

CUSTOMS.

No. 54 of 1959.

An Act to amend the *Customs Act* 1901-1957, and for other purposes.

[Assented to 22nd May, 1959.]

BE it enacted by the Queen'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* 1959.

(2.) The *Customs Act* 1901-1957* is in this Act referred to as the Principal Act.

Short title
and citation.

* Act No. 6, 1901, as amended by No. 21, 1906; Nos. 9 and 36, 1910; No. 19, 1914; No. 14, 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; and No. 37, 1957.

(3.) The Principal Act, as amended by this Act, may be cited as the *Customs Act 1901-1959*.

2.—(1.) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent. Commence-
ment.

(2.) Sections three, four, nine, ten, eleven, thirteen, fifteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-nine of this Act shall come into operation on a date to be fixed by Proclamation.

(3.) Sections six, seven, eight and seventeen of this Act shall come into operation on the first day of January, One thousand nine hundred and sixty.

3. Section three of the Principal Act is repealed and the following section inserted in its stead :—

“ 3. This Act is divided into Parts, as follows:— Parts.

Part I.—Introductory (Sections 1-5).

Part II.—Administration (Sections 6-29).

Part III.—Customs Control Examination Entries and Securities Generally (Sections 30-48).

Part IV.—The Importation of Goods.

Division 1A.—Preliminary (Section 49).

Division 1.—Prohibited Imports (Sections 50-51).

Division 2.—The Boarding of Ships and Aircraft (Sections 58-63).

Division 3.—The Report of the Cargo (Sections 64-67).

Division 4.—The Entry, Unshipment, Landing, and Examination of Goods (Sections 68-77).

Part V.—The Warehousing of Goods.

Division 1.—Licensed Warehouses (Sections 78-105).

Division 2.—King's Warehouses (Sections 106-110).

Part VI.—The Exportation of Goods (Sections 112-126).

Part VII.—Ships' Stores and Aircraft's Stores (Sections 127-130A).

Part VIII.—The Duties.

Division 1.—The Payment and Computation of Duties generally (Sections 131-153).

Division 2.—Ad Valorem Duties (Sections 153A-161).

Division 3.—Deposits, Abatements, Remissions, and Refunds of Duties (Sections 162-166).

Division 4.—Disputes as to Duty (Section 167).

Part IX.—Drawbacks (Section 168).

Part X.—The Coasting Trade (Sections 175-179).

Part XI.—Agents.

Division 1.—Preliminary (Section 179A).

Division 2.—Rights and Liabilities of Agents (Sections 180-183).

Division 3.—Licensing of Customs Agents (Sections 183A-183C).

Division 4.—Committees of Inquiry (Sections 183b–183u).

Part XII.—Officers.

Division 1.—Powers of Officers (Sections 184–219).

Division 2.—Protection to Officers (Sections 220–227).

Part XIII.—Penal Provisions.

Division 1.—Forfeitures (Sections 228–230).

Division 2.—Penalties (Sections 231–243).

Part XIV.—Customs Prosecutions (Sections 244–264).

Part XV.—Settlement of Cases by the Minister (Sections 265–269).

Part XVI.—Regulations and By-laws (Sections 270–273F).

Part XVII.—Miscellaneous (Sections 274–277).”.

Interpretation.

4. Section four of the Principal Act is amended—

(a) by inserting after the definition of “*Gazette notice*” the following definition :—

“ ‘*Genuine invoice*’, in relation to imported goods, means an invoice in respect of the goods furnished as prescribed and containing such particulars and information as are prescribed.”;

(b) by inserting in the definition of “*Officer*”, before the word “*means*”, the words “*or ‘Officer of Customs’*”; and

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

“(2.) A reference in this Act to an officer of police or a police officer shall be read as a reference to a member of the Commonwealth Police Force or of the Police Force of a State or Territory of the Commonwealth.”.

Appointment
of boarding
stations, &c.

