



Customs Legislation Amendment (Status of Forces Agreements) By-Laws 2023

I, Alison Neil, delegate of the Comptroller-General of Customs, make the following by-laws.

Dated 27 June 2023

[signed]

Alison Neil
Delegate of the Comptroller-General of Customs

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1 Name

This instrument is the *Customs Legislation Amendment (Status of Forces Agreements) By-Laws 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. Sections 1 to 4 and anything else in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Schedule 1, item 10	The later of: (a) the day after this instrument is registered; and (b) the day that Schedule 1 to the <i>Customs Legislation Amendment (Japan—Australia Reciprocal Access Agreement) Regulations 2023</i> commences. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	

Note: This table relates only to the provisions of this instrument as originally made.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 section 271 of 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Customs By-Laws 2023

1 Section 17

Repeal the section.

2 Section 18

Repeal the section.

3 Section 19

Repeal the section.

4 Section 20

Repeal the section.

5 Section 21

Repeal the section.

6 Section 22

Repeal the section.

Customs By-Laws (International Obligations) By-Laws 2023

7 Title

Repeal the title, substitute:

Customs (International Obligations) By-Laws 2023.

8 Section 1

Omit “*Customs By-Laws (International Obligations) By-Laws 2023*”, substitute “*Customs (International Obligations) By-Laws 2023*”.

9 After section 6

Insert:

7 Goods for members etc. of a Malaysian Visiting Force (item 11)

By-law

- (1) This section may be cited as Customs By-law No. 2300037.

Prescribed goods

- (2) For the purposes of item 11, each of the following goods are goods to which that item applies:
 - (a) personal effects, furniture and household goods of a member or dependant, other than any of the following goods:
 - (i) motor vehicles;

- (ii) cigarettes, cigars or tobacco;
- (iii) spirituous liquors;
- (b) motor vehicles.

Conditions

- (3) Item 11 applies to those goods covered by paragraph (2)(a) subject to all of the following conditions:
 - (a) the goods were imported during the period of six months beginning on the day a person covered by paragraph (2)(a) first arrived in Australia;
 - (b) the goods remain in the use, ownership and possession of the person;
 - (c) the goods will not be sold, traded, exchanged, hired out, donated or otherwise disposed of in Australia within two years of the day the goods were imported, unless prior written approval has been obtained from the Collector.
- (4) Item 11 applies to the goods covered by paragraph (2)(b) subject to both of the following conditions:
 - (a) the motor vehicle was imported by a member; and
 - (b) either subsection (5) or (6) applies in relation to the motor vehicle.
- (5) This subsection applies in relation to a motor vehicle if:
 - (a) the motor vehicle was owned and used outside Australia by the member during the period of six months ending on the day the member first departed for Australia; and
 - (b) after it is imported into Australia, the motor vehicle remains in the use, ownership and possession of:
 - (i) the member; or
 - (ii) with the written permission of the Collector, another member; during the period of two years beginning on the day the motor vehicle was imported.
- (6) This subsection applies in relation to a motor vehicle if, after it is imported into Australia:
 - (a) the motor vehicle remains in the ownership and possession of:
 - (i) the member; or
 - (ii) with the written permission of the Collector, another member; and
 - (b) the motor vehicle is exported by the member within:
 - (i) three years of the day the motor vehicle is imported; or
 - (ii) if the Collector has approved a longer period--such longer period as the Collector has approved in writing.

Definitions

- (7) In this section:

Agreement means the Agreement between the Government of Australia and the Government of Malaysia concerning the Status of Forces, done at Kuala Lumpur on 3 February 1997.

Note: The Agreement is in Australian Treaty Series 1999 No. 14 ([1999] ATS 14) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

civilian component has the meaning given by Article 1 of the Agreement.

dependant has the meaning given by Article 1 of the Agreement.

member means a member of a Malaysian Visiting Force or of its civilian component.

Visiting Force has the meaning given by Article 1 of the Agreement.

8 Goods for members etc. of a New Zealand Visiting Force (item 11)

By-law

- (1) This section may be cited as Customs By-law No. 2300088.

Prescribed goods

- (2) For the purposes of item 11, each of the following goods are goods to which that item applies:
- (a) personal effects, furniture and household goods of a member or dependant, other than any of the following goods:
 - (i) motor vehicles;
 - (ii) cigarettes, cigars, or tobacco;
 - (iii) spirituous liquors;
 - (b) motor vehicles.

