

ABSTRACT OF THE SCHEDULE TO WHICH THIS ACT
REFERS.

—	Estimate.
ORDINARY VOTES.	£
II.—The Department of External Affairs	424,750
IV.—The Department of Home Affairs	40,000
VII.—The Department of Defence	3,200
TOTAL ORDINARY VOTES	467,950

C U S T O M S .

No. 36 of 1910.

An Act to amend the *Customs Act* 1901.

[Assented to 1st December, 1910.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Customs Act* 1910.

Short title and citation.

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

(3.) The Principal Act, as amended by this Act, may be cited as the *Customs Act* 1901-1910.

2. Section thirty of the Principal Act is amended by adding thereto the following paragraph :—

Amendment of s. 30.

“(d) As to all goods for export, the exportation of which is subject to compliance with any condition or restriction under any Act or regulation—from the time the goods are made or prepared in, or are brought into, any prescribed place for export, until their exportation to parts beyond the seas.”

3. Section seventy-one of the Principal Act is repealed and the following section substituted in its stead :—

“71.—(1.) The owner of the goods included in a sight entry shall, within seven days after the passing of the entry, make complete entry thereof.

Complete entry of goods after sight entry.

“(2.) A complete entry of the goods included in a sight entry shall be made in same manner as if the sight entry had not been made.”

4. Section one hundred and twelve of the Principal Act is repealed and the following sections substituted in its stead :—

Power to prohibit the export of goods.

“112.—(1.) The Governor-General may, by proclamation, prohibit the exportation of any goods—

- (a) being arms, explosives, military stores, or naval stores, or being goods which, in his opinion, are capable of being used as or in the manufacture of arms, explosives, military stores, or naval stores, or for any purpose of war ; or
- (b) the exportation of which would, in his opinion, be harmful to the Commonwealth ; or
- (c) the prohibition of the exportation of which is, in his opinion, necessary for the preservation of the flora or fauna of Australia ; or
- (d) which have not been prepared or manufactured for export under the prescribed conditions as to purity, soundness, or freedom from disease, or which do not conform to the prescribed conditions as to purity, soundness, or freedom from disease ; or
- (e) the prohibition of the exportation of which is, in his opinion, necessary for the protection of the revenue, or the prevention of fraud or deception.

“(2.) The power contained in sub-section (1.) of this section shall extend to authorize the prohibition of the exportation of goods generally, or to any specified place, and either absolutely or so as to allow of the exportation of the goods subject to any condition or restriction.

“(3.) All goods the exportation of which is prohibited shall be prohibited exports to the extent to which the prohibition extends.

“Any proclamation made under paragraph (b) shall be notified to each House within seven days of the issue of such proclamation if the Parliament is in session, but if not in session then within seven days after the meeting of Parliament.

Inter-State conveyance of prohibited exports.

“112A. A proclamation under the preceding section may prohibit the transfer from any State to any other State of any goods the exportation of which is prohibited by the proclamation, unless the transfer is carried out under and subject to the regulations.”

5. Section one hundred and sixty-seven of the Principal Act is repealed and the following section substituted in its stead :—

Duty paid to be deemed proper duty unless paid under protest.

“167.—(1.) If any dispute arises as to the amount or rate of duty payable in respect of any goods, or as to the liability of any goods to duty, under any Customs Tariff, or under any proposed Tariff or Tariff alteration, the owner of the goods may pay under protest the sum demanded by the Collector as the duty payable in respect of the goods, and thereupon the sum so paid shall, as against the owner of the goods, be deemed to be the proper duty payable in respect of the goods, unless the contrary is determined in an action brought in pursuance of this section.

“(2.) The owner may, within the times limited in this section, bring an action against the Collector, in any Commonwealth or State Court of competent jurisdiction, for the recovery of the whole or any part of the sum so paid.

“(3.) A protest in pursuance of this section shall be made by writing on the entry of the goods the words ‘Paid under protest’ and adding the signature of the owner of the goods or his agent.

“(4.) No action shall lie for the recovery of any sum paid to the Customs as the duty payable in respect of any goods, unless the payment is made under protest in pursuance of this section and the action is commenced within the following times :—

- (a) In case the sum is paid as the duty payable under any Customs Tariff, within six months after the date of the payment ; or
- (b) In case the sum is paid as the duty payable under a proposed Tariff or Tariff alteration, within six months after the Act, by which the proposed Tariff or Tariff alteration is made law, is assented to.

“(5.) Nothing in this section shall affect any rights or powers under section one hundred and sixty-three of this Act.

“(6.) In this section—

- ‘proposed Tariff’ means any Customs Tariff proposed in the Parliament ; and
- ‘Tariff alteration’ means any alteration of a proposed Tariff.”

6. Section one hundred and ninety-five of the Principal Act is amended by inserting therein, after the words “dutiabie goods,” the words “ or prohibited imports or prohibited exports.” Amendment of s. 195.

7. Section one hundred and ninety-six of the Principal Act is amended by inserting therein, after the words “control of the Customs,” the words “ or any prohibited imports or any prohibited exports.” Amendment of s. 196.

8. Section one hundred and ninety-nine of the Principal Act is amended by omitting therefrom the words “one month ” and inserting in their stead the words “three months.” Amendment of s. 199.

9. Section two hundred and ten of the Principal Act is repealed and the following section substituted in its stead :—

“210.—(1.) Any officer of Customs or police may without warrant arrest any person who he has reasonable ground to believe is guilty of committing, or attempting to commit, or of being concerned in the commission of, any of the following offences :—

- (a) smuggling,
- (b) importing any prohibited imports,
- (c) exporting any prohibited exports, or
- (d) unlawfully conveying or having in his possession any smuggled goods, prohibited imports, or prohibited exports.