5.—(1.) Section fifteen of the Principal Act is amended—

(a) by omitting from paragraph (c) the words “*within ports*”; and

(b) by omitting from paragraph (d) the words “*, whether within the limits of a proclaimed port or otherwise,*”.

(2.) A Proclamation made or purporting to have been made before the date of commencement of this section under section fifteen of the *Customs Act* 1901, or of that Act as amended, for the purpose of appointing a wharf or fixing the limits of a wharf shall, on and after that date, be, and be deemed at all times to have been, as valid and effectual as if made under section fifteen of the Principal Act as amended by this section.

6. Section twenty of the Principal Act is repealed and the following section inserted in its stead:—

Licences to
carry goods.

“ 20.—(1.) A Collector may grant to a person a licence to carry goods which are subject to the control of the Customs.

“(2.) A carriage, boat or lighter under the control of a licensee and used for the carriage of goods shall be deemed to be a licensed carriage, boat or lighter, as the case may be, for the purposes of this Act.

“(3.) A licence granted under this section is subject to such conditions as are prescribed and to such other conditions, if any, as are specified in the licence.

“(4.) A licence shall be granted for the period commencing on a day specified in the licence and ending on the thirty-first day of December next following that day, but may be renewed for successive periods of twelve months.

“(5.) Such fees, if any, as are prescribed are payable in respect of the grant or renewal of a licence under this section.”.

7. Section twenty-one of the Principal Act is amended by omitting from sub-section (2.) the words “licensed under this Act for the carriage of goods subject to the control of the Customs” and inserting in their stead the words “a licensed carriage for the purposes of this Act”.

Vehicles of railway deemed to be licensed.

8. Sections twenty-three and twenty-four of the Principal Act are repealed and the following sections inserted in their stead:—

“23. If the holder of a licence under section twenty of this Act contravenes, or fails to comply with, a provision of this Act or a condition to which the licence is subject, the Comptroller may cancel the licence.

Cancellation of licence.

“24. A person shall not use a carriage, boat or lighter for the carriage of goods subject to the control of the Customs unless it is a licensed carriage, boat or lighter for the purposes of this Act.

Unlicensed carriages, &c., not to be used.

Penalty: Twenty pounds.”.

9. Section thirty-seven of the Principal Act is amended—

Entry of goods.

(a) by inserting after sub-section (2.) the following sub-section:—

“(2A.) Where—

- (a) an entry for the removal of goods to a place specified in the entry has been made but not passed;
- (b) the Collector is of the opinion that, for the protection of the revenue of the Customs or for the purpose of ensuring compliance with the Customs Acts in relation to the goods, it is undesirable that the goods should be removed to that place; and
- (c) the Collector, by notice in writing to the owner of the goods, requires the entry to be withdrawn,

the owner of the goods shall forthwith comply with the notice and, for that purpose, shall be deemed to have the consent of the Collector to withdraw the entry.”; and

- (b) by omitting from sub-section (3.) the words “ the last preceding sub-section ” and inserting in their stead the words “ sub-section (2.) of this section ”.

10. After section forty of the Principal Act the following sections are inserted :—

Goods entered
for removal to
specified place.

“ 40A.—(1.) Where goods entered for removal to a place specified in an entry have been removed to that place in accordance with the entry, the goods shall—

- (a) if that place is a transit warehouse—within a period of seven days after the arrival of the goods at that place; or
(b) in any other case—forthwith,
be further entered—

- (c) for home consumption;
(d) for warehousing;
(e) for export to parts beyond the seas; or
(f) for removal to another place specified in the further entry.

“ (2.) Where goods entered for removal to a place specified in an entry—

- (a) are not removed to that place in accordance with the entry; or
(b) are so removed but are not further entered in accordance with the last preceding sub-section,

a Collector may cause the goods to be removed to a warehouse or, if the goods are of a perishable nature and the Collector considers it expedient to do so without delay, the Collector may sell the goods.