Conditions

- (3) Item 11 applies to those goods covered by paragraph (2)(a) subject to all of the following conditions:
- (a) the goods were imported during the period of six months beginning on the day a person covered by paragraph (2)(a) first arrived in Australia;
 - (b) the goods remain in the use, ownership and possession of the person;
 - (c) the goods will not be sold, traded, exchanged, hired out, donated or otherwise disposed of in Australia within two years of the day the goods were imported, unless prior written approval has been obtained from the Collector.
- (4) Item 11 applies to those goods covered by paragraph (2)(b) subject to both of the following conditions:
- (a) the motor vehicle was imported by a member;
 - (b) either subsection (5) or (6) applies in relation to the motor vehicle.
- (5) This subsection applies in relation to a motor vehicle if:
- (a) the motor vehicle was owned and used outside Australia by the member during the period of three months ending on the day the member first departed for Australia; and
 - (b) after it is imported into Australia, the motor vehicle remains in the use, ownership and possession of:
 - (i) the member; or
 - (ii) with the written permission of the Collector, of another member;

during the period of two years beginning on the day the motor vehicle was imported.

- (6) This subsection applies in relation to a motor vehicle if, after it is imported into Australia:
- (a) the motor vehicle remains in the use, ownership and possession of:
 - (i) the member; or
 - (ii) with the written permission of the Collector, of another member; and
 - (b) the motor vehicle is exported by the member within:
 - (i) two years of the day the motor vehicle is imported; or
 - (ii) if the Collector has approved a longer period--such longer period as the Collector has approved in writing.

Definitions

- (7) In this section:

Agreement means the Agreement between the Government of Australia and the Government of New Zealand concerning the Status of their Forces, done at Melbourne on 29 October 1998.

Note: The Agreement is in Australian Treaty Series 2005 No. 12 ([2005] ATS 12) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

civilian component has the meaning given by Article 1 of the Agreement.

dependant has the meaning given by Article 1 of the Agreement.

member means a member of a New Zealand Visiting Force or of its civilian component.

Visiting Force has the meaning given by Article 1 of the Agreement.

9 Goods for members etc. of a Papua New Guinea Visiting Force (item 11)

By-law

- (1) This section may be cited as Customs By-law No. 2300089.

Prescribed goods

- (2) For the purposes of item 11, each of the following goods are goods to which that item applies:
- (a) personal effects, furniture and household goods of a member or dependant, other than any of the following goods:
 - (i) motor vehicles;
 - (ii) cigarettes, cigars or tobacco;
 - (iii) spirituous liquors.
 - (b) motor vehicles.

Conditions

- (3) Item 11 applies to those goods covered by paragraph (2)(a) subject to all of the following conditions:

- (a) the goods were imported at the time of first arrival of a person covered by paragraph (2)(a) in Australia;
 - (b) the goods remain in the use, ownership and possession of the person; and
 - (c) the goods will not be sold, traded, exchanged, hired out, donated or otherwise disposed of in Australia within two years of the day the goods were imported, unless prior written approval has been obtained from the Collector.
- (4) Item 11 applies to those goods covered by paragraph (2)(b) subject to all of the following conditions:
- (a) the motor vehicle was imported by a member;
 - (b) the motor vehicle was owned and used outside Australia by the member during the period of three months ending on the day the member first departed for Australia;
 - (c) the motor vehicle is not disposed of in Australia unless prior written approval has been obtained from the Collector;
 - (d) the motor vehicle remains in the use, ownership and possession of:
 - (i) the member; or
 - (ii) with the written permission of the Collector, another member;during the period of two years beginning on the day the motor vehicle was imported.

Definitions

- (5) In this section:

Agreement means the Agreement between Australia and Papua & New Guinea regarding the Status of Forces of Each State in the Territory of the Other State, done at Port Moresby on 26 January 1977.

Note: The Agreement is in Australian Treaty Series 1977 No. 6 ([1977] ATS 6) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

at the time of first arrival means:

- (a) any time during the period of six months beginning on the day the person covered by paragraph (2)(a) arrived in Australia; or
- (b) if the Collector has approved a longer period--such longer period as the Collector has approved in writing.

civilian component has the meaning given by Article 1 of the Agreement.

dependant has the meaning given by Article 1 of the Agreement.

member means a member of a Papua New Guinea Visiting Force or of its civilian component.

Visiting Force has the meaning given by Article 1 of the Agreement.

10 Goods for members etc. of a Singapore Visiting Force (item 11)

By-law

- (1) This section may be cited as Customs By-law No. 2300090.

Prescribed goods

- (2) For the purposes of item 11, each of the following goods are goods to which that item applies:
- (a) personal effects, furniture and household goods of a member or dependant, other than any of the following goods:
 - (i) motor vehicles;
 - (ii) cigarettes, cigars, or tobacco;
 - (iii) spirituous liquors;
 - (b) motor vehicles.

