

AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

REGULATORY PLAN 2013-2014

Each Commonwealth agency that undertakes regulatory actions is required to publish a regulatory plan on its website early in each financial year. The regulatory plans will also be published on the Commonwealth Annual Regulatory Plan and Regulators (CARPR) website maintained by the Department of Finance and Deregulation. The regulatory plan deals with changes within the agency's area of responsibility.

What regulation does this regulatory plan cover?

This regulatory plan consists of two distinct types of entries:

- information about changes to business regulation which occurred in the previous financial year; and
- information about activities planned for the forthcoming financial year which could lead to changes in business regulation.

"Business regulation" includes primary legislation, subordinate legislation, quasi-regulation or treaties which more than a minor or machinery impact on business or the not-for-profit sector.

Quasi-regulation refers to rules or arrangements where governments influence businesses to comply, but which do not form part of explicit government regulation.

The following is a list of some of the types of activity, which are included:

- policy development processes aimed at finding a way to address a particular problem or achieve an objective where regulation is likely to be one of the options under consideration;
- review of a piece of legislation;
- sunseting legislation;
- implementation of election promises or government undertakings; and
- legislation in the process of drafting, where consultation is still being undertaken.

The following is a list of some of the types of activity, which are not included:

- regulations that are likely to have an impact on business or the not-for-profit section that is minor or machinery in nature;
- regulations that primarily impact the government sector; and
- anticipated activity about which it would be inappropriate to publish information.

In addition, there may be regulatory activities undertaken during the next financial year which have not been included in a regulatory plan because they could not be foreseen when the plan was prepared at the start of the financial year.

In view of these exclusions, users should not take a regulatory plan to be a comprehensive source of information on potential changes to business regulation.

This plan will be reviewed in December 2013 and will be updated if necessary.

The Australian Customs and Border Protection Service's Regulatory Plan

A number of agencies have policy responsibility for regulatory activities that result in amendments to the *Customs (Prohibited Imports) Regulations 1956* and the *Customs (Prohibited Exports) Regulations 1958*. The Service's regulatory plan does not include planned regulatory activities that are the sole policy responsibility of another agency.

The regulatory plans for the following agencies are also relevant in relation to planned regulatory activities, which may result in amendments to the Service's legislation:

- Department of Agriculture, Fisheries and Forestry
- Attorney-General's Department
- Food Standards Australia New Zealand
- Australian Fisheries Management Authority
- Department of Education, Employment and Workplace Relations
- Department of Health and Ageing
- Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education
- Department of Resources, Energy and Tourism
- Department of the Treasury
- Department of Infrastructure and Transport
- Department of Sustainability, Environment, Water, Population and Communities
- Department of Defence
- Department of Immigration and Citizenship
- Great Barrier Reef Marine Park Authority

How up to date is information in this regulatory plan?

This regulatory plan was last updated on 29 July 2013.

Past Regulatory Actions

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Implementation
Title	<i>Customs Tariff Amendment (Schedule 4) Act 2012</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs Tariff Act 1995</i>
Description of action	This Act amended Schedule 4 of the <i>Customs Tariff Act 1995</i> to: remove items that are either redundant or used rarely; consolidate, where possible, those items that have similar coverage and explain them more clearly; and place similar Schedule 4 items together in a revised structure.
Industry	Division A - Agriculture, Forestry and Fishing Division B- Mining Division C- Manufacturing Division D- Electricity, Gas, Water and Waste Services Division E- Construction Division I- Transport, Postal and Warehousing Division J- Information Media and Telecommunications Division K- Financial and Insurance Services Division L- Rental, Hiring and Real Estate Services Division M- Professional, Scientific and Technical Services Division N- Administrative and Support Services Division O- Public Administration and Safety Division P- Education and Training Division Q- Health Care and Social Assistance Division R- Arts and Recreation Services Division S- Other Services
Level of impact	Low
Date of effect	1 March 2013
Contact details	Anita Langford, Director, Trade Policy and Advice Ph: 02 6275 5046 Fax: 02 6275 6377 Email: anita.langford@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Regulation
Title	<i>Customs Amendment (Military End-Use) Act 2012</i>
Type of entry	Past Regulatory Actions

