

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 7 May 1981

(*Minister for Business and Consumer Affairs*)

A BILL

FOR

An Act to amend the *Customs Act 1901*

5 BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Customs Amendment Act 1981*.

(2) The *Customs Act 1901*¹ is in this Act referred to as the Principal Act.

Commencement

10 2 (1) Subject to sub-section (2), this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(2) Sections 6 to 18 (inclusive), sub-section 19 (2), sections 20 to 24 (inclusive) and section 27 shall come into operation on such respective dates as are fixed by Proclamation.

15 **Interpretation**

3 Section 4 of the Principal Act is amended—

(a) by inserting after the definition of “Days” in sub-section (1) the following definition:

20 “ ‘Deputy Commissioner of Police’ means a Deputy Commissioner of Police referred to in section 6 of the *Australian Federal Police Act 1979*, and includes—

(a) an acting Deputy Commissioner of Police; and

- (b) a member of the Australian Federal Police authorized in writing by the Commissioner of Police to act on behalf of the Australian Federal Police for the purposes of this Act;” and
- (b) by inserting after the definition of “Narcotic goods” in sub-section (1) the following definition: 5
- “ ‘Narcotic-related goods’ means—
- (a) narcotic goods;
 - (b) moneys within the meaning of section 229A to which that section applies or is believed by the person in possession of the moneys to apply; 10
 - (c) goods within the meaning of section 229A to which that section applies or is believed by the person in possession of the goods to apply; or
 - (d) ships, aircraft, vehicles or animals that are, or are believed by the person in possession of them to be, forfeited goods by reason of having been used in the unlawful importation, exportation or conveyance of prohibited imports, or prohibited exports, that are narcotic goods;” 15 20

Customs control of goods

4. Section 30 of the Principal Act is amended by omitting from paragraph (a) “until delivery for home consumption” and substituting:
- “until the goods are dealt with—
- (i) in accordance with an entry of the goods for home consumption; 25
 - (ii) by virtue of an approval under section 71A;
 - (iii) by virtue of permission given under section 71B; or
 - (iv) by virtue of permission given under section 162A.”

5. Section 33 of the Principal Act is repealed and the following section is substituted: 30

Persons not to move goods subject to the control of the Customs

“33. (1) Except as authorized by this Act, a person shall not move, alter or interfere with goods that are subject to the control of the Customs.

Penalty: \$1,000.

“(2) If a person who commits an offence against sub-section (1) does the act that constitutes the offence— 35

- (a) on behalf of another person of whom he is an employee; or
- (b) at the direction or with the consent or agreement (whether express or implied) of another person,

that other person commits an offence and is punishable, on conviction, by a fine not exceeding \$1,000. 40

5 “(3) It is a defence to a charge arising under sub-section (2) if the person charged proves that he took reasonable precautions, and exercised due diligence, to prevent the person who is alleged by the charge to have moved, altered or interfered with goods in contravention of sub-section (1) from so moving, altering or interfering with those goods.

“(4) For the purposes of this section, a director of a body corporate shall be deemed to be an employee of that body.”.

Persons having possession of dutiable goods to keep them safely

10 6. Section 35A of the Principal Act is amended by omitting from paragraph (1A) (a) “by authority of an entry passed under this Act or” and substituting “in accordance with authority given under section 39 or by authority”.

Entries

7. Section 36 of the Principal Act is amended by omitting “and passed”.

Entry of goods

15 8. Section 37 of the Principal Act is amended by omitting from paragraph (2A) (a) “not passed” and substituting “authority under section 39 to deal with the goods has not been given”.

9. Sections 39 and 40 of the Principal Act are repealed and the following sections are substituted:

20 **Authority to deal with goods**

“39. (1) Subject to this Act, where an entry in respect of goods has been made, the Customs may give authority in accordance with the regulations for those goods to be dealt with in accordance with that entry.

25 “(2) Authority under this section to deal with goods may be expressed to be subject to the condition that authority for the goods to be dealt with is given under the *Quarantine Act* 1908 or another law of the Commonwealth under which authority to deal with goods may be required, and, for the purposes of this Act, where authority under this section is expressed to be subject to such a condition, it shall be deemed not to have been given unless and until the
30 authority, or each authority, referred to in the condition has been given.

“(3) Authority under this section to deal with goods in accordance with an entry may be suspended in accordance with the regulations at any time before the goods are dealt with in accordance with the entry.

