



Customs Administration (Transitional Provisions and Consequential Amendments) Act 1986

No. 10 of 1986

An Act to enact certain transitional provisions and make certain amendments in consequence of the enactment of the *Customs Administration Act 1985*, and for related purposes

[Assented to 13 May 1986]

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 Administration (Transitional Provisions and Consequential Amendments) Act 1986*.

Commencement

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

(2) The amendments made by this Act to sub-section 10 (5) of the *Bounty (Electric Motors) Act 1984*, paragraph 7 (4) (a) of the *Bounty (High Alloy Steel Products) Act 1983*, paragraph 7 (4) (a) of the *Bounty*

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(Injection-moulding Equipment) Act 1979, sub-section 6 (5) of the *Bounty (Two-Stroke Engines) Act 1984* and sub-sections 267 (2) and (3) of the *Customs Act 1901* shall be deemed to have come into operation immediately after the commencement of the *Customs Administration (Transitional Provisions and Consequential Amendments) Act 1985*.

Amendments

3. The Acts specified in the Schedule are amended as set out in the Schedule.

Transitional

4. (1) Where—

- (a) a Minister, or a delegate of a Minister, made an appointment, gave an authorisation or direction, granted a permission, approval or exemption, made a determination, declaration, order, requirement or by-law, gave or published a notice or signed or issued any other instrument before the commencement of this section under a power conferred on that Minister by a provision of an Act;
- (b) that provision is amended by this Act with effect from that commencement so as to confer that power on the Comptroller-General of Customs; and
- (c) that appointment, authorisation, direction, permission, approval, exemption, determination, declaration, order, requirement, by-law, notice or other instrument was in force immediately before that commencement,

the appointment, authorisation, direction, permission, approval, exemption, determination, declaration, order, requirement, by-law, notice or other instrument continues in force after that commencement as if it had been duly made, given, granted, published, signed or issued, as the case may be, by the Comptroller-General of Customs under that provision as so amended.

(2) Where—

- (a) a Minister, or a delegate of a Minister, did, or refused to do, before the commencement of this section any act or thing not mentioned in sub-section (1) under a power conferred on that Minister by a provision of an Act; and
- (b) that provision is amended by this Act with effect from that commencement so as to confer that power on the Comptroller-General of Customs,

the Act in which that provision was included, as that Act has effect as amended by this Act, applies as if the Comptroller-General had duly done, or refused to do, as the case may be, that act or thing.

(3) Where the Comptroller-General of Customs, or a delegate of the Comptroller-General of Customs, published a notice in the *Gazette* before the commencement of this section under the power conferred on the

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Comptroller-General of Customs by sub-section 25 (1) of the *Customs Tariff Act 1982*, the notice continues in force after that commencement as if it had been duly published by the Minister for Industry, Technology and Commerce under sub-section 25 (1) of the *Customs Tariff Act 1982* as amended by this Act and may be revoked by that Minister in accordance with sub-section 25 (3) of that Act as so amended.

(4) Where a notice that was published in the *Gazette* by a Minister, or a delegate of a Minister, before the commencement of the *Customs Administration (Transitional Provisions and Consequential Amendments) Act 1985* under the power conferred on that Minister by sub-section 25 (1) of the *Customs Tariff Act 1982*—

(a) has, by virtue of section 4 of the *Customs Administration (Transitional Provisions and Consequential Amendments) Act 1985*, continued in force after that commencement as if it had been published by the Comptroller-General of Customs under sub-section 25 (1) of the *Customs Tariff Act 1982* as amended by the *Customs Administration (Transitional Provisions and Consequential Amendments) Act 1985*; and

(b) was in force immediately before the commencement of this section, the notice has, after the commencement of this section, the effect that it would have if sub-section 25 (1) of the *Customs Tariff Act 1982* had not been amended by the *Customs Administration (Transitional Provisions and Consequential Amendments) Act 1985* and section 4 of that last-mentioned Act had not been enacted.

