# Department of Immigration and Border Protection DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION NOTICE

**No.2017/27**

***Customs Tariff Amendment (Incorporation of Proposal and Other Measures) Act 2017***

This notice sets out the amendments to the *Customs Tariff Act 1995* (the Customs Tariff Act) made by the *Customs Tariff Act (Incorporation of Proposal and Other Measures) Act 2017* (the Amendment Act). The Amendment Act received the Royal Assent on 16 August 2017. The Amendment Act contains five measures, with various commencement dates.

The Online Tariff will be updated prior to the commencement of the amendments.

## Retrospective Commencement – 1 January 2017

*Incorporation of Customs Tariff Proposal (No. 1) 2017*

The Amendment Act incorporates Customs Tariff Proposal (No. 1) 2017 to ensure that the correct rate of customs duty of ‘Free’ is applied to tariff subheading 6907.30.10. This amendment is retrospective and is taken to have commenced on 1 January 2017, the same day that Customs Tariff Proposal (No. 1) 2017 commenced.

*Extending concessional arrangements for automotive prototypes*

Item 39 of Schedule 4 to the Customs Tariff Act provides a ‘Free’ rate of duty for eligible vehicles and components for use in testing, quality control, manufacturing evaluation or engineering development of motor vehicles or components. Currently the concessional rate of customs duty for these goods is only available to motor vehicle producers registered under the Automotive Transformation Scheme.

The Amendment Act extends the scope of eligible importers to include automotive service providers registered under the Automotive Transformation Scheme. The revised text of Item 39 is at Attachment A.

This measure was included in the 2017-18 Budget and is taken to have commenced on 1 January 2017. Automotive service providers that imported eligible goods between 1 January 2017 and

16 August 2017, or before 1 January 2017 but where the date for working out the duty had not occurred before 1 January 2017, will be able to apply for a refund through the standard procedures.

## 13 September 2017 Commencement

*Machining centre of 8465.20*

The Amendment Act alters the structure of the tariff subheadings under 8465.20 to simplify the classification of machining centres capable of performing multiple machining operations with an automatic tooling change. The Amendment Act repeals tariff subheadings 8465.20.10 to 8465.20.60, inclusive, and replaces them with 8465.20.70 and 8465.20.80. The text of the new tariff subheadings

and statistical codes are provided at Attachment A. These amendments will commence on 13 September 2017.

The two-way concordance for these amendments is set out below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Prior to 13 Sep 2017** | **After 13 Sep 2017** | **After 13 Sep 2017** | **Prior to 13 Sep 2017** |
| 8465.20.10 | 8465.20.80 | 8465.20.70 | 8465.20.40 |
| 8465.20.20 | 8465.20.80 | 8465.20.50 |
| 8465.20.30 | 8465.20.80 | 8465.20.60 |
| 8465.20.40 | 8465.20.70 | 8465.20.80 | 8465.20.10 |
| 8465.20.50 | 8465.20.70 | 8465.20.20 |
| 8465.20.60 | 8465.20.70 | 8465.20.30 |

*Paraquat dichloride*

The chemical herbicide commonly referred to as paraquat dichloride is classified to tariff subheading 2933.39.00. Additional Note 2 of Chapter 29 of the Customs Tariff Act allows paraquat dichloride containing an added emetic for safety reasons, but that remains suitable for general use, to also be classified to tariff subheading 2933.39.00.

A recent World Customs Organisation decision has made Additional Note 2 invalid. To ensure Australia’s classification for these goods is consistent with international practice, the Amendment Act repeals Additional Note 2 of Chapter 29 resulting in the reclassification of paraquat dichloride with an added emetic to Chapter 38. To maintain customs duty rates tariff subheading 3808.93.00 will be repealed and replaced with tariff subheadings 3808.93.10 and 3808.93.90. The text of the new tariff subheadings and the statistical codes are provided at Attachment A.

