

**Australian Government Department of Home Affairs**

DEPARTMENT OF HOME AFFAIRS NOTICE

No. 2018/23

# Item 1 By-law No.1339704 – revocation and replacement

From 20 July 2018 by-law No.1339704 will be revoked and replaced by by-law No.1800146. By-law No. 1800146 incorporates minor amendments that are required to update the by-law and re-align it with current legislation.

### Changes to institutions and organisations listed in Table A

Table A lists institutions and organisations to which concessional item 1 of Schedule 4 applies.

The Australian Astronomical Observatory (AAO) has been removed from the list of institutions and organisations in Table A. The AAO was abolished by the *Australian Astronomical Observatory (Transition) Act 2018*.

The names of several other organisations and institutions listed in Table A have also been updated to reflect recent name changes.

### Amended references to other legislation listed in the by-law

Paragraph 4 of the by-law provides an additional list of institutions and organisation eligible for concessional duty treatment under item 1 of Schedule 4.

The reference to the *State Grants (Schools Assistance) Act 1984* has been replaced by a reference to the

*Australian Education Act 2013* to realign the by-law with other Commonwealth legislation*.*\

### Use of By-law No.1800146

The use of by-law No.1800146 is first conditioned upon meeting the requirements set out in item 1 of Schedule 4, namely that the goods are:

* scientific instruments or apparatus to which Annex D to the Educational, Scientific and Cultural Materials Agreement, or Annex D to the Educational, Scientific and Cultural Materials Protocol, applies; or
* of a scientific nature and covered by an agreement or arrangement between the Government of Australia and the government of another country or other countries on cooperation in the field of science and technology.

Relevant exerts from Educational, Scientific and Cultural Materials Agreement (Florence Agreement) and the Educational, Scientific and Cultural Materials Protocol (Nairobi Protocol) are provided at Attachment A.

The text of by-law No.1800146 will be made available on the Online Tariff and revised Customs Tariff Working Pages are at Attachment B.

[Signed] Steve Moore

A/g Assistant Secretary

Customs and Border Revenue Branch 17 July 2018

# Attachment A Exerts from the Florence Agreement and the Nairobi Protocol

**Florence Agreement – Annex D: Scientific instruments or apparatus**

Scientific instruments or apparatus, intended exclusively for educational purposes or pure scientific research, provided:

1. That such scientific instruments or apparatus are consigned to public or private scientific or educational institutions approved by the competent authorities of the importing country for the purpose of duty-free entry of these types of articles, and used under the control and responsibility of these institutions;
2. That instruments or apparatus of equivalent scientific value are not being manufactured in the country of importation.

# Nairobi Protocol – Annex D: Scientific instruments or apparatus

Scientific instruments or apparatus, provided:

1. that they are consigned to public or private scientific or educational institutions approved by the competent authorities of the importing country for the purpose of duty-free entry of these types of articles, and used for non commercial purposes under the control and responsibility of these institutions;
2. that instruments or apparatus of equivalent scientific value are not being manufactured in the country of importation.

Spare parts, components or accessories specifically matching scientific instruments or apparatus, provided these spare parts, components or accessories are imported at the same time as such instruments and apparatus, or if imported subsequently, that they are identifiable as intended for instruments or apparatus previously admitted duty-free or entitled to duty-free entry.

Tools to be used for the maintenance, checking, gauging or repair of scientific instruments, provided these tools are imported at the same time as such instruments and apparatus or, if imported subsequently, that they are identifiable as intended for the specific instruments or apparatus previously admitted duty-free or entitled to duty-free entry, and further provided that tools of equivalent scientific value are not being manufactured in the country of importation.

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# Attachment B Customs Tariff Working Pages

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**R.2**

**SCHEDULE OF CONCESSIONAL INSTRUMENTS PART II**

**INSTRUMENTS ISSUED TO ITEMS IN SCHEDULE 4**

## CUSTOMS TARIFF ACT 1995

### Part 2/1

|  |  |
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| **Item By-law Description of Goods No.** | **Start date/ End date** |
| **Goods of a scientific, educational or cultural kind**  **Item 1 – Scientific goods, instruments and apparatus**   * **1 1800146** Organisations eligible to import scientific instruments and apparatus   1. This by-law may be cited as Customs By-law No. 1800146.   2. This by-law shall take effect on and from 20 July 2018.   3. For the purposes of paragraph (a) of item 1 of Schedule 4 to the *Customs Tariff Act 1995* (the Customs Tariff Act), scientific instruments or apparatus consigned to organisations listed in Table A are prescribed:   Table A  The Australian Antarctic Division of the Department of Environment and Energy  Association of Universities for Research in Astronomy Inc (AURA) Austin Medical Research Foundation  Australian Institute of Marine Science  The Australian Nuclear Science Technology Organisation  The Australian Radiation Protection and Nuclear Safety Agency Baker Heart and Diabetes Institute  The Centre for Australian Weather and Climate Research The Centenary Institute  Children’s Medical Research Institute  The Commonwealth Scientific and Industrial Research Organisation The Defence Science and Technology Organisation  The Garvan Institute of Medical Research Geoscience Australia  The Heart Research Institute  The Florey Institute of Neuroscience and Mental Health Ludwig Institute for Cancer Research  Burnet Institute  The Menzies School of Health Research The National Measurement Institute  The Hudson Institute of Medical Research Queensland Institute of Medical Research Sir Albert Sakzewski Virus Research Centre  St Vincent's Institute of Medical Research, Melbourne South Australian Health and Medical Research Institute The Victor Chang Cardiac Research Institute  Walter and Eliza Hall Institute of Medical Research.  (Continued) | **1/7/2018** |

* + **Operative 20/7/18**

**Part 2/2**

## SCHEDULE OF CONCESSIONAL INSTRUMENTS PART II

**INSTRUMENTS ISSUED TO ITEMS IN SCHEDULE 4**

## CUSTOMS TARIFF ACT 1995

|  |  |
| --- | --- |
| **Item By-law Description of Goods No.** | **Start date/ End date** |
| * **1 1800146** 4. For the purposes of paragraph (a) of item 1 of Schedule 4 to the *Customs*   (Cont) *Tariff Act 1995*, scientific instruments or apparatus consigned to the following are prescribed:   * 1. higher education providers within the meaning of the *Higher Education Support Act 2003*;   2. all registered training organisations as listed on the National Register under the *National Vocational Education and Training Regulator Act 2011*;   3. schools directly or indirectly funded under the *Australian Education Act 2013*; or   4. similar scientific or education institutions, approved by the Minister for Industry, Innovation, Science, Research and Tertiary Education or by the Minister for School Education.  1. For the purposes of paragraph (a) of item 1 of Schedule 4 to the *Customs Tariff Act 1995*, spare parts, components or accessories specially designed for use with the scientific instruments or apparatus prescribed in paragraphs 3 and 4 above are prescribed. 2. For the purposes of paragraph (a) of item 1 of Schedule 4 to the *Customs Tariff Act 1995*, tools specially designed for the maintenance, checking, gauging or repair of scientific instruments or apparatus prescribed in paragraphs 3 and 4 above are prescribed. 3. For the purposes of this by-law, the “*Customs Tariff Act 1995*” means the   *Customs Tariff Act 1995*, as amended or proposed to be altered. |  |

### Operative 20/7/18