SCHEDULE

Section 3

AMENDMENTS OF ACTS

Bounty (Bed Sheeting) Act 1977

Sub-section 16 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (Berry Fruits) Act 1982

Sub-section 18 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (Books) Act 1969

Sub-section 3 (1) (definition of “recognized educational institution”)—

Omit from paragraph (c) “Minister”, substitute “Comptroller-General”.

Sub-sections 3A (2) and (3)—

Omit “Minister”, substitute “Comptroller-General”.

Sub-sections 4 (2), (2A), (3) and (4)—

Omit “Minister” (wherever occurring), substitute “Comptroller-General”.

Sub-sections 4AA (2), (3) and (4)—

Omit “Minister” (wherever occurring), substitute “Comptroller-General”.

Paragraph 8 (4) (b)—

Omit “Minister”, substitute “Comptroller-General”.

Sub-section 8 (5)—

Omit “Minister”, substitute “Comptroller-General”.

Sub-section 14 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Section 20A—

Omit “Minister” (wherever occurring), substitute “Comptroller-General”.

Bounty (Computers) Act 1984

Sub-section 25 (6)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (Electric Motors) Act 1984

Sub-section 10 (5)—

Omit “Minister”, substitute “Comptroller-General”.

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SCHEDULE—continued

Sub-section 27 (6)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (High Alloy Steel Products) Act 1983

Paragraph 7 (4) (a)—

Omit “Minister”, substitute “Comptroller-General”.

Sub-section 18 (6)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (Injection-moulding Equipment) Act 1979

Paragraph 7 (4) (a)—

Omit “Minister”, substitute “Comptroller-General”.

Sub-section 17 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (Paper) Act 1979

Sub-section 17 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (Penicillin) Act 1980

Sub-section 19 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (Printed Fabrics) Act 1981

Sub-section 16 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (Ships) Act 1980

Section 11—

Omit “Minister” (wherever occurring), substitute “Comptroller-General”.

Section 12—

Omit “Minister” (wherever occurring), substitute “Comptroller-General”.

Section 13—

Omit “Minister”, substitute “Comptroller-General”.

Sub-section 15 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Paragraph 20 (1) (r)—

Omit “Minister”, substitute “Comptroller-General”.

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SCHEDULE—continued

Bounty (Steel Mill Products) Act 1983

Sub-section 19 (6)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (Textile Yarns) Act 1981

Sub-section 16 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Bounty (Two-Stroke Engines) Act 1984

Sub-section 6 (5)—

Omit “Minister”, substitute “Comptroller-General”.

Sub-section 16 (6)—

Omit “Minister”, substitute “Comptroller-General”.

Coal Excise Act 1949

Sub-section 15 (2)—

Omit “Minister”, substitute “Comptroller”.

Section 17—

Omit “Minister”, substitute “Comptroller”.

Paragraph 27A (c)—

Omit “Minister”, substitute “Comptroller”.

Commerce (Trade Descriptions) Act 1905

Sub-section 7 (2)—

Omit “Minister”, substitute “Comptroller-General”.

Sub-section 7 (3)—

Omit “, or on appeal from him the Minister,”.

Section 10—

Omit “, or on appeal from him the Minister,”.

Sub-sections 15 (1) and (2)—

Omit the sub-sections, substitute the following sub-sections:

“(1) Applications may be made to the Administrative Appeals Tribunal for review of—

- (a) decisions of the Comptroller-General of Customs under sub-section 7 (3) or section 10; or

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SCHEDULE—continued

(b) decisions of the Comptroller-General of Customs under sub-section 11 (3) or section 13, other than a decision in respect of which an appeal has been made to the Minister under that sub-section or section, as the case may be.

“(2) A person is not entitled to appeal to the Minister against a decision of the Comptroller-General of Customs under sub-section 11 (3) or section 13 if an application has been made under sub-section (1) of this section for a review of that decision.”.