“ (3.) The Collector has a lien on the goods for any expenses incurred by him in connexion with their removal to a warehouse under the last preceding sub-section and for any warehouse rent and charges incurred in relation to the goods.

“ (4.) Where a further entry has not been made in respect of goods after they have been removed to a warehouse under sub-section (2.) of this section and—

- (a) the goods are of a perishable nature; or
(b) a period of not less than six months has elapsed after the goods were removed to the warehouse,

a Collector may sell the goods.

Production
of genuine
invoice.

“ 40B.—(1.) A Collector may—

- (a) upon the delivery to the Collector of an entry for home consumption or for warehousing in respect of goods;
or

(b) at any time after the delivery of such an entry in respect of goods and before the goods have ceased to be subject to the control of the Customs, require the owner of the goods to produce to him a genuine invoice for the goods.

“(2.) Subject to sub-section (5.) of this section, where a genuine invoice for any goods is produced to a Collector in pursuance of a requirement under the last preceding sub-section, the Collector shall stamp the invoice with a stamp in the prescribed form, initial the invoice and return the invoice to the owner of the goods.

“(3.) Where a genuine invoice produced to a Collector in pursuance of a requirement under sub-section (1.) of this section relates to other goods in addition to the goods in respect of which the requirement was made, the Collector shall, in stamping and initialling the invoice, indicate that the stamping and initialling relates only to particular goods, being the goods in respect of which the requirement was made.

“(4.) Except as indicated in accordance with the last preceding sub-section, the stamping and initialling of a genuine invoice in accordance with sub-section (2.) of this section shall be deemed to relate to all the goods to which the invoice relates.

“(5.) Where, in pursuance of a requirement under sub-section (1.) of this section, the owner of goods produces to a Collector a genuine invoice for the goods, being an invoice which has previously been stamped and initialled in relation to the goods in accordance with this section, the Collector is not required to stamp and initial the invoice again but shall again return the invoice to the owner of the goods.

“(6.) Where a requirement under sub-section (1.) of this section is made with respect to goods in relation to which a genuine invoice has previously been stamped and initialled in accordance with this section, the requirement shall be deemed to be a requirement for the production of that genuine invoice.

“(7.) Where a requirement under sub-section (1.) of this section has been made upon the delivery of an entry for home consumption or for warehousing and the requirement has not been complied with, a Collector shall not pass the entry unless—

(a) he is satisfied that the requirement cannot be complied with; and

(b) in the case of goods upon which duty is imposed according to value, he is satisfied also as to the value for duty of the goods.

“(8.) The owner of goods who is required under sub-section (1.) of this section to produce a genuine invoice for the goods, being a requirement made otherwise than upon the delivery of an entry for home consumption or for warehousing in respect of the goods, shall not fail to comply with the requirement.

Penalty: One hundred pounds.

“(9.) It is a defence to a prosecution for an offence against the last preceding sub-section if the person charged satisfies the Court that he could not have complied with the requirement.”.

Division 1A
of Part IV.

11. After the heading to Part IV. of the Principal Act the following heading is inserted:—

“ *Division 1A.—Preliminary.*”.

12. Section sixty-two of the Principal Act is repealed and the following section inserted in its stead:—

Ships to come
quickly to place
of unloading.

“ 62. When a ship has been brought to at a boarding station and boarded by an officer, the master of the ship shall bring the ship to the proper place of mooring or unloading, without touching at any other place, as quickly as it is practicable for him lawfully to do so.

Penalty: Twenty pounds.”.

13. Section sixty-eight of the Principal Act is repealed and the following section inserted in its stead :—

Entries.

“ 68. Imported goods shall be entered—

- (a) for home consumption;
- (b) for warehousing;
- (c) for transshipment; or
- (d) for removal to a place specified in the entry.”.

Classes of
warehouses.

