



**Statutory Rules 1996 No. 281<sup>1</sup>**

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**Customs (Prohibited Exports) Regulations<sup>2</sup>  
(Amendment)**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,  
acting with the advice of the Federal Executive Council, make the  
following Regulations under the *Customs Act 1901*.

Dated 11 December 1996.

**WILLIAM DEANE**  
Governor-General

By His Excellency's Command,

**G. D. PROSSER**  
Minister for Small Business and Consumer Affairs

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**1. Commencement**

1.1 Regulation 5.4 commences on 29 April 1997.

[NOTE: The remainder of these Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

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**2. Amendment**

2.1 The Customs (Prohibited Exports) Regulations are amended as set out in these Regulations.

**3. Regulation 13B (Export of goods specified in Schedule 13)**

3.1 Omit regulation 13B.

**4. Regulation 13D (Exportation of goods containing certain chemical compounds)**

4.1 Omit regulation 13D.

**5. Regulation 13E (Exportation of certain goods)**

5.1 Subregulation 13E (1) (definition of "strategic goods list"):

Omit the definition, substitute:

"**defence and strategic goods list**' means the document:

- (a) formulated and published under paragraph 112 (2A) (aa) of the Act by the Minister for Defence Industry, Science and Personnel; and
- (b) titled "The Defence and Strategic Goods List" in the publication "Australian Controls on the Export of Defence and Strategic Goods"; and
- (c) dated November 1996;

as amended by the Minister and in force from time to time."

5.2 Subregulation 13E (1A):

Omit the subregulation, substitute:

"(1A) The Minister for Defence Industry, Science and Personnel may authorise in writing:

- (a) a person employed in the Department of Defence; or
- (b) for goods listed in Part 1 of the defence and strategic goods list—an Officer of Customs;

to grant a licence or permission to export from Australia goods listed in the defence and strategic goods list.

"(1B) An authority given under subregulation (1A) may be:

- (a) subject to conditions about the circumstances in which goods are exported; and
- (b) restricted to a number, type or category of goods."

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**5.3 Subregulation 13E (2):**

Omit "strategic", substitute "defence and strategic".

**5.4 After subregulation 13E (2), insert:**

"(2A) An application for a licence or permission under subregulation (2) to export goods mentioned in subregulation (2B) must be made in writing at least 37 days before the proposed date of exportation.

"(2B) The goods referred to in subregulation (2A) are goods mentioned in the following items in the defence and strategic goods list:

- (a) item ML7a (not being CW incapacitating agents mentioned in Note 1.c or CW defoliants mentioned in Note 1.d);
- (b) item ML7b;
- (c) item 1C350.23;
- (d) item 1C351.d.4;
- (e) item 1C351.d.5."

**5.5 Paragraphs 13E (2) (a), (2) (b) and (6) (a), subregulations 13E (5) and (7):**

Omit "Minister for Defence", substitute "Minister for Defence Industry, Science and Personnel".

**5.6 Paragraph 13E (2) (c):**

Add at the end:

"; and (iv) are specified in Part 1 (other than item ML7) or Part 3 (other than items 1C350, 1C351, 1C352, 1C353, 1C354 and 1C450) of the defence and strategic goods list."

**5.7 Subregulations 13E (3), (3A), (3B), (3C) and (3D):**

Omit the subregulations, substitute:

"(3) A licence or permission may state that its holder must comply with conditions or requirements including:

- (a) a time (before or after exporting goods) at or before which the holder must comply with a condition or requirement;
- (b) the circumstances in which goods may be exported;

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(c) the number, type or category of goods that may be exported.”.

5.8 Subregulations 13E (4), (5) and (6):

Omit “permission” (wherever occurring), substitute “licence or permission”.

5.9 Subregulation 13E (4) and (6):

Omit “permissions” (wherever occurring), substitute “licences or permissions”.

**6. Regulation 13F (Exportation of live biological agents (pathogens) and toxins—non-vaccines)**

6.1 Omit regulation 13F.

**7. Regulation 13G (Exportation of live biological agents (pathogens) and toxins—vaccines)**

7.1 Omit regulation 13G.

**8. Regulation 13H (Certain applications to be referred)**

8.1 Paragraph 13H (1) (a):

Omit “13CD (1), 13CE (1) or (2), 13CG (1), 13D (2) or 13F (4)”, substitute “13CE (1) or (2) or 13CG (1)”.

8.2 Paragraph 13H (1) (c):

Omit “regulation 13B or subregulation 13E (2); or”, substitute “subregulation 13E (2);”.