The two-way concordance for these amendments is set out below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Prior to 13 Sep 2017** | **After 13 Sep 2017** | **After 13 Sep 2017** | **Prior to 13 Sep 2017** |
| 2933.39.00 | 2933.39.00 | 3808.93.10 | 2933.39.00 |
| 3808.93.10 |
| 3808.93.00 | 3808.93.90 | 3808.93.90 | 3808.93.00 |

The Department of Immigration and Border Protection has identified 41 Tariff Concession Orders (TCOs) which will be affected by the implementation of these amendments. Attachment B lists existing TCOs affected by the changes. The details of the affected TCOs will be published in the Commonwealth of Australia Tariff Concessions Gazette on 13 September 2017.

The Department will void 95 Tariff Advices affected by the implementation of these amendments at 23:59 on 12 September 2017. Individual importers will be notified by mail that their Tariff Advices will become void.

Applications for new Tariff Advices can be submitted through the Department’s TAPIN system on or after 13 September 2017.

The classification of paraquat dichloride not containing an emetic is unchanged by these amendments.

*Technical amendments*

The Amendment Act will correct the number of dashes preceding the descriptions of tariff subheadings 4105.30.00 and 5212.2. These technical amendments will not affect the classification of goods. These amendments will commence on 13 September 2017.

## 1 January 2018 Commencement

The Amendment Act will repeal the $12,000 special duty on used and second-hand motor vehicles classified to relevant tariff subheadings in Chapter 87 of the Customs Tariff Act. Corresponding amendments will also be made to Schedule 5 and Schedule 11, which cover United States originating goods and Japanese originating goods respectively. This measure will commence on 1 January 2018.

|  |  |
| --- | --- |
| (Signed) David Coyles  Acting Assistant Secretary  Trade and Customs Branch 8 September 2017 | (Signed) Stephen Hledik  Acting Commander  Customs Compliance Branch 8 September 2017 |

# Attachment A

**Text of amendments to the Customs Tariff Act 1995**

## Amended text of Item 39 in Schedule 4

|  |  |  |
| --- | --- | --- |
| **Item** | **Description of goods** | **Rate of duty** |
| 39 | Goods, as prescribed by by-law, that are for use in the testing, quality control, manufacturing evaluation or engineering development of:   1. motor vehicles manufactured by motor vehicle producers registered under the Automotive Transformation Scheme (within the meaning of the *Automotive Transformation Scheme Act 2009*) or original equipment components for inclusion in such motor vehicles; or 2. motor vehicles designed or engineered, or in the process of being designed or engineered, in Australia by motor vehicle producers, or automotive service providers, registered under the Automotive Transformation Scheme (within the meaning of the *Automotive Transformation Scheme Act 2009*) or components for inclusion in   such motor vehicles | Free |

**Text of new tariff subheadings under 8465.20**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tariff subheading** | **Statistical code** | **Unit** | **Description** | **Rate of duty** |
| 8465.20.70 | *22* | *NO* | ---Machining centres that perform 2 or more of the following:   1. bending; 2. assembling; 3. drilling; 4. morticing; 5. splitting; 6. slicing; 7. paring | Free |
| 8465.20.80 | *27* | *NO* | ---Machining centres that perform 2 or more of the following:   1. sawing; 2. planing; 3. milling; 4. moulding (by cutting); 5. grinding; 6. sanding; 7. polishing | 5% |

