

1985

The Parliament of the Commonwealth of Australia

Senate

Customs Administration (Transitional Provisions  
and Consequential Amendments) Bill 1985

Explanatory Memorandum

(Circulated by Authority of the Minister for Industry, Technology  
and Commerce, Senator the Honorable John N Button)



### Outline

The main purpose of this Bill is to invest the general administration of the legislation to be administered by the proposed Australian Customs Service in the Comptroller-General of Customs.

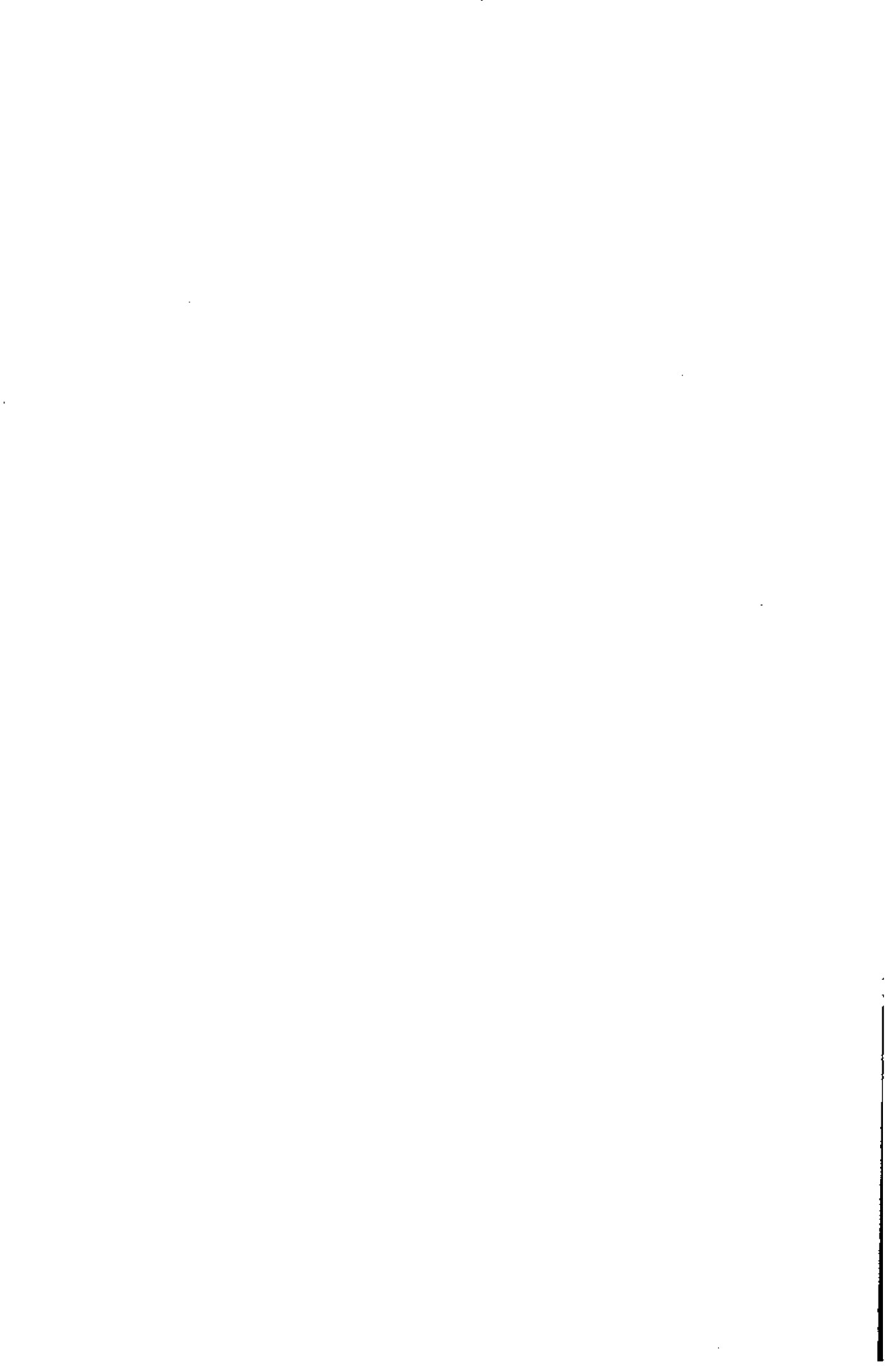
That legislation is listed in the Schedule to the Bill and includes all of the legislation traditionally administered by the Customs.

