

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES – 26 – 27 MAY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE14/608) PROGRAMME – Internal Product

Senator Xenophon (Written) asked:

The sourcing and procurement of Australian National Flags has become the subject of a Senate inquiry into the Flags Amendment Bill put forward by Senator Madigan and me.

Since that inquiry was launched it has come to my attention that importers of merchandise to Australia which has the flag upon it – say coffee cups or hats - are required to obtain approval from the Australian Customs Service under the Customs (Prohibited Imports) Regulations 1956. I understand that Customs utilizes the Honours, Symbols and Territories Branch of PM&C to assess the item and provide written advice that the items satisfy minimum standards for the display of the Flag in terms of colour and shape and other factors.

1. Can you advise whether the same or similar controls apply to the importation of actual flags, as opposed to merchandise bearing the flag?

I have been made aware by Australian flag manufacturers that many imported flags are obviously deficient, including in colour and proper ratio; the Australian flag is 1:2 but most imported flags from China are in the ratio of the US flag, which is 1:1.9.

2. Why isn't the Australian Customs Service checking the standards of imported flags given that many of them are flown on days and at places of great national importance, such as Australia Day, Anzac Day and at war memorials around the country?

3. Is it open to the Australian Customs service to interpret the Customs (Prohibited Imports) Regulations 1956 so that imported Australian flags also face import controls and scrutiny, along with merchandise, so that they comply with the proper layout and colour and shape of the Australian Flag?

Answer:

1. As per Item 10 of Schedule 3 of the *Customs (Prohibited Imports) Regulations 1956*; the importation of goods to which there is applied a representation of the Arms, a flag or a seal of the Commonwealth is prohibited unless:
 - a. The design of that representation has been approved by the Department of the Prime Minister and Cabinet; and
 - b. The approval is produced to Australian Customs and Border Protection Service if requested.
2. The control does not apply to the importation of actual flags, and there is no similar control that applies to actual flags. The intention and effect of the control is not to restrict the importation of substandard Australian flags but to prevent the import of sub-standard representations of national symbols applied to goods manufactured offshore.

3. Australian Customs and Border Protection Service does not have any legislative power or authority to check the standards of imported flags, or to intercept or seize goods that are not prohibited on import, including Australian flags.
4. It is not open to interpret the relevant part of the *Customs (Prohibited Imports) Regulations 1956* as extending to Australian flags.