



Customs Tariff Amendment (Incorporation of Proposals) Act 2023

No. 34, 2023

**An Act to amend the *Customs Tariff Act 1995*, and
for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Customs Tariff Amendment (Incorporation of Proposals) Act 2023

No. 34, 2023

An Act to amend the *Customs Tariff Act 1995*, and for related purposes

[Assented to 28 June 2023]

The Parliament of Australia enacts:

1 Short title

This Act is the *Customs Tariff Amendment (Incorporation of Proposals) Act 2023*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	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.	28 June 2023
2. Schedule 1, Part 1	25 April 2022.	25 April 2022
3. Schedule 1, Part 2	4 July 2022.	4 July 2022
4. Schedule 1, items 6 to 8	1 July 2021.	1 July 2021
5. Schedule 1, items 9 and 10	1 July 2022.	1 July 2022
6 Schedule 1, Part 4	1 July 2022.	1 July 2022
7. Schedule 1, Part 5	Immediately after the commencement of Schedule 1 to the <i>Customs Tariff Amendment (Regional Comprehensive Economic Partnership Agreement Implementation) Act 2021</i> .	1 January 2022

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Temporary increase in duties for goods from Russia or Belarus

Customs Tariff Act 1995

1 Subsection 16(1)

After “18,” insert “18A,”.

2 Subsection 18(1)

After “Subject to sections”, insert “18A,”.

3 After section 18

Insert:

18A Temporary increase in duties for goods from Russia or Belarus

General rate of duty

- (1) The duty in respect of additional duty goods is:
 - (a) if the general rate set out in the third column of the tariff classification under which the goods are classified is Free—an amount equal to 35% of the value of the goods; or
 - (b) if the general rate set out in the third column of the tariff classification under which the goods are classified is not Free—the amount of duty worked out by reference to that general rate and to sections 17 and 20, plus an amount equal to 35% of the value of the goods.

Note: For *additional duty goods*, see subsection (5).

- (2) Subsection (1) has effect despite paragraph 16(1)(a) and section 18.

Concessional rate of duty

- (3) However, if, apart from subsection (1), item 9, 10, 14, 15, 16, 17, 18, 19, 20 or 25 of Schedule 4 would apply to the goods, then the amount of duty payable in respect of the goods is worked out by

reference to the general rate of duty set out in the third column of that item.

- (4) For the purposes of subsection (3), as it applies in relation to item 20 of Schedule 4, the applicable percentage under that item is taken to be:
- (a) if the general rate set out in the third column of the tariff classification under which the goods are classified is Free—35%; or
 - (b) if the general rate set out in the third column of the tariff classification under which the goods are classified is a percentage of the value of the goods—that percentage, plus 35%.

Additional duty goods

- (5) For the purposes of this section, **additional duty goods** are goods:
- (a) that are the produce or manufacture of Russia or Belarus; and
 - (b) that are imported into Australia during the period beginning on 25 April 2022 and ending at the end of 24 October 2023; and
 - (c) that had not, before 25 April 2022, left for direct shipment to Australia from a place of manufacture, or a warehouse, in the country from which the goods are exported; and
 - (d) in respect of which, apart from subsection (1), paragraph 16(1)(a) would apply.

When goods are the produce or manufacture of Russia or Belarus

- (6) For the purposes of this section, goods are the produce or manufacture of Russia or Belarus if and only if:
- (a) the goods are unmanufactured raw products (within the meaning of the *Customs Act 1901*) of Russia or Belarus; or
 - (b) the last process in the manufacture of the goods was performed in Russia or Belarus.
- (7) For the purposes of paragraph (6)(b), minimal operations or processes that take place in a country other than Russia or Belarus are taken not to be a process in the manufacture of the goods.

Schedule 1 Amendments

Part 1 Temporary increase in duties for goods from Russia or Belarus

- (8) Without limiting subsection (7), the following are minimal operations or processes:
- (a) operations to preserve goods in good condition for the purposes of transport or storage;
 - (b) changing of packaging or the breaking up or assembly of packages;
 - (c) disassembly of goods;
 - (d) placing goods in bottles, cases or boxes, fixing on cards or other simple packaging operations;
 - (e) affixing of marks, labels or other similar distinguishing signs on goods or their packaging;
 - (f) simple processes of sifting, screening, sorting or classifying or other similar simple processes.

Part 2—Temporary decrease in duties for goods from Ukraine

Customs Tariff Act 1995

4 Subsection 16(1)

Before “20”, insert “18B,”.

5 Before section 19

Insert:

18B Temporary decrease in duties for goods from Ukraine

General rate of duty

(1) Subject to subsection (2) and section 20, the duty in respect of goods:

- (a) that are the produce or manufacture of Ukraine; and
- (b) that are imported into Australia during the period of 12 months beginning on 4 July 2022;

must be worked out as follows:

- (c) if:
 - (i) the goods are classified under a tariff classification in Chapter 22, 24, 27, 29, 34 or 38 of Schedule 3; and
 - (ii) a rate of duty that applies in relation to Developing Countries specified in Part 3 of Schedule 1 to the regulations is set out in the third column of that tariff classification;

by reference to that rate of duty; or

- (d) otherwise—Free.

