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THE SCHEDULES TO THE CUSTOMS TARIFF ACT

- . Schedule 1 (section 12)
Lists classes of countries and places in relation to which special rates of duty apply (import declaration to show name of country or place or, where provided, the abbreviation):
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Division 2 of Part 4 - Places subject to DCS rates of duty
Division 1 of Part 5 - Developing Countries subject to DCT rates of duty
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- ★ Supplementary Page - Entry into force date for the ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA)
- . Schedule 2 (section 7)
Provides the six Rules for the Interpretation of Schedule 3.
- . Schedule 3 (section 4)
The structure of this Schedule is based on headings (4 figures) within Chapters, within Sections. Headings may be divided into subheadings of 5, 6, 7 or 8 digits. A tariff classification (section 6) is a heading or subheading that is not further subdivided and which has a rate of duty set out opposite it.
- . Schedule 4 (section 5)
Provides concessional rates of duty.
- . Schedule 5 (sections 15 and 16)
This Schedule provides rates of duty for US originating goods, as specified in section 13A. The Schedule lists an identifying item number, the heading or subheading in Schedule 3 and the rate of duty that applies to that heading or subheading under the Australia-United States Free Trade Agreement. Where no rate is specified for a heading or subheading of Schedule 3, US originating goods are "Free".
- . Schedule 6 (sections 15 and 16)
This Schedule provides rates of duty for Thai originating goods, as specified in section 13B. The Schedule lists an identifying item number, the heading or subheading in Schedule 3 and the rate of duty that applies to that heading or subheading under the Thailand-Australia Free Trade Agreement. Where no rate is specified for a heading or subheading of Schedule 3, Thai originating goods are "Free".
- . Schedule 7 (sections 15 and 16)
This Schedule provides rates of duty for Chilean originating goods, as specified in section 13D. The Schedule lists an identifying item number, the heading or subheading in Schedule 3 and the rate of duty that applies to that heading or subheading under the Australia-Chile Free Trade Agreement. Where no rate is specified for a heading or subheading of Schedule 3, Chilean originating goods are "Free".
- ★ . Schedule 8 (sections 15 and 16)
This Schedule provides rates of duty for ASEAN-Australia-New Zealand (AANZ) originating goods, as specified in section 13E. The Schedule lists an identifying item number, the heading or subheading in Schedule 3 and the rate of duty that applies to that heading or subheading under the ASEAN-Australia-New Zealand Free Trade Agreement. Where no rate is specified for a heading or subheading of Schedule 3, AANZ originating goods are "Free".

Short title

1. This Act may be cited as the *Customs Tariff Act 1995*.

Commencement

2. This Act commences on 1 July 1996.

Definitions

3.(1) In this Act, unless the contrary intention appears:
abbreviation, in relation to a country or place specified in Schedule 1, means the abbreviation specified in that Schedule opposite to the name of that country or place.

amount of duty includes no duty.

capable of being produced in Australia has the same meaning as in Part XVA of the *Customs Act 1901*.

Chapter means a Chapter of a Section in Schedule 3.

column means a column of a Schedule.

constituent, in relation to goods, includes:

- (a) a part, a component, or an ingredient, of the goods; and
- (b) an accessory for the goods.

Convention means the International Convention on the Harmonized Commodity Description and Coding System done at Brussels on 14 June 1983.

Developing Country means:

- (a) a country that is a Developing Country under paragraph 12(d); or
- (b) a place that is treated as a Developing Country under paragraph 12(e).

duty means a duty of Customs imposed by section 15.

excise item means an item or subitem of the Schedule to the *Excise Tariff Act 1921*.

Forum Island Country means a country that is a Forum Island Country under paragraph 12(a).

general rate means a rate of duty other than a rate that applies in relation to a Preference Country.

heading means a heading in Schedule 3.

in the ordinary course of business has the same meaning as in Part XVA of the *Customs Act 1901*.

Interpretation Rules means the General Rules for the Interpretation of Schedule 3 provided for by the Convention, as set out in Schedule 2.

Least Developed Country means a country or place that is, or is treated as, a Least Developed Country under paragraph 12(b) or 12(c).

petroleum activity means any activity relating to any of the following operations:

- (a) petroleum exploration operations;
- (b) operations for the recovery of petroleum;
- (c) operations relating to the processing or storage of petroleum;
- (d) operations relating to the preparation of petroleum for transport;
- ★ (e) operations connected with the construction or operation of a pipeline, within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Preference Country means:

- (b) Papua New Guinea; or
- (c) a Forum Island Country; or
- (d) a Least Developed Country; or
- (e) a Developing Country; or
- (f) Canada; or
- (g) Singapore.

produced in Australia has the same meaning as in Part XVA of the *Customs Act 1901*.

