

Customs Legislation Amendment (Republic of the Union of Myanmar) Regulations 2019

I, ElectrumNS, 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 6 March 2018

ElectrumNS
Governor-General

By His Excellency's Command

Drunk_King_Robert
Minister for Foreign Affairs

Contents

1.....Name	1
2..... Commencement.....	1
3..... Authority.....	1
4..... Schedules.....	2

Schedule 1—Amendments

2

<i>Customs (Prohibited Exports) Regulations 1958</i>	2
--	---

1 Name

This instrument is the *Customs Legislation Amendment (Republic of the Union of Myanmar) Regulations 2019*.

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.	8 March 2019

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

At the end of Division 3 of Part 3

Add:

13CV Exportation of certain goods to the Republic of the Union of Myanmar

(1) In this regulation:

authorised person means a person authorised under subregulation (8).

(2) This regulation applies to goods that are arms or related matériel:

- (a) not listed in the defence and strategic goods list; and
- (b) whose immediate or final destination is, or is intended to be, the Republic of the Union of Myanmar.

(3) Exportation of the goods is prohibited unless the written permission of the Foreign Minister or an authorised person is shown to a Collector at or before the time of exportation.

(4) An application for the permission of the Foreign Minister or an authorised person under subregulation (3) must:

- (a) be in the approved form; and
- (b) contain the information required by the approved form; and
- (c) be signed as indicated by the approved form.

(5) A permission to export goods granted under subregulation (3) may state, in relation to the exportation:

- (a) conditions or requirements, including times for compliance, to which the exportation is subject; and
- (b) the quantity of the goods that may be exported; and
- (c) the circumstances in which the goods may be exported.

(6) When deciding whether to give permission under subregulation (3), the Foreign Minister or an authorised person must take into account:

(a) Australia's obligations under international law.

(7) The Foreign Minister may revoke or modify a permission granted under subregulation (3) if the Foreign Minister is satisfied on reasonable grounds that:

(a) a condition or requirement of the permission has not been complied with, or is unlikely to be complied with unless modified; or

(b) permitting, or continuing to permit, the exportation of goods in accordance with the permission would breach Australia's international obligations or otherwise damage Australia's international relations.

(8) The Foreign Minister may authorise an SES employee or acting SES employee of the Department administered by the Foreign Minister to give permissions under this regulation.