

CUSTOMS ACT 1901
CUSTOMS TARIFF ACT 1995

SCHEDULE 4

BY-LAW No. 1700581

I, David Coyles, delegate of the Comptroller-General of Customs, under section 271 of the *Customs Act 1901* and subsection 33(3) of the *Acts Interpretation Act 1901*:

1. revoke the by-law cited as Customs By-Law No. 1300942 and
2. make the by-law set out in the Schedule below.

THE SCHEDULE

BY-LAW No. 1700581

Item 15
Schedule 4

1. This by-law may be cited as Customs By-law No. 1700581.
2. This by-law takes effect on and from 1 February 2018.
3. For the purposes of Item 15 Schedule 4 to the *Customs Tariff Act 1995*, the goods that are specified in Column 1 of the Table (the Table) below are prescribed.
4. The application of Item 15 to the goods in the Table are subject to:
 - (a) paragraph 5; and
 - (b) the exceptions and conditions, if any, set out in Column 2 of the Table opposite those goods.
5. The goods must:
 - (a) not be commercial goods; and
 - (b) be personal goods.
6. In this by-law:

adult means a person 18 years or over;

arriving person means a passenger or crew member who was on board a ship or aircraft which arrived in Australia from a place outside Australia;

arriving resident means a person who arrives in Australia and intends immediately to take up or resume residence in Australia; and

- (a) is an Australian citizen for the purposes of the *Australian Citizenship Act 2007* (as amended from time to time); or
- (b) holds a permanent visa within the meaning of the *Migration Act 1958* (as amended from time to time); or
- (c) holds a special category visa within the meaning of the *Migration Act 1958* (as amended from time to time);

commercial goods means goods that:

- (a) are intended to be used by the arriving person for a commercial purpose, including sale, lease, hire or exchange; or
- (b) are goods that have been imported in such a quantity that, having regard to their nature or durability, that quantity represents a commercial quantity;

family means:

- (a) 2 people who are married, and any of their children who are under the age of 18 years; or
- (b) a person and his or her *de facto* partner (within the meaning of the *Acts Interpretation Act 1901*), and any of their children who are under the age of 18 years;

personal goods means goods that:

- (a) are the property of an arriving person; and
- (b) are suitable, and are intended, for use by the arriving person;

but do not include motor vehicles or motor vehicle parts;

tobacco products mean cigarettes, cigars or other products containing tobacco;

used in relation to the expression “personally owned and used” means being available for use for their intended purpose by the arriving person or arriving resident on a continuing basis in each country in which that person was residing on a long term basis.

THE TABLE

Column 1 Goods	Column 2 Exceptions and Conditions
<p>(1) Goods, as follows:</p> <p>(a) personal clothing of all kinds including footwear;</p> <p>(b) articles for personal hygiene or grooming.</p>	<p>(1) The goods must be imported by an arriving resident.</p> <p>(2) Except fur apparel and perfume concentrates.</p>
<p>(2) Goods, as follows:</p> <p>(a) non-motorised caravans;</p> <p>(b) non-motorised box, boat or similar trailers;</p> <p>(c) boats designed for use in sheltered waters for sport or recreation, conforming to one of the following specifications:</p> <p>(i) boats propelled by manual or pedal power;</p> <p>(ii) sailing boats that:</p> <p>(a) do not exceed 1,000 kilograms unladen weight;</p> <p>(b) do not incorporate any device for propelling the boat by power; and</p> <p>(c) are not of the deep keel type; or</p> <p>(iii) powered boats that:</p> <p>(a) do not exceed 7 metres in length, overall;</p> <p>(b) do not exceed 2.5 metres in width at any section; and</p> <p>(c) do not exceed 1,250 kilograms unladen weight when imported with driving units and transmissions, or 800 kilograms unladen weight when imported without driving units and transmissions.</p>	<p>(1) The goods must be imported by an arriving resident.</p> <p>(2) If the person is part of a family, only one article selected from each of the three groups (a), (b) and (c) (specified in Column 1) will be allowed for the family per three years.</p> <p>(3) If the person is not part of a family, only one article selected from each of the three groups (a), (b) and (c) (specified in Column 1) will be allowed for the person per three years.</p> <p>(4) The person must :</p> <p>(a) be an arriving resident; and</p> <p>(b) have personally owned and used the goods overseas for the twelve months preceding the person's departure for Australia.</p> <p>(5) If the goods are a boat specified in Table Item 2(c), they will not be sold or otherwise disposed of in Australia by or on behalf of the arriving resident, within two years after the date of importation of the goods.</p>

<p style="text-align: center;">Column 1 Goods</p>	<p style="text-align: center;">Column 2 Exceptions and Conditions</p>
<p>(3) Aircraft of all types, having not more than one propulsion motor.</p>	<p>(1) The goods must be imported by a person who is an arriving resident and who is an adult.</p> <p>(2) If the person is part of a family, only one aircraft will be allowed for the family.</p> <p>(3) If the person is not part of a family, only one aircraft will be allowed for the person.</p> <p>(4) The person must have personally owned and used the goods overseas for the six months preceding the person's departure for Australia.</p> <p>(5) The goods must not be sold or otherwise disposed of in Australia by or on behalf of the arriving person, within two years after the date of importation of the goods.</p>
<p>(4) Machinery, plant and equipment, not covered by a preceding Item.</p>	<p>(1) The goods must be imported by a person who is an arriving resident and who is an adult.</p> <p>(2) The person must have personally owned and used the goods overseas for the twelve months preceding the person's departure for Australia.</p> <p>(3) The person must intend to use the goods or be in a position to use the goods.</p> <p>(4) The goods will, for a continuous period of two years, be put to use in Australia by the person for the purpose for which they are intended.</p> <p>(5) The goods will not be sold, leased, hired, mortgaged or otherwise disposed of, by or on behalf of the person, before the expiration of the two year period referred to in sub-paragraph (4) of this condition.</p>

Column 1 Goods	Column 2 Exceptions and Conditions
(5) Fur apparel, personal effects, furniture and household goods, not covered by a preceding Item.	(1) The goods must be imported by an arriving person. (2) The person must have personally owned and used the goods overseas for the twelve months preceding the arriving person's departure for Australia. (3) Except alcoholic beverages and tobacco products.

7. For the purposes of this by-law, the “*Customs Tariff Act 1995*” means the *Customs Tariff Act 1995*.

Dated this 29th day of January 2018.

(Signed)
 David Coyles
 Delegate of the
 Comptroller-General of Customs