

CUSTOMS REGULATORY PLAN 2008

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:

- Attorney-General's Department
- Department of Agriculture, Fisheries and Forestry
- Department of Education, Employment and Workplace Relations
- Department of Health and Ageing
- Department of Innovation, Industry, Science and Research
- Department of the Treasury
- Department of Infrastructure, Transport, Regional Development and Local Government
- Department of the Environment, Water, Heritage and the Arts
- Department of Defence
- Department of Immigration and Citizenship
- Great Barrier Reef Marine Park Authority
- Australian Maritime Safety Authority
- Australia New Zealand Food Authority
- Australian Fisheries Management Authority

How up to date is information in this regulatory plan?

This regulatory plan was last updated in July 2008.

All correspondence in relation to this regulatory plan should be forwarded to the Director Legislation Management at the following address:

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

Past regulatory change

Type of entry	Past regulatory change
Title	Customs Administration Amendment Regulations 2007 (No. 2)
Description of issue	Update the list of permitted entities to which disclosures of classes of protected information containing personal information may be authorised under section 16 of the <i>Customs Administration Act 1985</i> .
Date of effect	Regulations 1 to 3 - 29/09/2007 Schedule 2 - 1/10/2007
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Administration Amendment Regulations 2008 (No. 1)
Description of issue	To update the list of permitted entities to which disclosures of classes of protected information containing personal information may be authorised under section 16 of the <i>Customs Administration Act 1985</i> .
Date of effect	03/05/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs (Prohibited Imports) Amendment Regulations 2007 (No. 3)
Description of issue	These Regulations amend the <i>Customs (Prohibited Imports) Regulations 1956</i> to amend the prohibitions on the importation of rough diamonds, round logs and timber products from Liberia, to update allowable levels of lead and other heavy metals specified for a number of goods imported into Australia and to remove the prohibition on the importation of marked fuels.
Date of effect	25/08/2007
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	Customs (Prohibited Imports) Amendment Regulations 2007 (No. 4)
Description of issue	These Regulations amend the <i>Customs (Prohibited Imports) Regulations 1956</i> to introduce a new importation prohibition on plastic explosives.
Date of effect	25/08/2007
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs (Prohibited Imports) Amendment Regulations 2007 (No. 5)
Description of issue	These Regulations amend the <i>Customs (Prohibited Exports) Regulations 1958</i> to prohibit the importation of publications and goods which advocate the doing of a terrorist act.
Date of effect	20/10/2007
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs (Prohibited Imports) Amendment Regulations 2008 (No. 1)
Description of issue	These regulations amend the <i>Customs (Prohibited Import) Regulations 1956</i> as a consequence of the amendments to the <i>Customs Act 1901</i> as made by the <i>International Trade Integrity Act 2007</i> .
Date of effect	24/03/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs (Prohibited Imports) Amendment Regulations 2008 (No. 2)
Description of issue	These regulations amend the <i>Customs (Prohibited Imports) Regulations 1956</i> to extend the time during which the Department of Defence or the Australian Defence Force may import chrysotile.
Date of effect	03/05/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	Customs (Prohibited Imports) Amendment Regulations 2008 (No. 3)
Description of issue	These regulations amend the <i>Customs (Prohibited Imports) Regulations 1956</i> to introduce a restriction on the importation into Australia of hand-held articles commonly known as 'laser pointers'.
Date of effect	1/07/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs (Prohibited Imports) Amendment Regulations 2008 (No. 4)
Description of issue	These regulations amend the <i>Customs (Prohibited Imports) Regulations 1956</i> to insert additional circumstances under which anti-personnel sprays, chemicals used in the manufacture of anti-personnel sprays, and grenades or canisters designed for use with anti-personnel sprays or chemicals may be imported into Australia.
Date of effect	21/06/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs (Prohibited Exports) Amendment Regulations 2007 (No. 2)
Description of issue	These Regulations amend the <i>Customs (Prohibited Exports) Regulations 1958</i> to amend the export controls on wheat.
Date of effect	Regulations 1 to 3 and schedule 1 – 27/08/2007 Schedule 2 - 1/03/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs (Prohibited Exports) Amendment Regulations 2007 (No. 3)
Description of issue	These Regulations amend the <i>Customs (Prohibited Exports) Regulations 1958</i> to clarify the export restrictions on source materials and to include an additional exemption from these export restrictions.
Date of effect	29/09/2007
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	Customs (Prohibited Exports) Amendment Regulations 2007 (No. 4)
Description of issue	These Regulations amend the <i>Customs (Prohibited Exports) Regulations 1958</i> to prohibit the exportation of publications and goods which advocate the doing of a terrorist act.
Date of effect	20/10/2007
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs (Prohibited Exports) Amendment Regulations 2008 (No. 1)
Description of issue	These regulations amend the <i>Customs (Prohibited Exports) Regulations 1958</i> as a consequence of the amendments to the <i>Customs Act 1901</i> as made by the <i>International Trade Integrity Act 2007</i> .
Date of effect	24/03/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Amendment Regulations 2007 (No. 1)
