Australian Customs Notice 2003 13

**Amendments to the Customs (Prohibited Imports) Regulations 1956 and Customs (Prohibited Exports) Regulations 1958**

Import of viable materials derived from human embryo clones Export of human embryos

The following amendments to the *Customs (Prohibited Imports) Regulations 1956* and the *Customs (Prohibited Exports) Regulations 1958* were notified in Gazette No. S54 of 27 February 2003.

The *Prohibition of Human Cloning Act 2002* (Human Cloning Act 2002), which came into effect on 16 January 2003, prohibits the importation and exportation of human embryo clones and prohibited embryos.

The Customs Prohibited Imports/Exports Regulations have been amended to support the introduction of the Human Cloning Act 2002. Changes cover the following:

the *Customs (Prohibited Imports) Regulations 1956* have been amended to prohibit absolutely the importation of living tissue and cells (viable material) derived from human embryo clones; and

the *Customs (Prohibited Exports) Regulations 1958* have been amended to prohibit absolutely the export of human embryos for a period of 12 months.

The amendments to the Customs legislation adopt the definitions of 'human embryo' and 'human embryo clone' from Section 8 of the Human Cloning Act 2002.

Consequential amendments to Schedule 1AA to the *Customs Regulations 1926* also have been made to make the prohibited goods constitute tier 2 goods under section 233BAB of the *Customs Act 1901* with offences attracting penalties up to $250,000 or 10 years imprisonment (or both).

The legislative authority for the amendments is Customs (Prohibited Imports) Amendment Regulations 2003 (No. 1) - Statutory Rule 2003 No. 18, Customs (Prohibited Exports) Amendment Regulations 2003 (No. 1) - Statutory Rule No.17 and Customs Amendment Regulations 2003 (No. 1) - Statutory Rule No. 16.

Philomena Carnell

National Manager Cargo Branch for the Chief Executive Officer February 2003