

EXPLANATORY STATEMENT

Customs By-law No. 1301053

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 25 in the new Schedule 4 combines items 25A, 25B and 25C of the previous Schedule 4 to the Customs Tariff Act. Item 25 provides that goods, as prescribed by by-law, that are:

- a) trophies won outside Australia; or
 - b) decorations, medallions or certificates awarded outside Australia; or
 - c) trophies or prizes sent by donors resident outside Australia for presentation or competition in Australia
- are dutiable at the rate of “Free”.

New By-law No. 1301053 replaces previous By-law Nos 0340004, 9640060 and 9640061.

Instrument

By-law No. 1301053 prescribes:

- a) trophies won outside Australia in competition, that are appliances or articles of a kind used in an office or household;
- b) decorations, medallions or certificates awarded outside Australia;
- c) trophies or prizes sent by donors resident abroad for presentation in competitions in Australia or for competitions in Australia organised or sponsored otherwise than in connection with commercial ventures. The trophies or prizes are to be suitable for display on the person, on the walls of dwellings or offices or on stands or similar mounts.

The goods prescribed above do not include goods which are of an advertising nature.

Consultation

No consultation was undertaken in relation to By-law No. 1301053 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. 1301053 takes effect on and from the date that the *Customs Tariff Amendment (Schedule 4) Act 2012* commences, that is 1 March 2013.