Goods to be dealt with according to entry

35 “40. Where authority for goods to be dealt with in accordance with an entry has been given under section 39, the owner of the goods shall forthwith deal with the goods in accordance with the entry.

Penalty: \$250.”.

Production of commercial documents and other information

10. Section 40B of the Principal Act is amended—

- (a) by omitting from sub-section (1) “A Collector shall not pass an entry for home consumption or for warehousing in respect of goods” and substituting “Where goods have been entered for home consumption or warehousing, a Collector shall not give authority under section 39 for the goods to be dealt with in accordance with the entry”; and 5
- (b) by omitting sub-section (3) and substituting the following sub-section:

“(3) Where the owner of goods that have been entered for home consumption or for warehousing has been required to furnish documents or information under sub-section (2) in relation to the goods, a Collector shall not give authority under section 39 for the goods to be dealt with in accordance with the entry unless the requirement has been complied with or revoked.”. 10

Right to require security 15

11. Section 42 of the Principal Act is amended by omitting from sub-section (1) “pass any entry relating thereto” and substituting “give any authority under section 39 to deal with the goods”.

12. Section 59 of the Principal Act is repealed and the following section is substituted: 20

Ships and aircraft to obey signals

“59. (1) The person in command of any ship in the service of the Commonwealth on which the prescribed ensign of the ship is flying may, by means of an international signal code or other internationally recognized means of communication between ships, request the master of— 25

- (a) any Australian ship; or
- (b) any ship within 12 nautical miles of the coast of Australia, to bring his ship to for boarding for the purposes of this Act.

“(2) The person in command of any aircraft in the service of the Commonwealth on which the prescribed ensign or prescribed insignia of the aircraft is or are displayed may, by means of an international signal code or other internationally recognised means of communication between an aircraft and a ship, request the master of— 30

- (a) any Australian ship; or
- (b) any ship within 12 nautical miles of the coast of Australia, to bring his ship to for boarding for the purposes of this Act. 35

“(3) The master of a ship shall not, without reasonable excuse, refuse or fail to comply with a request made of him in pursuance of sub-section (1) or (2).

“(4) The person in command of any aircraft in the service of the Commonwealth on which the prescribed ensign or prescribed insignia of the aircraft is or are displayed may, by means of an international signal code or other 40

internationally recognized means of communication between aircraft, request the pilot of—

(a) any Australian aircraft; or

(b) any aircraft flying over Australia or the waters within 12 nautical miles of the coast of Australia,

to land his aircraft at the nearest airport for boarding for the purposes of this Act.

“(5) The pilot of an aircraft shall not, without reasonable excuse, refuse or fail to comply with a request made of him in pursuance of sub-section (4).

“(6) This section has effect subject to the obligations of Australia under international law, including obligations under any treaty or convention or any other agreement between Australia and another country or other countries.

“(7) In this section—

‘Australian aircraft’ has the same meaning as it has in the *Air Navigation Act* 1920;

‘Australian ship’ has the same meaning as it has in the *Shipping Registration Act* 1981.

Penalty: \$500.”.

Report of cargo

13. Section 64 of the Principal Act is amended—

(a) by omitting paragraph (a) and substituting the following paragraph:

“(a) the master or owner of the ship or the pilot or owner of the aircraft shall, within the prescribed time after the arrival of the ship at a port or the arrival of the aircraft at an airport, make a report of the ship or aircraft and of the cargo of the ship or aircraft in accordance with the regulations;”;

(b) by adding at the end thereof the following sub-section:

“(2) The time prescribed for the purposes of paragraph (a) of sub-section (1) may be a time prescribed in relation to all ships and aircraft, in relation to ships, in relation to aircraft, in relation to ships in a class of ships or in relation to aircraft in a class of aircraft.”.

Sight entry warrant for examination

14. Section 70 of the Principal Act is amended by omitting “on being passed by the Collector” and substituting “made in accordance with the regulations”.

Complete entry of goods after sight entry

15. Section 71 of the Principal Act is repealed and the following section is substituted:

“71. Where goods have been included in a sight entry, a person shall not make an entry in respect of those goods as required by section 68 other than an entry that refers to that sight entry.

Penalty: \$250.”.

Permission to deliver prescribed goods for home consumption without entry

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16. Section 71A of the Principal Act is amended by omitting from sub-section (1) “and passed”.

