



# Bare Facts

Number 17

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## Matt's top tip



In this issue's Top Tip I will cover a number of miscellaneous issues that have arisen since I last wrote.

### **Free Trade Agreements changes - AANZFTA & ANZCERTA:**

- The AANZFTA (ASEAN-Australian-New Zealand Free Trade Agreement) commenced on 10 January 2012 for goods made in Indonesia which comply with the Rules of Origin of the FTA. Consequently, the FTA is now applicable to all goods made in ASEAN, Australia and New Zealand that meet the Rules of Origin, as Indonesia was the last country to complete their domestic implementation legislation.

The AANZFTA will apply to goods exported from Indonesia prior to 10 January 2012, provided they arrive in Australia on or after 10 January 2012.

For shipments that were imported on or after 10 January 2012 and for which an importer does not have a Certificate of Origin, you should contact your supplier and request that they approach the government authorities in Indonesia for the issuance of a "Retro-Active" Certificate of Origin.

Preference Rule Type P50 of the ANZCERTA (Australia-New Zealand Closer Economic Relations Trade Agreement) ceased eligibility for goods imported on and from 1 January 2012. Importers and Customs Brokers can no longer accept the following declaration as evidence that goods comply with the Rules of Origin of the ANZCERTA

### **Preference Rule Type P50**

"I declare that:

The goods described below are New Zealand originating goods as described in Section 153ZII of the Customs Act 1901 as:

- (a) the last process in their manufacture was performed in New Zealand; and
- (b) the qualifying expenditure on the goods is at least 50% of the factory cost of the goods; or
- (c) the CEO has determined the qualifying expenditure is 48% in accordance with subsection 153ZII(2) of the Customs Act 1901."

### **Preference Changes - Serbia**

From 1 March 2012, Serbia has been listed as a developing country that attracts the DCS Customs Duty Rate. As such, goods made in Serbia which have an allowable factory cost of at least 50% of the total factory cost, can be imported duty free or at reduced duty rates if these DCS duty rates are listed for a particular Tariff Classification.

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**Inside this issue:**  
Win a Belkin laptop bag,  
Bird Watching, Concrete  
and much more!

## NHVAS & TruckSafe Accreditation.

JJL have been TruckSafe accredited for over 10 years and just recently passed our fifth systems audit. TruckSafe is a business and risk management system, which is aimed at improving the safety and professionalism of transport operators.

We have also been part of the National Heavy Vehicle Accreditation Scheme (NHVAS) since 2004 and currently hold multiple module accreditations including Maintenance, Basic Fatigue Management (BFM) & Concessional Mass Limitation (CML).

CML is our most recently acquired accreditation and allows us to operate with a one-tonne increased tolerance for single trailer and a two-tonne increased tolerance for B-Double configuration.

The additional weight tolerance is overall (excluding the steer axle) and will allow us to better manage current weight challenges.

There are significant compliance requirements to operate under CML and our staff and drivers have been trained accordingly and our reporting and recording procedures modified to meet these requirements.

**Follow me!**





# Matt's top tip

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## Pre-Charged Equipment Licences

Important news for Importers who have Pre-Charged Equipment Licences for imported equipment that contains HFC or HCFC gases. If your licence was issued prior to 18 May 2011, it expired on 31 December 2011 and you need to apply for a new one.

Importers who have applied for or renewed their Pre-Charged Equipment licences on or after 18 May 2011, those licences are valid for 2 years from the date of issuance.

## Dumping - Updates on Current Investigations

Last edition, we listed the products subject to Dumping Duty and those under investigation. Here is an update on goods subject to Dumping investigations:

New Inquiries:

- Polyvinyl chloride homopolymer resin from USA and Japan - dumping duties were initially imposed in 1992, a review of the measures in force has been announced.

