

Customs (Prohibited Exports) Regulations (Amendment) 1996 No. 48

EXPLANATORY STATEMENT

STATUTORY RULES 1996 No. 48

Issued by the Authority of the Minister for Small Business and Consumer Affairs

Customs Act 1901

Customs (Prohibited Exports) Regulations (Amendment)

Section 112 of the Customs Act 1901 (the Act) provides in part that:

"(1) The Governor-General may, by regulation, prohibit the exportation of goods from Australia.

"(2) The power conferred by the last preceding subsection may be exercised - (c) by prohibiting the exportation of goods unless specified conditions or restrictions are complied with

"(2A) Without limiting the generality of paragraph (2)(c), the regulations -...(a) may provide that the exportation of the goods is prohibited unless a licence, permission, consent or approval to export the goods or a class of goods in which the goods are included has been granted as prescribed by the regulations; and..."

The Customs (Prohibited Exports) Regulations (the Regulations) control the exportation of the goods specified in the various regulations or the Schedules to the Regulations, by prohibiting importation absolutely, or making exportation subject to the permission of a Minister or a specified person.

Regulation 9 of the Regulations controls the exportation of the commodities listed in Schedule 7 by providing that the exportation of such commodities is prohibited unless a permission in writing to export the goods has been granted by the Minister for Primary Industries and Energy or an authorised person and that permission is produced to a Collector. Item 3 of Schedule 2 extends those export controls to coal.

To implement the Government's policy to remove export controls from this commodity these Regulations omit item 3 from Schedule 7 to the Regulations (regulation 2.1 refers).

The Regulations commenced on gazettal.