Permission to deliver goods of approved kind for home consumption without entry

17. Section 71B of the Principal Act is amended by omitting from sub-section (1) “and passed”.

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18. Section 72 of the Principal Act is repealed and the following section is substituted:

Failure to make entries

“72. (1) Where—

(a) imported goods are required to be entered; and

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(b) an entry is not made in respect of the goods within such period commencing on the importation of the goods as is prescribed, or any further period allowed by a Collector,

a Collector may cause the goods to be removed to a warehouse or such other place of security as the Collector directs.

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“(2) Where goods that have been, or may be, removed under sub-section (1) are live animals or are of a perishable or hazardous nature and a Collector considers it expedient to do so without delay, the Collector may sell the goods.

“(3) A Collector has a lien on goods for any expenses incurred by him in connection with their removal under sub-section (1) and for any warehouse rent or similar charges incurred in relation to the goods.

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“(4) Where—

(a) goods are removed under sub-section (1); and

(b) all things that are required to be done to enable authority to deal with the goods to be given under section 39, including the making of an entry in respect of the goods, are not done within such period commencing on the removal of the goods as is prescribed,

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a Collector may sell those goods.

“(5) A period prescribed for the purposes of sub-section (1) or paragraph (b) of sub-section (4) may be a period prescribed in relation to all goods or in relation to goods in a class of goods.”.

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Breaking bulk

19. (1) Section 73 of the Principal Act is amended by omitting “three nautical miles” and substituting “12 nautical miles”.

(2) Section 73 of the Principal Act is amended by omitting “for which entry has been passed” and substituting “authority to deal with which has been given under section 39”.

Authority for unshipment

5 **20.** Section 74 of the Principal Act is amended by omitting “An entry passed” and substituting “Authority to deal with the goods given under section 39”.

Authority for exportation of goods to be given

10 **21.** Section 115 of the Principal Act is amended by omitting “the entry has been passed” and substituting “authority given under section 39 to deal with the goods in accordance with the entry has been produced to him.”.

Entry not required for ship’s or aircraft’s stores

22. Section 130A of the Principal Act is amended by omitting “and passed”.

Declared period quotas—effect on rates of import duty

15 **23.** Section 132B of the Principal Act is amended by omitting from sub-sections (4) and (8) “the entry is passed” and substituting “authority to deal with the goods is given under section 39”.

24. Sections 184 and 185 of the Principal Act are repealed and the following sections are substituted:

20 **Power to pursue ships and aircraft**

“184. (1) Where the master of a ship refuses or fails to comply with a request under sub-section (1) or (2) of section 59 to bring the ship to for boarding, the person in command of any ship in the service of the Commonwealth on which the prescribed ensign of the ship is flying or of any aircraft in the service of the Commonwealth on which the prescribed ensign or prescribed insignia of the aircraft is or are displayed may use his ship or aircraft to chase, and, after firing a gun as a signal, fire at or into, the first-mentioned ship in order to compel it to be brought to for boarding.

30 “(2) Where the pilot of an aircraft refuses or fails to comply with a request under sub-section (4) of section 59 to land the aircraft for boarding, the person in command of any aircraft in the service of the Commonwealth on which the prescribed ensign or prescribed insignia of the aircraft is or are displayed may use his aircraft to chase, and, after firing a gun as a signal, fire at or into, the first-mentioned aircraft in order to compel it to be landed for boarding.

35 **Search, &c., of ships and aircraft near Australia**

“185. (1) This section applies in relation to, and only in relation to, a ship that has been brought to, or an aircraft that has been landed, for boarding following a request under section 59.

“(2) An officer may—

40 (a) board and search the ship or aircraft;

- (b) search any goods found on the ship or aircraft;
- (c) require all persons found on the ship or aircraft to answer questions, and produce any documents in their possession, in relation to—
 - (i) the ship or aircraft, its voyage or flight and its cargo, stores, crew and passengers; or 5
 - (ii) the presence of those persons on the ship or aircraft; and
- (d) arrest without warrant any person found on the ship or aircraft who he believes on reasonable grounds has committed, is committing or attempting to commit, or is otherwise concerned in the commission of, an offence against this Act. 10

“(3) If an officer suspects on reasonable grounds that the ship or aircraft has been, is being, or is about to be, used or otherwise involved in the commission or attempted commission of an offence against this Act, he may detain it and bring it, or cause it to be brought, to such port or airport as he thinks fit.

“(4) A person shall not, without reasonable excuse, refuse or fail to comply with a requirement made by an officer under this section. 15

Penalty: \$1,000.