Continuing Inquiries:

- Structural Timber from Austria, Canada, the Czech Republic, Estonia, Germany, Lithuania, Sweden and the United States of America
- Quicklime from Thailand
- Formulated Glyphosate from China
- Aluminium Road Wheels from China

Dumping Cash Securities have been imposed on the following, pending completion of the Dumping inquiry:

- electric resistance welded pipe and tube made of carbon steel, comprising circular (outside diameter exceeding 21mm up to and including 165.1mm) and non-circular hollow sections (oval, square and rectangular products with a perimeter up to and including 1277.3mm), in galvanised and non-galvanised finishes from China, Malaysia, South Korea and Taiwan.

Dumping Inquiries Terminated

- Electric Cables from China - investigation terminated

The full list of goods subject to Dumping Duties can be found on the Customs website - [www.customs.gov.au](http://www.customs.gov.au) or call me on 02 9669 3011 for more information.

## Customs Tariff Changes - 1 January 2012.

On 1 January 2012, the Customs Tariff was amended, so Importers may notice that the Tariff Classifications of the goods they import have changed. The changes are meant to be revenue neutral, thus the duty rate that was paid before 1 January 2012 should remain the same. If there has been a change in your duty rates, please let us know and we will investigate.

## Prohibited Imports / Exports

The Australian Customs and Border Protection Service has asked Brokers to remind clients that imported goods containing Dog or Cat Fur are prohibited imports and can only be imported if the Importer

has the appropriate permit. Applications for this permit can be made to the AC&BPS.

A full list of goods subject to Customs Prohibited Import and Export Regulations can be found at the Customs website - [www.customs.gov.au](http://www.customs.gov.au).

You may have recently read about an Australian who is to be charged by the US Government for supplying certain US-made goods to Iran. We have similar laws here in Australia that are governed by the Autonomous Sanctions Act 2011, which came into force on 15 December 2011, and the Customs Prohibited (Imports) and Customs Prohibited (Exports) Regulations.

The new Autonomous Sanctions Act 2011

- prohibits the exportation of export sanctioned goods to countries listed in the Autonomous Sanctions Regulations 2011;
- prohibits the exportation of goods to designated persons and entities listed Autonomous Sanctions Regulations 2011; and
- prohibits the exportation of controlled assets, where controlled assets are defined as assets belonging to a person or entity listed Autonomous Sanctions Regulations 2011 .

This Act deals mainly with weapons, ammunition, military vehicles and equipment including spare parts and accessories, paramilitary equipment, chemical weapons precursors, dual-use chemical manufacturing facilities and equipment including related technology and software, dual-use biological equipment including related technology and software, biological agents, plant pathogens and animal pathogens, exported to Burma, Fiji, Iran, Libya, North Korea, Syria, Yugoslavia and Zimbabwe.

A full list of the restrictions can be found the department of Foreign Affairs and Trade website - [www.dfat.gov.au](http://www.dfat.gov.au)

## AQIS - DAFF BioSecurity / AFAS Scheme / Packing Declarations

The Government has announced that it phasing out the use of the name AQIS (Australian Quarantine and Inspection Service) and replacing it with the Department of Agriculture, Fisheries and Forestry, Biosecurity - which will be known as 'DAFF Biosecurity'.

- AFAS Scheme - The following countries now operate under the AFAS Scheme - India, Indonesia, Malaysia, Papua New Guinea, Thailand and Vietnam.

For these countries, Methyl Bromide Fumigation certificates are only acceptable if they are issued by a fumigation provider that is accredited under the AFAS Scheme. A list of such providers can be found on the AQIS (DAFF) website.

- We have noticed an increase in incorrectly completed FCL and LCL Packing Declarations, particularly when the NO box has been marked in regard to whether timber packing has been used. Suppliers are then answering NO in boxes for the ISPM 15 and Bark questions.

Where timber packaging has not used the supplier should either not answer the ISPM 15 and Bark questions or mark the N/A boxes.

When we receive a packing declaration that is incorrectly marked, AQIS does not allow us to accept the declaration as valid so it must either be re-issued or the shipment volunteered to AQIS.

That's all for now! Until next time...

Matt McAuliffe, Consultant Indirect Taxation.



