



# **Customs (Prohibited Exports) Amendment (Liquefied Natural Gas) Regulations 2023**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 30 March 2023

David Hurley  
Governor-General

By His Excellency's Command

Clare O'Neil  
Minister for Home Affairs

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## 1 Name

This instrument is the *Customs (Prohibited Exports) Amendment (Liquefied Natural Gas) Regulations 2023*.

## 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	Immediately after this instrument is registered.	2.55 pm (A.C.T.) 30 March 2023

Note: This table relates only to the provisions of this instrument as originally made.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 *Customs Act 1901*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Main amendments

#### *Customs (Prohibited Exports) Regulations 1958*

##### 1 Regulation 13GB

Insert:

*domestic shortfall quarter* means a quarter determined by the Resources Minister under subregulation 13GE(1) to be a domestic shortfall quarter.

##### 2 Regulation 13GB (definition of *domestic shortfall year*)

Repeal the definition.

##### 3 Regulation 13GB (definition of *permission*)

Omit “year”, substitute “quarter”.

##### 4 Regulation 13GB

Insert:

*quarter* means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October.

##### 5 Regulation 13GC (heading)

Omit “years”, substitute “quarters”.

##### 6 Subregulation 13GC(1)

Omit “year”, substitute “quarter”.

##### 7 Subregulation 13GC(1) (note)

Omit “year”, substitute “quarter”.

##### 8 Regulation 13GE (heading)

Omit “year”, substitute “quarter”.

##### 9 Subregulations 13GE(1) and (2)

Repeal the subregulations, substitute:

- (1) For the purposes of the definition of *domestic shortfall quarter* in regulation 13GB, the Resources Minister may, by notifiable instrument, determine a quarter to be a domestic shortfall quarter.
- (2) The Resources Minister must not determine a quarter (the *relevant quarter*) to be a domestic shortfall quarter under subregulation (1) unless each of the following applies:
  - (a) the Resources Minister has reasonable grounds to believe that there will not be a sufficient supply of natural gas for Australian consumers during the relevant quarter unless exports of liquefied natural gas are controlled;
  - (b) the Resources Minister has consulted the following Ministers:

- (i) the Prime Minister;
- (ii) the Treasurer;
- (iii) the Energy Minister;
- (iv) the Industry Minister;
- (v) the Trade Minister;
- (c) on or before the first day of the quarter immediately preceding the relevant quarter, the Resources Minister gives notice, by notifiable instrument registered on the Federal Register of Legislation, of the Resources Minister's intention to consider whether to determine the relevant quarter to be a domestic shortfall quarter;
- (d) the determination is made within the period:
  - (i) beginning 30 days after the first day of the quarter immediately preceding the relevant quarter; and
  - (ii) ending 45 days after the first day of the quarter immediately preceding the relevant quarter.

**10 Subregulation 13GE(3)**

Omit "year", substitute "quarter".

## Part 2—Application and transitional provisions

### *Customs (Prohibited Exports) Regulations 1958*

#### 11 In the appropriate position in Part 5

Insert:

#### 22 Transitional matters—amendments made by the *Customs (Prohibited Exports) Amendment (Liquefied Natural Gas) Regulations 2023*

- (1) This regulation applies if a domestic shortfall quarter (the *relevant quarter*) determined under regulation 13GE commences on 1 July 2023.
- (2) Regulation 13GE applies in relation to the relevant quarter as if the reference in paragraph 13GE(2)(c) to the first day of the quarter immediately preceding the relevant quarter were instead a reference to 14 April 2023.