The other major purpose of the Bill is to effect the transfer of delegated powers in that legislation to the Comptroller-General of Customs. Those powers, when transferred, will be capable of delegation by the Comptroller-General of Customs pursuant to the provision of proposed section 14 of the Customs Administration Act 1985.

To provide maximum flexibility in relation to the organization of the Australian Customs Service the proposed amendments to the Customs Act 1901 as contained in this Bill include a provision to remove the statutory requirement that there be a Collector of Customs for a State or Territory.

### Financial Impact Statement

The measures contained in this Bill have no direct financial implications.



## Notes on Clauses

### Short title

Clause 1 Is a formal machinery clause.

### Commencement

Clause 2 Provides for the Act to come into operation on the day on which the Customs Administration Act 1985 comes into operation.

### Amendments

Clause 3 Provides that the Acts specified in the Schedule to the Bill are amended as set out in the Schedule. The majority of the amendments transfer powers from the Minister to the Comptroller-General of Customs, being in the main powers that have been delegated by the Minister to Departmental Officers.

### Savings

Clause 4 Provides for the continued validity of appointments, authorizations, permissions, approvals, determinations, orders, requirements, by-laws, notices or instruments signed or issued prior to the commencement of this Act, where the power to sign or issue is proposed to be transferred from the Minister to the Comptroller-General. Sub-clause (5) provides that the first report required to be prepared under Section 17 of the proposed Customs Administration Act 1985 relates to the period commencing on the day of operation of that Act and ending on 30 June 1986.

## SCHEDULE

## AMENDMENTS OF ACTS

## Bass Strait Freight Adjustment Levy Collection Act 1984

## General administration of Act

Proposed section 2A provides that the Comptroller-General of Customs has the general administration of this Act.

## Bounty (Agricultural Tractors) Act 1966

## General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

## Section 3 (definition of "authorized person") -

Amendment consequential upon the transfer of the power to the Comptroller-General to appoint persons for the purposes of this Act.

## Section 3 (definition of "Collector") -

Provides for "Collector" to have the same meaning as in the Customs Act 1901.

## Section 3 (definition of "registered premises") -

Consequential upon the transfer of the power to the Comptroller-General to register premises.

## Section 5A -

Includes the Comptroller-General in the uniformity provision.

## Sub-section 9(1) -

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of bounty.

## Sub-section 10(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

## Section 11 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

## Section 12 -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

**Section 13 -**

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

**Section 17 -**

Transfers to the Comptroller-General the Minister's power to require security to be given.

**Paragraphs 18A(d), (e), (f), (g) and (h) -**

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

**Sub-sections 20(1) and 20(3) -**

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

**Bounty (Bed Sheetting) Act 1977****General administration of Act**

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

**Section 3 (definition of "Collector") -**

Provides for "Collector" to have the same meaning as in the Customs Act 1901.

**Section 3(1) (definition of "registered premises") -**

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

**Section 6 -**

Includes the Comptroller-General in the uniformity provision.

**Sub-section 8(3) -**

Transfers to the Comptroller-General the Minister's power to withhold payment of whole or part of bounty.

**Section 10 -**

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of bounty.

**Section 11 -**

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

**Section 12 -**

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

**Section 13 -**

Transfers to the Comptroller-General the Minister's power to require security to be given.

**Section 14 -**

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

**Sub-sections 20(1), (2) and (3) -**

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

**Section 21 -**

Amendments consequential upon the transfer of the Minister's power to the Comptroller-General.

