Customs and Excise (Rules of Origin for Australian Goods—ANZCERTA Article 3) Amendment Regulations 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 23rd day of April 2012

Present:
His Excellency the Governor-General in Council

Pursuant to the Customs and Excise Act 1996, His Excellency the Governor-General makes the following regulations, acting—

(a) on the advice and with the consent of the Executive Council; and

(b) to the extent that these regulations, in accordance with section 65(a)(ii) of the Customs and Excise Act 1996, prescribe goods that are deemed to be the produce or manufacture of a country for the purposes of the Tariff Act 1988, on the recommendation of the Minister of Customs made after consultation with the Minister of Commerce.

Contents

		Page
1	Title	2
2	Commencement	2

3	Principal regulations amended	2
4	Interpretation	2
5	Originating goods	3
6	New regulation 33A inserted	3
	33A Minimal operations	3
7	Transitional provision	3

Regulations

1 Title

These regulations are the Customs and Excise (Rules of Origin for Australian Goods—ANZCERTA Article 3) Amendment Regulations 2012.

2 Commencement

These regulations come into force on 30 April 2012.

3 Principal regulations amended

These regulations amend the Customs and Excise Regulations 1996.

4 Interpretation

(1) The definition of **goods wholly obtained** in regulation 32 is amended by inserting "**or produced**" after "**wholly obtained**".

(2) Regulation 32 is amended by revoking the definition of **manufacture** and substituting the following definition:

"**manufacture** means the creation of an article essentially different from the matters or substances that go into the article".

(3) The definition of **producer** in regulation 32 is amended by omitting "or disassembles" and substituting "restores, or renovates".

(4) The definition of **production** in regulation 32 is amended by omitting "or disassembling" and substituting "restoring, or renovating".

5 Originating goods

Regulation 33(2)(a) is amended by omitting "goods that are wholly obtained" and substituting "goods wholly obtained or produced".

6 New regulation 33A inserted

The following regulation is inserted after regulation 33:

"**33A Minimal operations**

"(1) Goods are not originating goods merely because of the following operations:

"(a) the preservation of the goods in good condition for the purpose of transport or storage:

"(b) the disassembly of the goods:

"(c) the affixing of marks, labels, or other like distinguishing signs on the goods or the packaging of the goods:

"(d) the packaging, changes to packaging, the breaking up or assembly of packages, or the presentation of the goods for transport or sale:

"(e) quality control inspections of the goods:

"(f) any combination of operations referred to in paragraphs (a) to (e).

"(2) This regulation overrides regulations 33 and 34 to 39G."

7 Transitional provision

A claim for tariff preference must be determined as if these regulations (other than this regulation) had not been made if the claim is made—

(a) before the commencement of these regulations; and

(b) on the basis that the goods concerned are originating goods within the meaning of regulation 32 of the principal regulations.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 30 April 2012, amend the Customs and Excise Regulations 1996 to give effect to changes to Article 3 of the Australia New Zealand Closer Economic Relations Trade Agreement (**ANZCERTA**) agreed to by the Governments of New Zealand and Australia. Article 3 is the part of ANZCERTA that sets out conditions that goods have to meet in order to qualify as goods originating from New Zealand or Australia.

The amendments made by these regulations provide that goods do not qualify as goods originating from Australia merely because they have undergone minimal operations in Australia, such as packaging (*see new regulation 33A* of the principal regulations as inserted by *regulation 6*). Elements of that disqualification are contained in the existing definition of manufacture in regulation 32 of the principal regulations. That definition is restated without the existing exceptions (*see regulation 4(2)*).

Claims for preference made before the commencement of these regulations will be determined under the provisions in force before that date.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 26 April 2012.
These regulations are administered by the New Zealand Customs Service.

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2012