14. Section seventy-nine of the Principal Act is amended—

- (a) by omitting the word “ four ” and inserting in its stead the word “ five ”; and
- (b) by adding at the end thereof the following words:—

“ Class V.—Transit warehouses to be used only for the temporary warehousing of goods.”.

15. Sections one hundred and four and one hundred and five of the Principal Act are repealed and the following sections inserted in their stead:—

Entry of
warehoused
goods.

“ 104.—(1.) Warehoused goods may be entered—

- (a) for home consumption;
- (b) for export to parts beyond the seas;
- (c) for warehousing elsewhere; or
- (d) for removal to a place specified in the entry.

“(2.) Goods warehoused in a transit warehouse shall, within seven days after warehousing, be entered in accordance with the last preceding sub-section.

“(3.) Sub-sections (2.), (3.) and (4.) of section forty A of this Act apply in relation to goods not entered as required by the last preceding sub-section in the same manner as those sub-sections apply in relation to goods not further entered as required by sub-section (1.) of that section.

“ 105. Goods entered for warehousing may, before they have been warehoused in accordance with the entry, be further entered under the last preceding section, and be dealt with in accordance with the further entry, as if they had been so warehoused.”

Constructive
warehousing.

16. Section one hundred and fourteen of the Principal Act is repealed and the following section inserted in its stead:—

“ 114. The owner of goods intended for export shall enter the goods for export—

Entry of
goods for
export.

- (a) in the case of dutiable goods—before the goods are taken on board the ship or aircraft in which they are to be exported; or
- (b) in the case of any other goods—not later than three days after a Certificate of Clearance has been granted to the master of the ship, or the pilot of the aircraft, in which they are to be exported.”.

17. Section one hundred and fifteen of the Principal Act is amended by omitting the words “ boat lighter or vehicle ” and inserting in their stead the words “ carriage, boat or lighter ”.

Goods to be
shipped at
wharf.

18. Section one hundred and twenty of the Principal Act is repealed and the following section inserted in its stead:—

“ 120. The master of a ship or the pilot of an aircraft shall not suffer to be taken on board his ship or aircraft any goods other than—

Shipment of
goods.

- (a) goods which are specified or referred to in the Outward Manifest;
- (b) passengers' baggage;
- (c) stores in respect of which the permission of the Collector has been granted under section one hundred and thirty A of this Act; or
- (d) ballast as approved by the Collector.

Penalty: Fifty pounds.”.

19. Section one hundred and thirty A of the Principal Act is amended by omitting from sub-section (1.) the words “ entered outwards for parts beyond the seas ”.

Taking on
board of ships
and aircraft's
stores.

20. Sections one hundred and fifty-five and one hundred and fifty-six of the Principal Act are repealed.

Repeal of
sections 155
and 156.

21. Sections one hundred and seventy to one hundred and seventy-four (inclusive) of the Principal Act are repealed.

Repeal of
sections 170
to 174.

22. After the heading to Part XI. of the Principal Act the following Division and heading are inserted:—

“ Division 1.—Preliminary.

Definitions.

- “ 179A. In this Part, unless the contrary intention appears—
- ‘ Committee ’ means a Committee of Inquiry established in pursuance of section one hundred and eighty-three D of this Act;
- ‘ customs agent ’ means a person who holds a licence that is in force and, in relation to a place, means a person who holds such a licence to act as a customs agent at that place;
- ‘ licence ’ means a licence to act as a customs agent granted, or deemed to have been granted, under section one hundred and eighty-three A of this Act.

“ Division 2.—Rights and Liabilities of Agents.”.

Authorized agents.

23. Section one hundred and eighty of the Principal Act is amended by omitting the words “ duly licensed in manner prescribed ”.

24. After section one hundred and eighty-three of the Principal Act the following Divisions are inserted in Part XI.:

“ Division 3.—Licensing of Customs Agents.

Licences.

“ 183A.—(1.) A person may apply in writing to a Collector for the grant of a licence to act as a customs agent at a place or places specified in the application.