**Bounty (Berry Fruits) Act 1982****General administration of Act**

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

**Section 3(1) (definition of "registered premises") -**

Amendment consequential upon the transfer of the power to the Comptroller-General to register premises.

**Section 13 -**

Transfers to the Comptroller-General the Minister's powers to register, refuse to register, or cancel the registration of premises.

**Section 14 -**

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

**Section 15 -**

Transfers to the Comptroller-General the Minister's power to require security to be given.



Sub-section 16(1) -

Transfers to the Comptroller-General the Minister's power to appoint authorized officers.

Sub-sections 22(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Paragraphs 23(1)(b) and (c) and section 24 -

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

**Bounty (Books) Act 1969**

General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Sub-section 3(1) (definition of "Collector") -

Provides for 'Collector' to have the same meaning as in the Customs Act 1901.

Sub-section 3(1) (definition of "registered premises") -

Amendment consequential upon the transfer of the power to the Comptroller-General to register premises.

Section 9 -

Transfers to the Comptroller-General the Minister's power to determine if requirements of Act and Regulations are complied with.

Section 9A -

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of bounty.

Sub-section 10(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

Section 11 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

Section 11A -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 12 -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

Section 16 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Sub-sections 19(1) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Section 19A -

Includes the Comptroller-General in the power to give notice of determination.

Paragraphs 20A (d), (e), (f), (g), (h) and (j) -

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

Bounty (Commercial Motor Vehicles) Act 1978

General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Sub-section 3(1) (definition of "Collector") -

Provides for 'Collector' to have the same meaning as in the Customs Act 1901.

Sub-section 3(1) (definition of "registered premises") -

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

Sub-section 10(1) -

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of bounty.

Sub-section 11(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

**S ction 12 -**

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

**S ction 13 -**

Transfers to the Comptroller-General the Minister's power to require accounts to be kept.

**Section 14 -**

Transfers to the Comptroller-General the Minister's power to require security to be given.

**S ction 15 -**

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

**Sub-sections 21(1), (2) and (3) -**

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

**S ction 22 -**

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

**Bounty (Computers) Act 1984****General administration of Act**

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

**Sub-section 3(1) (definition of "registered premises") -**

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

**Sub-section 12(1) -**

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

**S ction 20 -**

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

Sub-paragraphs 21 (1) (a) (i) and (ii) -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 22 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Sub-section 23(1) -

Transfers to the Comptroller-General the Minister's power to appoint authorized officers.

Sub-sections 31(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Paragraphs 32 (1) (m), (n) and (p) and sub-section 33(1) -

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

Bounty (Electric Motors) Act 1984

General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Sub-section 3(1) (definition of "registered premises") -

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

Sub-section 14(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

Section 22 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

Sub-paragraphs 23(1)(a)(i) and (ii) -

Transfers to the Comptroller-General the Minister's power to require accounts to be kept.

**Section 24 -**

Transfers to the Comptroller-General the Minister's power to require security to be given.

**Sub-section 25(1) -**

Transfers to the Comptroller-General the Minister's power to appoint authorized officers.

**Sub-sections 33(1), (2) and (3) -**

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

**Paragraphs 34 (1) (m), (n) and (p) and sub-section 35(1) -**

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

**Bounty (High Alloy Steel Products) Act 1983**

**General administration of Act**

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

**Sub-section 3(1) (definition of "registered premises") -**

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

**Sub-section 10(1) -**

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

**Section 12 -**

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

**Section 13 -**

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

**Section 14 -**

Transfers to the Comptroller-General the Minister's power to require security to be given.

**Sub-section 16 -**

Transfers to the Comptroller-General the Minister's power to appoint authorized officers.

**Sub-sections 22(1), (2) and (3) -**

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

**Sub-sections 23(1) and 24(1) -**

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

**Bounty (Injection-moulding Equipment) Act 1979**

**General administration of Act**

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

**Section 3 (definition of "Collector")**

Provides for 'Collector' to have the same meaning as in the Customs Act 1901.

