



# **Customs and Excise (Rules of Origin—Product-specific Rules for Australian Goods) Amendment Regulations 2011**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 15th day of August 2011

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.

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**Regulations**

**1 Title**

These regulations are the Customs and Excise (Rules of Origin—Product-specific Rules for Australian Goods) Amendment Regulations 2011.

**2 Commencement**

These regulations come into force on 1 September 2011.

**3 Principal regulations amended**

These regulations amend the Customs and Excise Regulations 1996.

**4 Interpretation**

Regulation 32 is amended by inserting the following definition in its appropriate alphabetical order:

“**Annex G** means Annex G of the ANZCERTA as compiled by the chief executive under regulation 32A”.

**5 New regulation 32A inserted**

The following regulation is inserted after regulation 32:

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**“32A Chief executive must compile up-to-date version of  
Annex G**

The chief executive must, by 1 September 2011, compile a document that accurately sets out the text of Annex G of the ANZCERTA as—

- “(a) replaced by the text set out in Attachment A to the letter dated 5 June 2010 from the Minister of Trade of New Zealand to the Minister for Trade of Australia (which is part of an exchange of letters constituting an agreement between the Government of New Zealand and the Government of Australia to amend the ANZCERTA); and
- “(b) corrected by the deletion shown in the attachment to the note dated 8 July 2011 from the New Zealand High Commission at Canberra to the Department of Foreign Affairs and Trade of Australia.”

**6 Originating goods**

Regulation 33(2)(c) is amended by omitting “Schedule 7” and substituting “Annex G”.

**7 Goods where value of non-originating materials that do not satisfy required change in tariff classification is 10% or less**

Regulation 35 is amended by omitting “Schedule 7” in both places where it appears and substituting in each case “Annex G”.

**8 Regional value content**

Regulation 36 is amended by omitting “Schedule 7” in each place where it appears and substituting in each case “Annex G”.

**9 Value of materials**

Regulation 38(1) is amended by omitting “Schedule 7” and substituting “Annex G”.

**10 Packaging materials and containers**

Regulation 39B(1) is amended by omitting “Schedule 7” and substituting “Annex G”.

**11 Schedule 2 amended**

Item 2, under **General information**, of form 1 of Schedule 2 is amended by omitting “Act” and substituting “Regulations”.

**12 Schedule 7 revoked**

- (1) Schedule 7 is revoked.
- (2) Regulation 5 and the Schedule of the Customs and Excise (Rules of Origin for Australian Goods) Amendment Regulations 2006 are consequentially revoked.

**13 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 1 September 2011; 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.

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**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 1 September 2011, amend the Customs and Excise Regulations 1996.

The regulations incorporate by reference a new Annex G of the Australia New Zealand Closer Economic Relations Trade Agreement (**ANZCERTA**). Annex G sets out criteria for determining whether certain classes of goods qualify as originating from Australia. The

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Explanatory note

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Governments of Australia and New Zealand have agreed, by an exchange of letters, to replace the existing Annex G with a new Annex G. The existing Annex G is set out in Schedule 7 of the principal regulations, which is consequentially revoked. Claims for preference made before 1 September 2011 will be determined under the principal regulations as in force before that date.

At the time of the making of these regulations, the text of the new Annex G was available on the Internet site of the Ministry of Economic Development.

The official version of Annex G will, as from the commencement of these regulations, be available on the Internet site of the New Zealand Customs Service. Access to the provisions of the ANZCERTA is also facilitated by the chief executive of the New Zealand Customs Service in the other ways required by section 287D of the Customs and Excise Act 1996.

*Regulation 11* corrects a reference in a form in the principal regulations.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 18 August 2011.  
These regulations are administered by the New Zealand Customs Service.

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