



Tradex Scheme Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 27 September 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Karen Andrews
Minister for Industry, Science and Technology

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Part 1—Preliminary

1 Name

This instrument is the *Tradex Scheme Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	29 September 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Tradex Scheme Act 1999*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) nominated goods;
- (b) person;
- (c) Secretary;
- (d) tradex duty;
- (e) tradex order.

In this instrument:

Act means the *Tradex Scheme Act 1999*.

consumed or used has the meaning given by subsection 21(6) of the Act.

Note: See also section 8 of this instrument.

Section 6

6 Core criteria—imported goods not to be consumed or used

- (1) For the purposes of paragraph 5(1)(b) of the Act, the nominated goods must not be intended to be consumed or used in Australia.
- (2) For the purposes of paragraph 5(2)(b) of the Act, the nominated goods must not have been consumed or used in Australia.

Note: For the meaning of *consumed or used*, see subsection 21(6) of the Act and section 8 of this instrument.

Part 2—Liability to pay tradex duty in respect of nominated goods in certain circumstances

7 Value of goods

For the purposes of subsection 21(2) of the Act, the value of goods for the purposes of calculating an amount of tradex duty, or a related purpose, is the customs value of the goods within the meaning of Division 2 of Part VIII of the *Customs Act 1901*.

Note: For the amount of tradex duty, see the *Tradex Duty Imposition (Customs) Act 1999*, the *Tradex Duty Imposition (Excise) Act 1999* and the *Tradex Duty Imposition (General) Act 1999*.

8 Permitted consumption or use

- (1) For the purposes of the definition of *consumed or used* in subsection 21(6) of the Act, the following consumption or use is permitted in relation to goods:
 - (a) accidental damage in Australia;
 - (b) accidental destruction in Australia;
 - (c) inspection or exhibition in Australia before the goods are exported;
 - (d) incidental use that occurs immediately before the goods are exported;
 - (e) if the goods are traveller's cheques—writing on the cheques in Australia, other than countersigning the cheques in exchange for goods, services or cash.
- (2) However, the consumption or use mentioned in subsection (1) is not permitted if:
 - (a) the goods are subsequently further consumed or used in Australia; and
 - (b) the further consumption or use is not permitted by this section.

Part 3—Miscellaneous

9 Request for refund of overpaid tradex duty

A request by a person for the purposes of subsection 42A(1) of the Act (for a refund of an amount of tradex duty under that subsection) must:

- (a) be given to the Secretary; and
- (b) include:
 - (i) the reference number of the relevant tradex order; and
 - (ii) sufficient evidence to satisfy the Secretary as to the amount of refund to which the person is entitled under that subsection.

Schedule 1—Repeals

Tradex Scheme Regulations 2008

1 The whole of the instrument

Repeal the instrument.