**Section 3 (definition of "prescribed premises") -**

Amendment consequential upon the transfer of power to the Comptroller-General to prescribe premises.

**Section 3 (definition of "registered premises") -**

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

**Section 10 -**

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of bounty.

**Sub-section 11(1) -**

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

**Section 12 -**

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

Section 13 -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 14 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Sub-section 14K(1) -

Transfers to the Comptroller-General the Minister's power to approve advances on account of bounty.

Section 14T -

Transfers to the Comptroller-General the Minister's power to register, refuse to register or cancel the registration of premises.

Sub-paragraphs 14U(1)(a)(i) and (ii) -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 14V -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Sub-section 15(1) -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

Sub-sections 21(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Paragraphs 22 (c), (d), (e), (f), (g), (u), (v) and (w) -

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

**Bounty (Metal-working Machine Tools) Act 1978**

General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Sub-section 3(1) (definition of "Collector")

Provides for 'Collector' to have the same meaning as in the Customs Act 1901.

Sub-section 3(1) (definition of "registered premises") -

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

Sub-section 9(1) -

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of bounty.

Sub-section 10(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

Section 11 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

Section 12 -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 13 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Section 14 -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

Sub-section 20(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Section 21 -

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.



## Bounty (Paper) Act 1979

## General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

## Sub-section 3(1) (definition of "Collector")

Provides for 'Collector' to have the same meaning as in the Customs Act 1901.

## Sub-section 3(1) (definition of "registered premises") -

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

## Sub-section 8(3) -

Transfers to the Comptroller-General the Minister's power to withhold payment of whole or part of bounty.

## Sub-section 9(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

## Section 11 -

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of bounty.

## Section 12 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

## Section 13 -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

## Section 14 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

## Section 15 -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

Sub-sections 21(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Section 22 -

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

Bounty (Penicillin) Act 1980

General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Sub-section 3(1) (definition of "Collector")

Provides for 'Collector' to have the same meaning as in the Customs Act 1901.

Sub-section 3(1) (definition of "registered premises") -

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

Sub-section 8(7) -

Transfers to the Comptroller-General the Minister's power to withhold whole or part of bounty.

Sub-section 9(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

Section 11 -

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of bounty.

Section 12 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises G.

Section 13 -

Transfers to the Comptroller-General the Minister's power to register, refuse to register or cancel the registration of premises V.

Section 15 -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 16 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Section 17 -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

Sub-section 23(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Section 24 -

Amendment consequential upon the transfer of the Minister's power to the Comptroller-General.

Bounty (Printed Fabrics) Act 1981

General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Section 2 (definition of "registered premises") -

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

Sub-section 8(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

Section 10 -

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of bounty.

Section 11 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

Section 12 -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 13 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Sub-section 14(1) -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

Sub-section 20(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Section 21 -

Amendment consequential upon the transfer of the Minister's powers to the Comptroller-General.

Bounty (Ships) Act 1980

General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Sub-section 8(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

Sub-section 19(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Bounty (Steel Mill Products) Act 1983

General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Sub-section 3(1) (definition of "registered premises") -

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

Sub-section 11(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

Section 13 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

Section 14 -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 15 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Sub-section 17(1) -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

Sub-section 23(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Sub-sections 24(1) and 25(1) -

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

Bounty (Textile Yarns) Act 1981

General administration of Act

Proposed section 1A provides that the Comptroller-General has the general administration of this Act.

Sub-section 2(1) (definition of "registered premises") -

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

Sub-section 8(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

Section 10 -

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of bounty.

Section 11 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

Section 12 -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 13 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Sub-section 14(1) -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

Sub-section 20(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Section 21 -

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

**Bounty (Tractor Cabs) Act 1983**

**General administration of Act**

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

**Sub-section 3(1) (definition of "registered premises") -**

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

**Sub-section 8(1) -**

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

**Section 10 -**

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

**Section 11 -**

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

**Section 12 -**

Transfers to the Comptroller-General the Minister's power to require security to be given.