Conditions

- (3) Item 11 applies to those goods covered by paragraph (2)(a) subject to all of the following conditions:
- (a) the goods were imported during the period of six months beginning on the day a person covered by paragraph (2)(a) first arrived in Australia;
 - (b) the goods remain in the use, ownership and possession of the person; and
 - (c) the goods will not be sold, traded, exchanged, hired out, donated or otherwise disposed of in Australia within two years of the day the goods were entered for home consumption, unless prior written approval has been obtained from the Collector.
- (4) Item 11 applies to those goods covered by paragraph (2)(b) subject to both of the following conditions:
- (a) the motor vehicle was imported by a member; and
 - (b) either subsection (5) or (6) applies in relation to the motor vehicle.
- (5) This subsection applies in relation to a motor vehicle if:
- (a) the motor vehicle was owned and used outside Australia by the member during the period of three months ending on the day the member first departed for Australia; and
 - (b) after it is imported into Australia, the motor vehicle remains in the use, ownership and possession of:
 - (i) the member; or
 - (ii) with the written permission of the Collector, another member; during the period of two years beginning on the day of entry for home consumption of the motor vehicle.
- (6) This subsection applies in relation to a motor vehicle if:
- (a) the motor vehicle remains in the use, ownership and possession of:
 - (i) the member; or
 - (ii) with the written permission of the Collector, another member; and
 - (b) the motor vehicle is exported by the member within:
 - (i) 12 months of the day the motor vehicle is entered for home consumption; or
 - (ii) if the Collector has approved a longer period--such longer period as the Collector has approved in writing.

Definitions

(7) In this section:

Agreement means the Exchange of Notes constituting an Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the Status of Forces, done at Singapore on 10 February 1988.

Note: The Agreement is in Australian Treaty Series 1988 No. 6 ([1988] ATS 6) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

civilian component has the same meaning as in the Agreement.

dependant has the same meaning as in the Agreement.

member means a member of a Singapore Visiting Force or of its civilian component.

Visiting Force has the same meaning as in the Agreement.

11 Goods for members etc. of a United States Force (item 11)

By-law

(1) This section may be cited as Customs By-law No. 2300038.

Prescribed goods

(2) For the purposes of item 11, each of the following goods are goods to which that item applies:

(a) personal effects, furniture and household goods of a member or dependant, other than any of the following goods:

- (i) motor vehicles;
- (ii) cigarettes, cigars, or tobacco;
- (iii) spirituous liquors;
- (iv) goods covered by paragraph (c).

(b) motor vehicles;

(c) goods that are:

- (i) personal consumables;
- (ii) goods of a kind which when in use are worn or carried on the person;
- (iii) goods which are normally carried in hand baggage when travelling;
- (iv) unsolicited gifts sent by persons resident overseas in recognition or appreciation of an occasion or event;

other than:

- (v) goods referred to in subparagraph (c)(i), (ii), (iii) or (iv) where the value of the goods exceeds 130USD;
- (vi) goods referred to in subparagraph (a)(i), (ii) and (iii).

Conditions

(3) Item 11 applies to those goods covered by paragraph (2)(a) subject to all of the following conditions:

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- (a) the goods were imported within the period of six months beginning on the day a person covered by paragraph (2)(a) first arrives in Australia; and
 - (b) the goods remain in the use, ownership and possession of the person; and
 - (c) the goods will not be sold, traded, exchanged, hired out, donated or otherwise disposed of in Australia within two years of the day the goods were imported into Australia, unless prior written approval has been obtained from the Collector.
- (4) Item 11 applies to those goods covered by paragraph (2)(b) subject to both of the following conditions:
- (a) the motor vehicle was imported by a member covered by paragraph (2)(a); and
 - (b) either subsection (5) or (6) applies in relation to the motor vehicle.
- (5) This subsection applies in relation to a motor vehicle if:
- (a) the motor vehicle was owned and used outside Australia by the member during the period of six months ending on the day the member first departed for Australia; and
 - (b) after it is imported into Australia, the motor vehicle remains in the use, ownership and possession of:
 - (i) the member; or
 - (ii) with the written permission of the Collector, another member covered by paragraph (2)(a);for two years after the date of importation.
- (6) This subsection applies in relation to a motor vehicle if, after it is imported into Australia:
- (a) the motor vehicle remains in the ownership and possession of:
 - (i) the member; or
 - (ii) with the written permission of the Collector, another member covered by paragraph (2)(a); and
 - (b) the motor vehicle is exported by the member within:
 - (i) three years of the day the motor vehicle is imported; or
 - (ii) if the Collector has approved a longer period--such longer period as the Collector has approved in writing.
- (7) Item 11 applies to those goods covered by paragraph (2)(c) subject to the condition that those goods are imported from the United States through military post offices by the member or dependant.

