

2010-2011

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Customs Amendment (New Zealand
Rules of Origin) Bill 2011**

No. , 2011

(Home Affairs)

**A Bill for an Act to amend the *Customs Act 1901*,
and for related purposes**

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1 **A Bill for an Act to amend the *Customs Act 1901*,**
2 **and for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Customs Amendment (New Zealand*
6 *Rules of Origin) Act 2011*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	The later of: (a) the day this Act receives the Royal Assent; and (b) the day on which the amendments of Article 3 of the Australia New Zealand Closer Economic Relations Trade Agreement, that were agreed to by Australia and New Zealand in 2010, enter into force. The Minister administering the <i>Customs Act 1901</i> must announce by notice in the <i>Gazette</i> the day on which those amendments enter into force.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.
12

1 **Schedule 1—Amendments**

2 **Part 1—New Zealand originating goods**

3 *Customs Act 1901*

4 **1 Section 153ZIA**

5 Omit:

- 6
 - Subdivision B provides that goods are New Zealand
 - 7 originating goods if they are wholly obtained in New Zealand
 - 8 or in New Zealand and Australia.

9 substitute:

- 10
 - Subdivision B provides that goods are New Zealand
 - 11 originating goods if they are wholly obtained or produced in
 - 12 New Zealand or in New Zealand and Australia.

13 **2 Section 153ZIA**

14 After:

- 15
 - Subdivision G sets out when goods are New Zealand
 - 16 originating goods because their last process of manufacture is
 - 17 performed in New Zealand. It is repealed on 1 January 2012.

18 insert:

- 19
 - Subdivision GA provides that goods are not New Zealand
 - 20 originating goods under this Division merely because of
 - 21 certain operations.

22 **3 Subsection 153ZIB(1)**

23 Insert:

24 *aquaculture* has the meaning given by Article 3 of the Agreement.

25 **4 Subsection 153ZIB(1) (definition of *manufacture*)**

1 Repeal the definition, substitute:

2 *manufacture* means the creation of an article essentially different
3 from the matters or substances that go into that creation.

4 **5 Subsection 153ZIB(1) (definition of *produce*)**

5 Omit “or disassemble”, substitute “, restore or renovate”.

6 **6 Subdivision B of Division 1E of Part VIII (heading)**

7 Repeal the heading, substitute:

8 **Subdivision B—Goods wholly obtained or produced in New**
9 **Zealand or New Zealand and Australia**

10 **7 Subsection 153ZIC(1)**

11 After “obtained”, insert “or produced”.

12 Note: The heading to section 153ZIC is altered by inserting “or produced” after “obtained”.

13 **8 Subsection 153ZIC(2)**

14 After “*obtained*”, insert “*or produced*”.

15 **9 After paragraph 153ZII(1)(a)**

16 Insert:

17 (aa) that last process was not a restoration or renovation process
18 such as repairing, reconditioning, overhauling or
19 refurbishing; and

20 **10 After Subdivision G of Division 1E of Part VIII**

21 Insert:

22 **Subdivision GA—Non-qualifying operations**

23 **153ZIIA Non-qualifying operations**

24 (1) Goods are not New Zealand originating goods under this Division
25 merely because of the following operations:

26 (a) operations to preserve goods in good condition for the
27 purposes of transport or storage;

28 (b) disassembly of goods;

- 1 (c) affixing of marks, labels or other similar distinguishing signs
2 on goods or their packaging;
3 (d) packaging, changes to packaging, the breaking up or
4 assembly of packages or presenting goods for transport or
5 sale;
6 (e) quality control inspections;
7 (f) any combination of operations referred to in paragraphs (a) to
8 (e).

9 (2) This section applies despite any other provision of this Division.

10 **11 Application**

11 The amendments made by this Part apply in relation to:

- 12 (a) goods imported into Australia on or after the commencement
13 of this Part; and
14 (b) goods imported into Australia before the commencement of
15 this Part, where the time for working out the rate of import
16 duty on the goods had not occurred before the
17 commencement of this Part.
18

1 **Part 2—Verification powers**

2 ***Customs Act 1901***

3 **12 Section 126AJA (definition of *manufacture*)**

4 Repeal the definition, substitute:

5 *manufacture* means the creation of an article essentially different
6 from the matters or substances that go into that creation.

7 **13 Section 126AJA (at the end of the definition of *principal***
8 ***manufacturer*)**

9 Add “, where that last process was not a restoration or renovation
10 process such as repairing, reconditioning, overhauling or refurbishing”.

11 **14 Section 126AJA (definition of *producer*)**

12 Omit “or disassembles”, substitute “, restores or renovates”.

13 **15 Application**

14 The amendments made by this Part apply in relation to goods exported
15 to New Zealand on or after the commencement of this Part.