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rate column means:

- (a) the third column of Schedule 3; or
- (b) the third column of Schedule 4; or
- (c) the third column of the table in Schedule 5; or
- (d) the third column of the table in Schedule 6; or
- (e) the third column of the table in Schedule 7; or
- (f) the third column of the table in Schedule 8.

subheading means a subheading of a heading.

substitutable goods has the same meaning as in Part XVA of the *Customs Act 1901*.

tobacco content includes any thing (including moisture) added to the tobacco leaf during manufacturing or processing.

Tariff instrument means:

- (a) a Customs Tariff Proposal introduced (whether before or after the commencement of this Act) into the House of Representatives; or
- (b) a Notice published (whether before or after the commencement of this Act) in accordance with section 273EA of the *Customs Act 1901*; or
- (c) an order, a by-law or a determination made (whether before or after the commencement of this Act) under the *Customs Act 1901*.

value means the customs value of the goods worked out or determined in accordance with Division 2 of Part VIII of the *Customs Act 1901*.

- (2) In Schedule 3, unless the contrary intention appears, **Section** means a Section of Schedule 3.

Headings in Schedule 3

4.(1) In Schedule 3:

- (a) either:
 - (i) 4 digits in the first column; or
 - (ii) 8 digits in the first column not opposite to a dash or dashes in the second column; indicate the beginning of a heading; and
- (b) 5, 6, 7 or 8 digits in the first column opposite to a dash or dashes in the second column indicate the beginning of a subheading of the heading in which the digits appear.

(2) In this Act or in any Act that amends, or in any Tariff instrument that relates to, this Act:

- (a) a heading may be referred to by the digits with which the heading begins; and
- (b) a subheading of a heading may be referred to by the digits with which the subheading begins.

Items in Schedule 4

5.(1) In Schedule 4, a number, or a number and letter, in the first column indicates the beginning of an item.

(2) In this Act or in any Act that amends, or in any Tariff instrument that relates to, this Act, an item in Schedule 4 may be referred to by the word "item" followed by the number, or the number and letter, with which the item begins.

Tariff classification

6. A reference in this Act to the tariff classification under which particular goods are classified is a reference to the heading or subheading:

- (a) in whose third column a rate of duty is set out; and
- (b) under which the goods are classified.

Rules for classifying goods in Schedule 3

7.(1) The Interpretation Rules must be used for working out the tariff classification under which goods are classified.

(2) If the letters "NSA" are specified in relation to a description of goods in the second column of a subheading of a heading, the goods described do not include any goods *prima facie* classified under a preceding subheading of that heading whose second column begins with the same number of dashes as the first-mentioned subheading.

(3) A reference in the Interpretation Rules to Notes includes a reference to Additional Notes.

Note 1: The text in Schedule 3 is based on the wording in the Harmonized Commodity Description and Coding System that is referred to in the International Convention on the Harmonized Commodity Description and Coding System done at Brussels on 14 June 1983.

Note 2: The text of the Convention is set out in Australian Treaty Series 1988 No. 30. In 2006, the text of a Convention in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII Internet site (www.austlii.edu.au).

Application of Schedule 4

8.(1) Subject to subsection (2), an item in Schedule 4 applies to goods if the goods are described in the second column of that item.

(2) If goods are described in the second column of 2 or more items in Schedule 4, the item in that Schedule that applies to the goods is:

- (a) the item under which the least amount of duty would be payable in respect of the goods; or
- (b) if there are 2 or more such items, the last occurring such item.

(3) For the purposes of Schedule 4:

- (a) a reference to a Tariff Concession Order includes a reference:
 - (i) to a commercial tariff concession order made under Part XVA of the *Customs Act 1901* as in force immediately before the commencement of the *Customs Legislation (Tariff Concessions and Anti-Dumping) Amendment Act 1992*; and
 - (ii) to a commercial tariff concession order made under that Part as continued in force by section 20 of the *Customs Legislation (Tariff Concessions and Anti-Dumping) Amendment Act 1992*; and
- (b) a reference to section 269Q of the *Customs Act 1901* includes a reference:
 - (i) to subsection 269C(1A) of the *Customs Act 1901* as in force immediately before the commencement of the *Customs Legislation (Tariff Concessions and Anti-Dumping) Amendment Act 1992*; and
 - (ii) to that subsection as continued in force by section 20 of the *Customs Legislation (Tariff Concessions and Anti-Dumping) Amendment Act 1992*.