“ (2.) A Collector may refuse an application for a licence if, in his opinion, the applicant is not a fit and proper person to be licensed as a customs agent.

“ (3.) Before granting or renewing a licence, a Collector may require the applicant or customs agent to give security, to the satisfaction of the Collector and in an amount or to a value not exceeding the prescribed amount, for compliance with the Customs Acts, for compliance with the conditions or requirements to which the importation or exportation of goods is subject and generally for the protection of the revenue of the Customs.

“ (4.) A licence shall be granted for the period commencing on a day specified in the licence and ending on the thirty-first day of December next following that day, but, subject to this Part, may be renewed for successive periods of twelve months.

“ (5.) Whenever the amount or value of the security in force in respect of a customs agent is less than the amount prescribed in respect of the prescribed class of customs agents in which the customs agent is for the time being included, a Collector may, by notice in writing to the customs agent, require the customs agent to give, within such period as is specified in the notice, a fresh security for the purposes of this section in an amount or to a value specified in the notice, being an amount not exceeding the amount so prescribed, and, if the customs agent fails to comply with the notice, a Collector may revoke the licence.

“(6.) Where a customs agent makes application in writing for the renewal of his licence to a Collector within one month before the date on which the licence is due to expire, the Collector shall renew the licence as from the day after that date, but the renewal of the licence shall not take effect if, on or before that date, the licence is revoked.

“(7.) Where the licence granted to a customs agent has been suspended, the last preceding sub-section applies as if the licence had not been suspended, but the renewal of the licence does not have any force or effect until the licence ceases to be suspended.

“(8.) Such fees (if any) as are prescribed are payable in respect of the grant or renewal of a licence.

“(9.) Regulations made for the purposes of this section may prescribe different amounts or different fees in respect of different classes of applicants or customs agents.

“183B.—(1.) Where the Comptroller is of opinion that it is desirable that a matter relating to the licensing of a customs agent or the conduct of a customs agent should be investigated by a Committee, the Comptroller shall refer the matter to a Committee for investigation and report to the Minister.

Suspension or
revocation of
licences.

“(2.) Where a Collector is of opinion that it is desirable that a matter relating to the licensing of a customs agent or the conduct of a customs agent should be investigated by a Committee, he may recommend to the Comptroller that the matter be referred to a Committee for investigation and report to the Minister and, if the Collector considers that it is necessary in the public interest to do so pending that investigation and report, he may suspend the licence of the customs agent.

“(3.) Subject to the next succeeding sub-section, where a Collector suspends a licence under the last preceding sub-section—

- (a) the Collector shall forthwith give notice of the suspension to the Comptroller;
- (b) the Comptroller shall, upon receipt of that notice, forthwith refer the matter to a Committee for investigation and report to the Minister; and
- (c) the Comptroller may at any time remove the suspension.

“(4.) Where, upon receipt of a notice under the last preceding sub-section, the Comptroller considers that the suspension is not justified and forthwith removes the suspension, he is not required to refer the matter to a Committee.

“(5.) A suspension by a Collector under sub-section (2.) of this section has effect only until the Minister has dealt with the matter in accordance with the next succeeding sub-section.

“(6.) Subject to sub-section (8.) of this section, the Minister, on receipt of a report from a Committee in relation to a customs agent—

- (a) if the licence granted to the customs agent is not already suspended, may, by notice in writing to the customs agent, suspend the licence for a period specified in the notice, or revoke the licence; and
- (b) if the licence granted to the customs agent is already suspended, shall, by notice in writing to the customs agent, further suspend the licence for a period specified in the notice, revoke the licence or remove the suspension.

“(7.) The period for which the Minister may suspend or further suspend a licence under the last preceding sub-section may be a period expiring after the date on which the licence, if not renewed, would expire.

