

Customs (International Obligations) Amendment (Regional Comprehensive Economic Partnership Agreement Implementation) Regulations 2021

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 28 October 2021

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 (Regional Comprehensive Economic Partnership Agreement Implementation) Regulations 2021*.

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. The whole of this instrument | The later of:  (a) the day after this instrument is registered; and  (b) the day on which Schedule 1 to the *Customs Amendment (Regional Comprehensive Economic Partnership Agreement Implementation) Act 2021* commences. | 1 January 2022  (paragraph (b) applies) |

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Insert:

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

2 Section 23 (at the end of the table)

Add:

|  |  |  |
| --- | --- | --- |
| 17 | RCEP originating goods | Duty has been paid on the goods. |
| 18 | Goods that would have been RCEP originating goods if, at the time the goods were imported, the importer held a Proof of Origin (within the meaning of subsection 153ZQB(1) of the Act), or a copy of one, for the goods | Both of the following apply:  (a) duty has been paid on the goods;  (b) the importer holds a Proof of Origin (within the meaning of subsection 153ZQB(1) of the Act), or a copy of one, for the goods at the time of making the application for the refund. |

3 At the end of section 24

Add:

; or (i) the goods mentioned in item 17 or 18 of the table in section 23 are RCEP originating goods.

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

Omit “or 15”, substitute “, 15 or 17”.

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

Omit “or 16”, substitute “, 16 or 18”.

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

Add:

; (i) RCEP originating goods.