“(5) In this section, ‘officer’ includes any person who is in command, or a member of the crew, of the ship or aircraft from which the relevant request to bring to or land was made under section 59 or of any ship or aircraft that was used under section 184 to chase the ship or aircraft in relation to which this section applies. 20

“(6) In this section—

- (a) a reference to a person found on the ship or aircraft includes a reference to a person suspected on reasonable grounds by an officer of having landed from or left the ship or aircraft; and 25
- (b) a reference to goods found on the ship or aircraft includes a reference to goods suspected on reasonable grounds by an officer of having been removed from the ship or aircraft.”.

25. After section 196B of the Principal Act the following section is inserted: 30

Power to question persons claiming packages

“196C. (1) Where a person requests an officer of Customs to approve the delivery of goods for home consumption in accordance with section 71A, the officer may—

- (a) request the person to state his full name and residential address; 35
- (b) ask the person whether he is the owner of the goods;
- (c) where the person states that he is not the owner of the goods, request the person to state the full name and residential address of the owner of the goods; and
- (d) request the person to produce evidence of the correctness of the information given by him in compliance with a request made of him in pursuance of paragraph (a) or (c). 40

“(2) A person shall not, without reasonable excuse, refuse or fail to comply with a request made of him, or to answer a question put to him, in pursuance of sub-section (1).

Penalty: \$1,000.

5 “(3) Where a person refuses or fails to comply with a request made of him, or to answer a question put to him, by an officer of Customs in pursuance of sub-section (1), the officer may—

(a) detain the person for the purposes of establishing his identity; or

10 (b) if the officer believes on reasonable grounds that there is no reasonable excuse for the person refusing or failing to so comply, detain the person and take him, without undue delay, before a Magistrate to be charged with an offence against sub-section (2).

“(4) In this section, ‘owner’, in relation to goods, means a person who has an interest in the goods.”.

15 **26.** Sections 203 to 208 (inclusive) of the Principal Act are repealed and the following sections are substituted:

Power to seize goods

“203. (1) In this section, ‘authorized person’ means—

- 20 (a) a member of the Defence Force;
(b) an officer of Customs; or
(c) an officer of police.

“(2) An authorized person may seize any forfeited goods or any goods that he believes on reasonable grounds are forfeited goods.

25 “(3) Without limiting the generality of sub-section (2), the power to seize goods under that sub-section may be exercised at sea or in any other waters.

Seized goods to be secured

“204. (1) In this section, ‘approved place’, in relation to goods, means a place approved by a Collector as a place for the storage of a class or kind of goods in which those goods are included.

30 “(2) Where an officer of Customs seizes any goods other than narcotic-related goods under this Act, he shall take those goods to an approved place.

“(3) Where a person other than an officer of Customs seizes any goods other than narcotic-related goods under this Act, he shall forthwith deliver the goods into the custody of an officer of Customs.

35 “(4) Where a person other than a member of the Australian Federal Police seizes any narcotic-related goods under this Act, he shall forthwith deliver the goods into the custody of a member of the Australian Federal Police.

“(5) Where goods are delivered to an officer of Customs in accordance with sub-section (3), the officer shall—

- (a) except where paragraph (b) applies—deliver the goods to an approved place; or
- (b) where the goods are delivered to him at an approved place, leave the goods at that place. 5

Seized goods

“205. (1) In this section—

‘appropriate person’ means—

- (a) in relation to goods other than narcotic-related goods— 10
 - (i) the Comptroller;
 - (ii) a Collector of Customs for a State or Territory; or
 - (iii) a principal officer of Customs; and
- (b) in relation to narcotic-related goods—
 - (iv) the Commissioner of Police; or 15
 - (v) a Deputy Commissioner of Police;

‘responsible person’ means—

- (a) in relation to goods other than narcotic-related goods—the officer of Customs who seized the goods or to whom the goods were delivered under sub-section (3) of section 204; or 20
- (b) in relation to narcotic-related goods—the member of the Australian Federal Police who seized the goods or to whom the goods were delivered under sub-section (4) of section 204.

“(2) Subject to this section, where goods are seized under section 203, the responsible person shall, as soon as is practicable, serve on the owner of the goods or the person who had possession, custody or control of the goods immediately before they were seized, either personally or by post, a notice in writing— 25

- (a) identifying the goods;
- (b) stating that the goods have been seized under section 203 and specifying the reason for the seizure; 30
- (c) setting out the terms of the provisions of sub-section (6); and
- (d) specifying, and setting out the address of, an appropriate person and stating that any notice under sub-section (6) is to be given to that person. 35

“(3) If a notice under sub-section (2) in respect of a ship or aircraft cannot conveniently be served in a manner required by that sub-section, that notice may be served by being affixed to a prominent part of the ship or aircraft.

