

Customs (International Obligations) Amendment (China‑Australia Free Trade Agreement) Regulation 2015

Select Legislative Instrument No. 210, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 26 November 2015

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Peter Dutton

Minister for Immigration and Border Protection

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1 Name

This is the *Customs (International Obligations) Amendment (China-Australia Free Trade Agreement) Regulation 2015*.

2 Commencement

(1) Each provision of this instrument 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 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. | 28 November 2015 |
| 2. Schedule 1 | At the same time as Schedule 1 to the *Customs Amendment (China‑Australia Free Trade Agreement Implementation) Act 2015* commences. | 20 December 2015 |

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Customs Act 1901.*

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Customs (International Obligations) Regulation 2015

1 Section 4 (after paragraph (c) of the definition of *Certificate of Origin*)

Insert:

(ca) in relation to Chinese originating goods—has the meaning given by subsection 153ZOB(1) of the Act; or

2 Section 4

Insert:

***Chinese originating goods*** has the meaning given by subsection 153ZOB(1) of the Act.

3 Section 4 (definition of *Declaration of Origin*)

Repeal the definition, substitute:

***Declaration of Origin***:

(a) in relation to Chinese originating goods—has the meaning given by subsection 153ZOB(1) of the Act; or

(b) in relation to Malaysian originating goods—has the meaning given by subsection 153ZLB(1) of the Act.

4 Section 23 (at the end of the table)

Add:

|  |  |  |
| --- | --- | --- |
| 13 | Chinese originating goods | Duty has been paid on the goods. |
| 14 | Goods that would have been Chinese originating goods if, at the time the goods were imported, the importer held:  (a) a Certificate of Origin, or a Declaration of Origin, for the goods; or  (b) a copy of a document mentioned in paragraph (a) | Both of the following apply:  (a) duty has been paid on the goods;  (b) the importer holds a Certificate of Origin, or a Declaration of Origin, for the goods, or a copy of either of those documents, at the time of making the application for the refund. |

5 At the end of section 24

Add:

; or (g) the goods mentioned in item 13 or 14 of the table in section 23 are Chinese originating goods.

6 Subsection 31(2) (paragraph (a) of the definition of *duty payable*)

Omit “or 11”, substitute “, 11 or 13”.

7 Subsection 31(2) (paragraph (b) of the definition of *duty payable*)

Omit “or 12”, substitute “, 12 or 14”.

8 Subsection 31(2) (at the end of the definition of *relevant originating goods*)

Add:

; (g) Chinese originating goods.