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Rates of duty - ad valorem duties

- ★ **9.(1)** Unless the contrary intention appears, if, in a rate column in Schedule 3, 4, 5, 6, 7 or 8, reference is made to a percentage in relation to goods or in relation to a part, component or ingredient of goods:
- (a) the reference is to that percentage of the value of the goods, or of that part, component or ingredient of the goods, as the case may be; and
 - (b) the percentage is a rate of duty.
- (2)** The value of a part, component or ingredient of any goods for the purposes of this Act is, unless the contrary intention appears, such proportion of the value of the goods as the Chief Executive Officer determines.

Certain words etc. are rates of duty

- 10.(1)** Unless the contrary intention appears, if the word "Free" is set out in section 16 or 18 or in a rate column, that word is a rate of duty.
- (2)** Unless the contrary intention appears, any words, or words and figures, set out in a rate column, that enable the duty to be worked out in respect of goods, are a rate of duty.

Rates of duty - phasing rates

- 11.(1)** Subject to subsection (2), a rate of duty set out in:
- (a) the third column of a tariff classification under which goods are classified; or
 - (b) the third column of an item in Schedule 4 that applies to goods; or
 - (ba) the third column of an item in the table in Schedule 5 that applies to goods; or
 - (bb) the third column of an item in the table in Schedule 6 that applies to goods; or
 - (bc) the third column of an item in the table in Schedule 7 that applies to goods; or
 - ★ (bd) the third column of an item in the table in Schedule 8 that applies to goods;
- has effect from a specified date if that date preceded by the word "From" is specified in:
- (c) the second column of that tariff classification; or
 - (d) the second column of that item in Schedule 4; or
 - (e) the third column of that item in the table in Schedule 5; or
 - (f) the third column of that item in the table in Schedule 6; or
 - (g) the third column of that item in the table in Schedule 7; or
 - ★ (h) the third column of that item in the table in Schedule 8;
- as the case may be, in relation to that rate.
- (2)** If a rate of duty set out in:
- (a) the third column of a tariff classification under which goods are classified; or
 - (b) the third column of an item in Schedule 4 that applies to goods; or
 - (ba) the third column of an item in the table in Schedule 5 that applies to goods; or
 - (bb) the third column of an item in the table in Schedule 6 that applies to goods; or
 - (bc) the third column of an item in the table in Schedule 7 that applies to goods; or
 - ★ (bd) the third column of an item in the table in Schedule 8 that applies to goods;
- has effect from a specified day, then, in working out the duty in respect of goods of that kind, or goods that are part of goods of that kind, that are entered for home consumption:
- (c) that rate is to be taken to be so set out only in respect of goods so entered on or after that day; and
 - (d) if another rate of duty is set out in respect of such goods from a later day - that rate is not to be taken to apply in respect of goods so entered on or after that later day.

Classes of countries and places in relation to which special rates apply

12. For the purposes of this Act:

- (a) a country specified in column 1 of Part 1 of Schedule 1 is a Forum Island Country; and
- (b) a country specified in column 1 of the table in Division 1 of Part 2 of Schedule 1 is a Least Developed Country; and
- (c) a country or place specified in column 1 of the table in Division 2 of Part 2 of Schedule 1 is to be treated as a Least Developed Country; and
- (d) a country specified in column 1 of the table in Division 1 of Part 3, 4 or 5 of Schedule 1 is a Developing Country; and
- (e) a place specified in column 1 of the table in Division 2 of Part 3, 4 or 5 of Schedule 1 is to be treated as a Developing Country.

When goods are the produce or manufacture of a particular country or place

13. For the purposes of this Act, goods are the produce or manufacture of a country or place only if they are, under Division 1A or Division 1B of Part VIII of the *Customs Act 1901*, the produce or manufacture of that country or place for the purposes of that Act.

13A When goods are US originating goods

For the purposes of this Act, goods are US originating goods if, and only if, they are US originating goods under Division 1C of Part VIII of the *Customs Act 1901*.

13B When goods are Thai originating goods

For the purposes of this Act, goods are Thai originating goods if, and only if, they are Thai originating goods under Division 1D of Part VIII of the *Customs Act 1901*.

13C When goods are New Zealand originating goods

For the purposes of this Act, goods are New Zealand originating goods if, and only if, they are New Zealand originating goods under Division 1E of Part VIII of the *Customs Act 1901*.

13D When goods are Chilean originating goods

For the purposes of this Act, goods are Chilean originating goods if, and only if, they are Chilean originating goods under Division 1F of Part VIII of the *Customs Act 1901*.

