

EXPLANATORY STATEMENT

Customs By-law No. 1305011

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 commence on 1 March 2013. It 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 26 in the new Schedule 4 replaces item 32A and 32B of the previous Schedule 4 to the Customs Tariff Act. Item 26 provides that goods, as prescribed by by-law, whose value is less than the amount prescribed by by-law, are dutiable at the rate of “Free”.

New By-law No. 1305011 replaces previous By-laws Nos. 0540003 and 0540004.

Instrument

By-law No. 1305011 prescribes goods whose customs value is less than AUD\$1000.01. The by-law does not apply to:

- (a) tobacco, tobacco products or alcoholic beverages;
- (b) goods imported by a passenger or a member of the crew of a ship or aircraft arriving in Australia from a place outside Australia; or
- (c) goods forming part of a bulk order.

Consultation

No consultation was undertaken in relation to By-law No. 1305011 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. 1305011 takes effect on and from the date that the *Customs Tariff Amendment (Schedule 4) Act 2012* commences, that is 1 March 2013.