

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.

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.