

CUSTOMS REGULATORY PLAN 2010-2011

Each Commonwealth agency that has responsibility for business regulation is required to publish a regulatory plan on its website early in each financial year. The regulatory plan deals with changes within the agency's area of responsibility.

What regulation does this regulatory plan cover?

This regulatory plan consists of two distinct types of entries:

- information about changes to business regulation which occurred in the previous financial year; and
- information about activities planned for the forthcoming financial year which could lead to changes in business regulation.

“Business regulation” includes primary legislation, subordinate legislation, quasi-regulation or treaties which have medium business compliance costs or a significant impact on business and individuals or the economy.

Quasi-regulation refers to rules or arrangements where governments influence businesses to comply, but which do not form part of explicit government regulation.

The following is a list of some of the types of activity, which are included:

- policy development processes aimed at finding a way to address a particular problem or achieve an objective where regulation is likely to be one of the options under consideration;
- development of the Government response to a report or inquiry, especially where regulatory change has been put forward as a possibility;
- review of a piece of legislation;
- sunseting legislation;
- implementation of election promises or government undertakings; and
- legislation in the process of drafting, where consultation is still being undertaken.

The following is a list of some of the types of activity, which are not included:

- regulations that are likely to have no or a low impact on business and individuals or the economy;
- regulations that involve consideration of specific Government purchases;
- regulations of a state or self-governing territory that apply in a non-self governing territory;
- anticipated activity about which it would be inappropriate to publish information.

In addition, there may be regulatory activities undertaken during the next financial year which have not been included in a regulatory plan because they could not be foreseen when the plan was prepared at the start of the financial year.

In view of these exclusions, users should not take a regulatory plan to be a comprehensive source of information on past or potential changes to business regulation.

Customs' regulatory plan

A number of agencies have policy responsibility for regulatory activities that result in amendments to the *Customs (Prohibited Imports) Regulations 1956* and the *Customs (Prohibited Exports) Regulations 1958*. Customs' regulatory plan does not include planned regulatory activities that are the sole policy responsibility of another agency.

The regulatory plans for the following agencies are also relevant in relation to planned regulatory activities, which may result in amendments to Customs' legislation:

- Department of Agriculture, Fisheries and Forestry
- Attorney-General's Department
- Australia New Zealand Food Authority
- Australian Fisheries Management Authority
- Department of Employment and Workplace Relations
- Department of Health and Ageing
- Department of Industry, Tourism and Resources
- Department of the Treasury
- Department of Transport and Regional Services
- Department of the Environment and Water Resources
- Department of Defence
- Department of Immigration and Citizenship
- Great Barrier Reef Marine Park Authority
- Australian Maritime Safety Authority

How up to date is information in this regulatory plan?

This regulatory plan was last updated on 14 October 2010.

All correspondence in relation to this regulatory plan should be forwarded to the Director, Legislation Team, Legal Services Branch at the following address:

**Australian Customs Service
5 Constitution Ave
CANBERRA ACT 2601**

Past regulatory change

Type of entry	Past regulatory change
Title	<i>Customs (ASEAN-Australia-New Zealand Free Trade Agreement Implementation Act 2009 and Customs Tariff (ASEAN-Australia-New Zealand Free Trade Agreement Implementation) Act 2009, Customs (ASEAN-Australia-New Zealand Rules of Origin) Regulations 2009</i>
Description of issue	To implement the ASEAN-Australia-New Zealand Free Trade Agreement
Date of effect	1 January 2010
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Amendment Regulations 2009 (No. 3), Customs (Prohibited Imports) Amendment Regulations 2009 (No. 3), Customs (Prohibited Exports) Amendment Regulations 2009 (No. 1)</i>
Description of issue	To impose import and export controls on human embryonic stem cells derived from human embryo clones
Date of effect	4 August 2009
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs (Prohibited Imports) Amendment Regulations 2009 (No. 4),</i>
Description of issue	To amend the import controls on ships and resources installations that contain amphibole asbestos and chrysotile
Date of effect	15 August 2009
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	<i>Customs Tariff Amendment Act (No.1) 2010</i>
Description of issue	To repeal redundant item 53C in Schedule 4 and to insert end dates for the application of items 61 and 73 in Schedule 4.
Date of effect	14 December 2009 for item 53C, remainder 28 June 2010
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Title	<i>Customs Tariff Amendment (Tobacco) Act 2010</i>
Description of issue	To implement the 25% increase in the rate of customs duty on tobacco and tobacco products
Date of effect	30 April 2010
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Title	<i>Customs Tariff Amendment (Aviation Fuel) Act 2010</i>
Description of issue	To implement the increase in the rate of customs duty on aviation fuel
Date of effect	1 July 2010
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Title	<i>Customs Tariff Amendment (Tobacco) Act 2010</i>
Description of issue	To implement the 25% increase in the rate of customs duty on tobacco and tobacco products
Date of effect	30 April 2010
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Title	<i>Customs Amendment Regulations (No.2) 2010, Instrument of Approval No. 1 of 2010, CEO Determination No. 1 of 2010</i>
Description of issue	To enable the making of an electronic application for drawback of customs duty
Date of effect	Regulations 22 May 2010, remainder 25 May 2010
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Past regulatory change