Type of action	Amendments to the <i>Customs Act 1901</i>
Description of action	To allow the Minister for Defence to prevent the exportation of otherwise non-regulated goods with a military end use
Industry	Division C - Manufacturing
Level of impact	Low
Date of effect	6 June 2013
Contact details	Ben Duncan, Director, Regulated Trade Risk Strategies Ph: 02 6275 8032 Fax: 02 6275 6377 Email: ben.duncan@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Anti-Dumping Commission
Title	<i>Customs Amendment (Anti-dumping Improvements) Act (No. 1) 2012</i> <i>Customs Amendment (Anti-dumping Improvements) Act (No. 2) 2012</i> <i>Customs Tariff (Anti-Dumping) Amendment Act (No. 1) 2012</i> <i>Customs Amendment (Anti-dumping Improvements) Act (No. 3) 2012</i> <i>Customs Amendment (Anti-dumping Measures) Act 2013</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs Act 1901</i> and the <i>Customs Tariff (Anti-Dumping) Act 1975</i>
Description of action	These Acts implement a number of changes to the anti-dumping and countervailing duty system as announced in June 2011 and December 2012 including: a new process for appeals by the Anti-Dumping Review Panel; establishing an International Trade Remedies Forum; permitting extensions at any point during an investigation;; expanding the list of countervailable subsidies; introducing a new anti-circumvention enquiry; providing for a circumvention activity to address 'sales at a loss'; removing, in certain circumstances, the Minister's mandatory consideration of the lesser duty rule.
Industry	Division C - Manufacturing
Level of impact	Medium
Date of effect	10 and 11 June 2013, 1 January 2014
Contact details	Ph: Kim Farrant Fax: 6275 6888

	Email: kim.farrant@adcommission.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Anti-Dumping Commission
Title	<i>Customs Amendment (Anti-Dumping Commission) Bill 2013</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs Act 1901, Customs Administration Act 1985, Criminal Code Act 1995, and Law Enforcement Integrity Commissioner Act 2006</i>
Description of action	This Act establishes the Anti-Dumping Commission within the Australian Customs and Border Protection Service; and confers on the Commissioner powers in relation to anti-dumping matters; and makes consequential amendments.
Industry	Division C – Manufacturing
Level of impact	Medium
Date of effect	1 July 2013
Contact details	Ph: Kim Farrant Fax: 6275 6888 Email: kim.farrant@adcommission.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Compliance Assurance
Title	<i>Customs and AusCheck Legislation Amendment (Organised Crime and Other Measures) Act 2013</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs Act 1901</i>
Description of action	This Act implements a range of measures focused on strengthening the waterfront and cargo supply chain making it harder for organised criminals to operate in these environments. Measures include imposing new obligations on cargo terminal operators and cargo handlers similar to those imposed on holders of customs depot and warehouse licences, creating new offences for using information from the Integrated Cargo System (ICS) to aid a criminal organisation, and adjusting other relevant controls and sanctions.
Industry	Various including for example Division I –

	Transport, Postal and Warehousing, Division F Wholesale Trade, etc
Level of impact	Medium
Date of effect	Some measures commenced on the day after Royal Assent; the rest will commence in late November 2013.
Contact details	Anthony Seebach, National Manager, Compliance Assurance Ph: 02 6275 6771 Fax: 02 6275 6227 Email: anthony.seebach@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Regulation
Title	<i>Customs (Prohibited Exports) Amendment Regulation 2012 (No. 2)</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs (Prohibited Exports) Regulations 1958</i>
Description of action	To include three new chemicals in Schedule 2 which have been included in Annex III of the Rotterdam Convention.
Industry	Division C - Manufacturing
Level of impact	Low
Date of effect	3 August 2012
Contact details	Ben Duncan, Director, Regulated Trade Risk Strategies Ph: 02 6275 8032 Fax: 02 6275 6377 Email: ben.duncan@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Regulation
Title	<i>Customs Legislation Amendment Regulation 2012 (No. 1)</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs (Prohibited Imports) Regulations 1956</i> and <i>Customs Regulations 1926</i>
Description of action	To streamline the process for applying for permission to import goods which depict

