



Customs Legislation Amendment (Objectionable Goods) Regulations 2020

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 20 August 2020

David Hurley
Governor-General

By His Excellency's Command

Jason Wood
Assistant Minister for Customs, Community Safety and Multicultural Affairs
Parliamentary Secretary to the Minister for Home Affairs

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1 Name

This instrument is the *Customs Legislation Amendment (Objectionable Goods) Regulations 2020*.

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	27 August 2020.	27 August 2020

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Customs (Prohibited Exports) Regulations 1958

1 Paragraph 3(2A)(a)

After “counsel”, insert “, promote, encourage”.

2 Paragraph 3(2A)(c)

Before “risk”, insert “substantial”.

3 Subregulation 3(4)

Repeal the subregulation, substitute:

- (4) The exportation of goods to which this regulation applies is prohibited unless:
- (a) a written permission to export the goods has been given by the responsible Minister or an authorised person; or
 - (b) the goods are being exported by a police officer for the purposes of criminal investigation or law enforcement (including criminal prosecution).

4 In the appropriate position in Part 5

Add:

20 Transitional matters—amendments made by the *Customs Legislation Amendment (Objectionable Goods) Regulations 2020*

A permission:

- (a) given under subregulation 3(4); and
- (b) in force immediately before the commencement of the *Customs Legislation Amendment (Objectionable Goods) Regulations 2020* (the **amending regulations**);

has effect, from that commencement, as if it were a permission given under paragraph 3(4)(a) as amended by the amending regulations.

Customs (Prohibited Imports) Regulations 1956

5 Paragraph 4A(1B)(a)

After “counsel”, insert “, promote, encourage”.

6 Paragraph 4A(1B)(c)

Before “risk”, insert “substantial”.

7 Subregulation 4A(2)

Repeal the subregulation, substitute:

- (2) The importation of goods to which this regulation applies is prohibited unless:
- (a) a written permission to import the goods has been granted by the responsible Minister or an authorised person; or
 - (b) the goods are being imported by a police officer for the purposes of criminal investigation or law enforcement (including criminal prosecution).

8 After regulation 11

Insert:

12 Transitional matters—amendments made by the *Customs Legislation Amendment (Objectionable Goods) Regulations 2020*

A permission:

- (a) granted under subregulation 4A(2); and
- (b) in force immediately before the commencement of the *Customs Legislation Amendment (Objectionable Goods) Regulations 2020* (the **amending regulations**);

has effect, from that commencement, as if it were a permission granted under paragraph 4A(2)(a) as amended by the amending regulations.

Customs Regulation 2015**9 Section 4 (definition of *child pornography*)**

Repeal the definition.

10 Section 131

Repeal the section, substitute:

131 Restricted goods

For the purposes of the definition of ***restricted goods*** in subsection 233BABAE(3) of the Act, items of child abuse material are prescribed.

11 Clause 3 of Schedule 7 (table items 3 and 7, column headed “Goods”, paragraph (b))

Omit “child pornography or”.