“(4) A responsible person is not required to serve a notice under sub-section (2) in relation to goods if, after making such inquiries as he thinks appropriate, he does not have sufficient information to enable him to serve the notice. 40

“(5) Where—

- (a) a notice under sub-section (2) has not been served in respect of goods seized under section 203; and
- (b) within 30 days after the day on which the goods were seized, a person who claims to be a person entitled to be served with that notice gives an appropriate person sufficient information, in writing, to enable that notice to be served,

that appropriate person shall forthwith convey that information to the responsible person.

“(6) Where a notice under sub-section (2) is served in respect of goods seized under section 203, the goods shall be deemed to be condemned as forfeited to the Crown unless, within 30 days after the day on which the notice was served, the owner of the goods or the person who had possession, custody or control of the goods immediately before they were seized gives notice, in writing, to the appropriate person specified in the notice under sub-section (2) stating that he claims the goods.

“(7) Where, within 30 days after the day on which goods were seized under section 203—

- (a) a notice has not been served in respect of the goods by virtue of sub-section (4); and
- (b) a person claiming to be a person entitled to be served with that notice has not given an appropriate person sufficient information to enable that notice to be served,

the goods shall, on the expiration of that period of 30 days, be deemed to be condemned as forfeited to the Crown.

“(8) Where a notice under sub-section (2) is served in respect of goods seized under section 203, the goods shall, for the purposes of this Act, be taken to be in the possession of the appropriate person specified in the notice.

Destruction of perishable goods

“206. Notwithstanding sub-sections (6) and (7) of section 205, any live animal or goods of a perishable or hazardous nature seized under section 203 may be sold or destroyed in accordance with the directions of—

- (a) where the animal is, or the goods are, goods other than narcotic-related goods—a Collector; or
- (b) in any other case—the Commissioner of Police or a Deputy Commissioner of Police.

Dealing with seized ships that are unseaworthy

“207. (1) This section applies to a ship—

- (a) that is in the possession of a Collector or a member of the Australian Federal Police by reason of having been seized as forfeited;
- (b) that has not been condemned; and

- (c) that the Collector or member has not been ordered by a court to deliver to another person.

“(2) Where a Collector or a member of the Australian Federal Police in possession of a ship to which this section applies is satisfied that the ship is so unseaworthy that the custody or maintenance of the ship creates serious difficulties, the Collector or member may sell the ship or cause the ship to be destroyed.

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Seized goods may be returned on security

“208. (1) The Comptroller or a Collector of Customs for a State or Territory may authorize any goods other than narcotic-related goods seized under section 203 to be delivered to a person claiming those goods under sub-section (6) of section 205 on that person giving security to pay the value of those goods if they are condemned as forfeited to the Crown.

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“(2) The Commissioner of Police or a Deputy Commissioner of Police may authorize any narcotic-related goods, other than narcotic goods, seized under section 203 to be delivered to a person claiming those goods under sub-section (6) of section 205 on that person giving security to pay the value of those goods if they are condemned as forfeited to the Crown.

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Collector may retain goods and require owner to proceed for restoration

“208A. (1) Where notice under sub-section (6) of section 205 is given in respect of any goods seized under section 203, the Collector or member of the Australian Federal Police who is in possession of the goods may—

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- (a) retain possession of the goods without taking any proceedings for the condemnation of the goods; and
- (b) may serve on the person who gave that notice, either personally or by post, a notice in writing requiring him to bring an action against him within 4 months of the service of the notice for the recovery of the goods or of the security given under section 206 in respect of the goods, as the case requires.

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“(2) Where—

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- (a) a notice under paragraph (b) of sub-section (1) in relation to goods is given; and
- (b) the person to whom the notice was given does not, within 4 months after the service of the notice, bring an action for the recovery of the goods or of the security in respect of the goods, as the case requires,

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the goods shall be deemed to be condemned as forfeited to the Crown without any further proceedings.

Proceedings relating to goods sold

“208B. (1) Notwithstanding that goods have been sold or destroyed under section 206 or 207, a person may claim the goods under section 205, and proceedings for the recovery or condemnation of the goods may be instituted

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or continued, as if the goods were in the condition they were in immediately before they were sold or destroyed and remained in the possession of a Collector or a member of the Australian Federal Police.

