

Customs (Prohibited Imports) Regulations (Amendment) 1997 No. 254

EXPLANATORY STATEMENT

STATUTORY RULES 1997 No. 254

Issued by the Authority of the Minister for Customs and Consumer Affairs

Customs Act 1901 (C'th)

Customs (Prohibited Imports) Regulations (Amendment)

Section 270 of the Customs Act 1901 (C'th) (the Act) provides in part that the Governor-General may make regulations not inconsistent with the Act prescribing all matters which by the Act are required or permitted to be prescribed for giving effect to the Act.

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 - (a) by prohibiting the importation of goods absolutely, ...or (aa) by prohibiting the importation of goods in specified circumstances; ... or (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 import of goods specified in the various Regulations or the Schedules to the Regulations, by prohibiting exportation absolutely, or making importation subject to the permission of a Minister or a specified person.

Regulation 4M previously prohibited the importation of radiotelephony equipment with the technical characteristics prescribed in that regulation.

Regulation 4P previously prohibited the importation of cordless telephones unless a permission was produced to a Collector.

Regulation 2 has repealed the import controls on radiotelephony equipment prescribed by regulation 4M. Regulation 3 has repealed the import controls on cordless phones prescribed by regulation 4P.

The import restrictions were originally considered necessary to reduce the risk of interference to air service operations and to television services from high powered equipment incompatible with Australian Standards.

Consultation involving the Spectrum Management Agency, Austel, Customs and Airservices Australia has been undertaken. All parties agreed that the restrictions were no longer required as the Spectrum Management Agency now has significant powers under the *Radiocommunications Act 1992*, in relation to the possession, use and sale of non-standard equipment. In addition, the

rapid adoption of new cellular mobile telephone services has significantly reduced the demand for high power cordless telephones.

The Regulation commenced on gazettal.