

EXPLANATORY STATEMENT

Customs By-law No. 1305083

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 20 in new Schedule 4 combines items 20A and 20B of the previous Schedule 4 to the Customs Tariff Act. Item 20 provides that goods, as prescribed by by-law, that have either been exported for repair or renovation and returned after repair or renovation or that are part of a batch repair process to replace goods that have been exported from Australia for repair or renovation, are dutiable at the rate of “Free”.

New By-law No. 1305083 replaces previous By-law No. 9740004.

Instrument

The by-law prescribes goods that have either:

- (a) been exported from Australia for repair or renovation and returned after repair or renovation; or
- (b) are part of a batch repair process to replace goods exported from Australia for repair or renovation.

The prescribed goods are not to have been subject to any process other than that required to effect the repair or renovation, are not to be new or upgraded versions of the exported goods and the exported goods are not to have reached the end of their effective operational life.

Consultation

No consultation was undertaken in relation to By-law No. 1305083 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. 1305083 takes effect on and from the date that the *Customs Tariff Amendment (Schedule 4) Act 2012* commences, that is 1 March 2013.