5 “(2) If, in any proceedings for the recovery or condemnation of goods sold or destroyed under section 206 or 207, the court decides that it would, but for the sale or destruction, have ordered that the goods be delivered to a person, the court shall order the payment by the Commonwealth to that person of an amount equal to—

- (a) where the goods have been sold—the proceeds of the sale; or
- 10 (b) where the goods have been destroyed—the market value of the goods at the time of their destruction.”.

Service by post

15 “208C. For the purposes of the application of section 29 of the *Acts Interpretation Act* 1901 to the service by post of a notice under sub-section (2) of section 205 or paragraph (b) of sub-section (1) of section 208A on a person, such a notice posted as a letter addressed to that person at the last address of that person known to the sender shall be deemed to be properly addressed.

Disposal of forfeited goods

20 “208D. All goods seized under section 203 that are condemned, or deemed under sub-section (6) or (7) of section 205 or sub-section (2) of section 208A to be condemned, as forfeited to the Crown shall be dealt with and disposed of in accordance with the directions of—

- (a) in the case of goods other than narcotic-related goods—the Comptroller; or
- 25 (b) in the case of narcotic-related goods—the Commissioner of Police or a Deputy Commissioner of Police.

Sales subject to conditions

30 “208E. Where a ship or aircraft is sold under section 207 or sold or otherwise disposed of under section 208D, the ship or aircraft may be sold or disposed of subject to conditions, including, without limiting the generality of the foregoing—

- (a) a condition that, before the expiration of a period specified in the condition, the ship or aircraft is to be exported from Australia; or
- 35 (b) a condition that, before the expiration of a period specified in the condition, the ship or aircraft is to be broken up.”.

Collector may require further proof of proper entry

27 Section 216 of the Principal Act is amended by omitting “pass any entry relating thereto” and substituting “give an authority under section 39 to deal with the goods”.

Time for commencing action

28. (1) Section 226 of the Principal Act is amended—

(a) by omitting from sub-section (1) “six months” and substituting “12 months”; and

(b) by omitting from paragraph (2) (b) “six months” and substituting “12 months”. 5

(2) The amendment made by paragraph (a) of sub-section (1) applies in relation to any Customs Tariff or Customs Tariff alteration proposed in the Parliament after 23 February 1981.

(3) The amendment made by paragraph (b) of sub-section (1) applies in relation to any notice of intention to propose a Customs Tariff or a Customs Tariff alteration published after 23 February 1981. 10

Forfeited ships and aircraft

29. Section 228 of the Principal Act is amended—

(a) by omitting paragraphs (2) and (3) and substituting the following paragraphs: 15

“(2) Any ship failing to be brought to for boarding upon its master being properly requested under section 59 to bring it to.

“(3) Any aircraft failing to land at an airport for boarding upon its pilot being properly requested under section 59 to land the aircraft.”; 20
and

(b) by omitting paragraph (6) and substituting the following paragraph:

“(6) Any ship or aircraft which on being boarded in pursuance of section 59, 185 or 187 is found to be constructed, adapted, altered or fitted in any manner for the purpose of concealing goods.”. 25

Forfeited goods

30. Section 229 of the Principal Act is amended—

(a) by inserting after paragraph (1) (ba) the following paragraph:

“(bb) Any goods sold under section 207 or sold or otherwise disposed of under section 208D subject to a condition that has not been complied with.”; and 30

(b) by omitting paragraph (k).

Proceeds of drug trafficking liable to forfeiture

31. Section 229A of the Principal Act is amended by omitting from sub-section (6) “208” and substituting “208E”. 35

Customs offences

32. Section 234 of the Principal Act is amended—

(a) by inserting in paragraph (e) “, delivered or furnished” after “produced”; and

- (b) by omitting from paragraph (e) “or deliver” and substituting “, deliver or furnish”.

Interpretation

5 **33.** Section 243A of the Principal Act is amended by inserting after the definition of “Court” in sub-section (1) the following definition:

“ ‘Minister’ means the Minister of State for Administrative Services;”.

Application of penalties

34. Section 264 of the Principal Act is amended by adding at the end thereof the following sub-section:

- 10 “(2) This section does not apply to—
- (a) penalties recovered in proceedings under sub-section (1) of section 243B;
- (b) penalties recovered in proceedings instituted by a member of the Australian Federal Police; or
- 15 (c) forfeitures of narcotic-related goods.”.