Arrest of persons suspected of smuggling, &c

“(2.) No person shall resist, obstruct, or prevent the arrest of any person in pursuance of this section.

Penalty : Twenty pounds.”

Amendment of
s. 228.

10. Section two hundred and twenty-eight of the Principal Act. is amended by inserting in paragraph (1) after the word “smuggling” the words “or knowingly used in the unlawful importation, exportation, or conveyance of any prohibited imports or prohibited exports.”

11. Section two hundred and thirty-three of the Principal Act is repealed and the following sections substituted in its stead :—

Smuggling and
unlawful
importation
and exportation.

“233.—(1.) No person shall—

- (a) smuggle any goods ; or
- (b) import any prohibited imports ; or
- (c) export any prohibited exports ; or
- (d) unlawfully convey or have in his possession any smuggled goods or prohibited imports or prohibited exports.

Penalty : One hundred pounds.

“(2.) It shall not be lawful for any person to convey or have in his possession without reasonable excuse (proof whereof shall lie upon him) any smuggled goods or prohibited imports.

“(3.) It shall not be lawful for any person to convey or have in his possession any prohibited exports with intent to export them or knowing that they are intended to be unlawfully exported.

“(4.) Merchandise on board a ship calling at any port in Australia, but intended for and consigned to some port or place outside Australia, shall not be deemed to be unlawfully imported into Australia if the goods are specified on the ship’s manifest and are not transhipped or landed in Australia or are transhipped or landed by authority.

Master not to
use or allow use
of ship for
smuggling, &c.

“233A. The master of a ship or boat shall not use his ship or boat, or knowingly suffer her to be used, in smuggling, or in the importation of any goods in contravention of this Act, or in the exportation or conveyance of any goods in contravention of this Act.

Penalty : One hundred pounds.

Special provision
in relation to
prohibited
imports.

“233B.—(1.) Any person who—

- (a) without any reasonable excuse (proof whereof shall lie upon him) has in his possession, on board any ship, any prohibited imports to which this section applies, or
- (b) imports, or attempts to import, into Australia any prohibited imports to which this section applies, or
- (c) without reasonable excuse (proof whereof shall lie upon him) has in his possession any prohibited imports to which this section applies which have been imported into Australia in contravention of this Act, or
- (d) aids, abets, counsels, or procures, or is in any way knowingly concerned in, the importation into Australia of any prohibited imports to which this section applies, or

(e) fails to disclose to an officer on demand any knowledge in his possession or power concerning the importation or intended importation into Australia of any prohibited imports to which this section applies,

shall be guilty of an offence against this Act.

Penalty : Imprisonment for not less than three months and not more than two years.

“(2.) This section shall apply to all prohibited imports to which the Governor-General by proclamation declares that it shall apply.

“(3.) An offence against this section shall be punishable on summary conviction.

“(4.) This section shall not prevent any person from being proceeded against for an offence against any other section of this Act, but he shall not be liable to be punished twice in respect of any one offence.”

12. After section two hundred and forty-five of the Principal Act the following section is inserted:—

“245A.—(1.) Where any Customs prosecution has been instituted by an officer in the name of the Collector, the prosecution shall, in the absence of evidence to the contrary, be deemed to have been instituted by the authority of the Collector.

Evidence of authority to institute proceedings.

“(2.) The production of a telegram purporting to be signed by the Collector, and purporting to authorize an officer to institute any Customs prosecution or proceedings, shall be admissible in evidence in the prosecution or proceedings and shall be accepted as evidence of the authority of the officer to institute the prosecution or proceedings in the name of the Collector.”

13. After section two hundred and fifty of the Principal Act the following section is inserted:—

“250A. Where in any proceedings on behalf of the Customs in relation to any goods subject to the control of the Customs it is necessary to allege any property in the goods, the goods may be alleged to be the property of the Collector without mentioning his name.”

Property in goods subject to control of Customs.

14. Section two hundred and sixty-five of the Principal Act is amended—

Amendment of s. 265.

(a) by inserting therein, after the word “order”, the words “a notification of”; and

(b) by omitting therefrom the word “forthwith”.

15. Section two hundred and seventy of the Principal Act is amended by adding thereto the following words and sub-section:—
“and in particular for prescribing—

Amendment of s. 270.

“(a) the nature, size, and material of the packages in which imported goods, or goods for export, or goods for conveyance coastwise from any State to any other State, are to be packed, or the coverings in which they are to be wrapped;

- (b) the maximum or minimum weight or quantity of imported goods, or goods for export, or goods for conveyance coastwise from any State to any other State which may be contained in any one package ;
- (c) the conditions of preparation or manufacture for export of any articles used for food or drink by man or used in the manufacture of articles used for food or drink by man ; and
- (d) the conditions as to purity, soundness, and freedom from disease to be conformed to by goods for export.
- “(2.) The regulations may prescribe penalties not exceeding Fifty pounds in respect of any contravention of any of the regulations.”

D E F E N C E .

No. 37 of 1910.

An Act to amend the *Defence Act* 1903-1909.

[Assented to 1st December, 1910.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title and citation.

1.—(1.) This Act may be cited as the *Defence Act* 1910.

(2.) The *Defence Act* 1903-1909 is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Defence Act* 1903-1910.

Parts.

2. Section two of the Principal Act is amended by omitting, from the reference to Part II., the words “Division 1.—Officers and Military Districts, ss. 8-28.” and the words “Division 2.—Naval and Military College, s. 29.”

Resignation of commission.

3. Section seventeen of the Principal Act is amended by adding thereto the following sub-section :—

“(2.) Where an officer resigns his commission before completing twelve years' service as an officer, his service as an officer shall not, except under special circumstances as prescribed, be reckoned towards the service required under Part XII. of this Act.”