



# **Customs (International Obligations) Amendment (Free Trade Agreement Implementation) Regulations 2019**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 December 2019

David Hurley  
Governor-General

By His Excellency's Command

Jason Wood  
Assistant Minister for Customs, Community Safety and Multicultural Affairs  
Parliamentary Secretary to the Minister for Home Affairs

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## 1 Name

This instrument is the *Customs (International Obligations) Amendment (Free Trade Agreement Implementation) Regulations 2019*.

## 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.	17 December 2019
2. Schedule 1	At the same time as Schedule 2 to the <i>Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Act 2019</i> commences.	5 July 2020
3. Schedule 2	At the same time as Schedule 3 to the <i>Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Act 2019</i> commences.	17 January 2020
4. Schedule 3	The day after this instrument is registered.	17 December 2019

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Indonesia

### *Customs (International Obligations) Regulation 2015*

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

Insert:

- (cb) in relation to Indonesian originating goods—has the meaning given by subsection 153ZLK(1) of the Act; or

#### **2 Section 4 (before paragraph (b) of the definition of *Declaration of Origin*)**

Insert:

- (ac) in relation to Indonesian originating goods—has the meaning given by subsection 153ZLK(1) of the Act; or

#### **3 Section 4**

Insert:

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

#### **4 Section 23 (after table item 8D)**

Insert:

8E	Indonesian originating goods	Duty has been paid on the goods.
8F	Goods that would have been Indonesian 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 After paragraph 24(db)**

Insert:

- (dc) the goods mentioned in item 8E or 8F of the table in section 23 are Indonesian originating goods; or

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

After “8C,” insert “8E,”.

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

After “8D,” insert “8F,”.

#### **8 Subsection 31(2) (after paragraph (db) of the definition of *relevant originating goods*)**

Insert:

(dc) Indonesian originating goods;

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## Schedule 2—Hong Kong, China

### *Customs (International Obligations) Regulation 2015*

#### **1 Section 4 (after paragraph (a) of the definition of *Declaration of Origin*)**

Insert:

- (ab) in relation to Hong Kong originating goods—has the meaning given by subsection 153ZPB(1) of the Act; or

#### **2 Section 4**

Insert:

***Hong Kong originating goods*** has the meaning given by subsection 153ZPB(1) of the Act.

#### **3 Section 23 (at the end of the table)**

Add:

15	Hong Kong originating goods	Duty has been paid on the goods.
16	Goods that would have been Hong Kong originating goods if, at the time the goods were imported, the importer held a Declaration of Origin or a copy of a Declaration of Origin for the goods	Both of the following apply: (a) duty has been paid on the goods; (b) the importer holds a Declaration of Origin or a copy of a Declaration of Origin for the goods at the time of making the application for the refund.

#### **4 At the end of section 24**

Add:

- ; or (h) the goods mentioned in item 15 or 16 of the table in section 23 are Hong Kong originating goods.

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

Omit “or 13”, substitute “, 13 or 15”.

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

Omit “or 14”, substitute “, 14 or 16”.

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

Add:

- ; (h) Hong Kong originating goods.



## **Schedule 3—Other amendments**

### ***Customs (International Obligations) Regulation 2015***

#### **1 Section 23 (cell at table item 10, column headed “Class of goods”)**

Omit “at the time the goods were imported”, substitute “at the time for working out the rate of import duty on the goods”.