★ **13E When goods are ASEAN-Australia-New Zealand (AANZ) originating goods**

For the purposes of this Act, goods are AANZ originating goods if, and only if, they are AANZ originating goods under Division 1G of Part VIII of the *Customs Act 1901*.

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Application of rates of duty in relation to countries and places

14.(1) Subject to subsection (2):

- (a) a rate of duty set out in a rate column applies in relation to New Zealand if "NZ" is specified in relation to the rate; and
- (b) a rate of duty so set out applies in relation to Papua New Guinea if "PG" is specified in relation to the rate; and
- (c) a rate of duty so set out applies in relation to every Forum Island Country specified in Part I of Schedule 1 if "FI" is specified in relation to the rate; and
- (d) a rate of duty so set out applies in relation to every Least Developed Country specified in Part 2 of Schedule 1 if "LDC" is specified in relation to the rate; and
- (e) a rate of duty so set out applies in relation to every Developing Country specified in Part 3 of Schedule 1 if "DC" is specified in relation to the rate; and
- (f) a rate of duty so set out applies in relation to every Developing Country specified in Part 4 of Schedule 1 (other than a Developing Country or place specified in paragraph (g)) if "DCS" is specified in relation to the rate; and
- (g) a rate of duty so set out applies in relation to a Developing Country or place specified in Part 5 of Schedule 1 if "DCT" is specified in relation to the rate; and
- (h) a rate of duty so set out applies in relation to a particular Forum Island Country, Least Developed Country or Developing Country if its name, or the abbreviation for it, is specified in relation to the rate; and
- (i) a rate of duty so set out applies in relation to Canada if "CA" is specified in relation to the rate; and
- (j) a rate of duty so set out applies in relation to Singapore if "SG" is specified in relation to the rate; and
- (k) a rate of duty set out in a rate column in Schedule 4 applies in relation to the United States of America if "US" is specified in relation to the rate.

(2) A rate of duty set out in a rate column in relation to which "FI", "LDC", "DC", "DCS" or "DCT" is specified does not apply in relation to a Forum Island Country, a Least Developed Country or a Developing Country if that country or the abbreviation for it appears in a rate column followed by a rate of duty.

PART 2 - DUTIES OF CUSTOMS

Imposition of duties

15. Duties of Customs are imposed by this Act on:

- (a) goods imported into Australia on or after 1 July 1996; and
- (b) goods:
 - (i) imported into Australia before 1 July 1996; and
 - (ii) entered, or again entered, for home consumption on or after that day.

Calculation of duty

16.(1) Subject to sections 17, 18, 20 and 22, the duty in respect of goods must be worked out as follows:

- (a) if the goods:
 - (i) are not the produce or manufacture of a Preference Country; and
 - (ii) are not US originating goods; and
 - (iii) are not Thai originating goods; and
 - (iv) are not New Zealand originating goods;
 - (v) are not Chilean originating goods; and
 - (vi) are not AANZ originating goods;by reference to the general rate set out in the third column of the tariff classification under which the goods are classified;

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★ Operative 1/1/10

- (b) if the goods are New Zealand originating goods:
 - (i) if a rate of duty that applies in relation to New Zealand is set out in the third column of the tariff classification under which the goods are classified - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (c) if the goods are the produce or manufacture of Papua New Guinea:
 - (i) if a rate of duty that applies in relation to Papua New Guinea is set out in the third column of the tariff classification under which the goods are classified - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (d) if the goods are the produce or manufacture of Canada:
 - (i) if a rate of duty that applies in relation to Canada is set out in the third column of the tariff classification under which the goods are classified - by reference to that rate of duty; or
 - (ii) otherwise - by reference to the general rate of duty set out in the third column of that tariff classification;
- (e) if the goods are the produce or manufacture of a Forum Island Country:
 - (i) if a rate of duty that applies in relation to Forum Island Countries is set out in the third column of the tariff classification under which the goods are classified - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (f) if the goods are the produce or manufacture of a Developing Country or place specified in Part 5 of Schedule 1:
 - (i) subject to subparagraphs (ii) and (iii) - by reference to the general rate of duty set out in the third column of the tariff classification under which the goods are classified; or
 - (ii) subject to subparagraph (iii), if a rate of duty that applies in relation to Developing Countries specified in Part 4 of Schedule 1 is set out in the third column of that tariff classification - by reference to that rate of duty; or
 - (iii) if a rate of duty that applies in relation to a Developing Country or place specified in Part 5 of Schedule 1 is set out in the third column of that tariff classification - by reference to that rate of duty;
- (g) if the goods are the produce or manufacture of a Developing Country specified in Part 4 of Schedule 1, (other than Hong Kong, Republic of Korea, Singapore or Taiwan Province):
 - (i) if a rate of duty that applies in relation to those Developing Countries is set out in the third column of the tariff classification under which the goods are classified - by reference to that rate of duty; or
 - (ii) otherwise - by reference to the general rate of duty set out in the third column of that tariff classification;
- (h) if the goods are the produce or manufacture of a Developing Country specified in Part 3 of Schedule 1:
 - (i) if a rate of duty that applies in relation to those Developing Countries is set out in the third column of the tariff classification under which the goods are classified - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (i) if, under section 153H or 153NA of the *Customs Act 1901*, the goods are the produce or manufacture of a Least Developed Country:
 - (i) if a rate of duty that applies in relation to Least Developed Countries is set out in the third column of the tariff classification under which the goods are classified - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (j) if the goods are the produce or manufacture of Singapore under Division 1B of Part VIII of the *Customs Act 1901*:
 - (i) if a rate of duty that applies in relation to Singapore is set out in the third column of the tariff classification under which the goods are classified - by reference to that rate of duty; or
 - (ii) otherwise - Free;