Notification of proposals when House of Representatives is not sitting

35. Section 273EA of the Principal Act is amended by omitting from sub-section (1) “such time after the publication of the notice as is specified in the notice” and substituting:

- 20 “such time as is specified in the notice, not being—
- (a) in the case of a Customs Tariff or Customs Tariff alteration that could have the effect of making the duty payable by any person importing goods greater than the duty that would, but for that Customs Tariff or Customs Tariff alteration, be payable—a time earlier than the
- 25 time of publication of the notice; or
- (b) in any other case—a time earlier than 6 months before the time of publication of the notice.”.

Police

36. The Principal Act is amended as set out in Schedule 1.

30 **Formal Amendments**

37. The Principal Act is amended as set out in Schedule 2.

Transitional

35 **38.** Notwithstanding the amendments made by sections 26 and 31 to the *Customs Act* 1901 as in force immediately before the commencement of this section, sections 204 to 208 (inclusive) and section 229A of that Act as so in force continue to apply in relation to any goods seized under section 203 of that Act as so in force as if those amendments had not been made.

SCHEDULE 1

Section 36

AMENDMENTS RELATING TO POLICE

The following provisions of the Principal Act are amended by inserting “, the Commissioner of Police” after “Minister” (wherever occurring):

Sub-sections 243B (1), 243E (1) and (6), paragraph 243F (2) (b) and sub-sections 243G (1) and 243L (1).

SCHEDULE 2

Section 37

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting “boat” (wherever occurring):

Sections 31, 187 and 189 and paragraphs 228 (1), (4) and (5).

2. The Principal Act is further amended as set out in the following table:

Provision	Amendment
Sub-section 4 (1) (Definition of “goods”)	Omit “, boats”.
Section 14	Omit “vessels boats”, substitute “ships”.
Section 19	Omit “One hundred dollars”, substitute “\$100”.
Section 37	Omit “Two hundred dollars”, substitute “\$200”.
Paragraph 40AA (4) (a)	Omit “One thousand dollars”, substitute “\$1,000”.
Paragraph 40A (1) (a)	Omit “seven”, substitute “7”.
Paragraph 40A (4) (b)	Omit “six”, substitute “6”.
Section 45	Omit “three”, substitute “3”.
Section 58	Omit “One thousand dollars”, substitute “\$1,000”.
Sub-section 60 (1)	Omit “Two hundred and fifty dollars”, substitute “\$250”.
Sub-section 60 (2)	Omit “Two hundred and fifty dollars”, substitute “\$250”.
Sub-section 60 (3)	Omit “Two hundred and fifty dollars”, substitute “\$250”.
Section 61	Omit “One hundred dollars”, substitute “\$100”.
Section 62	Omit “One hundred dollars”, substitute “\$100”.
Section 63	Omit “One hundred dollars”, substitute “\$100”.
Section 64	Omit “Five hundred dollars”, substitute “\$500”.
Sub-section 65 (1)	Omit “One hundred dollars”, substitute “\$100”.
Sub-section 65 (2)	Omit “One hundred dollars”, substitute “\$100”.
Section 66	Omit “One hundred dollars”, substitute “\$100”.
Section 67	Omit “One hundred dollars”, substitute “\$100”.
Paragraph 71B (4) (a)	Omit “One thousand dollars”, substitute “\$1,000”.
Section 73	Omit “Five hundred dollars”, substitute “\$500”.
Section 74	Omit “Five hundred dollars”, substitute “\$500”.
Section 113	(a) Omit “fifty”, substitute “50”. (b) Omit “Five hundred dollars”, substitute “\$500”.
Paragraph 116 (1)	Omit “three”, substitute “3”.
Section 116	Omit “One hundred dollars”, substitute “\$100”.
Section 118	Omit “Five hundred dollars”, substitute “\$500”.
Sub-section 119 (2)	(a) Omit “twenty-four”, substitute “24”. (b) Omit “fourteen”, substitute “14”.
Section 120	Omit “Two hundred and fifty dollars”, substitute “\$250”.
Sub-section 123 (1)	Omit “Five hundred dollars”, substitute “\$500”.
Sub-section 123 (2)	Omit “Five hundred dollars”, substitute “\$500”.
Section 124	Omit “Two hundred and fifty dollars”, substitute “\$250”.
Section 125	Omit “Two hundred and fifty dollars”, substitute “\$250”.
Paragraph 129 (3) (a)	Omit “One thousand dollars”, substitute “\$1,000”.
Section 131A	Omit “vessel” (wherever occurring), substitute “ship”.
Paragraph 162 (3) (b)	Omit “twelve”, substitute “12”.
Paragraph 162A (5) (b)	Omit “twelve”, substitute “12”.
Paragraph 167 (4) (a)	Omit “six”, substitute “6”.
Paragraph 167 (4) (b)	Omit “six”, substitute “6”.
Section 176	Omit “Five hundred dollars”, substitute “\$500”.
Paragraph 183L (a)	Omit “sixteen”, substitute “16”.
Paragraph 183L (b)	Omit “sixteen”, substitute “16”.
Section 188	Omit “Two hundred and fifty dollars”, substitute “\$250”.
Section 191	Omit “Two hundred and fifty dollars”, substitute “\$250”.