**Sub-section 13(1) -**

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

**Sub-sections 19(1), (2) and (3) -**

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

**Sub-sections 20(1) and 21(1) -**

Amendments consequential upon the transfer of the Minister's power to the Comptroller-General.

**Bounty (Two-Stroke Engines) Act 1984**

**General administration of Act**

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Sub-section 3(1) (definition of "registered premises") -

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

Sub-section 9(1) -

Transfers to the Comptroller-General the Minister's power to determine terms and conditions for advance on account of bounty.

Section 11 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

Section 12 -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 13 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Sub-section 14(1) -

Transfers to the Comptroller-General the Minister's power to appoint authorized officers.

Sub-sections 20(1), (2) and (3) -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Sub-sections 21(1) and 22(1) -

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

Coal Excise Act 1949

General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Section 4 -

Remakes the definition of 'Collector' to have the same meaning as in the Customs Act 1901.



Commerce (Trade Descriptions) Act 1905

General administration of Act in relation to imports

Proposed section 1A provides that the Comptroller-General of Customs has the general administration of this Act in so far as it relates to imports.

Customs Act 1901

Sub-section 4(1)

- (i) omit the definition of Collector as a consequence of the amendment proposed to sub-section 8(1) below;
- (ii) remakes the definition of 'officer' or 'officer of Customs' to transfer the power to authorize persons to perform the functions of an officer of Customs from the Minister to the Comptroller-General; and
- (iii) remakes the definition of "the Customs" to mean the Australian Customs Service

Section 7 -

Remakes the section to provide that the Comptroller-General has the general administration of this Act.

Sub-section 8(1) -

Amends the provisions in the Principal Act relating to the statutory office of Collector of Customs to remove such a requirement.

Sub-sections 8(2) and (3) -

Consequential upon sub-section 8(1) above.

Section 10 -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

Section 17 -

Transfers to the Comptroller-General the Minister's power to appoint sufferance wharfs and places for examination of goods on landing.

Sub-section 28(2) -

Transfers to the Comptroller-General the Minister's power to determine fee payable for work undertaken outside working hours.

Sub-sections 30A(2) and (3) -

Torres Strait Treaty

- 30A(2) Transfers to the Comptroller-General the Minister's power to declare, by Gazette notice, adjacent areas to be part of the Protected Zone.
- 30A(3) Transfers to the Comptroller-General the Minister's power to make, by Gazette notice exemptions in accordance with the requirements specified in sub-section 30A(3).

Sub-section 114A(1) -

Transfers to the Comptroller-General the Minister's power to declare, by Gazette notice, specific goods for export.

Sub-sections 162(3) and (4) -

- 162(3) Transfers to the Comptroller-General the Minister's power to allow a further period of time for exportation without payment of duty of temporary imports (single security).
- 162(4) Consequential amendment to 162(3) above.

Sub-sections 162A(5) and (8) -

- 162A(5) Transfers to the Comptroller-General the Minister's power to allow a further period of time for exportation without payment of duty of temporary imports (general security).
- 162A(8) Consequential amendment to 162A(5) above.

Section 267 -

Transfers to the Comptroller-General the Minister's power to accept undertakings relating to tenders.

Section 268 -

Transfers to the Comptroller-General the Minister's power to approve scheme to provide for the transfers of rights to import tender goods at concessional rates of duty.

Section 269 -

Transfers to the Comptroller-General the Minister's power to give approval to revoke or vary undertakings relating to tenders.

Sub-section 269B(4) -

Transfers to the Comptroller-General the Minister's power to determine, for the purposes of Part XVA, where goods serve similar functions.

**Section 269C -**

Transfers to the Comptroller-General the Minister's power to make a Commercial Tariff Concession Order declaring that particular goods, not produced in Australia, apply to an item specified in the order.