## BEAR BITS

As winter approaches and the temperature starts to fall, curling up for a long winter's nap seems like a good idea...

Bear hibernation is different from most other hibernating animals - many scientists do not even classify it as hibernation. True hibernation involves a drastic drop in body temperature but the hibernating animal will wake occasionally to eat before resuming hibernation.

When a bear 'hibernates', it is actually in a deep sleep. Its body temperature drops, but not drastically, and it doesn't wake up - not even for food. However, a mother bear will wake to give birth to her cubs in late winter.

So why do bears sleep so long? It is assumed that, as food is so scarce, the bears decide that if they can't eat they may as well sleep. Bears in the colder parts of the north can sleep for up to seven months before eventually emerging from their dens with a ferocious appetite!

## Congratulations!

This month, three members of our team at JLL celebrated ten years of service at JLL. Huge congratulations and thanks go to **Simone Molloy, Matthew Cuskelly and Cindy Xu** - we hope you'll stick around for another ten!

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# Spot the difference competition!



Can you spot the 6 differences?

**4** Belkin Laptop Bags to be won!



Thanks to the generosity of Belkin, we have four Belkin Laptop Bags to give away to the readers with the keenest eyes – spot the difference between these two images and email your answers and your contact details to [marty@jjlawson.com.au](mailto:marty@jjlawson.com.au) to win!

Entries close at midnight on Monday June 11th and the winners will be drawn at random. Good luck!

## Newsflash!

As we go to print, J.J. has been awarded Best SME Freight Forwarded/Customs Broker at the Import Export Industry Awards held in Sydney on May 24th - our second consecutive win in this category. Thanks to all of our clients and suppliers who voted for us, we couldn't have won without you!



## Port Botany Weigh-In-Motion Scales Update

In August 2010, the industry became aware of the requirement for both the current stevedores to identify and better manage overweight import containers exiting the Port Botany container terminals by road as formally directed by the then Roads and Traffic Authority (RTA) through improvement notices under the Chain of Responsibility legislation.

It was decided that both stevedores would install Weigh-In-Motion (WIM) scales inside their terminal to facilitate the early detection of over laden vehicles.

DP World will be trialing its WIM scales from the beginning of May 2012.

Patrick has been granted an extension to their improvement notice by the Roads and Maritime Service (RMS, formerly the RTA) until the end of June 2012. Patrick anticipates it will be trialing its WIM scales throughout June and intends them to be operational from 1 July 2012.

Mass breaches in NSW have three defining categories:

1. Minor 0-5%;
2. Substantial 5-20%; and
3. Severe 20% plus.

RMS is in the process of developing a legal instrument that will enable Minor and Substantial mass breaches to be allowed to travel beyond the stevedore gate to a select number of Container Freight Stations (CFS) in the immediate port precinct on an RMS approved route to be staged for an appropriate vehicle or unpacked.

All severe breaches will need to be catered for inside the stevedore gate, trucks will be stripped of the overweight containers and then either staged for an appropriate vehicle or moved by rail to an Intermodal Terminal for further staging or unpack or handled via another commercial arrangement between the stevedore and carrier/ cargo owner.

The operational process of the WIM scales will see a loaded vehicle approach the WIM at low speed (5-8 kilometres/ hour), the device will issue a print-out of axle mass weights and a gross vehicle mass weight and indicate the status of the vehicle (that is either, clear to proceed, minor, substantial or severe breach) based on General Mass Limits. From the information provided, it will be the responsibility of the carrier to determine the appropriate action based on their individual mass accreditation. In a severe breach situation all containers will be lifted off. In a minor or substantial breach situation the carrier is to proceed to a nominated CFS for staging or unpack.

It is proposed that once a container has been received by a CFS, the carrier or cargo owner needs to issue instructions to the CFS as to what the task is to be undertaken with the breached vehicle and a commercial negotiation entered into prior to the container or contents leaving that facility. A CFS will have to satisfy their obligations under Chain of Responsibility (COR) with the handling of this freight prior to release to the greater road network. A carrier that elects for a container to be staged for another vehicle may, on exiting the CFS, be directed to a public weigh-bridge prior to proceeding to its end destination.

