



Bare Facts

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Matt's top tip



1. Quarantine Issues

a. Just a reminder that you should now be getting your suppliers to use the new format Packing Declarations for LCL and FCL seafreight shipments. Copies of the new format packing declarations can be found on the JJ Lawson website.

b. DAFF / AQIS are decommissioning their @aqis.gov.au email addresses, these email addresses will now be @daff.gov.au

c. Effective Friday 1 February 2013, statements and commodity information required for frozen fruit and vegetables (listed below) will no longer be accepted on a manufacturer's declaration and are now required to be declared or included on commercial documentation such as invoices, packing lists, beneficiary certificates, etc.

Such information includes:

- Hard Frozen Statement
- Country of origin
- Botanical Name
- Packaging Information
- Processing Information.

There is six month moratorium on these changes, so that Manufacturer's Declarations will still be acceptable up to 1 August 2013

While AQIS have not put out any templates or formats in regard to beneficiary certificates, they are generally certificates issued by the exporter evidencing that certain requirements have been complied with.

d. As of 1 March 2013 all Methyl Bromide fumigation certificates must have one of the three following plastic wrap declarations:

- Plastic wrapping has not been used in this consignment; or
- This consignment has been fumigated before application of plastic wrapping; or
- Plastic wrapping used in this consignment conforms to the Wrapping and Perforation Standard as found in the Methyl Bromide Fumigation Standard.

e. As of Friday 1 February 2013, the Department of Agriculture, Fisheries and Forestry (DAFF) changed the random inspection function for imported containerised sea cargo — known as the Import Clearance Effectiveness (ICE) Program. The ICE Program is now known as the Cargo Compliance Verification (CCV) Program.

CCV inspections are used by DAFF to monitor biosecurity risk.

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NSW Ports sold for \$5billion

On 12 April 2013, the six-month competitive bidding process for the 99-year lease of State-owned Port Botany and Port Kembla was completed with NSW Ports Consortium paying \$5.07billion for the lease. The announcement, made by Mike Baird MP, NSW Treasurer and Minister for Industrial Relations, stated that the net profit of around \$4billion would be invested into the NSW Government's infrastructure fund – Restart NSW.

Mr Baird claims this to be the largest ever NSW government transaction, in terms of net profit, and offers a massive boost to the State – the breakdown of the transaction being \$4.31billion from Port Botany and \$760million from Port Kembla. The cash, through Restart NSW, will be used to fund WestConnex, Bridges for the Bush, the Pacific Highway and the Princes Highway and \$100million will be committed to new infrastructure projects in the Illawarra region.

NSW Ports Consortium, headed by Industry Funds Management, is understood to comprise of 80 per cent Australian investors, with the remaining 20 per cent coming from the Abu Dhabi investment authority.

As previously announced, the NSW Government will retain regulatory oversight of the ports as well as responsibility for a range of important maritime safety and security functions, including the role of Harbour Master, the dangerous goods function and pilotage. The transaction is expected to close on 31 May 2013.

**Take
a look inside
and find out about smart bears!**





Matt's top tip

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According to DAFF, there will be NO inspection fees or charges for consignments that comply with biosecurity requirements. Standard document processing fees still apply. CCV inspections are usually conducted at the importer's premises, or a premises nominated by the importer, at a mutually convenient time.

DAFF will notify importers or their agents when a consignment has been selected for CCV inspection. A Quarantine Direction will be issued detailing the inspection requirements.

When a consignment is selected:

- all containers are to be held at the agreed location with seals intact until a biosecurity officer is present to conduct the inspection;
- you are required to provide staff to fully unpack the consignment within the agreed inspection time
- all relevant documentation must be made available at the inspection, including documentation that specifies the commodities listed on the Import Declaration
- the work environment must be safe for biosecurity officers and your staff.

2. Free Trade Agreements

a. MAFTA – the Malaysia-Australia Free Trade Agreement commenced on 1 January 2013. This FTA permits most goods that are made in Malaysia to be imported into Australia at duty free or reduce duty rates, provided they comply with the MAFTA rules of origin, have a MAFTA Certificate of Origin and comply with the consignment provisions.

If you require further information, please contact us. Also please note that Malaysia is part of the AANZFTA and, as such, imported goods made in Malaysia may alternatively be imported into Australia at duty free or reduce duty rates, provided they comply with the AANZFTA rules of origin, have a AANZFTA Certificate of Origin and comply with the consignment provisions.

b. AJFTA – Australia-Japan Free Trade Agreement – has been under negotiation since July 2007, recent media reports suggest that there is now a push to conclude this Free Trade Agreement by 1 July 2013. We shall see.

c. TPP – Trans Pacific Partnership – has also been in the news recently. This FTA includes Brunei Darussalam, Chile, New Zealand, Singapore, Australia, Canada, Malaysia, Mexico, Peru, USA and Vietnam. Japan has applied for admission as well. The parties are working to conclude this Free Trade Agreement by the end of 2013.

d. On 20 November 2012, negotiations commenced on a new Regional Free Trade Agreement covering the 10 ASEAN countries and Australia, China, India, Japan, Republic of Korea and New Zealand. No time frame has been set for this agreement.

e. Other countries, with which Australia is currently negotiating separate Free Trade Agreements, include China, the Gulf Co-Operation Council, India, Indonesia, South Korea and the South Pacific Forum Island Countries.