SCHEDULE—continued

Provision	Amendment
Section 192	Omit "Five hundred dollars", substitute "\$500".
Section 194	Omit "vessel or boat" (wherever occurring), substitute "ship".
Section 197	Omit "One hundred dollars", substitute "\$100".
Section 197A	Omit "One hundred dollars", substitute "\$100".
Section 202	Omit "One hundred dollars", substitute "\$100".
Section 207	Omit "four", substitute "4".
Sub-section 210 (2)	Omit "One hundred dollars", substitute "\$100".
Sub-section 214 (1)	(a) Omit "five", substitute "5". (b) Omit "One thousand dollars", substitute "\$1,000".
Section 225	Omit "six", substitute "6".
Paragraph 226 (2) (a)	Omit "six", substitute "6".
Section 228	(a) Omit "two hundred and fifty" (wherever occurring), substitute "250". (b) Omit "Ten thousand dollars", substitute "\$10,000".
Sub-section 231 (1)	Omit "two", substitute "2".
Paragraph 231 (1) (d)	Omit "two", substitute "2".
Section 232	Omit "five", substitute "5".
Section 232A	(a) Omit "Five hundred dollars", substitute "\$500". (b) Omit "two", substitute "2".
Sub-section 233 (1)	Omit "One thousand dollars", substitute "\$1,000".
Sub-section 233A (1)	(a) Omit "or boat". (b) Omit "boat" (second occurring).
Paragraph 233A (2) (a)	Omit "One thousand dollars", substitute "\$1,000".
Sub-section 233B (1c)	Omit "two", substitute "2".
Section 234	Omit "One thousand dollars", substitute "\$1,000".
Sub-section 234A (1)	Omit "One hundred dollars", substitute "\$100".
Section 238	Omit "Fifty dollars", substitute "\$50".
Section 240	Omit "three", substitute "3".
Section 242	(a) Omit "six", substitute "6". (b) Omit "two", substitute "2".
Section 245	Omit "One thousand dollars", substitute "\$1,000".
Section 246	(a) Omit "Two hundred dollars", substitute "\$200". (b) Omit "seven", substitute "7".
Section 249	Omit "five", substitute "5".
Sub-section 270 (2)	Omit "Two hundred and fifty dollars", substitute "\$250".
Sub-section 273EA (1)	Omit "seven", substitute "7".
Sub-section 275A (2)	Omit "One thousand dollars", substitute "\$1,000".
Sub-section 275A (3)	Omit "of this section".
Paragraph 275A (3) (a)	Omit "three", substitute "3".
Sub-section 275A (4)	Omit "of this section".

NOTE

1. No. 6, 1901, as amended. For previous amendments, see No. 21, 1906; Nos. 9 and 36, 1910; No. 19, 1914; No. 10, 1916; No. 41, 1920; No. 19, 1922; No. 12, 1923; No. 22, 1925; No. 6, 1930; Nos. 7 and 45, 1934; No. 7, 1935; No. 85, 1936; No. 54, 1947; No. 45, 1949; Nos. 56 and 80, 1950; No. 56, 1951; No. 108, 1952; No. 47, 1953; No. 66, 1954; No. 37, 1957; No. 54, 1959; Nos. 42 and 111, 1960; No. 48, 1963; Nos. 29, 82 and 133, 1965; No. 28, 1966; No. 54, 1967; Nos. 14 and 104, 1968; Nos. 12 and 134, 1971; No. 162, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 28 and 120, 1974; Nos. 56, 77 and 107, 1975; Nos. 41, 91 and 174, 1976; No. 154, 1977; Nos. 36 and 183, 1978; Nos. 92, 116, 177 and 180, 1979; and Nos. 13, 15 and 110, 1980.

