AUSTRALIAN CUSTOMS NOTICE NO. 2005/08

Amendments to the Customs (Prohibited Imports) Regulations 1956 and Customs (Prohibited Exports) Regulations 1958 – Objectionable Material

The following amendments to the *Customs (Prohibited Imports) Regulations 1956* (the Prohibited Imports Regulations) and the *Customs (Prohibited Exports) Regulations 1958* (the Prohibited Exports Regulations) were registered on the Federal Register of Legislative Instruments on 28 and 25 February 2005, respectively.

On 1 March 2005 amendments concerning the provisions dealing with items of child pornography and child abuse material in section 233BAB of the *Customs Act 1901* (the Act) took effect. These amendments aligned section 233BAB with similar amendments in the *Criminal Code 1995* (the Criminal Code). These new provisions are more detailed and also increase the relevant age of a person from under 16 to under 18.

Consequential amendments have been made to regulation 4A of the Prohibited Imports Regulations and regulation 3 of the Prohibited Exports Regulations to reflect the change in age. Goods will be prohibited imports or prohibited exports if they describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or who appears to be, a child under 18 (whether the person is engaged in sexual activity or not). These amendments also commenced on 1 March 2005.

The term ‘looks like’ has been changed to ‘appears to be’ to ensure consistency with the Act and the Criminal Code and is not intended to change the substance of the prohibition.

Such goods prohibited under the regulations may only be imported or exported with the permission of the Attorney-General or an authorised person.

Inquiries concerning this notice may be directed to Manager, Community Protection on telephone number (02) 6275 5963 or fax number (02) 6279 3334.

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