Customs Act 1901

Sub-sections 13 (1), (3) and (4)—

Omit “Minister”, substitute “Comptroller”.

Sub-section 15 (1)—

Omit “Minister”, substitute “Comptroller”.

Section 19—

Omit “Minister”, substitute “Comptroller”.

Sub-section 30A (4)—

Omit “Minister” (wherever occurring), substitute “Comptroller”.

Sub-section 30A (5)—

Omit “Minister”, substitute “Comptroller”.

Paragraphs 83 (2) (e) and (g)—

Omit “Minister”, substitute “Comptroller”.

Paragraph 86 (7) (f)—

Omit “Minister”, substitute “Comptroller”.

Paragraphs 108 (2) (e) and (g)—

Omit “Minister”, substitute “Comptroller”.

Paragraphs 111 (9) (e) and (g)—

Omit “Minister”, substitute “Comptroller”.

Sub-sections 119 (2) and (3)—

Omit “Minister” (wherever occurring), substitute “Comptroller”.

Sub-section 128B (1)—

Omit “Minister”, substitute “Comptroller”.

Sub-sections 132B (1), (2), (3), (4) and (5)—

Omit “Minister” (wherever occurring), substitute “Comptroller”.

Sub-sections 132C (1), (2) and (5)—

Omit “Minister”, substitute “Comptroller”.

Section 132D—

Omit “Minister”, substitute “Comptroller”.

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SCHEDULE—continued

Paragraph 151 (2) (e)—

Omit “Minister”, substitute “Comptroller”.

Paragraph 151 (3) (c)—

Omit “Minister”, substitute “Comptroller”.

Paragraph 151 (4) (c)—

Omit “Minister”, substitute “Comptroller”.

Paragraph 151 (5) (b)—

Omit “Minister”, substitute “Comptroller”.

Sub-sections 151 (10), (11), (12) and (13)—

Omit “Minister”, substitute “Comptroller”.

Sub-sections 161B (2) and (4)—

Omit “Minister”, substitute “Comptroller”.

Sub-section 164A (3)—

Omit “Minister”, substitute “Comptroller”.

Section 164B—

Omit “Minister”, substitute “Comptroller”.

Sub-section 181 (2)—

Omit “Minister”, substitute “Comptroller”.

Sub-section 183CC (5)—

Omit “Minister”, substitute “Comptroller”.

Sub-section 183CJ (1)—

Omit “Minister”, substitute “Comptroller”.

Paragraphs 183CQ (4) (b) and (c)—

Omit “Minister” (wherever occurring), substitute “Comptroller”.

Sub-sections 183CQ (5) and (7)—

Omit “Minister”, substitute “Comptroller”.

Sub-section 183CR (3)—

Omit “Minister”, substitute “Comptroller”.

Section 183CS—

Omit “Minister” (wherever occurring), substitute “Comptroller”.

Paragraphs 183D (2) (c) and (d)—

Omit “Minister” (wherever occurring), substitute “Comptroller”.

Paragraph 183DA (2) (b)—

Omit “Minister”, substitute “Comptroller”.

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SCHEDULE—continued

Sub-sections 183DA (3), (4) and (5)—

Omit “Minister”, substitute “Comptroller”.

Sub-sections 183DC (1) and (3)—

Omit “Minister”, substitute “Comptroller”.

Section 183DD—

Omit “Minister” (wherever occurring), substitute “Comptroller”.

Sub-section 183S (1)—

Omit “Minister”, substitute “Comptroller”.

Section 253—

After “Minister”, insert “, Comptroller”.

Sub-section 264 (1)—

Omit “Minister”, substitute “Comptroller”.

Sub-sections 267 (2) and (3)—

Omit “Comptroller”, substitute “Minister”.

Sub-sections 269P (2A), (2B) and (11)—

Omit “Minister” (wherever occurring), substitute “Comptroller”.