3. Customs Issues

a. Customs appointed a new CEO on 15 February 2013 – Michael Pezzullo.

Mr Pezzullo joined the AC&BPS in 2009 from the Department of Defence.

b. A new Transfer Pricing Statement has been issued by the AC&BPS which details the information required by the AC&BPS when parties are applying for Transfer Pricing rulings. This Statement can be found at the AC&BPS website or by contacting us.

c. Additional restrictions have been imposed on trade with Syria and Iran – information on these new restrictions can be found at the AC&BPS website or by contacting us.

d. Schedule 4 of the Customs Tariff, and its associated By-Laws, have been extensively re-written. The amendments commenced on 1 March 2013. As part of the review process some of the previous Schedule 4 By-Laws have not been replaced and so goods previously duty free under Schedule 4 may no longer be so.

e. Tourist Refund Scheme – the AC&BPS announced that, as of 17 April 2013, changes to the Tourist Refund Scheme now allow purchases of goods taken out of the country be made up to 60 days prior to leaving the country (previously it was 30 days) and that travellers can use more than one invoice from a retailer to reach \$300 (GST inclusive limit).

f. Dumping – there have been some additions to the list products currently subject to dumping and/or countervailing duties: [See Table 1, top right]

4. New Legislation:

a. The Customs Amendment (Miscellaneous Measures) Act 2013 has commenced.

This Act amends the Customs Act in regard to a number of items, including:

- clarifying that self-powered ships and aircraft that are imported or intended to be imported are subject to the control of Customs and should be entered for home consumption *JJL comment: this appears to clarify situations where these craft arrive in Australia under their own power, they must be entered;*
- change a number of valuation definitions to ensure consistency with the World Trade Organization Customs Valuation Agreement;
- repeals the accredited client program; *JJL comment: this was a program that started with good ideas and intentions but just seemed to lose its way and ended up never really having much of a chance.*

Table 1

Goods	Country of Export	Dumping Duty (DD) /Counter
Aluminium Extrusions (including some kits that contain such extrusions)	China	DD & CD
Aluminium Road Wheels	China	DD & CD
Aluminium Zinc Coated Steel Sheet	China, Taiwan, Korea	DD
Ammonium Nitrate	Russia (or thru Estonia)	DD
Biodiesel	USA	DD
Clear Float Glass	China, Indonesia, Thailand	DD
Dried Processed Currants	Greece	DD
DICHLOROPHENOXY-ACETIC ACID (2,4-D)	China	DD
Galvanised Steel Sheet	China, Taiwan, Korea	DD
Geosynthetic Clay Liners	Germany	DD
Greyback Cartonboard	South Korea	DD
Hollow Structural Sections including steel tube & pipe	China	DD & CD
Hot Rolled Coil Steel	Korea, Malaysia & Taiwan	DD
	Japan, Korea, Malaysia & Taiwan	DD
Iron and steel grinding mill liners	Canada	DD
Linear Low Density Polyethylene	Thailand	DD
Pineapple Fruit in Containers	Philippines & Thailand	DD
Polyvinyl Chloride		
Homopolymer Resin	Korea, Japan & USA	DD
Preserved Mushrooms	China	DD
Silicon Emulsion Concrete Admixtures	USA	DD
Sodium Hydrogen Carbonate (Sodium Bicarbonate)	China	DD
Tubeless Steel Demountable Rims	China	DD

b. A new section 112BA of the Customs Act 1901 provides the Minister for Defence with a power to prohibit the export of non-regulated goods where those goods may contribute to a military end-use that may prejudice Australia's security, defence or international relations.

An armed force or armed group may include, but is not limited to:

- Military or Defence Forces;
- Police forces;
- Coast guard;
- Militant or insurgent groups;
- Private security companies; and
- Terrorist or criminal organisations.

Australian Customs and Border Protection Service Notice 2013/02 provides further details.

c. There is the new Illegal Logging Prohibition Act 2012, which makes it illegal to import and/or process timber that has been illegally harvested in the country of export – see Australian Customs and Border Protection Service Notice 2012/72 for further details.

JJL comment: as a result of this legislation, importers will need to satisfy themselves that any timber products they import have been obtained from legally harvested timber.

This Act will be administered by the Department of Agriculture Fisheries and Forestry, with power to seize prohibited goods vesting in Australian Customs.

d. Customs and AusCheck Legislation Amendment (Organised Crime and Other Measures) Bill 2013 was introduced into Parliament last Month.

