

# **Customs (Prohibited Imports) Amendment Regulations 2003 (No. 7)**

## **2003 No. 210**

### **EXPLANATORY STATEMENT**

#### **STATUTORY RULES 2003 No. 210**

Issued by the Authority of the Minister for Justice and Customs

*Customs Act 1901*

Customs (Prohibited Imports) Amendment Regulations 2003 (No. 7)

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 or for the conduct of any business relating to the Customs.

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 various specified goods by prohibiting importation absolutely, or by making importation subject to a permission or licence.

Regulation 4S of the PI Regulations restricts the importation of disposable, novelty and inexpensive refillable cigarette lighters. Previously, a refillable lighter was defined there as a flame producing device that, among other characteristics, has a customs value of \$2 or less.

Regulation 4S is intended to mirror the domestic controls on lighters set out in the *Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997* (the TP Regulations). The TP Regulations were amended on 1 March 2003 so that the domestic controls applied to refillable lighters with a customs value of \$5 or less, up from \$2 or less. The increase in the customs value was in line with current market prices and was intended to ensure that rising prices would not exempt such lighters from the required safety compliance standard.

The purpose of the amending Regulations is to amend regulation 4S to reflect the amendments to the TP Regulations, that is, to increase, from '\$2 or less' to '\$5 or less', the customs value of refillable lighters to which the import controls under regulation 4S apply.

The amending Regulations commenced on gazettal.