

# **EXPLANATORY STATEMENT**

## **Tariff Concession Revocation Instrument 157/2007**

### ***Customs Act 1901***

#### ***Background***

Part XVA of the *Customs Act 1901* (the Act) sets out a scheme under which Tariff Concession Orders (TCOs) may be made and revoked by the Chief Executive Officer of Customs (the CEO). A lower rate of customs duty applies to goods that are the subject of a TCO.

Under sections 269C and 269P of the Act, a TCO will be made if the application for the TCO meets the core criteria, that is, on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business.

Subsection 269SD(1) of the Act provides that the CEO may revoke a TCO if he or she is satisfied that a TCO is no longer required because the general tariff of the goods the subject of the TCO has been reduced to “Free”.

#### ***Instrument***

Tariff Concessions Instrument No 157/2007 was made on 12 October 2007. It revokes TCO 0711816 as the general tariff of the goods has been reduced to “Free”.

#### ***Consultation***

No consultation was undertaken. Since there is no duty payable on these goods, the revocation of the TCO will not have an effect on business.

#### ***Commencement***

Subsection 269SD(1) provides that the order revoking the TCO has effect from the day the tariff rate was so reduced.

Subsection 269SD(6) provides that section 269SD has effect despite section 12 of the *Legislative Instruments Act 2003*. Section 12 prohibits the making of certain retrospective legislative instruments.

Tariff Concession Instrument No.157/2007 was revoked 0711816 on 12 October 2007, with the revocation date of effect as from 23 July 2007.