The summary of the Bill presented to Parliament states in regard to amendments to the Customs Act, states,

“To: place obligations on cargo terminal operators and handlers that load and unload cargo; create new offences for using information from the Integrated Cargo System to aid a criminal organisation; enable the Chief Executive Officer of Customs and Border Protection to consider the refusal, suspension or cancellation of aviation and maritime security identification cards; align aspects of the customs broker licensing scheme with that of depots and warehouses; and adjust controls and sanctions.”

JJL comment: As is always the case with any summaries, the devil is always in the detail – “adjust controls and sanctions”. On further investigation, it turns out that this Act considerably extends coverage for a certain strict liability offence in the Customs Act. An offence that some 12 or more years ago was the subject of extensive consultation, debate, negotiation and agreement, to determine who should be liable for such offences. There was no consultation this time before putting it to Parliament. However, I am not sure how well this has been thought through, as it appears to the writer that these changes may have so extended the liability for this certain offence, that a Customs Officer merely doing his or her job in good faith, much like importers and Customs Brokers, may also be guilty of the offence. We hope someone will take a good look at this before it passes Parliament.

This Bill also includes increases in penalties for strict liability offences.

JJL comment: these penalty increases come in addition to the increase in the value of Penalty Units from A\$110 to A\$170 late last year – a new double-dipping way to increase government revenue?

Until next time....

Matt McAuliffe

The Smith Family Clothing Drive 2013

In March, the J.J.L team had a collective wardrobe clear-out and donated many bags of unwanted clothes to The Smith Family Clothing Drive. In a fine team effort, we amassed over 90 kilos of clothing.

The Smith Family are a not-for-profit organisation who assist underprivileged children and families. In Australia today more than 605,000 children are living in jobless families. For these children, the effects of their family's financial disadvantage go beyond the pressures of not having enough money for the basics; it can prevent them from accessing the same educational and life opportunities as their peers.

The Smith Family believes that every child deserves a chance no matter their circumstances and the national children's charity works with young Australians in need helping them to create better futures for themselves, by supporting their participation in education. In the last year, their work reached more than 106,000 disadvantaged children and their families in 97 communities across Australia, thanks to the support of caring Australians.

If your organisation would also be interested in helping out The Smith Family by running a clothing drive, please visit www.thesmithfamily.com.au for more information.



BEAR BITS



1

The largest carnivore that ever lived on land was the giant short-faced bear. Twice the size of the biggest modern bear, it was 190cm tall at the shoulder when standing on all fours. Scientists believe it had very long legs and chased antelope on the North American prairies. It became extinct around 12,000 years ago.

The sloth bear has the shaggiest fur. The sun bear has the shortest fur so it can keep cool in the hot forests of Southeast Asia.

2



The most accurate way to determine the age of a bear is to count the rings in a cross section of its tooth root under a microscope.

3

Bears have two layers of fur. A short layer of fur keeps the bear warm. And a long layer keeps water away from the skin and short fur.

4



Bears are highly intelligent animals. Bears are very smart and have been known to roll rocks into bear traps to set off the trap and eat the bait in safety.

5

TOP 10 Top Ten Ranking for Landside Service

In April, Port Botany Landside Improvement Strategy (PBLIS), in partnership with Sydney Ports, announced its Top Ten Best Performing Carriers for 2012. We are proud to share with you that J.J.L. Transport ranked a very impressive SIXTH on the list for Large Carriers.

The rankings were based on service level, which is the percentage of truck trips that arrived on time at the stevedore terminals for their booked time zone. J.J.L. Transport scored a huge 97.73% for its service level. There are 294 carriers that access the terminals at Port Botany and the Large Carriers account for 50% of total container volume.

Sydney Ports congratulated all carriers ranked in the top ten noting that the Landside interface at Port Botany is an interconnected supply chain with all participants' performance impacting on others. High levels of service improve the efficiency, consistency and effectiveness of the entire import/export supply chain.





Meet the Bears!



Al O'Connell - Yard supervisor AKA - AL

Has been at J.J.L. since...
7am January 3rd 2004

The best thing about my job is...
everyday brings a new challenge.

My ideal weekend would be...
Isle of Man TT's

The most amazing thing I ever saw...
I've driven around the coast of Australia twice.
That was pretty amazing.

To me, sport is all about...
fast bikes and fast women.

I really admire...
those who help others.

When I'm driving around, I'm listening to...
a squeak from the dashboard, either a bearing is gone in the fan or I have mice.

Don't talk to me about...
quantum mechanics

In ten years time...
I'll be 47

All I want for Christmas is...
peace and good will to all.

What I like most about working for J.J.L...
since J.J.L. promises 'to be big enough to meet any requirement, yet small enough to ensure it is handled properly', we constantly face new challenges with our clients' requests, some simple and some not so simple. From prepping glass for transport to loading fire engines for export we see it all and that's makes things so interesting around here. And I like that.



On the Net

This and previous Bare Facts Issues
are also available for download from
www.jjlawson.com.au



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