



# **Customs Depot Licensing Charges Amendment Act 2015**

**No. 140, 2015**

***An Act to amend the *Customs Depot Licensing  
Charges Act 1997*, and for related purposes***

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# Customs Depot Licensing Charges Amendment Act 2015

No. 140, 2015

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## **An Act to amend the *Customs Depot Licensing Charges Act 1997*, and for related purposes**

[Assented to 12 November 2015]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Customs Depot Licensing Charges Amendment Act 2015*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	12 November 2015
2. Schedule 1	1 January 2016.	1 January 2016

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Customs Depot Licensing Charges Act 1997*

#### 1 Title

After “depots”, insert “, warehouses and customs brokers”.

#### 2 Before section 1

Insert:

### Part 1—Preliminary

#### 3 Section 1

Omit “*Depot*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

#### 4 Section 3

Insert:

***broker’s licence*** means a licence to act as a customs broker granted under section 183C of the Customs Act and includes such a licence that has been renewed under section 183CJ of that Act.

***Comptroller-General of Customs*** means the person who is the Comptroller-General of Customs in accordance with subsection 11(3) or 14(2) of the *Australian Border Force Act 2015*.

***customs broker licence application charge*** means the customs broker licence application charge payable as set out in section 183CA of the Customs Act.

***customs broker licence charge*** means the customs broker licence charge payable as set out in section 183CJA of the Customs Act.

***warehouse licence*** means a licence granted under section 79 of the Customs Act and includes such a licence that has been renewed under section 84 of that Act.

*warehouse licence application charge* means the warehouse licence application charge payable as set out in section 80 of the Customs Act.

*warehouse licence charge* means the warehouse licence charge payable as set out in section 85 of the Customs Act.

*warehouse licence variation charge* means the warehouse licence variation charge payable as set out in section 81B of the Customs Act.

## **5 Before section 4**

Insert:

## **Part 2—Depots**

## **6 After section 6A**

Insert:

## **Part 3—Warehouses**

### **6B Imposition of charges**

- (1) Warehouse licence application charge payable as set out in section 80 of the Customs Act is imposed.
- (2) Warehouse licence charge payable as set out in section 85 of the Customs Act is imposed.
- (3) Warehouse licence variation charge payable as set out in section 81B of the Customs Act is imposed.

### **6C Amount of warehouse licence application charge**

The amount of warehouse licence application charge payable by an applicant for a warehouse licence is \$3,000, or, if another amount not exceeding \$4,500 is prescribed, that other amount.



**6D Amount of warehouse licence charge—general***Grant of licence*

- (1) The amount of warehouse licence charge payable in respect of the grant of a warehouse licence is:
- (a) for the grant of a warehouse licence that comes into force on a 1 July—\$4,000, or, if another amount not exceeding \$6,000 is prescribed, that other amount; or
  - (b) for the grant of a warehouse licence that comes into force on a day in a financial year other than 1 July—the amount worked out using the formula:

$$\text{Amount applicable under paragraph (a)} \times \frac{\text{Number of days remaining in the financial year, starting on the day the licence comes into force}}{\text{Number of days in the financial year}}$$

*Renewal of licence*

- (2) The amount of warehouse licence charge payable in respect of the renewal of a warehouse licence is \$4,000, or, if another amount not exceeding \$6,000 is prescribed, that other amount.

*Section subject to section 6E*

- (3) This section is subject to section 6E.

**6E Amount of warehouse licence charge—dual-licensed place**

- (1) The amount of warehouse licence charge payable in respect of the grant or renewal of a warehouse licence is worked out under this section if:
- (a) the warehouse licence is for a place that is also a premises specified in a manufacturer licence granted under the *Excise Act 1901*; and
  - (b) the place is used primarily for the manufacture of excisable goods classified under item 10 of the Schedule to the *Excise Tariff Act 1921*; and
  - (c) goods determined in an instrument under subsection (2) of this section are used in the manufacture of those excisable goods.

- (2) The Comptroller-General of Customs may, by legislative instrument, determine goods for the purposes of paragraph (1)(c).

*Grant of licence*

- (3) The amount of warehouse licence charge payable in respect of the grant of the warehouse licence is \$1,000.

*Renewal of licence*

- (4) The amount of warehouse licence charge payable in respect of the renewal of the warehouse licence is \$0.

Note: If paragraphs (1)(a), (b) and (c) are not satisfied, the amount of warehouse licence charge payable in respect of the renewal of the warehouse licence is worked out under section 6D.

**6F Amount of warehouse licence variation charge**

The amount of warehouse licence variation charge payable by an applicant for the variation of a warehouse licence is \$300, or, if another amount not exceeding \$450 is prescribed, that other amount.

**Part 4—Customs brokers**

**6G Imposition of charges**

- (1) Customs broker licence application charge payable as set out in section 183CA of the Customs Act is imposed.
- (2) Customs broker licence charge payable as set out in section 183CJA of the Customs Act is imposed.

**6H Amount of customs broker licence application charge**

The amount of customs broker licence application charge payable by an applicant for a broker's licence is:

- (a) if the applicant is a natural person who does not intend to act as a customs broker in his or her own right when the licence is in force—\$130, or, if another amount not exceeding \$195 is prescribed, that other amount; or

- (b) in any other case—\$1,300, or, if another amount not exceeding \$1,950 is prescribed, that other amount.

### **6J Amount of customs broker licence charge**

The amount of customs broker licence charge payable in respect of the grant or renewal of a broker's licence is:

- (a) if the holder of the licence is a natural person who does not intend to act as a customs broker in his or her own right when the licence is in force—\$240, or, if another amount not exceeding \$360 is prescribed, that other amount; or
- (b) in any other case—\$2,400, or, if another amount not exceeding \$3,600 is prescribed, that other amount.

## **Part 5—Regulations**

### **7 Section 7**

Omit “sections 5, 6 and 6A”, substitute “this Act”.

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*[Minister's second reading speech made in—  
House of Representatives on 16 September 2015  
Senate on 14 October 2015]*

(150/15)

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