8.3 Paragraph 13H (1) (d):

Omit the paragraph.

8.4 Paragraph 13H (3) (a):

Omit “13CD (1), 13CE (1) or (2), 13CG (1), 13D (2) or 13F (4)”, substitute “13CE (1) or (2) or 13CG (1)”.

8.5 Paragraph 13H (3) (b):

Omit “regulation 13B or subregulation 13E (2); or”, substitute “subregulation 13E (2);”.

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8.6 Paragraph 13H (3) (c):  
Omit the paragraph.

8.7 Paragraph 13H (4) (a):  
Omit "regulation 13B or".

8.8 Paragraph 13H (4) (a):  
After "Defence", insert "Industry, Science and Personnel".

8.9 Paragraph 13H (4) (b):  
Omit "13CD (1), 13CE (1) or (2), 13CG (1), 13D (2) or 13F (2)",  
substitute "13CE (1) or (2) or 13CG (1)".

8.10 Paragraph 13H (4) (ba):  
Omit the paragraph.

**9. Schedule 9 (Nuclear-specific goods (exportation prohibited  
except on production of approval under regulation 11))**

9.1 Schedule 9:  
Omit the heading, substitute:

**"SCHEDULE 9**

Regulation 11

**SOURCE MATERIAL AND SPECIAL FISSIONABLE  
MATERIAL".**

9.2 Schedule 9, Parts 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12:  
Omit the Parts.

9.3 Schedule 9, Part 2:  
Omit "PART 2—SOURCE MATERIAL AND SPECIAL  
FISSIONABLE MATERIAL".

9.4 Schedule 9, Part 2:  
Renumber items 2.1, 2.2 and 2.3 as items 1, 2 and 3 respectively.

**10. Schedule 13 (Military and non-military goods (exportation  
prohibited except on production of a licence or permission under  
regulation 13B))**  
10.1 Omit Schedule 13.

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**11. Schedule 14A (Goods the exportation of which to Libya is prohibited)**

11.1 Schedule 14A, Part 1, item 7:

Omit "to which regulation 13B does not apply", substitute "that are not listed in Part 1 of the defence and strategic goods list within the meaning of regulation 13E".

**12. Schedule 15 (Chemical compounds)**

12.1 Omit Schedule 15.

**13. Schedule 16 (Live biological agents (human pathogens and animal pathogens): toxins)**

13.1 Omit Schedule 16.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 12 December 1996.
2. Statutory Rules 1958 No. 5 as amended by 1959 No. 5; 1961 Nos. 16 and 112; 1963 Nos. 129 and 130; 1964 No. 144; 1965 No. 136; 1966 Nos. 70 and 75; 1967 Nos. 42, 59 and 123; 1968 Nos. 46, 83, 101, 153, 160 and 162; 1969 Nos. 11, 21, 22 and 219; 1970 Nos. 34, 68, 89, 106 and 121; 1972 No. 210; 1973 Nos. 4, 7, 39, 74, 102, 138, 218 and 248; 1974 Nos. 46, 157, 178 and 250; 1975 Nos. 19, 44, 45, 173 and 224; 1976 Nos. 169 and 233; 1977 No. 89; 1978 Nos. 14, 58, 59 and 277; 1979 Nos. 160 and 237; 1980 Nos. 21, 61, 72, 76, 82, 99, 110, 212, 273, 358, 381 and 383; 1981 Nos. 49, 72, 86, 149, 225, 251 and 324; 1982 Nos. 169, 171 and 310; 1983 No. 272; 1984 Nos. 35, 63, 191, 262, 263 and 316; 1985 Nos. 1, 68, 138 and 378; 1986 Nos. 76, 89, 177, 178, 328, 364, 365, 366 and 388; 1987 Nos. 97, 115, 156, 176, 301, 317, 318 and 319; 1988 Nos. 65, 178, 195 and 361; 1989 Nos. 57, 59, 196, 264 and 388; 1990 Nos. 125, 146, 190, 264, 333 and 438; 1991 Nos. 24, 77, 118, 288 and 413; 1992 Nos. 61, 83, 103, 155, 412 and 414; 1993 Nos. 68, 212, 258 and 322; 1994 Nos. 32, 143, 172, 242, 313, 379, 392 and 417; 1995 Nos. 71 and 90; 1996 Nos. 32, 47, 48, 49, 50 (Statutory Rules 1996 Nos. 47, 48, 49 and 50 were disallowed by the Senate on 23 May 1996), 69 and 225.