**Section 269D -**

Transfers from the Minister to the Comptroller-General the requirement that concession orders not be made in respect of certain goods as prescribed by regulation.

**Section 269E -**

Transfers to the Comptroller-General the Minister's power to refuse to make certain concession orders.

**Section 269F -**

Transfers from the Minister to the Comptroller-General the requirement that concession orders do not contravene international agreements.

**Section 269G -**

Applications for concession orders to be made to the Comptroller-General (consequential amendment).

**Sub-sections 269J(1) and (2) -**

Transfers to the Comptroller-General the Minister's powers to determine appropriate date for a concession order to be made.

**Section 269K -**

Transfers to the Comptroller-General the Minister's duty to give notice of refusal of applications.

**Section 269L -**

Transfers the requirement in respect of the publication in the Gazette of notices under this section from the Minister to the Comptroller-General.

**Section 269N -**

Transfers to the Comptroller-General the Minister's power to determine the date of a concession order in accordance with the requirements specified in this section.

**Section 269P -**

Transfers to the Comptroller-General the Minister's power to revoke a concession order in accordance with the requirements specified in this section.

## Sub-sections 269R(1) and (2) -

(Consequential amendments to previous sections).

## Sub-section 269S(1) -

Transfers to the Comptroller-General the Minister's powers to direct, by Gazette notification, the manner by which factory cost of goods, labour, materials and overhead expenses shall be determined.

## Sub-section 269U(1) -

Transfers to the Comptroller-General the Minister's power to authorize officers to convene a meeting of Australian Industry representatives.

## Sub-section 269U(8) -

Consequential amendment to 269U(1) above.

## Section 271 -

Transfers to the Comptroller-General the Minister's power to make by-laws for the purposes of an item of a Customs Tariff.

## Section 272 -

Transfers to the Comptroller-General the Minister's power to specify goods by by-law (consequential amendment to 271 above).

## Section 273 -

Transfers to the Comptroller-General the Minister's power to make determinations in relation to an item of a Customs Tariff.

## Section 273A -

Transfers to the Comptroller-General the Minister's power to make by-laws and determinations for the purposes of repealed items.

## Section 273GA -

Amendments consequential upon the transfer of the Minister's powers to the Comptroller-General.

Customs Securities (Penalties) Act 1981

## General administration of Act -

Proposed section 2A provides that the Comptroller-General of Customs has the general administration of this Act.

## Customs Tariff Act 1982

## Section 25 -

Transfers to the Comptroller-General the Minister's powers to declare, by Gazette notice, goods which are substitutes or imitations and direct duty to be paid.

## Sch dul 3 sub-item 22.09.3 -

Transfers to the Comptroller-General the Minister's power to approve certification of pure and blended rum distilled with no more than 83% by volume of alcohol.

## Sch dule 4 - items 14, 32 and 35 in Part I -

item 14: Transfers to the Comptroller-General the Minister's powers to approve quantities of tobacco for use in approved research programs.

item 32: Transfers to the Comptroller-General the Minister's power to determine general and special rates of duty on re-imported goods.

item 35: Transfers to the Comptroller-General the Minister's power to determine whether concessional entry applies to goods of negligible value.

## Customs Tariff (Anti-Dumping) Act 1975

## General administration of Act

Proposed section 3A provides that the Comptroller has the general administration of this Act.

## Sub-s ction 4(1) -

Provides that the 'Comptroller' means the Comptroller-General of Customs.

## Paragraph 4(2)(c) -

Consistent with the transfer of the Minister's powers to the Comptroller-General, amends the paragraphs to provide that the Comptroller is to form the opinion for the purposes of that paragraph instead of the Minister.

## Sub-s ctions 4(3) and (3A) -

4(3) - transfers to the Comptroller-General the Minister's satisfaction that goods are sold at a loss.

4(3A) - consequential amendment upon 4(3).

Paragraph 4A(1)(c) -

Transfers to the Comptroller-General the Minister's power to determine the export price for the purposes of that paragraph.