The RMS will be monitoring for compliance and will have access to all data from the stevedores WIM scales together with the data from each CFS for all breached vehicles handled.

It is anticipated that the process of weighing import containers will add very little additional time to the existing truck turnaround time being experienced at Port Botany.

## Record Concrete Pour

Months in the planning and less than a day in delivery – the record-breaking Port Botany Grade Separation concrete pour went off without a hitch on 24 and 25 of March.

This vital part of the Port Botany Expansion project has now taken its final shape – a giant 6,500-tonne roundabout, suspended over the freight railway lines servicing Patrick and Sydney International Container Terminals Pty. Limited.

When operating later this year, the elevated roundabout will enable trucks unimpeded access to Brotherson Dock by eliminating the need to wait for trains passing through the rail crossing.

On average, 24 trains use these lines every day with a truck waiting time of about eight minutes per train, so the new roundabout will improve traffic flow times by more than three hours a day.

This roundabout represents the biggest elevated continuous concrete pour in NSW history. The continuous pour was necessary to ensure the best possible post-tensioning of the support beams and the work continued throughout the night.

More than 500 concrete trucks were used with their arrival carefully coordinated to ensure enough trucks on site to enable the continuous pour. 2,472 cubic metres of concrete was placed using four concrete pumps simultaneously.

When the entire project is finished later this year, there will be three access ramps and four bridge spans linked to the roundabout providing clear access to all tenants on the north side of Port Botany.

A time-lapse video of the pour is online at [www.sydneyports.com.au](http://www.sydneyports.com.au)



## Bird watching in Botany

Late last year, the Penrhyn Estuary Lookout at Port Botany opened to the public. The remainder of the shared pedestrian and cycle path along the Port Botany foreshore was also opened.

The Penrhyn Estuary Lookout has been designed as a viewing platform and bird hide to overlook the revitalised Penrhyn Estuary, including a new bird roosting island and the remains of the historical Government Pier.

Penrhyn Estuary has become a feeding and roosting site for locally and internationally important shorebirds, many of which are protected by State and Commonwealth legislation.

This work completes the community facilities on the Port Botany foreshore that have been provided by Sydney Ports as part of the Port Botany Container Terminal Expansion Project. Other community facilities already completed and open to the public include a new four lane boat ramp, Mill Stream Lookout and a pedestrian bridge over Foreshore Road connecting Sir Joseph Banks Park and the Port Botany foreshore.



# Meet the Bears!



## Cindy Xu - Financial Controller

**Has been at JJL since...**  
*May 2002*

**The best thing about my job is...**  
*having the opportunity to learn new things and meet new challenges every day*

**My biggest work achievement to date is...**  
*the development of a responsible and dependable finance team with consistency and initiatives to proudly support our business*

**My ideal weekend would be...**  
*sitting in my backyard, enjoying the warm, beautiful sunshine*

**The most amazing thing I ever saw...**  
*the spectacular Fairy Penguin parade at Phillip Island*

**To me, sport is all about...**  
*collaboration and spiritual contest.*

**I really admire...**  
*Helen Keller - her improbable journey from a child unable to communicate due to her multiple disabilities, to her exalted place on the world stage as the famous global citizen she would become, is one of the greatest stories of the 20th century. I am so inspired by her... "I will not just live my life. I will not just spend my life. I will invest my life."*

**When I'm driving around, I'm listening to...**  
*ABC News on my way to work in the morning, classic or pop music while returning to home in the afternoon*

**Don't talk to me about...**  
*I love talking about anything!*

**In ten years time...**  
*I certainly would not mind having pushed my boundaries further! One thing I know for sure is that I will still love my work as passionately as I do now, and I will be still happy with the way I have been living my life here.*

**All I want for Christmas is...**  
*a reunion with all of my family*

**What I like most about working for JJL...**  
*the harmony, the warm working environment, the professionalism and mutual respect amongst the team.*



## E-Bare Facts

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