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Customs (Prohibited Imports) Amendment Regulations 2004 (No. 3)¹

Statutory Rules 2004 No. ²

121

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Customs Act 1901*.

Dated 10 JUN 2004 2004

PM Jeffery
Governor-General

By His Excellency's Command

CHRISTOPHER MARTIN ELLISON
Minister for Justice and Customs

1 Name of Regulations

These Regulations are the *Customs (Prohibited Imports) Amendment Regulations 2004 (No. 1)*.

3

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Customs (Prohibited Imports) Regulations 1956*

Schedule 1 amends the *Customs (Prohibited Imports) Regulations 1956*.

Schedule 1 Amendments

(regulation 3)

[1] After regulation 5K

insert

5L Importation of dangerous breeds of dogs

(1) In this regulation:

authorised person means an APS employee authorised under subregulation (2).

Code means the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes:

- (a) published by the National Health and Medical Research Council in 1997; and
- (b) as in force when this regulation commences.

dog of a dangerous breed means a dog of any of the following breeds:

- (a) dogo Argentino;

- (b) fila Brasileiro;
- (c) Japanese tosa;
- (d) American pit bull terrier or pit bull terrier.

Minister means the Minister for Agriculture, Fisheries and Forestry.

scientific purposes has the meaning given by the Code.

- (2) The Minister may, in writing, authorise an APS employee performing duties in the Minister's Department to give, or revoke, permission for a person to import a dog of a dangerous breed into Australia.
- (3) The importation into Australia of a dog of a dangerous breed is prohibited unless:
 - (a) the Minister or an authorised person has given permission in writing to import the dog; and
 - (b) the permission is produced to a Collector.
- (4) Permission to import a dog of a dangerous breed may be given only if the dog is to be imported for scientific purposes.
- (5) The Minister or an authorised person must take into account, before giving permission for the importation of a dog of a dangerous breed:
 - (a) whether the place at which the dog is to be used conforms with the Code; and
 - (b) whether an Animal Ethics Committee (established in accordance with the Code) has approved the scientific purpose.
- (6) A permission for the importation of a dog of a dangerous breed may:
 - (a) include conditions or requirements to be complied with by the holder of the permission; and
 - (b) set a time (being a time before or after the importation of the dog to which the permission relates) at or before which a condition or requirement must be complied with by the holder.

- (7) The Minister or an authorised person may revoke a permission if:
- (a) it is subject to a condition or requirement; and
 - (b) the holder fails to comply with the condition or requirement (whether or not the holder is charged with an offence under subsection 50 (4) of the Act in relation to the failure to comply with the condition or requirement).
- (8) Application may be made to the Administrative Appeals Tribunal for review of:
- (a) a decision of the Minister or an authorised person under paragraph (3) (a) refusing permission to import a dog of a dangerous breed into Australia; or
 - (b) a decision of the Minister or an authorised person under paragraph (6) (a) or (b) imposing a condition or setting a time for compliance with a condition; or
 - (c) a decision of the Minister or an authorised person under subregulation (7) revoking a permission.

[2] Schedule 1, item 26

omit

Notes

1. These Regulations amend Statutory Rules 1956 No. 90, as amended by 1958 Nos. 6 and 67; 1959 Nos. 17, 31 and 93; 1960 No. 22; 1961 No. 117; 1962 No. 82; 1963 No. 26; 1964 Nos. 25 and 39; 1965 Nos. 81, 91, 135, 167 and 190; 1966 No. 95; 1967 Nos. 41, 58, 114 and 178; 1968 Nos. 100, 141 and 161; 1969 Nos. 2, 7, 10, 39, 43 and 218; 1970 Nos. 8, 72, 105 and 194; 1972 No. 97; 1973 Nos. 5, 6, 42, 43, 89, 93, 162, 175, 217, 227, 228 and 262; 1974 Nos. 123 and 249; 1975 Nos. 58, 62, 121, 172 and 183; 1976 Nos. 98, 159, 186 and 291; 1977 Nos. 18, 23, 24, 59, 67 and 162; 1978 No. 276; 1979 Nos. 145, 155 and 280; 1980 Nos. 71, 78, 150, 211, 368, 376, 380 and 382; 1981 Nos. 29, 71, 176, 309, 369 and 383; Act No. 75, 1981; Statutory Rules 1982 Nos. 44, 80, 102, 170, 236 and 252; 1983 No. 331; 1984 Nos. 55, 64, 102, 128, 260, 261, 317 and 318; 1985 Nos. 26, 96, 139, 160, 305 and 377; 1986 Nos. 180, 307, 342, 362 and 385; 1987 Nos. 37, 98, 101, 320 and 321; 1988 Nos. 64, 136, 177, 326, 327, 374 and 375; 1989 Nos. 60 and 379; 1990 Nos. 39, 191, 265, 324, 460 and 467; 1991 Nos. 23, 76, 248 and 289; 1992 Nos. 49, 154, 189, 286 and 413; 1993 Nos. 67, 211, 256, 257 and 382; 1994 Nos. 104, 171, 241, 314 and 378; 1995 Nos. 15, 89, 403 and 412; 1996 Nos. 31, 59, 68, 91, 123, 226, 324 and 325; 1997 Nos. 22, 93, 129, 254, 285, 317, 385 and 386; 1998 Nos. 4, 52, 58 and 228; 1999 Nos. 165, 201, 202, 217, 249, 250, 275, 332 and 333 (disallowed by the House of Representatives on 5 June 2000); 2000 Nos. 32, 75, 143, 213, 214, 215, 234 and 299; 2001 No. 60; 2002 Nos. 30, 81, 206, 331 and 332; 2003 Nos. 18, 26, 53, 54, 89, 97, 166, 210, 253, 309 and 321/
2. Notified in the *Commonwealth of Australia Gazette* on 6 2004.

; 2004 Nos. 72
and 108
18 June