

## **SUMMARY OF LEGISLATIVE CHANGES**

### Customs control of goods that are 'no longer for export'

New legislation has been added to include 'goods no longer for export, located at a prescribed place of export, as subject to Customs control – s.30(1)(e) of the *Customs Act 1901* (Customs Act).

If goods are subject to Customs control, Customs and Border Protection officers can exercise various powers in respect of such goods. For example, the power to examine these goods.

### Applications for permission to move, alter or interfere with export goods under Customs control

Existing legislation related to applications for permission to move, alter or interfere with *goods for export* has been amended – s.119AA of the Customs Act. The amendments allow applications to be made and messages to be given by document (not just electronically).

New legislation has been added to include equivalent sections for applications for permission to move, alter or interfere with *goods no longer for export* – s.119AB and s.119AC of the Customs Act.

These changes strengthen Customs control over goods when they become no longer for export, and increases the level of security in the export cargo environment.

The proposed business processes in the draft Fact Sheet are based on existing procedures for applications for permission to move, alter or interfere with *goods for export*.

### Powers to direct the movement/storage of goods in the exports environment

New legislation has been added to allow Customs and Border Protection to give written directions about the movement and storage of goods for the protection of revenue, or for the purpose of ensuring compliance with the Customs Act and other legislation prescribed by the regulations – s.112C and s.112D of the Customs Act.

This provides a legislative basis for Integrated Cargo System (ICS) Cargo Terminal Operator (CTO) 'Cargo Movement Statuses' and allows Customs and Border Protection to give directions to CTOs etc by means other than the ICS. For example, when it is determined that cargo should not be loaded after being received at a CTO.

The proposed business processes in the draft Fact Sheet are based on existing informal arrangements for giving directions.

### Powers to suspend an authority to deal (ATD) for export goods and request additional information

New legislation has been added to enable a Customs and Border Protection officer to suspend an ATD at any time before the goods are dealt with in order to verify particulars shown in an export declaration (including requesting additional information) – s.114CA to s.114CC of the Customs Act.

The new power is in addition to existing powers under s.114A (additional information can be sought before an ATD has been granted), s.114C (ATD can be suspended if reasonable grounds exist to suspect the goods have been dealt with in contravention of a Customs-related law), and s.240AA and 240AC (can require commercial documents or records to be produced within 14 days) of the Customs Act.

This is an extension of the current legislative provisions and ICS processes. It allows additional information to be requested in a timeframe that enables Customs and Border Protection to adequately risk assess cargo prior to the cargo being exported.

The proposed business processes in the draft Fact Sheet are based on current procedures for existing powers and informal arrangements currently in place for requesting additional information.