendments to the valuation provisions of the Customs Act came into operation.

Regulation 2

Amends regulation 126 by omitting paragraphs (g) and (h) and substituting paragraphs which:

- (a) recognise that the customs value of imported goods may be established by a variety of methods;
- (b) introduce new circumstances under which a refund of Customs duty should be paid regardless of whichever method of valuation is used, if -
  - (i) a rebate or other decrease in the price paid or payable in respect of imported goods accrues to the importer by reason of a fault or defect in the goods or otherwise;
  - (ii) there is a decrease in the commercial value of the goods by reason of a fault or defect for which the importer has been unable to obtain redress from the manufacturer or supplier; or
  - (iii) that rebate or other decrease in the price of the goods has not been taken into account in establishing the customs value.



Regulation 3

Amends regulation 128B to

- (a) provide that where a defect in imported goods is such that the goods have no commercial value at the time of entry under section 68 or the Customs Act, then a refund of the whole of the duty paid shall be made; and
- (b) introduce formulae for determining the amount of a partial refund of the duty paid or payable on imported goods.



S.R. No. 62/82