Description of issue	These Regulations amend the <i>Customs Regulations 1926</i> to specify goods of which a Tariff Concession Order cannot be made and to amend regulation 179A to update references to “prescribed organisation”.
Date of effect	04/10/2007
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Amendment Regulations 2007 (No. 2)
Description of issue	These Regulations amend the <i>Customs Regulations 1926</i> to allow a wider range of goods to be sold in inwards duty free shops.
Date of effect	06/10/2007
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	Customs Amendment Regulations 2008 (No. 1)
Description of issue	These regulations amend the <i>Customs Regulations 1926</i> to specify alkali refined linseed oil and certain baby products as goods in respect of which a Tariff Concession Order can be made.
Date of effect	27/03/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Amendment Regulations 2008 (No. 2)
Description of issue	These regulations amend the <i>Customs Regulations 1926</i> as a consequence of the amendments to the <i>Customs Act 1901</i> as made by the <i>International Trade Integrity Act 2007</i> .
Date of effect	24/03/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Amendment Regulations 2008 (No. 3)
Description of issue	These regulations amend the <i>Customs Regulations 1926</i> to reduce the period of time that a person who takes delivery of goods at an airport must give notice to Customs.
Date of effect	23/05/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Amendment Regulations 2008 (No. 4)
Description of issue	These Regulations amend the <i>Customs Regulations 1926</i> to add petroleum products, which are excise-equivalent goods, to the category of goods to which a Tariff Concession Order should not extend.
Date of effect	21/06/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	Customs (Narcotic Substances) Repeal Regulations 2007
Description of issue	These Regulations repeal the <i>Customs (Narcotic Substances) Regulations 1980</i> .
Date of effect	25/07/2007
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs (Narcotic Inquiries) Repeal Regulations 2007
Description of issue	These Regulations repeal the <i>Customs (Narcotic Inquiries) Regulations 1980</i> .
Date of effect	25/07/2007
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Tariff Amendment Act (No 1) 2007</i>
Description of issue	This Act amends the <i>Customs Tariff Act 1995</i> to update the requirements relating to prepared culture media for the development or maintenance of plant, human or animal cells.
Date of effect	Section 1 to 3 – 20/08/2007 Schedule 1 – 20/08/2007 Schedule 2 – 4/11/2006
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Amendment (Strengthening Border Controls) Act 2008
Description of issue	Amends the <i>Customs Act 1901</i> to enable Customs officers boarding a ship or aircraft to conduct personal searches for, and take possession of, weapons or evidence of specified offences.
Date of effect	Commences on 9/8/2008.
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	Customs Amendment (Strengthening Border Controls) Act 2008
Description of issue	Amends the <i>Customs Act 1901</i> to allow a person to abandon certain prohibited imports that have not been concealed.
Date of effect	Received Royal Assent on 12/07/2008 Commences on proclamation
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Amendment (Strengthening Border Controls) Act 2008
Description of issue	Amends the <i>Customs Act 1901</i> to allow for post-importation permission for certain prohibited imports.
Date of effect	Received Royal Assent on 12/07/2008 Commences on proclamation
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Amendment (Strengthening Border Controls) Act 2008
Description of issue	Amends the <i>Customs Act 1901</i> to allow infringement notices to be served for certain offences including importing certain prohibited imports and border security related offences.
Date of effect	Received Royal Assent on 12/07/2008 Commences on proclamation
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	Customs Legislation Amendment (Modernising) Act 2008
Description of issue	Amends the <i>Customs Act 1901</i> to update the broker licensing provisions to recognise the changing environment, including the contractual arrangements that exist between some brokerages and nominees.
Date of effect	12/07/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Legislation Amendment (Modernising) Act 2008
Description of issue	Amends the <i>Customs Act 1901</i> and <i>Customs Legislation Amendment and Repeal (International Trade Modernisation) Act 2001</i> to modernise revenue collection provisions in the Customs Act and provide an ability to offset refund and drawback entitlements against duty liability.
Date of effect	Commences on 9/8/2008.
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Legislation Amendment (Modernising) Act 2008
Description of issue	Amends the <i>Customs Act 1901</i> to incorporate necessary amendments resulting from the formal introduction of the Smartgate passenger processing system.
Date of effect	Commences on 9/8/2008.
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	Customs Legislation Amendment (Modernising) Act 2008
Description of issue	Amends the <i>Customs Act 1901</i> to reflect the new Certificate of Origin requirements for the Singapore-Australia Free Trade Agreement.
Date of effect	Received Royal Assent on 12/07/2008 Commences when Articles 11 and 12 of Chapter 3 of the Singapore - Australia Free Trade Agreement come into force.
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Customs Tariff Amendment (Tobacco Content) Act 2008
Description of issue	This Act amends the <i>Customs Tariff Act 1995</i> to incorporate a definition of 'tobacco content'. The definition will have retrospective application from 1 November 1999.
Date of effect	24/06/2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Past regulatory change
Title	Passenger Movement Charge Amendment Bill 2008
Description of issue	To provide for an increase in the rate of the Passenger Movement Charge from \$38 to \$47.
Date of effect	1/07/2008.
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Future regulatory change