Title	Instrument of Approval No. 2 of 2010
Description of issue	To approve an approved form for making a documentary application for remission of customs duty
Date of effect	1 July 2010
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Future regulatory change

Type of entry	Future regulatory change
Title	Amendments to the <i>Customs Act 1901</i> and the <i>Customs Depot Licensing Charges Act 1997</i>
Description of issue	To enhance Customs controls over goods within the export environment, enhance Customs ability to deal with goods in licensed depots and warehouses and to introduce new provisions for the suspension and cancellation of depot licences
Consultation opportunities	Consultation has been undertaken by Customs and Border Protection
Expected timetable	Expected to be made in 2011
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Type of entry	Future regulatory change
Title	Amendments to the <i>Customs Act 1901</i> and the <i>Customs (New Zealand Rules of Origin) Regulations 2006</i>
Description of issue	To implement amendments to the Australia-New Zealand Closer Economic Relations Trade Agreement
Consultation opportunities	Consultation has been undertaken by the Department of Foreign Affairs and Trade and the Department of Innovation, Industry, Science and Research
Expected timetable	Expected to be made in 2011
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Type of entry	Anticipated regulatory change
Title	Customs Tariff Amendment (Schedule 4) Bill
Description of issue	This Bill will clarify and modernise certain concessional items in schedule 4 to the <i>Customs Tariff Act 1995</i>
Consultation opportunities	Initial consultation has been conducted by first consulting with the Government Departments responsible for the administration of each item in Schedule 4 (for example, the Department of Foreign Affairs and Trade and the Department of Prime Minister and Cabinet). The perspectives of the various Departments were consolidated into a discussion paper, which was released with the announcement of the Tariff Concession Rationalisation by Partnership Ministers on 19 March 2010. Public consultations, seeking submissions from the public on the proposed rationalisation actions, were then conducted over a six week period, ending on 30 April 2010. Bilateral meetings with key industry bodies were conducted at the same time.

Future regulatory change

	Further Opportunities for consultation will be notified by Customs and Border Protection in the future.
Expected timetable	Expected to be introduced in 2011
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Type of entry	Future regulatory change
Title	Customs Tariff Amendment (2012 Harmonized System Changes and Other Measures) Bill
Description of issue	Initial consultation has commenced with relevant Government Agencies – this consultation is expected to be on-going. Customs and Border Protection will advise opportunities for consultation with key industry bodies in the future
Consultation opportunities	Customs and Border Protection will advise opportunities
Expected timetable	Expected to be introduced in the Autumn Sitings of 2011
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Type of entry	Future regulatory change
Title	Fuel tax – amending the arrangements for fuel ethanol
Description of issue	Amend the <i>Customs Tariff Act 1995</i> to introduce a phasing regime to bring alternative fuels (biofuels, ethanol and biodiesel, and the gaseous fuels including liquefied petroleum gas, liquefied natural gas and compressed natural gas) into the tax system by being placed into one of the following three energy content bands: <ul style="list-style-type: none"> • high (energy content greater than 30 megajoules per litre, or per cubic metre in the case of compressed natural gas); • medium (between 20 and 30 megajoules per litre), or • low (less than 20 megajoules per litre). • Effective excise equivalent customs duty will be phased in for alternative fuels from 1 July 2011, until 1 July 2015.
Consultation opportunities	Consultation is to be undertaken by the Treasury
Expected timetable	Legislation is expected to be in place before 1 July 2011 to ensure a 1 July 2011 start date for the measures.
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Future regulatory change

