

Customs (Duties) (Amendment No. 4) Order 2009

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No. S 660

CUSTOMS ACT (CHAPTER 70)

CUSTOMS (DUTIES) (AMENDMENT NO. 4) ORDER 2009

In exercise of the powers conferred by section 10(1) of the Customs Act, the Minister for Finance hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Customs (Duties) (Amendment No. 4) Order 2009 and shall come into operation on 1st January 2010.

Amendment of paragraph 4

2. Paragraph 4 of the Customs (Duties) Order (O 4, 2009 Ed.) is amended —

- (a) by deleting the word “and” at the end of sub-paragraph (1)(q);
- (b) by deleting the full-stop at the end of sub-paragraph (r) of sub-paragraph (1) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:

“(s) Australia or New Zealand, or any country of

ASEAN which is a party to the Agreement between ASEAN, Australia and New Zealand on an ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Agreement, provided that the country has ratified the Agreement; and

- (t) India or any country of ASEAN which is a party to the Agreement between ASEAN and India in the Framework Agreement on Comprehensive Economic Cooperation, provided that the country has ratified the Agreement.”;

- (c) by inserting, immediately after sub-paragraph (4O), the following sub-paragraphs:

“(4P) Goods shall be deemed to have originated and be consigned direct from Australia or New Zealand or any country of ASEAN referred to in sub-paragraph (1)(s) where they conform with the Rules of Origin set out in the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Agreement.

(4Q) Goods shall be deemed to have originated and be consigned direct from India or any country of ASEAN referred to in sub-paragraph (1)(t) where they conform with the Rules of Origin set out in the Agreement between ASEAN and India in the Framework Agreement on Comprehensive Economic Cooperation.”;

- (d) by deleting the word “or” at the end of sub-paragraph (5)(p);
- (e) by deleting the full-stop at the end of sub-paragraph (q) of sub-paragraph (5) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:

“(r) where the goods are from Australia or New Zealand or any country of ASEAN referred to in sub-paragraph (1)(s), a Certificate of Origin in the form set out in the Seventeenth Schedule issued by —

- (i) the government authority of the exporting country; or
- (ii) any body authorised by the government of the exporting country to issue the Certificate of Origin; or

- (s) where the goods are from India or any country of ASEAN referred to in sub-paragraph (1)(t), a Certificate of Origin in the form set out in the Eighteenth Schedule issued by a government authority designated by the exporting country.”; and
- (f) by inserting, immediately after sub-paragraph (7I), the following sub-paragraph:

“(7J) A Certification of Origin under sub-paragraph (5)(r) shall not be required for —

- (a) any goods originating from the exporting country the value of which does not exceed US\$200 free on board (FOB); or
- (b) any goods sent by post from the territory of a country referred to in that sub-paragraph the value of which does not exceed US\$200 FOB,

if, and only if, the importation of such goods does not form part of one or more importations that may reasonably be considered to have been undertaken or arranged for the purpose of avoiding the submission of a Certificate of Origin.”.

New Seventeenth and Eighteenth Schedules

3. The Customs (Duties) Order is amended by inserting, immediately after the Sixteenth Schedule, the following Schedules:

“THE SCHEDULE

Paragraph 4(5)(r)

CO FORMAT FOR ASEAN-AUSTRALIA-NEW ZEALAND

1. Goods Consigned from (Exporter's name, address and country)		Certificate No. _____ Form AANZ			
2. Goods Consigned to (Importer's/ Consignee's name, address, country)		AGREEMENT ESTABLISHING THE ASEAN – AUSTRALIA – NEW ZEALAND FREE TRADE AREA (AANZFTA) CERTIFICATE OF ORIGIN (Combined Declaration and Certificate) Issued in..... (Country) (see Overleaf Notes)			
3. Means of transport and route (if known) Shipment Date: Vessel's name/Aircraft etc.: Port of Discharge:		4. For Official Use <input type="checkbox"/> Preferential Treatment Given Under AANZFTA _____ <input type="checkbox"/> Preferential Treatment Not Given (Please state reason/s) _____ Signature of Authorised Signatory of the Importing Country			
5. Item number	6. Marks and numbers on packages	7. Number and kind of packages; description of goods including HS Code (6 digits) and brand name (if applicable)	8. Origin Conferring Criterion (see Overleaf Notes)	9. Quantity (Gross weight or other measurement), and value (FOB) (see Overleaf Notes)	10. Invoice number(s) and date of invoice(s)
11. Declaration by the exporter The undersigned hereby declares that the above details and statements are correct; that all the goods were produced in (country) and that they comply with the rules of origin, as provided in Chapter 3 of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area for the goods exported to (importing country) Place and date, name, signature and company of authorised signatory			12. Certification On the basis of control carried out, it is hereby certified that the information herein is correct and that the goods described comply with the origin requirements specified in the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area. Place and date, signature and stamp of Authorised Issuing Authority/Body		
13. <input type="checkbox"/> Back-to-back Certificate of Origin <input type="checkbox"/> <i>De Minimis</i>			<input type="checkbox"/> Subject of third-party invoice <input type="checkbox"/> Accumulation		
			<input type="checkbox"/> Issued retroactively		