## Text of the new tariff subheadings under 3808.93

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tariff subheading** | **Statistical code** | **Unit** | **Description** | **Rate of duty** |
| 3808.93 |  |  | -- Herbicides, anti-sprouting products and plant-growth regulators: |  |
| 3808.93.10 | *30* | *KG* | --- Paraquat dichloride with added emetic but not further prepared | Free |
| 3808.93.90 |  |  | --- Other | 5% |
|  |  | *Containing bromomethane (methyl bromide) or*  *bromochloromethane:* |
| *35* | *KG* | *.Goods with a basis of 2,4-dichlorophenoxyacetic*  *acid, its salts or esters* |
| *36* | *KG* | *.Goods with a basis of: (a) chlorsulphuron*  *(C12H12ClN5O4S); or (b) metsulphuron methyl (C14H15N5O6S)* |
| *34* | *KG* | *.Other* |
|  |  | *Other* |
| *41* | *KG* | *.Goods wholly of, or with a basis of 2,4-*  *dichlorophenoxyacetic acid, its salts or esters* |
| *42* | *KG* | *.Goods wholly of, or with a basis of: (a) chlorsulphuron (C12H12ClN5O4S); or (b)*  *metsulphuron methyl (C14H15N5O6S)* |
| *47* | *KG* | *.Containing methazole (CAS 20354-26-1) or tribufos*  *(CAS 78-48-8)* |
| *53* | *KG* | *.Other* |

**Note:** Statistical code 91 ‘Other’ for tariff subheading 2933.39.00 will be closed on 12 September 2017 and replaced with statistical code 92 ‘Other’ from 13 September 2017 onwards.

