EXPLANATORY STATEMENT

**Customs By-law No. 1301139**

***Customs Act 1901***

Section 271 of the *Customs Act 1901* (the Act) provides, in part, that where an item of a Customs Tariff is expressed to apply to goods, or to a class or kind of goods, as prescribed by by-law, the Chief Executive Officer of Customs may make by-laws for the purposes of that item. A Customs Tariff is defined in section 4 of the Act to mean an act imposing duties of customs. The *Customs Tariff Act 1995* (the Customs Tariff Act) is a Customs Tariff for the purposes of the Act.

**Background**

The *Customs Tariff Amendment (Schedule 4) Act 2012* will repeal the existing Schedule 4 of the Customs Tariff Act and replace it with a new Schedule 4. As part of this process, new by-laws are required for all items that provide for goods to be prescribed by by-law.

Item 1 in the new Schedule 4 combines items 1D and 16 of the previous Schedule 4 to the Customs Tariff Act. Item 1 paragraph (b) provides that goods, as prescribed by by-law, which are of a scientific nature and covered by an agreement or arrangement on cooperation in science and technology, between the Australian Government and the government of another country, are dutiable at the rate of “Free”.

New By-law No. 1301139 combines previous By-laws Nos. 9640030 and 9640038.

**Instrument**

By-law No. 1301139 prescribes goods of a scientific nature that are covered by an agreement or arrangement to cooperate in the field of science and technology between the Australian Government and the Government of another country/countries.

One of the following conditions must be met:

1. the Collector must have approved in writing, the kinds and quantities of goods to be imported and the uses to which those goods will be put; or
2. in accordance with the agreement or arrangement, the goods are required to be allowed entry into Australia free of customs duty.

**Consultation**

No consultation was undertaken in relation to By-law No. 1301139 as it does not alter existing arrangements.

**Human Rights Implications**

This by-law does not engage, impact on, or limit in any way, the human rights and freedoms recognised or declared in the international instruments listed in the definition of human rights at section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Commencement**

By-law No. 1301139 takes effect on and from the date that the *Customs Tariff Amendment (Schedule 4) Act 2012* commences, that is 1 March 2013.