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(k) if the goods are US originating goods:

- (i) if the goods are classified to a heading or subheading in Schedule 3 that is specified in column 2 of an item in the table in Schedule 5 - by reference to the rate of duty set out in column 3 of that item; or
- (ii) otherwise - Free;

Note: See also subsection (2).

(l) subject to section 16A, if the goods are Thai originating goods:

- (i) if the goods are classified to a heading or subheading in Schedule 3 that is specified in column 2 of an item in the table in Schedule 6 - by reference to the rate of duty set out in column 3 of that item; or
- (ii) otherwise - Free;

(m) if the goods are Chilean originating goods:

- (i) if the goods are classified to a heading or subheading in Schedule 3 that is specified in column 2 of an item in the table in Schedule 7 - by reference to the rate of duty set out in column 3 of that item; or
- (ii) otherwise - Free;

★ (n) if the goods are AANZ originating goods:

- (i) if the goods are classified to a heading or subheading in Schedule 3 that is specified in column 2 of an item in the table in Schedule 8 - by reference to the rate of duty set out in column 3 of that item; or
- (ii) otherwise - Free.

Note: See also subsections (3) and (4).

US originating goods

(2) If column 2 of an item in the table in Schedule 5 includes "(prescribed goods only)", subparagraph (1)(k)(i) does not apply to the goods unless the goods are also prescribed for the purposes of that item.

Note: If column 2 of an item in the table in Schedule 5 includes "(prescribed goods only)" and the goods are not prescribed for the purposes of that item, the rate of duty in respect of the goods is Free.

★ *AANZ originating goods*

(3) If column 2 of an item in the table in Schedule 8 includes "(prescribed goods only)", subparagraph (1)(n)(i), insofar as it relates to that item, does not apply to the goods unless the goods are also prescribed by the regulations for the purposes of that item.

Note: If column 2 of an item in the table in Schedule 8 includes "(prescribed goods only)" and the goods are not prescribed for the purposes of that item, the rate of duty in respect of the goods is Free.

★ (4) If:

- (a) the goods are AANZ originating goods; and
 - (b) the goods are classified to a subheading in Schedule 3 that is specified in column 2 of any of items 341 to 365 in the table in Schedule 8;
- then:
- (c) subparagraph (1)(n)(i) does not apply to the goods unless the goods are imported from a country specified in column 3 of the item concerned; and
 - (d) if that subparagraph does apply - the rate of duty in relation to the goods is the rate set out in column 3 of the item concerned in relation to that country.

★ Operative 1/1/10

★ *Least rate of duty*

(5) If, apart from this subsection, more than one paragraph of subsection (1) would apply in relation to the goods, then the paragraph that does apply in relation to the goods is the paragraph in respect of which the least amount of duty would be payable in respect of the goods.

16A Special safeguards for Thai originating goods

(1) If the Agricultural Minister is satisfied that the quantity of safeguard goods imported into Australia during a calendar year specified in column 3 of an item of the following table exceeds:
 (a) the quantity specified in that column for that year in relation to the goods; or
 (b) if the regulations specify another quantity for that year in relation to the goods - the other quantity; the Agricultural Minister may, by legislative instrument, make a notice in relation to the goods. The Agricultural Minister must publish the notice in the *Gazette*.