Paragraph 4A(2)(c) -

Transfers to the Comptroller-General the Minister's power in connection with determining the amount of profit for the purposes of sub-section 4A(2).

Sub-sections 4A(3) and (4) -

Transfers to the Comptroller-General the Minister's power to determine the export price.

Section 5 -

Transfers to the Comptroller-General the Minister's powers in relation to determining the normal value of goods.

Sub-sections 8(7) and (8); 9(7) and (8); 10(7), (8) and (9) and 11(7), (8) and (9) -

Transfer to the Comptroller-General the Minister's powers to -

- (i) in certain circumstances, exempt goods from dumping duty, third country dumping duty, countervailing duty or third country countervailing duty; and
- (ii) to determine the amount of any subsidy, bounty, reduction or remission of freight or other financial assistance.

Sub-section 17(2) -

Transfers to the Comptroller-General the Minister's power to specify a fair rate of exchange.

Sub-section 20(1) -

Consequential amendment upon the transfer to the Comptroller-General of the power to publish notices for the purposes of the Act.

Customs Tariff (Coal Export Duty) Act 1975

General administration of Act

Proposed section 2A provides that the Comptroller-General of Customs has the general administration of this Act.

Customs Tariff (Uranium Concentrate Export Duty) Act 1980

General administration of Act

Proposed section 2A provides that the Comptroller-General of Customs has the general administration of this Act.

Customs Undertakings (Penalties) Act 1981

General administration of Act

Proposed section 2A provides that the Comptroller-General of Customs has the general administration of this Act.

Distillation Act 1901

General administration of Act

Proposed section 3 provides that the Comptroller has the general administration of this Act.

Sub-section 6(1) (definition of "Collector") -

Provides for 'Collector' to have the same meaning as in the Customs Act 1901.

Excise Act 1901

Sub-section 4(1) -

Remakes -

- (i) the definition of 'Collector' to have the same meaning as in the Customs Act 1901; and
- (ii) the definition of 'the Customs' to mean the Australian Customs Service.

Sections 7 to 12 (inclusive) -

Repeals these sections.

General administration of Act

Proposed section 7 provides that the Comptroller has the general administration of this Act.

Delegation by Minister

Proposed section 8 remakes the Minister's delegation provision to bring it into line with the modern form.

**Section 58A -**

Transfers to the Comptroller the Minister's power to declare, by Gazette notice, goods which are excisable goods to which this section applies.

**Section 165 -**

Transfers to the Comptroller the Minister's power to make by-laws in relation to an item of an Excise Tariff.

**Section 166 -**

Transfers to the Comptroller the Minister's power to make by-laws specifying goods (consequential amendment).

**Section 167 -**

Transfers to the Comptroller the Minister's power to make by-laws for the purposes of repealed items (consequential amendment).

**Excise Tariff Act 1921**

**General administration of Act**

Proposed section 1A provides that the Comptroller has the general administration of this Act.

**Schedule item 9A -**

Transfers to the Comptroller-General the Minister's power to approve tobacco goods for use in medical or other research program.

**Liquefied Petroleum Gas (Grants) Act 1980**

**General administration of Act**

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

**Section 3 -**

Provides for 'Comptroller-General' to mean the Comptroller-General of Customs.

**Sub-sections 7A(5), (6), (7), (8), (8A), (8B), (8C), (9), (10), (11) and (18) -**

7A(7) - Transfers to the Comptroller-General the Minister's power to make determination (or refuse to) of eligible limit of Liquefied Petroleum Gas subsidy.

(remaining sub-sections are consequential amendments)



Sub-sections 7A(24), (25) and (26) -

Omits these now redundant sub-sections.

Section 8 -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

Paragraphs 15(p) and (q) and 15A(1) -

Consequential upon the transfer of the Minister's powers to the Comptroller-General.