Type of entry	Anticipated regulatory change
Title	Amendments to the <i>Customs Act 1901</i> .
Description of issue	This Bill will defer the settlement of excise and excise-equivalent customs duties from a weekly cycle to a monthly cycle. Additionally, the Bills clarify administrative arrangements for periodic settlement permissions
Consultation opportunities	Consultation is to be undertaken by the Treasury
Expected timetable	The Government announced that it would proceed with this previously announced measure in the joint press release of the Treasurer, the Assistant Treasurer and the Minister for Competition Policy and Consumer Affairs no 053 on 13 May 2008 and specified that the legislation would not be introduced before the end of 2009.
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Type of entry	Future regulatory change
Title	Amendments to the <i>Customs Act 1901</i> .
Description of issue	This Bill will reform the rules concerning eligibility for refunds, remissions and drawbacks of excise-equivalent duty.
Consultation opportunities	This measure is under review.
Expected timetable	The Government announced that it would proceed with this previously announced measure in the joint press release of the Treasurer, the Assistant Treasurer and the Minister for Competition Policy and Consumer Affairs on 13 May 2008 and specified that the legislation would not be introduced before the end of 2009.
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Future regulatory change

Type of entry	Future regulatory change
Title	Amendments to the <i>Customs Regulations 1926</i>
Description of issue	To codify the administrative arrangements applying to duty-free LAGs
Consultation opportunities	Consultation is to be undertaken by the Treasury
Expected timetable	The relevant regulations have been drafted in preparation for the consultation process.
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Type of entry	Future regulatory change
Title	Amendments to the <i>Customs (Australia-United States Free trade Agreement) Regulations 2004</i>
Description of issue	To amend a product specific rule (for goods classified to heading 5501-11) under the Australia-United States Free Trade Agreement.
Consultation opportunities	Consultation has been undertaken by the Department of Foreign Affairs and Trade and the Department of Innovation, Industry, Science and Research
Expected timetable	Expected to be made in 2011
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Type of entry	Future regulatory change
Title	Amendments to the <i>Customs (Prohibited Imports) Regulations 1956</i>
Description of issue	To clarify the import controls on anti-personnel sprays (for example, Oleoresin Capsicum spray), chemicals used in the manufacture of anti-personnel sprays, and grenades or canisters designed for use with anti-personnel sprays or anti-personnel chemicals
Consultation opportunities	Consultation is not proposed as this is a technical amendment only
Expected timetable	Expected to be made in 2010
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Future regulatory change

Type of entry	Future regulatory change
Title	New postal import declaration
Description of issue	To enable personal importers to lodge an import declaration for goods imported into Australia by email.
Consultation opportunities	Consultation has been undertaken by Customs and Border Protection
Expected timetable	Expected to be made in 2010
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au

Type of entry	Future regulatory change
Title	Amendments to the <i>Customs (Prohibited Imports) Regulations 1956</i> and the <i>Customs (Prohibited Exports) Regulations 1956</i>
Description of issue	To implement autonomous sanctions, as necessary
Consultation opportunities	Consultation is being undertaken by the Department of Foreign Affairs and Trade (DFAT), as the policy agency responsible for implementing Australia's UN and autonomous sanctions. Initial information sessions were run by DFAT in capital cities in May 2010; further public information sessions are expected to be held in September-November 2010.
Expected timetable	Expected to be made in 2011
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Type of entry	Future regulatory change
Title	Amendments to the <i>Customs (Prohibited Imports) Regulations 1956</i>
Description of issue	To streamline the administrative requirements for the importation of certain Schedule 2 controlled weapons to allow entry on a police confirmation test. Technical amendment on the description of flick knives and similar devices to assist in clarifying the definition for importers. Inclusion of a control on parts of a number of weapons items.
Consultation opportunities	Customs and Border Protection is currently developing a public consultation paper and intends to undertake public consultation in October/November 2010.
Expected timetable	Expected to be made in 2010
Contact details	Frances Carter, Director, Legislation, Legal Services Branch Ph (02) 6275 6767 Fax (02) 6275 6784 Email – frances.carter@customs.gov.au