“(8.) The Minister shall not—

- (a) suspend, further suspend or revoke a licence except on a prescribed ground, being a ground which is stated in the report of the Committee to have been established;
- (b) revoke a licence unless the Committee has recommended the revocation of the licence; or
- (c) suspend or further suspend a licence unless the Committee has recommended the revocation of the licence or the suspension or further suspension, as the case may be, of the licence.

“(9.) For the purposes of the last preceding sub-section, the prescribed grounds are—

- (a) that, since the licence was granted to the customs agent, the customs agent has committed, or attempted to commit, an offence against any of the Customs Acts;
- (b) that, since the licence was granted to the customs agent, the customs agent has been convicted of an offence punishable under a law of the Commonwealth or of a State or Territory of the Commonwealth by imprisonment for one year or longer;
- (c) that the customs agent is an undischarged bankrupt;
- (d) that the customs agent made a false or misleading statement in his application for the licence; or
- (e) that the customs agent has, in relation to or arising out of the performance of his functions as a customs agent, been guilty of conduct which is an abuse of the rights and privileges arising from his licence or shows him to be unfit to continue to be licensed as a customs agent.

“ 183c.—(1.) Where, in pursuance of the last preceding section, the Minister suspends, further suspends or revokes the licence granted to a customs agent, the customs agent may appeal to the Supreme Court of the State or Territory of the Commonwealth in which he resides.

Appeal against suspension or revocation of licence.

“ (2.) The Supreme Court of each State is invested with federal jurisdiction, and jurisdiction is conferred on the Supreme Court of each Territory of the Commonwealth, to hear and determine appeals under this section.

“ (3.) The Minister shall be the respondent in the appeal.

“ (4.) An appeal under this section shall be by way of rehearing, but the Court shall have regard, in addition to any other evidence, to the evidence before the Committee and shall also have regard to the report of the Committee.

“ (5.) If the Court is satisfied that a ground specified in subsection (9.) of the last preceding section has been established, it shall dismiss the appeal but may, nevertheless, where it considers it just to do so—

- (a) if the Minister had revoked the licence—order the suspension of the licence instead of its revocation; or
- (b) if the Minister had suspended or further suspended the licence—order the revocation of the licence instead of its suspension or further suspension or order the extension or reduction of the period of suspension imposed by the Minister.

“ (6.) If the Court is not so satisfied, it shall allow the appeal and order the removal of the suspension or the restoration of the licence.

“ (7.) The Court may order either party to pay costs to the other party.

“ (8.) The jurisdiction conferred by this section is exercisable by a single Judge of the Court, whose decision is final and conclusive.

“ *Division 4.—Committees of Inquiry.*

“ 183D.—(1.) Whenever the Comptroller is required by section one hundred and eighty-three B of this Act to refer a matter relating to a customs agent to a Committee, he shall appoint a Committee to enquire into, and report to the Minister on, the matter.

Establishment of Committee of Inquiry.

“ (2.) The Committee appointed shall consist of—

- (a) a Chairman;
- (b) a person who is employed in the service of the Customs; and
- (c) a person nominated by an organization representing customs agents.

“ (3.) The Chairman of a Committee shall be a person who is or has been a Stipendiary, Police, Special or Resident Magistrate of a State or Territory of the Commonwealth.

“ (4.) Members of a Committee, other than members who are officers of the Public Service of the Commonwealth, shall be paid such fees and allowances as are prescribed.

Procedure of Committees.

“ 183E. The regulations may make provision for and in relation to the procedure of Committees.

Evidence.

“ 183F. A Committee is not bound by legal rules of evidence but may inform itself on a matter referred to it under this Part in such manner as it thinks fit.

Proceedings in private.

“ 183G. The proceedings of a Committee shall be held in private.

Determination of questions before a Committee.

“ 183H. All questions before a Committee shall be decided according to the opinion of the majority of its members.

Customs agent affected by inquiry to be given notice.