Narcotic Drugs Act 1967

General administration of certain provisions

Proposed section 3 provides that the Comptroller has the general administration of -

- (a) sections 12 and 22, and sub-section 24(2); and
- (b) so much of the remaining provisions of this Act (other than sections 9, 10, 11, 13, 19 and 23 and sub-section 24(1) as relates to powers and functions under the sections and sub-section referred to in paragraph (a).

Section 25 -

Removes Comptroller's power of delegation consequential upon the Comptroller's general power of delegation included in the proposed Customs Administration Act 1985.

Nitrogenous Fertilizers Subsidy Act 1966

General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

Sub-section 3(1) (definition of "authorized person")-

Amendment consequential upon the transfer of power to the Comptroller-General to appoint authorized persons.

Sub-section 3(1)(definition of "Collector")-

Provides for 'Collector' to have the same meaning as in the Customs Act 1901.

Sub-section 3(1)(definition of "registered premises")-

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

Paragraph 5(2)(b)-

Transfers to the Comptroller-General the Minister's power to determine if subsidy is payable.

Sub-section 5(2A) -

Comptroller-General to receive notice in writing stating an intent to import goods and determine if subsidy is payable.

Section 6 -

Transfers to the Comptroller-General the Minister's powers to determine if subsidy is not payable; rate of profit; export price of goods; normal value of goods etc.

Section 11 -

Transfers to the Comptroller-General the Minister's power to direct that subsidy shall not be paid to producer.

Sub-section 14(1) -

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of subsidy.

Sub-section 15(1) -

Transfers to the Comptroller-General the Minister's power to approve terms and conditions for advances on account of subsidy.

Section 16 -

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

Section 17 -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

Section 18 -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

Section 22 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

Section 23A -

Amendment consequential upon the transfer of the Minister's powers to the Comptroller-General.

**Section 25 -**

Removes Comptroller-General's delegation power as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

**Phosphate Fertilisers Subsidy Act 1963****General administration of Act**

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

**Section 3 (definition of "authorized person") -**

Amendment consequential upon the transfer of power to the Comptroller-General.

**Section 3 (definition of "Collector") -**

Provides for 'Collector' to have the same meaning as in the Customs Act 1901.

**Section 3 (definition of "registered premises") -**

Amendment consequential upon the transfer of power to the Comptroller-General to register premises.

**Section 5 -**

Includes Comptroller-General in the uniformity provision.

**Section 7 -**

Transfers to the Comptroller-General the Minister's power to direct that subsidy not be paid to producer.

**Section 11(1) -**

Transfers to the Comptroller-General the Minister's power to approve or refuse to approve payment of subsidy.

**Sub-section 12(1) -**

Transfers to the Comptroller-General the Minister's power to approve terms and conditions for advance on account of subsidy.

**Section 13 -**

Transfers to the Comptroller-General the Minister's powers to register, refuse to register or cancel the registration of premises.

## Section 14 -

Transfers to the Comptroller-General the Minister's power to require adequate accounts to be kept.

## Section 15 -

Transfers to the Comptroller-General the Minister's power to appoint authorized persons.

## Section 19 -

Transfers to the Comptroller-General the Minister's power to require security to be given.

## Section 20A -

Amendment consequential upon the transfer of the Minister's powers to the Comptroller-General.

## Section 22 -

Removes Comptroller-General's power of delegation as a consequence of the Comptroller-General's general power of delegation included in the proposed Customs Administration Act 1985.

## Psychotropic Substances Act 1976

## General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

## Spirits Act 1906

## General administration of Act

Proposed section 2A provides that the Comptroller-General has the general administration of this Act.

## Sub-section 3(1)(definition of "Collector" and "Collector of Customs") -

Provides for 'Collector' and 'Collector of Customs' to have the same meaning as in the Customs Act 1901.

## Sub-section 3(1)(definition of "Officer" or "Officer of Customs") -

Provides for 'Officer' or 'Officer of Customs' to have the same meanings as in the Customs Act 1901.

**States Grants (Petroleum Products) Act 1965**

**General administration of Act**

Proposed section 1A provides that the Comptroller-General has the general administration of this Act.