Safeguard goods

Column 1	Column 2	Column 3
Item	Subheading in Schedule 3	Quantity
1	1604.14.00	2005: 21,366,277 kilograms 2006: 22,434,591 kilograms 2007: 23,556,320 kilograms 2008: 24,734,136 kilograms
2	2008.20.00	2005: 6,083,197 litres for goods that are canned 2,137,189 kilograms for goods that are not canned 2006: 6,387,357 litres for goods that are canned 2,244,048 kilograms for goods that are not canned 2007: 6,706,725 litres for goods that are canned 2,356,251 kilograms for goods that are not canned 2008: 7,042,061 litres for goods that are canned 2,474,063 kilograms for goods that are not canned
3	2009.41.00 or 2009.49.00	2005: 2,080,116 litres 2006: 2,184,122 litres 2007: 2,293,328 litres 2008: 2,407,994 litres

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(2) In applying subsection (1) to item 3 of the table, the quantity applicable for a calendar year applies to the sum of the quantities of the following goods imported in that year:

- (a) Thai originating goods classified to subheading 2009.41.00;
- (b) Thai originating goods classified to subheading 2009.49.00.

Example: In 2005 the quantity applicable under item 3 of the table is 2,080,116 litres.

On 1 August 2005, 1,500,000 litres of Thai originating goods classified to subheading 2009.41.00 have been imported into Australia and 580,117 litres of Thai originating goods classified to subheading 2009.49.00 have been imported into Australia.

On 1 August 2005 the quantity is exceeded and the Agricultural Minister may publish a notice covering both kinds of goods.

Content of notice

(3) The notice must specify:

- (a) the safeguard goods; and
- (b) that the quantity of the goods imported into Australia during the applicable calendar year exceeds the quantity applicable for that year.

The notice may contain any other information that the Agricultural Minister considers appropriate.

(4) A notice under this section may specify one or more safeguard goods.

Duty rates

(5) Despite subsection 12(2) of the *Legislative Instruments Act 2003*, if:

- (a) the Agricultural Minister publishes a notice under this section; and
 - (b) any safeguard goods specified in the notice are imported into Australia during the period beginning on the day after the publication day and ending on 31 December of the calendar year concerned;
- then the duty in respect of the goods must be worked out by reference to the general rate set out in the third column of the tariff classification under which the goods are classified (and not under paragraph 16(1)(1) of this Act).

(6) Subsection (5) does not apply to goods exported from Thailand on or before the publication day under a contract entered into on or before the publication day. However, the quantity of those goods must be counted towards the quantity applicable for the next calendar year in relation to goods of that kind.

Definitions

(7) In this section:

Agricultural Minister means the Minister administering the *Primary Industries (Excise) Levies Act 1999*.

safeguard goods means Thai originating goods that:

- (a) are classified to a subheading in Schedule 3 that is specified in column 2 of item 1 or 3 of the table in this section; or
- (b) are classified to a subheading in Schedule 3 that is specified in column 2 of item 2 of the table in this section and are canned; or
- (c) are classified to a subheading in Schedule 3 that is specified in column 2 of item 2 of the table in this section and are not canned.

Rates for goods with constituents etc.

17.(1) Subject to sections 18, 20 and 22, if the tariff classification under which goods are classified contains 2 or more phrases that describe goods and begin with the words "In respect of", the duty payable in respect of the first-mentioned goods is:

- (a) if the first-mentioned goods have as constituents goods to which 2 or more of the phrases relate - the sum of the amounts of the duty, worked out in accordance with subsection (3), in respect of each of the goods to which those phrases respectively relate; or
- (b) if the first-mentioned goods are, or have as constituents, goods to which only one phrase relates - the amount of duty, worked out in accordance with subsection (3), in respect of the goods to which that phrase relates.

(2) If the words "In respect of remainder" appear in a tariff classification under which goods are classified, those words constitute a phrase for the purposes of this section and the word "remainder" appearing in that phrase must be taken to be a description of:

- (a) all goods that can be constituents of goods that can be classified under the tariff classification; and
- (b) all goods that can be classified under the tariff classification;

other than goods to which another phrase contained in that tariff classification relates.

(3) The duty in respect of constituent goods to which a phrase referred to in subsection (1) relates worked out in accordance with section 17 must be worked out as if:

- (a) the tariff classification under which the complete goods are classified were the tariff classification that contained that phrase; and
- (b) the rate of duty or rates of duty specified in the third column of that tariff classification in relation to the constituent goods to which that phrase relates were the only rate or rates set out in that tariff classification.