“ 183J.—(1.) The Chairman of a Committee shall cause a notice in writing of the matter referred to the Committee, and of the time and place at which the Committee intends to hold an inquiry into the matter, to be served on the customs agent concerned in the matter at least ten days before the date of the inquiry.

“ (2.) Subject to the next succeeding sub-section, the Committee shall afford the customs agent on whom a notice has been served in pursuance of the last preceding sub-section an opportunity of examining witnesses, of giving evidence and calling witnesses on his behalf and of addressing the Committee.

“ (3.) Where the customs agent on whom notice has been served in pursuance of sub-section (1.) of this section fails to attend at the time and place specified in the notice, the Committee may, unless it is satisfied that the customs agent is prevented by illness or other unavoidable cause from so attending, proceed to hold the inquiry in his absence.

Summoning of witnesses.

“ 183K.—(1.) The Chairman of a Committee may, by writing under his hand, summon a person to attend before the Committee at a time and place specified in the summons and then and there to give evidence and to produce any books, documents and writings in his custody or control which he is required by the summons to produce.

“ (2.) A person who has been summoned to attend before a Committee as a witness shall appear and report himself from day to day, unless excused by the Committee.

“ (3.) A Committee may inspect books, documents or writings before it, and may retain them for such reasonable period as it thinks fit, and may make copies of such portions of them as are relevant to the inquiry.

“ 183L. A notice or summons under this Part shall be served by delivering it personally to the person to be served or by sending it by prepaid registered letter addressed to him at his last known place of abode or business or by leaving it—

Service of notices and summonses.

- (a) at his last known place of abode with some person apparently an inmate of that place and apparently not less than sixteen years of age; or
- (b) at his last known place of business with some person apparently employed at that place and apparently not less than sixteen years of age.

“ 183M.—(1.) If a person who has been summoned to attend before a Committee fails to attend before the Committee as required by the summons or by sub-section (2.) of section one hundred and eighty-three K of this Act, the Chairman of the Committee may, on being satisfied that the summons has been duly served and that a reasonable sum for his expenses of attendance have been paid or tendered to that person, issue a warrant for the apprehension of that person.

Arrest of witness failing to appear.

“ (2.) A warrant so issued authorizes the apprehension of the person and his being brought before the Committee and his detention in custody for that purpose until he is released by order of the Committee.

“ (3.) A warrant so issued may be executed by a police officer or by any person to whom it is addressed, and the person executing it has power to break and enter any place, building or vessel for the purpose of executing the warrant.

“ (4.) The apprehension of a person under this section does not relieve him from any liability incurred by him by reason of his failure to attend before the Committee.

“ 183N.—(1.) A Committee may examine on oath a person appearing as a witness before the Committee, whether the witness has been summoned or appears without being summoned, and for that purpose a member of the Committee may administer an oath to a witness.

Committee may examine upon oath or affirmation.

“ (2.) Where a witness conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath and that he will state the truth, the whole truth and nothing but the truth to all questions that are asked him.

“ (3.) An affirmation so made is of the same force and effect, and entails the same liabilities, as an oath.

“ 183P. A person summoned to attend before a Committee as a witness shall not—

Offences by witnesses.

- (a) without reasonable cause fail to attend, after payment or tender to him of a reasonable sum for his expenses of attendance;

(b) refuse to be sworn or to make an affirmation as a witness, or to answer any question when required to do so by a member of the Committee; or

(c) without reasonable cause, refuse or fail to produce a book or document which he was required by the summons to produce.

Penalty: One hundred pounds or imprisonment for six months.

Statements of witness not admissible in evidence against him.

“ 183Q. A statement or disclosure made by a witness to a Committee is not admissible in evidence against him in civil or criminal proceedings in a court except in a prosecution under section thirty-five or thirty-six of the *Crimes Act* 1914–1959.

Witness fees.