Paragraphs 273GA (c), (e), (f), (h) and (j)—

Omit “Minister”, substitute “Comptroller”.

Sub-section 273H (1)—

After “Minister”, insert “or the Comptroller”.

Section 274—

Omit “the Minister or”.

Customs Tariff Act 1982

Sub-section 11 (3)—

Omit “Minister”, substitute “Comptroller”.

Section 25—

Omit “Comptroller” (wherever occurring), substitute “Minister”.

Sub-section 26A (5)—

Omit “Minister”, substitute “Comptroller”.

Schedule 3—

Omit from paragraph 24.01.2 “Minister”, substitute “Comptroller”.

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SCHEDULE—continued

Schedule 4—

- (a) Omit from item 7 “Minister”, substitute “Comptroller”.
- (b) Omit from item 54 “Minister” (wherever occurring), substitute “Comptroller”.

Customs Tariff (Coal Export Duty) Act 1975

Sub-section 4 (2)—

Omit “Minister”, substitute “Comptroller-General”.

Distillation Act 1901

Sub-section 6 (1) (definition of “Gazette Notice”)—

Omit “Minister”, substitute “Comptroller”.

Sub-section 24 (1)—

Omit “Minister”, substitute “Comptroller”.

Paragraph 82B (1) (b)—

Omit “Minister”, substitute “Comptroller”.

Excise Act 1901

Sub-section 4 (1) (definition of “Gazette notice”)—

Omit “Minister”, substitute “Comptroller”.

Section 43—

Omit “Minister”, substitute “Comptroller”.

Section 44—

Omit “Minister”, substitute “Comptroller”.

Sub-sections 59A (1), (2), (3), (4) and (5)—

Omit “Minister” (wherever occurring), substitute “Comptroller”.

Sub-sections 59B (1), (2) and (5)—

Omit “Minister”, substitute “Comptroller”.

Section 59C—

Omit “Minister”, substitute “Comptroller”.

Section 142—

After “Minister”, insert “, Comptroller,”.

Section 153—

Omit “Minister”, substitute “Comptroller”.

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Section 154—

Omit “Minister”, substitute “Comptroller”.

Sub-section 160B (1)—

Omit “Minister”, substitute “Comptroller”.

Paragraphs 162C (1) (c) and (d)—

Omit “Minister”, substitute “Comptroller”.

Excise Tariff Act 1921

Section 6—

Omit “Minister” (wherever occurring), substitute “Comptroller”.

Paragraph 6A (6) (a)—

Omit “Minister”, substitute “Comptroller”.

Sub-section 6A (8)—

Omit “Minister”, substitute “Comptroller”.

Narcotic Drugs Act 1967

Sub-section 22 (3)—

Omit “Minister for Industry, Technology and Commerce”, substitute “Comptroller”.

Sub-section 24 (2)—

Omit “Minister for Industry, Technology and Commerce”, substitute “Comptroller”.

Nitrogenous Fertilizers Subsidy Act 1966

Sub-section 20 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Phosphate Fertilizers Subsidy Act 1963

Sub-section 17 (4)—

Omit “Minister”, substitute “Comptroller-General”.

Psychotropic Substances Act 1976

Sub-section 9 (3)—

Omit “Minister”, substitute “Comptroller-General of Customs”.

Spirits Act 1906

Section 13—

Omit “Minister” (wherever occurring), substitute “Comptroller-General of Customs”.

States Grants (Petroleum Products) Act 1965

Sub-sections 5 (2), (3) and (3A)—

Omit “Minister” (wherever occurring), substitute “Comptroller-General of Customs”.

Section 7—

(a) Omit “Minister”, substitute “Comptroller-General of Customs”.

(b) Omit “him”, substitute “the Minister”.

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*[Minister's second reading speech made in—
Senate on 12 February 1986
Bill read a second time in House of Representatives
on 30 April 1986]*