Concessional rate of duty

(2) However, if:

- (a) subparagraphs (1)(c)(i) and (ii) apply in relation to the goods; and
- (b) an item in Schedule 4 *prima facie* applies to the goods; and

Schedule 1 Amendments

Part 2 Temporary decrease in duties for goods from Ukraine

(c) if the goods were the produce or manufacture of a Developing Country specified in Part 3 of Schedule 1 to the regulations—the rate of duty (the *concessional rate*) under paragraph 18(2)(h) in respect of the goods would be less than the rate of duty that would otherwise apply under paragraph (1)(c) of this section in respect of the goods; then the duty in respect of the goods must be worked out by reference to the concessional rate.

Interpretative provisions

- (3) This section has effect despite sections 16 and 18.
- (4) For the purposes of section 13, as it applies in relation to paragraph (1)(a) of this section, Ukraine is taken to be a Developing Country within the meaning of this Act.

Part 3—Medical products or hygiene products

Customs Tariff Act 1995

6 Schedule 4 (table item 57, column headed “Description of goods”, paragraph (b))

Omit “COVID-19; and”, substitute “COVID-19.”.

7 Schedule 4 (table item 57, column headed “Description of goods”, paragraph (c))

Repeal the paragraph.

8 Application provision

The amendments made by items 6 and 7 apply in relation to:

- (a) goods imported into Australia on or after the commencement of this item; and
- (b) goods imported into Australia before the commencement of this item, where the time for working out the rate of import duty on the goods had not occurred before the commencement of this item.

9 Schedule 4 (cell at table item 57, column headed “Description of goods”)

Repeal the cell, substitute:

Schedule 1 Amendments

Part 3 Medical products or hygiene products

Goods, as prescribed by by-law, where:

- (a) the goods are medical products or hygiene products; or
- (b) both of the following apply:
 - (i) the goods are ingredients to be used in the production of medicaments or other goods;
 - (ii) the medicaments or other goods, if imported, would be classified under Chapter 30 of Schedule 3; or
- (c) both of the following apply:
 - (i) the goods are containers to be used for containing medicaments or other goods;
 - (ii) the medicaments or other goods, if imported, would be classified under Chapter 30 of Schedule 3.

10 Application provision

The amendment made by item 9 applies in relation to:

- (a) goods imported into Australia on or after the commencement of this item; and
- (b) goods imported into Australia before the commencement of this item, where the time for working out the rate of import duty on the goods had not occurred before the commencement of this item.

Part 4—Electric vehicles

Customs Tariff Act 1995

11 Schedule 3 (Chapter 87, after Additional Note 5)

Insert:

- 6.- For the purposes of 8703.60.12, 8703.70.12, 8703.80.12 and 8703.90.12, the “fuel-efficient car limit” for goods means the fuel-efficient car limit (within the meaning of the *A New Tax System (Luxury Car Tax) Act 1999*) for the financial year in which the time for working out the rate of import duty on the goods occurs.

12 Schedule 3 (Chapter 87, Additional Notes 6 to 8)

Re-number as Additional Notes 7 to 9.

13 Schedule 3 (after subheading 8703.60.11)

Insert:

8703.60.12	----Goods, NSA, with a value less than the fuel-efficient car limit for the goods as defined in Additional Note 6 to this Chapter	Free
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14 Schedule 3 (after subheading 8703.70.11)

Insert:

8703.70.12	----Goods, NSA, with a value less than the fuel-efficient car limit for the goods as defined in Additional Note 6 to this Chapter	Free
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15 Schedule 3 (after subheading 8703.80.11)

Insert:

8703.80.12	----Goods, NSA, with a value less than the fuel-efficient car limit for the goods as defined in Additional Note 6 to this Chapter	Free
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16 Schedule 3 (after subheading 8703.90.11)

Insert:

Schedule 1 Amendments
Part 4 Electric vehicles

8703.90.12 ----Goods, NSA, with an electric motor for propulsion, Free
capable of being charged by plugging to external
source of electric power, and with a value less than
the fuel-efficient car limit for the goods as defined
in Additional Note 6 to this Chapter

17 Schedule 4 (table item 36, column headed “Description of goods”, paragraph (a))

Omit “Additional Note 7”, substitute “Additional Note 8”.

18 Application provision

The amendments made by this Part apply in relation to:

- (a) goods imported into Australia on or after 1 July 2022; and
- (b) goods imported into Australia before 1 July 2022, where the time for working out the rate of import duty on the goods had not occurred before 1 July 2022.

Part 5—Minor amendments

Customs Tariff Act 1995

19 Schedule 3 (Chapter 13, paragraph (g) of Note 1)

Omit “(3006)”, substitute “(3822)”.

20 Schedule 14 (cell at table item 270, column 2)

Repeal the cell, substitute:

3808.93.00

*[Minister’s second reading speech made in—
House of Representatives on 22 March 2023
Senate on 30 June 2023]*

(26/23)