Type of entry	Future regulatory change
Title	Customs Amendment (Enhanced Border Controls and Other Measures) Bill
Description of issue	Amends the <i>Customs Act 1901</i> to enhance Customs border controls.
Consultation opportunities	Opportunities for consultation will be notified by Customs in the future.
Expected timetable	Expected to be introduced in late 2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Future regulatory change
Title	Customs Amendment (Export Controls) Bill and Customs Depot Licensing Charges Amendment (Export Controls) Bill
Description of issue	Amends the <i>Customs Act 1901</i> to strengthen Customs administrative and compliance capabilities within the export environment.
Consultation opportunities	Consultation paper released in January 2008. It is expected that an exposure draft will be released prior to introduction.
Expected timetable	Expected to be introduced early 2009
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Type of entry	Future regulatory change
Title	Customs Amendment (Australia-Chile Free Trade Agreement Implementation) Bill
Description of issue	Implements the Australia - Chile Free Trade Agreement
Consultation opportunities	Opportunities for consultation will be notified by Customs in the future.
Expected timetable	Expected to be made in 2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au

Future regulatory change

Type of entry	Future regulatory change
Title	Customs Tariff Amendment (Australia-Chile Free Trade Agreement Implementation) Bill
Description of issue	Implements the Australia - Chile Free Trade Agreement
Consultation opportunities	Opportunities for consultation will be notified by Customs in the future.
Expected timetable	Expected to be made in 2008
Contact details	Julie Pettrey, Director, Legislation Management Unit Ph (02) 6275 5974 Fax (02) 6275 6687 Email – julie.pettrey@customs.gov.au