

ADMINISTRATIVE REVIEW CUSTOMER GUIDE

INTRODUCTION

These guidelines explain the administrative review process under which you may request a review of certain decisions about:

- › duty assessments and amendments of assessments, including excise and provisional values
- › compensatory interest and late payment penalties
- › administrative penalties.

Purpose of administrative reviews

- › The administrative review process allows duty payers to seek a formal review by Customs of certain types of decisions (see section below on scope). It offers a means for resolution on the assessment of duty, penalties and compensatory interest, where the value is small or where the nature of the dispute is not complex.
- › The administrative review process is designed to be:
 - clear, transparent and fair
 - simple and low cost.

Scope of administrative reviews

An administrative review can be sought for the types of decisions listed in the following table, and as specified in the Customs and Excise Act 2018

Type of decision	Section of the Act
Amendments and (re)assessments of duty owing	
Assessments of duty on goods not entered	113
Assessments of duty on alcohol and ethyl alcohol that would have been exempt	114



Type of decision	Section of the Act
from paying excise or excise-equivalent duty under a Chief executive's approval, had the approval conditions not been negligently or intentionally breached	
Assessment of excise duty on beer or wine wrongly entered as exempt from duty on the grounds of personal use	115
Assessment of excise-equivalent duty on goods imported for further manufacture but otherwise dealt with	116
An assessment, or reassessment, made by Customs (including a provisional value or a final Customs value)	117

Type of decision	Section of the Act
Assessments of duty where no entry received	
Decision that duty is payable on goods missing or wrongfully removed from a Customs-controlled area	138
Demands for duty owing on cargo, stores or other goods unlawfully landed in or from a craft in New Zealand	139
Certain decisions on late payment penalties and compensatory interest	
Statements of liability for compensatory interest and late payment penalties	164
Not refunding or remitting compensatory interest or a late payment penalty	173
Review of administrative penalties	
Issuing of, or amount of, an administrative penalty	291
Refusal to remit or refund a further penalty for late payment of an administrative penalty	292

Note: Administrative reviews cannot be sought for any other decision or action not listed in the above table.

Options for review

- If you disagree with a decision of the type listed above, you have the option to either request an administrative review, or to appeal to a Customs Appeal Authority.

You cannot simultaneously seek an administrative review and appeal to the Customs Appeal Authority for the same matter.

- Once you receive the Chief executive's determination of an administrative review, you may appeal that decision to a Customs Appeal Authority. Such an appeal must be made within 20 working days of the date of notice of the determination unless the authority grants an extension of time to appeal.

Making an application

- To request an administrative review complete the *Administrative Review Application Form* and provide supporting information. You must clearly state the:
 - decision you disagree with, and
 - reasons you request a review.
- Your application must be received by Customs within 20 working days of the date on the notice of the decision.
- You may request an extension of time to make your application by partially completing the application form and submitting it within 20 working days of the date on the notice of decision.
- To apply:
 - Fill in the PDF version (or print, complete and scan this form).
 - Email your application form and supporting documents to : AdminReview@customs.govt.nz or post your application form and supporting documents to:

New Zealand Customs Service
Customs Administrative Review
P O Box 29
Shortland Street
Auckland 1140
- You may withdraw your application at any stage after it has been made. This must be done in writing and sent to the email or postal address above.
- Making an application for an administrative review does not suspend your obligation to pay duty, compensatory interest, or penalties.

- If the outcome of a review is that the original decision is not upheld, then any duty, penalty payments and compensatory interest that have been paid will be refunded.
- Interest will be paid on the duty amount and administrative penalty, but not on any further administrative penalties, late payment penalties or compensatory interest amounts refunded.

The review process

- Customs must complete an administrative review within 20 working days after the application is received unless the time is formally extended. This will be done within the Revenue and Assurance work group by an officer independent of any involvement in the original decision to maintain the independence of the review process and provide the technical expertise to undertake the review.
- An administrative review is considered on the basis of the written information provided in the application and relevant Customs records. The review process will reduce costs, complexity and the delay sometimes experienced in making an appeal to the Customs Appeal Authority. However in some circumstances the Chief executive may arrange for an oral hearing if it is considered necessary.
- If you are asked to provide additional information to support your application, you must provide it promptly so that Customs can complete the review within the 20 day review period.
- Customs may seek external expert advice or verification of information in your application, and in doing so will take steps to protect commercial sensitivity.
- Customs will assess the original decision in relation to:
 - the legal basis
 - whether it is accurate in terms of amount of duty, penalty or compensatory interest calculated
 - appropriate use of discretion and fairness (this is only relevant for decisions on administrative penalties).
- Customs will advise you of the outcome of an administrative review in writing explaining the decision made, and the actions Customs has taken as a result (for example, arranging a refund, issuing an assessment for additional duty, updating entries etc).

Note: Information will only be released in accordance with the provisions of the Official Information Act and/or any information sharing agreement under the Act, and following consultation with the provider/recipient of that information.