#### COMMERCIAL: IN CONFIDENCE



REPORT

7 June 2016

RPT 16/090

**Minister of Customs** 

# CUSTOMS AND EXCISE (EXPIRY DATE FOR INTERIM ARRANGEMENTS FOR INFORMATION SHARING FOR JOINT BORDER MANAGEMENT) ORDER 2016

#### Purpose

This report asks you to approve the attached Cabinet paper Customs and Excise (Expiry Date for Interim Arrangements for Information Sharing for Joint Border Management) Order 2016 so it can be lodged for the Cabinet Legislative Committee on 15 June 2016.

## **Policy**

- Sections 282E to 282H of the Customs and Excise Act 1996 (the Act) and the Biosecurity Act 1993 provide interim arrangements for sharing border information between the Ministry for Primary Industries (the Ministry) and Customs for use in border management functions, in advance of aspects of JBMS being implemented.
- Section 282I(1) of the Act currently provides that the interim arrangements will expire on 1 July 2105 unless they are extended by an Order in Council. The Customs and Excise (Expiry Date for Interim Arrangements for Information Sharing for Joint Border Management) Order 2015 was made in June 2015 to extend the expiry date.
- Capability to comprehensively share border information (i.e. completion of all message formats in trade Single Window and mandatory WCO3 messaging) is not yet in place. It is in both Customs and the Ministry's interests that a new expiry date is made to ensure that the interim arrangements for information sharing are continued. This work expected to be completed in the second quarter of 2017. As there will be a transition period for industry to comply with mandatory WCO3, we propose a new expiry date of 1 August 2017 be set.

#### Consultation

Section 282I(2) of the Act requires that you consult with the Minister for Primary Industries before recommending an Order in Council to extend the expiry date of interim information sharing arrangements.

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We are consulting with agencies overnight and have asked for comment by midmorning tomorrow. We have attached the draft paper for your consideration while it is out for consultation as we do not expect there to be any significant comment.

#### **Next steps**

If you approve the attached paper before 10am on Thursday 9 June 2016 it can be lodged for the 15 June 2016 meeting of Cabinet Legislative Committee (LEG). Your office is talking with the Minister for Primary Industries' office to confirm whether he is able to present the paper at LEG in your absence.

#### Recommendations

- 8 I recommend that you:
  - 1 Note that the interim arrangements for information sharing with the Ministry for Primary Industries, which are set out in sections 282E to 282H of the Customs and Excise Act 1996, will expire on 1 August 2016 unless the expiry date is extended by an Order in Council.

Noted/Please Discuss

2 Note that there is a need for the continuation of the interim arrangements for information sharing until Trade Single Window aspects of the JBMS are implemented.

Noted/Please Discuss

3 Note that the proposed new expiry date is 1 August 2017.

Noted/Please Discuss

4 **Note** that section 282I(2) of the Act requires that you consult with the Minister for Primary Industries before recommending an Order in Council.

Noted/Please Discuss

## **COMMERCIAL: IN CONFIDENCE**

5 **Approve** the attached Cabinet paper by 10am on Thursday 9 June 2016 for lodging for the 15 June 2016 meeting of the Cabinet Legislative Committee.

Agreed/Not Agreed/Please Discuss

Anna Cook Director of Policy

For Comptroller of Customs

Minister of Customs

Date

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ENDS