	Commonwealth national symbols.
Industry	Division G – Retail Trade
Level of impact	Low
Date of effect	3 October 2012
Contact details	Jim Stewart, Director, Community Protection Ph: 02 6275 6642 Email: jim.stewart@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Regulation
Title	<i>Customs (Prohibited Imports) Amendment Regulation 2012 (No. 2)</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs (Prohibited Imports) Regulations 1956</i>
Description of action	To facilitate the importation of certain non-firearms weapons and non-firearms weapon parts in certain circumstances and clarify three definitions concerning firearms.
Industry	Division G – Retail Trade
Level of impact	Low
Date of effect	3 October 2012
Contact details	Ben Duncan, Director, Regulated Trade Risk Strategies Ph: 02 6275 8032 Fax: 02 6275 6377 Email: ben.duncan@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Regulation
Title	<i>Customs Amendment Regulation 2012 (No. 8)</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs Regulations 1926</i>
Description of action	To amend the drawback circumstances and add a refund circumstance for tobacco and tobacco products.
Industry	Division C – Manufacturing, Division G – Retail Trade
Level of impact	Low
Date of effect	9 November 2012
Contact details	Ben Duncan, Director, Regulated Trade Risk Strategies

	Ph: 02 6275 8032 Fax: 02 6275 6377 Email: ben.duncan@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Implementation
Title	<i>Customs Legislation Amendment Regulation 2012 (No. 2)</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs (Prohibited Export) Regulations 1958</i>
Description of action	An amendment to remove the control on the export of bulk wheat to align with the <i>Wheat Export Marketing Export Marketing Amendment Act 2012</i> .
Industry	Division C Manufacturing, Division G – Retail Trade
Level of impact	Low
Date of effect	10 December 2012
Contact details	Jim Stewart, Director, Community Protection Ph: 02 6275 6642 Email: jim.stewart@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Cargo Policy
Title	<i>Customs Amendment (Malaysia-Australia Free Trade Agreement Implementation and Other Measures) Act 2012 and the Customs Tariff Amendment (Malaysia-Australia Free Trade Agreement Implementation and Other Measures) Act 2012 and the Customs (Malaysian Rules of Origin) Regulation 2012</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs Act 1901 and the Customs Tariff Act 1995</i> and a new regulation
Description of action	These Acts implemented Australia's obligations under the Malaysia-Australia Free Trade Agreement
Industry	Division C – Manufacturing, Division F- Wholesale Trade, Division G – Retail Trade,
Level of impact	Low
Date of effect	1 January 2013
Contact details	Stephanie Lee, Director, Trade Facilitation

	Agreements Ph: (02) 6275 6781 Fax: (02) 6275 6477 Email: stephanie.lee@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Implementation
Title	<i>Customs (R 18+ Computer Games) Legislation Amendment Regulation 2012 (No. 1)</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs (Prohibited Imports) Regulations 1956</i>
Description of action	An amendment to allow the import of computer games that are or would be classified to an R18+ category under the Classification Code.
Industry	Division G – Retail Trade
Level of impact	Low
Date of effect	1 January 2013
Contact details	Jim Stewart, Director, Community Protection Ph: 02 6275 6642 Email: jim.stewart@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Regulation
Title	<i>Customs Amendment Regulation 2013 (No. 1)</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs Regulations 1926</i>
Description of action	To extend the period during which travellers can acquire goods free of customs duty through the Tourist Refund Scheme from 30 days to 60 days.
Industry	Division G – Retail Trade
Level of impact	Low
Date of effect	16 February 2013
Contact details	Alison Neil, Director Policy, Liaison and Litigation Ph: 02 6275 5999 Fax: 02 6275 6377 Email: alison.neil@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
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Responsible Area / Line Area	Trade, Policy and Implementation
Title	<i>Customs Tariff Amendment (Incorporation of Proposals) Act 2012</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs Tariff Act 1995</i>
Description of action	This Act amended Schedule 4 of the <i>Customs Tariff Act 1995</i> to make minor amendments resulting from the implementation of the <i>Customs Tariff Amendment (Schedule 4) Act 2012</i> .
Industry	Division B- Mining Division C- Manufacturing Division D- Electricity, Gas, Water and Waste Services Division E- Construction Division I- Transport, Postal and Warehousing Division J- Information Media and Telecommunications Division Q- Health Care and Social Assistance
Level of impact	Low
Date of effect	1 March 2013
Contact details	Anita Langford, Director, Trade Policy and Advice Ph: 02 6275 5046 Fax: 02 6275 6377 Email: anita.langford@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Implementation
Title	<i>Australian Charities and Not-For-Profits Commission (Consequential and Transitional) Act 2012</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs Tariff Act 1995</i>
Description of action	This Act amended Schedule 4 of the <i>Customs Tariff Act 1995</i> to insert a new definition of registered charity in item 23.
Industry	Division Q – Health Care and Social Assistance
Level of impact	Low
Date of effect	1 March 2013
Contact details	Anita Langford, Director, Trade Policy and Advice Ph: 02 6275 5046 Fax: 02 6275 6377 Email: anita.langford@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Regulation
Title	<i>Customs Legislation Amendment Regulation 2013 (No. 1)</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs (Prohibited Exports) Regulations 1958</i> and the <i>Customs (Prohibited Imports) Regulations 1956</i>
Description of action	To add a number of new substances which are classified as controlled drugs or prohibited substances under the Standard for Uniform Scheduling of Drugs and Poisons substances to import and export controls.
Industry	Division C – Manufacturing Division G – Retail Trade
Level of impact	Low
Date of effect	4 April 2013
Contact details	Jim Stewart, Director, Community Protection Ph: 02 6275 6642 Email: jim.stewart@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Regulation
Title	<i>Customs Legislation Amendment Regulation 2013 (No. 2)</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs (Prohibited Imports) Regulations 1956</i> and the <i>Customs (Prohibited Exports) Regulations 1958</i>
Description of action	To extend the export controls on goods that are the subject of the <i>Autonomous Sanctions Regulations 2011</i> and to introduce new import controls on goods that are also the subject of new controls under the Sanctions Regulations.
Industry	Division G – Retail Trade, Division C - Manufacturing
Level of impact	Low
Date of effect	4 April 2013
Contact details	Ben Duncan, Director, Regulated Trade Risk Strategies Ph: 02 6275 8032 Fax: 02 6275 6377 Email: ben.duncan@customs.gov.au

