EXPLANATORY STATEMENT

**Customs By-law No. 1303877**

***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 48 in the new Schedule 4 combines items 36, 38, 39A, 39B and 39C of the previous

Schedule 4 to the Customs Tariff Act. Item 48 provides that goods, as prescribed by by-law, that are classified under certain headings applying to chemicals, photographic film, plastics and paper, are dutiable at the rate of “Free”.

New By-law No. 1303877 replaces previous By-law No. 9440017.

**Instrument**

By-law No. 1303877 prescribes coated paper classified under headings 4810 or 4811 in Schedule 3. The goods are subject to the following conditions:

1. the goods must have a weight not exceeding 67 grams per square metre;
2. the goods are to contain more than 55% mechanical pulp; and
3. the goods are to be for use in the production of newspapers, periodicals, posters and other printed matter of a kind which, if imported, would be classified in Chapter 49 in Schedule 3.

A security is required to be lodged with the Australian Customs and Border Protection Service to ensure compliance with the conditions.

**Consultation**

No consultation was undertaken in relation to By-law No. 1303877 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. 1303877 takes effect on and from the date that the *Customs Tariff Amendment (Schedule 4) Act 2012* commences, that is 1 March 2013.