“ 183R.—(1.) A person who attends in obedience to a summons to attend as a witness before a Committee is entitled to be paid witness fees and travelling allowance according to the scale of fees and allowances payable to witnesses in the Supreme Court of the State or Territory of the Commonwealth in which he is required to attend or, in special circumstances, such fees and allowance as the Chairman of the Committee directs (less any amount previously paid to him for his expenses of attendance).

“ (2.) The fees and allowance are payable—

(a) in the case of a witness summoned at the request of the customs agent to whom the inquiry relates—by that customs agent; and

(b) in any other case—by the Commonwealth.

Representation by counsel, &c.

“ 183S.—(1.) In an inquiry before a Committee, the customs agent to whom the inquiry relates and the Minister are each entitled to be represented by a barrister or solicitor or, with the approval of the Committee, by some other person.

“ (2.) A barrister, solicitor or other person appearing before a Committee may examine or cross-examine witnesses and address the Committee.

Protection of members.

“ 183T.—(1.) An action or proceeding, civil or criminal, does not lie against a member of a Committee for or in respect of an act or thing done, or report made, in good faith by the member of the Committee in his capacity as a member.

“ (2.) An act or thing shall be deemed to have been done in good faith if the member or Committee by whom the act or thing was done was not actuated by ill-will to the person affected or by any other improper motive.

“ 183U.—(1.) A barrister, solicitor or other person appearing before a Committee has the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court. Protection of barristers, witnesses, &c.

“(2.) A witness summoned to attend or appearing before a Committee has the same protection as a witness in proceedings in the High Court.”.

25. Section two hundred and ten of the Principal Act is amended by inserting after sub-section (1.) the following sub-section :— Arrest of persons suspected of smuggling, &c.

“(1A.) An officer of Customs or police may, without warrant, arrest a person if he has reasonable ground for believing that the person has committed the offence of assaulting an officer in the execution of his duties.”.

26. Section two hundred and eleven of the Principal Act is repealed. Reasons for arrests.

27. Section two hundred and thirty-two A of the Principal Act is amended by inserting after the word “ conviction,” the words “ to a fine not exceeding One hundred pounds or ”. Rescuing goods and assaulting officers.

28. Licences may be granted for the purposes of section twenty of the *Customs Act* 1901–1959 before the first day of January, One thousand nine hundred and sixty, for the period commencing on that date and ending on the thirty-first day of December, One thousand nine hundred and sixty. Licences.

29.—(1.) A licence granted to a customs agent for the purpose of section one hundred and eighty of the Principal Act and in force immediately before the date of commencement of this section shall, on and after that date, be deemed to have been granted under section one hundred and eighty-three A of the Principal Act as amended by this Act for a period ending on the thirty-first day of December next following that date. Certain customs agents' licences continued in force.

(2.) A customs agent in relation to whose licence the last preceding sub-section applies shall give security to the satisfaction of a Collector and in an amount or to a value approved by the Collector not exceeding the amount prescribed for the purposes of sub-section (3.) of section one hundred and eighty-three A of the Principal Act as amended by this Act in relation to the class of customs agents in which he is included, for compliance with the Customs Acts, for compliance with the conditions or requirements to which the importation of goods is subject and generally for the protection of the revenue of the Customs.

(3.) Where a customs agent who is required by the last preceding sub-section to give security fails to do so within fourteen days after the date of commencement of this section, a Collector may cancel the customs agent's licence.

Regulations.

30.—(1.) Regulations for the purposes of—

(a) the definition of “Genuine invoice” in sub-section (1.) of section four of the *Customs Act 1901–1959*;

(b) sub-section (2.) of section forty B of that Act;

(c) Part IX. of that Act; or

(d) section one hundred and eighty-three A of that Act,

may be made before the date fixed by Proclamation under sub-section (2.) of section two of this Act, but regulations so made shall not have any force or effect before that date.

(2.) Regulations for the purposes of section twenty of the *Customs Act 1901–1959* may be made before the first day of January, One thousand nine hundred and sixty, but regulations so made shall not have any force or effect before that date.
