

AUSTRALIAN CUSTOMS AND BORDER PROTECTION NOTICE NO. 2013/67

Customs Amendment (Infringement Notices) Regulation 2013

The *Customs Amendment (Infringement Notices) Regulation 2013*, which was previously released to industry as an exposure draft, has been approved and will commence on

# 1 February 2014.

**Background**

The *Customs and AusCheck Legislation Amendment (Organised Crime and Other Measures) Act 2013* (Organised Crime Act) received Royal Assent on 28 May 2013 (ACBPNs [2013/12](http://www.customs.gov.au/webdata/resources/files/ACBPNBillintroducedtoParliament20130320a.pdf), [2013/25](http://www.customs.gov.au/webdata/resources/files/ReceivedRoyalAssent.pdf) & [2013/62](http://www.customs.gov.au/webdata/resources/files/ACBPN201362.pdf) refer). The Organised Crime Act amends the *Customs Act 1901* (Customs Act) and the *AusCheck Act 2007* to mitigate vulnerabilities at Australia’s borders.

As part of implementing the Organised Crime Act, it is necessary to prescribe certain matters in regulations. Section 243X of the Customs Act provides a regulation making power to establish an infringement notice scheme.

On 18 October 2013, ACBPS released an exposure draft of the *Customs Amendment (Infringement Notices) Regulation 2013* and associated draft infringement notice scheme (INS) Guide for industry comment ([ACBPN 2013/52](http://www.customs.gov.au/webdata/resources/files/ACBPNExposureDraftofCustomsAmendmentInfringementNoticesRegulation2013.pdf) refers). Several members of the trading community provided comments, with most comments focussed on the draft Guide rather than the Regulation. An updated INS Guide, incorporating aspects of the industry feedback, will be published on the ACBPS website before commencement of the Regulation. We have included additional information in the Regulation’s Explanatory Statement in response to some of the feedback provided by industry regarding the Regulation itself.

# Infringement Notice Scheme Regulation

The *Customs Amendment (Infringement Notices) Regulation 2013* was approved by the Federal Executive Council on 12 December 2013 and is available on the COMLAW website [here](http://www.comlaw.gov.au/Details/F2013L02125).

Key aspects of the INS contained in the Regulation include:

* when an infringement notice can be issued;
* the offences for which an infringement notice may be issued;
* what matters must be included in an infringement notice;
* the process for seeking a withdrawal of an infringement notice; and
* the process for seeking to extend the period for payment of the penalty.

The date for commencement for this regulation is 1 February 2014. The previous Customs Act INS and INS Guidelines continue to apply where the date of the alleged offence is prior to 1 February 2014, even if the infringement notice is issued on or after 1 February 2014.

You can find further information about the measures in the Organised Crime Act, including the changes to the INS, on the ACBPS website at <http://www.customs.gov.au/site/page4271.asp>.

If you have any queries about this Notice, please direct them to [Compliance1@customs.gov.au](mailto:Compliance1@customs.gov.au).

[signed]

Craig Riviere

Acting National Manager Compliance Assurance Branch 18 December 2013