

# **Customs (Prohibited Imports) Amendment Regulations 2003 (No. 6)**

## **2003 No. 166**

### **EXPLANATORY STATEMENT**

#### **STATUTORY RULES 2003 No. 166**

Issued by the Authority of the Minister for Justice and Customs

*Customs Act 1901*

*Customs (Prohibited Imports) Amendment Regulations 2003 (No. 6)*

Section 270 of the *Customs Act 1901* (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 Act provides in part that the Governor-General may, by regulation, prohibit the importation of goods into Australia and that the power may be exercised by prohibiting the importation of goods absolutely or by prohibiting the importation of goods unless specified conditions or restrictions are complied with.

The Act does not specify any conditions that need to be met before the Governor-General may exercise the power to make the proposed regulations.

The *Customs (Prohibited Imports) Regulations 1956* (the PI Regulations) control the importation of the goods specified in various regulations or schedules to regulations, by prohibiting importation absolutely, or making importation subject to the permission of a Minister or an authorised person.

The United Nations Security Council (the Council) adopted Resolution 1478 (2003) (the Resolution) on 6 May 2003. The Resolution in part provides that all States shall take the necessary measures to prevent, for a period of 10 months starting from 7 July 2003, the import into their territories of all round logs and timber products originating from Liberia.

The Resolution further provides that the Council will decide at the end of the 10-month period whether to extend these measures for a further period under the same conditions. It also provides that the Council will consider by 7 September 2003 how best to minimise any humanitarian or socio-economic impact of these measures, including the possibility of allowing timber exports to resume in order to fund humanitarian programmes.

The purpose of the amending Regulations is to amend the PI Regulations to implement the sanctions against Liberia imposed by the Resolution.

The amending Regulations inserted new regulation 4Q to prohibit the importation of round logs and timber products originating from Liberia unless the written permission of the Foreign Minister or an authorised person is produced to Customs at or before the time of importation.

Under regulation 4Q, the Foreign Minister or an authorised person who is an officer of the Department of Foreign Affairs and Trade, in deciding whether to grant a permission to import, must consider Australia's relations with other countries and Australia's obligations under international law.

The introduction of a permission-based control to implement the sanctions, as opposed to a total prohibition, allows the control to be easily adapted to any amendment to the sanctions that the Council may make in the future.

The regulations commenced on 7 July 2003.