Calculation of concessional duty

18.(1) Subject to sections 20 and 22, if an item in Schedule 4 prima facie applies to goods, that item only applies to those goods if the duty payable in respect of those goods under that item is less than the duty that, apart from this section, would be payable:

- (a) under the tariff classification in Schedule 3 that applies to the goods; or
- (b) under an item in the table in Schedule 5 that applies to the goods; or
- (c) under an item in the table in Schedule 6 that applies to the goods; or
- (d) under an item in the table in Schedule 7 that applies to the goods; or
- ★ (e) under an item in the table in Schedule 8 that applies to the goods.

(2) For the purposes of subsection (1), the amount of duty payable in respect of goods under an item in Schedule 4 is an amount of duty worked out as follows:

- (a) if the goods:
 - (i) are not the produce or manufacture of a Preference Country; and
 - (ii) are not US originating goods; and
 - (iii) are not Thai originating goods; and
 - (iv) are not New Zealand originating goods;
 - (v) are not Chilean originating goods; and
 - ★ (vi) are not AANZ originating goods;
 by reference to the general rate set out in the third column of that item;

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- (b) if the goods are New Zealand originating goods:
 - (i) if a rate of duty that applies in relation to New Zealand is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (c) if the goods are the produce or manufacture of Papua New Guinea:
 - (i) if a rate of duty that applies in relation to Papua New Guinea is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (d) if the goods are the produce or manufacture of Canada:
 - (i) if a rate of duty that applies in relation to Canada is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - by reference to the general rate of duty set out in the third column of that item;
- (e) if the goods are the produce or manufacture of a Forum Island Country:
 - (i) if a rate of duty that applies in relation to Forum Island Countries is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (f) if the goods are the produce or manufacture of a Developing Country or place specified in Part 5 of Schedule 1:
 - (i) subject to subparagraphs (ii) and (iii) - by reference to the general rate of duty set out in the third column of that item; or
 - (ii) subject to subparagraph (iii), if a rate of duty that applies in relation to Developing Countries specified in Part 4 of Schedule 1 is set out in the third column of that item - by reference to that rate of duty; or
 - (iii) if a rate of duty that applies in relation to a Developing Country or place specified in Part 5 of Schedule 1 is set out in the third column of that item - by reference to that rate of duty;
- (g) if the goods are the produce or manufacture of a Developing Country specified in Part 4 of Schedule 1, (other than Hong Kong, Republic of Korea, Singapore or Taiwan Province):
 - (i) if a rate of duty that applies in relation to those Developing Countries is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - by reference to the general rate of duty set out in the third column of that item;
- (h) if the goods are the produce or manufacture of a Developing Country specified in Part 3 of Schedule 1:
 - (i) if a rate of duty that applies in relation to those Developing Countries is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (i) if under section 153H or 153NA of the *Customs Act 1901*, the goods are the produce or manufacture of a Least Developed Country:
 - (i) if a rate of duty that applies in relation to Least Developed Countries is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (j) if the goods are the produce or manufacture of Singapore under Division 1B of Part VIII of the *Customs Act 1901*:
 - (i) if a rate of duty that applies in relation to Singapore is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - Free;

- (k) if the goods are US originating goods:
 - (i) if a rate of duty that applies in relation to the United States of America is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (l) if the goods are Thai originating goods:
 - (i) if a rate of duty that applies in relation to Thailand is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- (m) if the goods are Chilean originating goods:
 - (i) if a rate of duty that applies in relation to Chile is set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - Free;
- ★ (n) if the goods are AANZ originating goods:
 - (i) if "AANZ" is specified in relation to a rate of duty set out in the third column of that item - by reference to that rate of duty; or
 - (ii) otherwise - Free.

★ *Least rate of duty*

(3) If, apart from this subsection, more than one paragraph of subsection (2) would apply in relation to the goods, then the paragraph that does apply in relation to the goods is the paragraph in respect of which the least amount of duty would be payable in respect of the goods.

Indexation of rates of duty

19.(1) If section 6A of the *Excise Tariff Act 1921* has the effect, on a particular day, of increasing the rate of duty of an excise item set out in column 2 of the following Table, the rates of duty set out in:

- (a) the rate column of the subheading in Schedule 3 appearing in column 1 of the Table below, opposite that excise item; and
- (b) the rate column of an item in the table in Schedule 5 that relates to a subheading in Schedule 3:
 - (i) that is specified in column 2 of that item in the table in Schedule 5; and
 - (ii) that appears in column 1 of the Table below, opposite that excise item; and
- (c) the rate column of an item in the table in Schedule 6 that relates to a subheading in Schedule 3; and
 - (i) that is specified in column 2 of that item in the table in Schedule 6; and
 - (ii) that appears in column 1 of the Table below, opposite that excise item; and
- (d) the rate column of an item in the table in Schedule 7 that relates to a subheading in Schedule 3:
 - (i) that is specified in column 2 of that item in the table in Schedule 7; and
 - (ii) that appears in column 1 of the Table below, opposite that excise item; and
- ★ (e) the rate column of an item in the table in Schedule 8 that relates to a subheading in Schedule 3:
 - (i) that is specified in column 2 of that item in the table in Schedule 8; and
 - (ii) that appears in column 1 of the Table below, opposite that excise item;
 are increased by the same amount on and from that day.

