

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 26 June 1995

(Mr Cleary)

A BILL

FOR

**An Act to amend the Customs (Prohibited Imports)
Regulations**

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Customs (Prohibited Imports) Regulations (Prevention of Child Labour) Act 1995*.

5 **Commencement**

2. This Act commences on the day on which it receives the Royal Assent.

2 *Customs (Prohibited Imports) Regulations (Prevention of Child Labour)* No. , 1995

Insertion of new regulation 4AA

3. After regulation 4A the following regulation is inserted:

Importation of goods produced using child labour

“4AA. (1) In this regulation:

‘Child’ means a person less than 15 years of age; 5

‘Commissioner’ means the Human Rights Commissioner;

‘Convention on the Rights of the Child’ means the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989 entering into force on 2 September 1990 and ratified by Australia on 17 December 1990; 10

‘Goods’ means goods produced using child labour;

‘International Covenant on Civil and Political Rights’ means the International Covenant on Civil and Political Rights adopted by the General Assembly of the United Nations entering into force on 23 March 1976 and ratified by Australia on 13 August 1980; 15

‘Panel’ means the Child Labour Advisory Panel established under subregulation (3);

‘Produced’ includes fabricating, assembling, processing, quarrying, mining, extracting, pumping, packaging or transporting goods in whole or in part by a child whether or not for remuneration or other benefit to the child or other person. 20

“(2) The importation of goods produced using child labour is prohibited unless a permission, in writing, to import the goods has been granted by the Minister or a person authorized by the Minister for the purposes of this subregulation. 25

“(3) The Minister must establish a Child Labour Advisory Panel to advise and make recommendations on applications received to import goods produced using child labour.

“(4) The Panel must consist of:

(a) the Human Rights Commissioner who shall be the chair; 30

(b) a person nominated by the Director-General of the Australian International Development Assistance Bureau;

(c) a person nominated by the Australian Council for Overseas Aid;

(d) a person nominated by the Australian Council of Trade 35

- Unions; and
(e) a person nominated by the Minister.

5 “(5) Where the Minister receives an application for permission under subregulation (2) the Minister must within 7 days of receiving such an application refer the application to the Panel.

- “ (6) In performing its functions the Panel must have regard to:
(a) Australia's international human rights obligations, in particular:
10 (i) Article 32 of the Convention on the Rights of the Child; and
(ii) Article 8 of the International Covenant on Civil and Political Rights; and
(b) existing or proposed government or non-government development projects and aid programs.

15 “(7) Within 5 days of the Panel receiving a referral from the Minister the Panel must publish a notice in the *Gazette* containing information on the application and inviting submissions from interested parties within 15 days of publication of the notice.

20 “(8) Where the Panel considers an application involves a large volume of goods, involves considerations of public health of children or other considerations of public interest the Panel must, in addition to the notice in the *Gazette*, publish a notice in daily newspapers containing information on the application and inviting submissions within 15 days of publication of the notice.

25 “(9) The Panel must make a recommendation in writing to the Minister within 15 days of the closing date for receiving public submissions in respect of that application.

30 “(10) The Minister may in writing request the Panel to prepare and give the Minister a general report and recommendation on any matter concerning the importation of goods produced with the use of child labour.

“ (11) In considering whether to grant a permission under

4 *Customs (Prohibited Imports) Regulations (Prevention of Child Labour) No. , 1995*

subregulation (2) the Minister or the person authorised by the Minister must have regard to any report or recommendation of the Panel.

“(12) The Minister must within 15 sitting days of receiving a report and recommendation of the Panel table the report and recommendation in each House of the Parliament.

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“(13) The Minister must provide a written response to a report and recommendation of the Panel within 15 sitting days of receiving a report and recommendation.

“(14) The Minister must table in each House of the Parliament his or her response to the Panel within 15 sitting days of delivering the response to the Panel.

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“(15) Where the Minister grants a permission under subregulation (2) the Minister must publish in the *Gazette* a notice stating that the permission has been given.”.

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