Date last modified	29 July 2013
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Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Regulation
Title	<i>Customs (Prohibited Exports) Amendment (Defence Trade Controls) Regulation 2013</i>
Type of entry	Past Regulatory Actions
Type of action	Amendments to the <i>Customs (Prohibited Exports) Regulations 1958</i>
Description of action	Amendment to legislation to allow for 'permit free' trade to be undertaken in accordance with the Australia – United States Defence Trade Cooperation Treaty .
Industry	Division F – Wholesale Trade Division G – Retail Trade
Level of impact	Low
Date of effect	6 June 2013
Contact details	Ben Duncan, Director, Regulated Trade Risk Strategies Ph: 02 6275 8032 Fax: 02 6275 6377 Email: ben.duncan@customs.gov.au
Date last modified	29 July 2013

Portfolio Department	Australian Customs and Border Protection Service
Responsible Area / Line Area	Trade, Policy and Regulation
Title	<i>Customs and Other Legislation Amendment (LAG and Other Measures) Regulation 2013</i>
Type of entry	Past Regulatory Actions
Type of action	Includes amendments to the <i>Customs Regulations 1926</i>
Description of action	To confirm arrangements in place for export verification procedures for liquids, aerosols, gels, creams and pastes purchased free of excise, customs duty, goods and services tax (GST) and Wine Equalisation Tax (WET) under the sealed bag scheme by passengers departing Australia on international flights and voyages.
Industry	Division G – Retail Trade
Level of impact	Low
Date of effect	18 June 2013
Contact details	Alison Neil, Director Policy, Liaison and Litigation Ph: 02 6275 5999 Fax: 02 6275 6377 Email: alison.neil@customs.gov.au

Date last modified	29 July 2013
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Planned Regulatory Action

Portfolio Department	Australian Customs and Border Protection
Responsible Area / Line Area	Tariff, Trade Policy and Implementation
Title	<i>Customs Amendment Regulation 2013 (No. A)</i>
Type of entry	Planned Regulatory Action
Type of action	Amendments to the Customs Regulations Excluded Goods Schedule (Schedule 2 of the <i>Customs Regulations 1926</i>)
Description of action	Amendments to allow a tariff concession order to be made for utility terrain vehicles and to provide a definition for all terrain vehicles.
Industry	Division C- Manufacturing
Consultation	Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education has consulted the industry associations that represent the manufacturers and importers of these types of vehicles in Australia.
Level of impact	Low
Expected timeframe	Expected to be presented at Federal Executive Council meeting of 8 August 2013
Contact details	Anita Langford, Director, Trade Policy and Advice Ph: 02 6275 5046 Fax: 02 6275 6377 Email: anita.langford@customs.gov.au
Date last modified	29 July 2013