Table of related Customs subheadings and excise items

Column 1 Customs subheading	Column 2 Excise item	Column 1 Customs subheading	Column 2 Excise item
2203.00.61	1.1	2206.00.74	1.1
2203.00.62	1.5	2206.00.75	1.5
2203.00.69	1.10	2206.00.78	1.10
2203.00.71	1.2	2206.00.82	1.2
2203.00.72	1.6	2206.00.83	1.6
2203.00.79	1.11	2206.00.89	1.11
2203.00.91	2	2206.00.92	2
2203.00.99	3.2	2206.00.99	3.2
2204.10.23	2	2207.10.00	3.10
2204.10.29	3.2	2208.20.10	3.1
2204.10.83	2	2208.20.90	3.2
2204.10.89	3.2	2208.30.00	3.2
2204.21.30	2	2208.40.00	3.2
2204.21.90	3.2	2208.50.00	3.2
2204.29.30	2	2208.60.00	3.2
2204.29.90	3.2	2208.70.00	3.2
2205.10.30	2	2208.90.20	2
2205.10.90	3.2	2208.90.90	3.2
2205.90.30	2	2401.10.00	5.5
2205.90.90	3.2	2401.20.00	5.5
2206.00.13	2	2401.30.00	5.5
2206.00.14	3.2	2402.10.20	5.1
2206.00.21	2	2402.10.80	5.5
2206.00.22	3.2	2402.20.20	5.1
2206.00.23	2	2402.20.80	5.5
2206.00.24	3.2	2403.10.30	5.1
2206.00.52	2	2403.10.70	5.5
2206.00.59	3.2	2403.91.00	5.5
2206.00.62	2	2403.99.80	5.5
2206.00.69	3.2		

(2) If, under the provisions of subsection (1), the rate of duty payable on goods is increased on a particular day, that rate is payable on goods entered for home consumption on and from that day.

(3) If, under the provisions of subsection (1), the rate of duty payable on goods is increased on a particular day, the Chief Executive Officer must, on or as soon as practicable after that day, publish for the information of the public a notice in the *Gazette* advertising the increased rate and the goods to which that rate is to apply.

Duty where goods consist of certain containers and certain contents

20. If:

- (a) goods consist of a container and the contents of the container; and
- (b) those contents would, if they were manufactured or produced in Australia, be subject to duty of Excise under the *Excise Tariff Act 1921*; and
- (c) under the Interpretation Rules, the tariff classification under which the goods are classified is the tariff classification under which the container would be classified if it were imported separately;

the duty in respect of the goods is equal to the sum of the amount of the duty that would be payable in respect of the container if it were imported separately and the amount of the duty that would be payable in respect of the contents if they were imported separately.

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(Schedule 1 follows)

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PART 3 - MISCELLANEOUS

Regulations

20A. The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Repeal of the *Customs Tariff Act 1987* etc.

21.(1) The *Customs Tariff Act 1987* is repealed.

(2) Despite the fact that goods were imported into Australia before 1 July 1996, duties of Customs are not payable in respect of those goods under an Act repealed by this Act if duties of Customs are imposed on those goods by section 15.

(3) Subject to subsection (4), the *Customs Tariff Act 1987* as in force immediately before 1 July 1996 is taken to have been amended in accordance with Customs Tariff Proposals introduced into the House of Representatives in 1995 or 1996.

(4) If, before 1 July 1996, either House of the Parliament, under a motion on notice, passes a resolution that subsection (3) is not to apply to particular Customs Tariff Proposals referred to in that subsection and specified in the resolution, that subsection does not apply to the Proposals so specified.

Transitional

22. Despite section 15, if:

- (a) goods were imported into Australia, and first entered for home consumption, before 1 July 1996; and
- (b) the goods are again entered for home consumption on or after that day so that duties of Customs are imposed on the goods under section 15; and
- (c) because of section 132 of the *Customs Act 1901*, the rate of duty in respect of the goods is the rate in force when the goods were first entered for home consumption;

the duty in respect of the goods is the duty that would have been payable in respect of the goods if this Act had not been enacted.

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