# Attachment B

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **TCO concordance**  **TCOs to be revoked and reissued for 13 September 2017** | | | | |
| **Current classification** | **Current TCO No.** | **Brief Description** | **New classification** | **New TCO No.** |
| 3808.93.00 | TC 0614093 | HERBICIDES, having a basis of  phenmedipham | 3808.93.90 | TC 1791766 |
| 3808.93.00 | TC 0614094 | GROWTH REGULATORS, with active constituent being 1,1 dimethyl piperidinium  chloride | 3808.93.90 | TC 1791770 |
| 3808.93.00 | TC 0614101 | HERBICIDES, having a basis of halosulfuron-  methyl | 3808.93.90 | TC 1791778 |
| 3808.93.00 | TC 0614103 | METRIBUZIN, wettable powder at 75%  strength, herbicide, group C | 3808.93.90 | TC 1791779 |
| 3808.93.00 | TC 0614104 | METSULFURON-METHYL, wettable powder  at 60% strength, a member of the sulfonyl urea herbicides, group B | 3808.93.90 | TC 1791781 |
| 3808.93.00 | TC 0614105 | CHLORSULFURON, wettable powder at 75% strength, a member of the sulfonyl urea  herbicides, group B | 3808.93.90 | TC 1791784 |
| 3808.93.00 | TC 0614106 | TRIASULFURON, water dispersible granule  at 75% strength, a member of the sulphonyl urea herbicides, group B | 3808.93.90 | TC 1791788 |
| 3808.93.00 | TC 0614107 | HERBICIDE, group B, dry flowable, being  72.5% to 77.5% sulfometuron-methyl | 3808.93.90 | TC 1791793 |
| 3808.93.00 | TC 0614108 | HERBICIDE, group C, dry flowable, being  72.5% to 77.5% metribuzin | 3808.93.90 | TC 1791797 |
| 3808.93.00 | TC 0614110 | HERBICIDES, having a basis of ethofumesate | 3808.93.90 | TC 1791799 |
| 3808.93.00 | TC 0614111 | HERBICIDE, group C, water dispersable  granules, being 72.5% to 77.5% hexazinone | 3808.93.90 | TC 1791800 |
| 3808.93.00 | TC 0614112 | HERBICIDES, having a basis of sulfosulfuron | 3808.93.90 | TC 1791805 |
| 3808.93.00 | TC 0614113 | HERBICIDE, having a basis of carfentrazone-  ethyl | 3808.93.90 | TC 1792229 |
| 3808.93.00 | TC 0614114 | HERBICIDES, having a basis of isoxaflutole | 3808.93.90 | TC 1792232 |
| 3808.93.00 | TC 0614118 | FLUPROPANATE, TECHNICAL | 3808.93.90 | TC 1792234 |
| 3808.93.00 | TC 0614119 | HERBICIDES, based on a mixture of  triasulfuron and butafenacil | 3808.93.90 | TC 1792238 |
| 3808.93.00 | TC 0614172 | GIBBERELLINS and preparations based  thereon | 3808.93.90 | TC 1792240 |
| 3808.93.00 | TC 0803406 | HERBICIDES, comprising BOTH of the  following active ingredients: | 3808.93.90 | TC 1792244 |
| 3808.93.00 | TC 0812996 | HERBICIDES, having a basis of fluazifop-p-  butyl | 3808.93.90 | TC 1792245 |
| 3808.93.00 | TC 0813997 | HERBICIDES, having a basis of  trifloxysulfuron sodium | 3808.93.90 | TC 1792247 |
| 3808.93.00 | TC 0818097 | HERBICIDES, GROWTH REGULATOR, having  a basis of trinexapac | 3808.93.90 | TC 1792249 |
| 3808.93.00 | TC 0818889 | HERBICIDES, having a basis of paraquat  dichloride | 3808.93.90 | TC 1792259 |
| 3808.93.00 | TC 0830750 | HERBICIDE, having the active ingredient  terbacil | 3808.93.90 | TC 1792266 |
| 3808.93.00 | TC 0836839 | HERBICIDES, having an active ingredient of  methyl sulfanilylcarbamate | 3808.93.90 | TC 1792271 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Current**  **classification** | **Current**  **TCO No.** | **Brief Description** | **New**  **classification** | **New TCO**  **No.** |
| 3808.93.00 | TC 0947008 | HERBICIDES, having a basis of norflurazon | 3808.93.90 | TC 1792276 |
| 3808.93.00 | TC 0949277 | HERBICIDES, having a basis of linuron | 3808.93.90 | TC 1792279 |
| 3808.93.00 | TC 1110728 | HERBICIDES, having an active constituent of  prodiamine | 3808.93.90 | TC 1792284 |
| 3808.93.00 | TC 1113796 | HERBICIDES, having a basis of  terbuthylazine | 3808.93.90 | TC 1792288 |
| 3808.93.00 | TC 1236324 | HERBICIDES, soluble granule, having a basis  of clopyralid present as the potassium salt | 3808.93.90 | TC 1792549 |
| 3808.93.00 | TC 1237609 | PLANT GROWTH REGULATORS, having a  basis of chlormequat chloride | 3808.93.90 | TC 1792552 |
| 3808.93.00 | TC 1242279 | HERBICIDES, technical intermediate, having  a basis of NOT less than 37% clethodim | 3808.93.90 | TC 1792553 |
| 3808.93.00 | TC 1326038 | HERBICIDES, water dispersible granule, having NOT less than 87.5% and NOT more  than 92.5% propyzamide | 3808.93.90 | TC 1792559 |
| 3808.93.00 | TC 1435689 | PLANT GROWTH REGULATORS, having an  active constituent of uniconazole-P | 3808.93.90 | TC 1792564 |
| 3808.93.00 | TC 1613315 | HERBICIDES, in water dispersible granule form, having an active ingredient of  napropamide | 3808.93.90 | TC 1792577 |
| 3808.93.00 | TC 1617767 | HERBICIDES, having a basis of acifluorfen  present as the sodium salt | 3808.93.90 | TC 1792580 |
| 3808.93.00 | TC 1653515 | PLANT GROWTH REGULATORS, having a  basis of trinexapac-ethyl | 3808.93.90 | TC 1792583 |
| 3808.93.00 | TC 1657328 | HERBICIDES, having an active ingredient of  propanil | 3808.93.90 | TC 1792585 |
| 3808.93.00 | TC 1678407 | HERBICIDES, having an active ingredient of  mesosulfuron-methyl | 3808.93.90 | TC 1792587 |
| 3808.93.00 | TC 1706434 | HERBICIDES, having an active ingredient of  s-metolachlor | 3808.93.90 | TC 1792590 |
| 3808.93.00 | TC 1741298 | HERBICIDES, having an active ingredient of  pyroxasulfone | 3808.93.90 | TC 1792593 |
| 3808.93.00 | TC 1764823 | HERBICIDES, having an active ingredient of  indaziflam | 3808.93.90 | TC 1794389 |