



Customs Securities (Penalties) Act 1981

No. 46 of 1981

An Act to provide for penalties for refusal or failure to give certain securities with respect to the importation into Australia of dutiable goods

[Assented to 14 May 1981]

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

Short title

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

Commencement

2. This Act shall come into operation on the day on which the *Customs Amendment (Tenders) Act 1981* comes into operation.

Interpretation

3. (1) In this Act, unless the contrary intention appears—
“Customs undertaking” means an undertaking given, in accordance with sub-section 267 (1) of the *Customs Act 1901*, by a person who furnishes a tender in accordance with a call for tenders made under a scheme under Part XV of the *Customs Act 1901*;

Customs Securities (Penalties) No. 46, 1981

“prescribed percentage”, in relation to goods, means the prescribed percentage set out in the Customs undertaking that relates to the goods;

“relevant Customs undertaking”, in relation to a tender furnished in accordance with a call for tenders made under a scheme under Part XV of the *Customs Act* 1901, means the undertaking relating to that tender that is given in accordance with sub-section 267 (1) of the *Customs Act* 1901.

(2) For the purposes of this Act, where a Customs undertaking sets out the value of a unit of the goods to which the undertaking relates, the value of the goods shall be calculated in accordance with that value.

Penalty

4. Where—

- (a) a tender furnished by a person in accordance with a call for tenders made under a scheme under Part XV of the *Customs Act* 1901 has been accepted; and
- (b) the person refuses, or fails, when required by a Collector under section 42 of that Act to do so, to give a security for payment of any penalty in connection with the relevant Customs undertaking that the person may become liable to pay to the Commonwealth under the *Customs Undertakings (Penalties) Act* 1981,

there is payable by that person to the Commonwealth, by way of penalty, an amount equal to the prescribed percentage of the value of the goods to which that undertaking relates.