Definitions

- (8) In this section:

Agreement means the Agreement between the Government of the Commonwealth of Australia and the Government of the United States of America concerning the Status of United States Forces in Australia, and Protocol, done at Canberra on 9 May 1963.

Note: The Treaty is in Australian Treaty Series 1963 No. 10 ([1963] ATS 10) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

dependant has the meaning given by Article 1 of the Agreement.

member means:

- (a) a member of a United States Forces (within the meaning of Article 1 of the Agreement); or
- (b) a member of the civilian component (within the meaning of Article 1 of the Agreement).

military post office means a U.S. postal establishment located in:

- (a) Alice Springs, Northern Territory; or
- (b) Canberra, Australian Capital Territory; or
- (c) Darwin, Northern Territory; or
- (d) Melbourne, Victoria; or
- (e) North West Cape, Western Australia; or
- (f) St Peters, New South Wales; or
- (g) Woomera, South Australia.

USD means United States Dollar.

12 Goods for members etc. of a French Republic Visiting Force (item 11)

By-law

- (1) This section may be cited as Customs By-law No. 2300039.

Prescribed goods

- (2) For the purposes of item 11, each of the following goods are goods to which that item applies:
 - (a) personal effects, furniture and household goods of a member or dependant, other than any of the following goods:
 - (i) motor vehicles;
 - (ii) cigarettes, cigars, or tobacco;
 - (iii) spirituous liquors;
 - (b) motor vehicles.

Conditions

- (3) Item 11 applies to those goods covered by paragraph (2)(a) subject to all of the following conditions:
 - (a) the goods were imported during the period of six months beginning on the day a person covered by paragraph (2)(a) first arrived in Australia to take up service in Australia;
 - (b) the goods remain in the use, ownership and possession of the person;
 - (c) the goods will not be transferred, sold, traded, exchanged, hired out, donated or otherwise disposed of in Australia unless prior written approval has been obtained from the Collector.
- (4) Item 11 applies to the goods covered by paragraph (2)(b) subject to the condition that the goods imported by the member will not be transferred, sold, traded, exchanged, hired out, donated or otherwise disposed of in Australia unless prior written approval has been obtained from the Collector.

Definitions

(5) In this section:

Agreement means the Agreement between the Government of Australia and the Government of the French Republic regarding Defence Cooperation and Status of Forces, done at Paris on 14 December 2006.

Note: The Treaty is in Australian Treaty Series 2009 No. 18 ([2009] ATS 18) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

civilian component has the meaning given in Article 1 of the Agreement.

dependant has the meaning given in Article 1 of the Agreement.

member means a member of a French Republic Visiting Force or of its civilian component.

Visiting Force has the meaning given in Article 1 of the Agreement.

10 After section 6

Insert:

13 Goods for members etc. of a Japan Visiting Force (item 11)

By-law

(1) This section may be cited as Customs By-law No. 2300138.

Prescribed goods

- (2) For the purposes of item 11, each of the following goods are goods to which that item applies:
- (a) personal effects, furniture and household goods of a member other than any of the following goods:
 - (i) motor vehicles;
 - (ii) cigarettes, cigars, or tobacco;
 - (iii) alcoholic beverages;
 - (b) a motor vehicle.

Conditions

- (3) Item 11 applies to those goods covered by subsection (2) subject to the following conditions:
- (a) the goods were imported during the period of six months beginning on the day a person covered by paragraph (2)(a) first arrived in Australia;
 - (b) the goods remain in the use, ownership and possession of the person; and
 - (c) the goods will not be disposed of in Australia, other than by transfer to another member, unless prior written approval has been obtained from the Collector;
 - (d) if the goods are motor vehicles covered by subsection (2)(b)—no more than one motor vehicle is imported by a member.

Definitions

(4) In this section:

Agreement means the Agreement between Australia and Japan concerning the facilitation of reciprocal access and cooperation between the Australian Defence Force and the Self-Defense Forces of Japan, done at Canberra and Tokyo on 6 January 2022.

Note: The Agreement could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

civilian component has the same meaning as in the Agreement.

member means a member of a Japan Visiting Force or of its civilian component.

Visiting Force has the same meaning as in the Agreement.

Schedule 2—Repeals

Customs By-Law No. 0709706

1 The whole of the instrument

Repeal the instrument.

Customs By-Law No. 1700052

2 The whole of the instrument

Repeal the instrument.