



**TERRITORY OF COCOS (KEELING) ISLANDS**

## **Customs Ordinance 1993**

**Ordinance No. 6 of 1993 as amended**

made under the

*Cocos (Keeling) Islands Act 1955*

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**1 Short title** [see Note 1]

This Ordinance may be cited as the *Customs Ordinance 1993*.

*Note* This Ordinance commences on gazettal: see *Cocos (Keeling) Islands Act 1955* s. 12 (2).

**2 Definitions**

In this Ordinance, unless the contrary intention appears:

*applied customs law* means a law of the Commonwealth in its application to the Territory in accordance with this Ordinance.

*Comptroller* means the person appointed under section 6.

*Customs Minister* means the Minister who administers the *Customs Act 1901*.

*customs officer* means:

- (a) the Comptroller; and
- (b) a person appointed under section 7.

**3 Application of Commonwealth Customs legislation**

- (1) Subject to this Ordinance, the following laws of the Commonwealth apply in the Territory as if they were laws of the Territory, except to the extent that they deal with duties of customs:
  - (a) the *Customs Act 1901*;
  - (b) regulations in force under that Act;
  - (c) the *Customs Administration Act 1985*;
  - (d) regulations in force under that Act.
- (2) For the purposes of this Ordinance:
  - (a) the *Customs Act 1901* in its application to the Territory:
    - (i) is modified in accordance with Schedule 1; and
    - (ii) may be cited as the *Customs Act 1901 (C.K.I.)*; and
  - (b) the *Customs Regulations 1926* in their application to the Territory:
    - (i) are modified in accordance with Schedule 2; and

- (ii) may be cited as the *Customs Regulations 1926* (C.K.I.); and
- (c) the *Customs Administration Act 1985* in its application to the Territory:
  - (i) is modified in accordance with Schedule 3; and
  - (ii) may be cited as the *Customs Administration Act 1985* (C.K.I.).
- (3) For the purposes of the applied customs laws, goods have the same classification as they would have if they were classified under a tariff classification under the *Customs Tariff Act 1995*.

#### **4 Interpretation of the Act and Regulations**

In the *Customs Act 1901* (C.K.I.) and regulations in force under that Act:

- (a) a reference to the Minister is a reference to the Customs Minister; and
- (b) a reference to Australia or the Commonwealth, if used in a geographical sense, is a reference to the Territory.

#### **5 Indian Ocean Territories Customs Service**

- (1) The Indian Ocean Territories Customs Service is established in relation to the Territory.
- (2) For the purposes of the Territory, the Indian Ocean Territories Customs Service comprises the Comptroller and customs officers.

#### **6 Comptroller of the Indian Ocean Territories Customs Service**

The Customs Minister may appoint in writing a person to be the Comptroller of the Indian Ocean Territories Customs Service.

#### **7 Customs officers**

The Comptroller may appoint in writing a person to be a customs officer.

**8 Regulations**

The Minister may make regulations prescribing matters:

- (a) required or permitted by this Ordinance to be prescribed;  
or
- (b) necessary or convenient to be prescribed for carrying out  
or giving effect to this Ordinance.

## Schedule 1 **Modification of *Customs Act 1901***

(paragraph 3 (2) (a))

### 1. **New section 2A**

1.1 After section 2, insert:

#### 2A **Application of this Act**

For the purposes of this Act:

- (a) the importation of goods into the Territory from the Territory of Christmas Island is taken not to be an importation to which this Act applies; and
- (b) the exportation of goods from the Territory to the Territory of Christmas Island is taken not to be an exportation to which this Act applies.

### 2. **Section 4 (Interpretation)**

2.1 Subsection 4 (1) (definition of *CEO*)

*Omit the definition, substitute:*

**CEO** means Comptroller of the Indian Ocean Territories Customs Service.

2.2 Subsection 4 (1) (definition of *Customs*):

*Omit the definition, substitute:*

**Customs** means Indian Ocean Territories Customs Service.

2.3 Subsection 4 (1) (definition of *Division 1B Judge*):

*Omit the definition, substitute:*

**Division 1B Judge** means Judge of the Supreme Court of Western Australia.

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- 2.4 Subsection 4 (1) (definition of ***Division 1B Magistrate***):  
*Omit the definition, substitute:*  
***Division 1B Magistrate*** means Magistrate of Western Australia.
- 2.5 Subsection 4 (1) (definition of ***Officer of Customs***, paragraph (a)):  
*Omit the paragraph, substitute:*  
(a) who is a customs officer within the meaning of the *Customs Ordinance 1993*; or
- 3. Section 4A (Approved forms and approved statements)**
- 3.1 Subsections 4A (1) and (1A):  
After ‘the CEO’, insert ‘of the Australian Customs Service’.
- 4. Section 8 (Collectors of Customs)**
- 4.1 Subsection 8 (1):  
*Omit the subsection, substitute:*  
(1) In this Act:  
(a) a reference to a Collector is a reference to a customs officer; and  
(b) a reference to the Regional Director for a State or Territory is a reference to the Comptroller.
- 5. Section 27 (State inspection laws)**
- 5.1 Omit ‘State Act’, substitute ‘law of the Territory’.
- 6. Section 180 (Interpretation)**
- 6.1 Subsection 180 (1) (definition of ***agents licence***):  
*Omit the definition, substitute:*
-

*broker's licence* means a licence to act as a customs broker under the *Customs Act 1901*.

**7. Divisions 3, 4 and 5 of Part XI:**

7.1 *Omit the Divisions.*

**7A. Section 219A (Interpretation)**

7A.1 Subsection 219A (1):

Definition of *Judge*

*Omit the definition, substitute:*

*Judge* means a Judge of the Supreme Court of Western Australia.

**7B. Section 219AA (Certain Judges eligible to issue warrants for use of listening devices)**

7B.1 *Omit the section.*

**8. Section 270:**

8.1 *Omit the section.*



## **Schedule 2      Modification of Customs Regulations**

(paragraph 3 (2) (b))

**1.      Regulations 124A, 125, 125A and 125B:**

1.1      *Omit the regulations.*

**2.      Regulations 156 to 162B:**

2.1      *Omit the regulations.*

## **Schedule 3      Modification of *Customs Administration Act 1985***

(paragraph 3 (2) (c))

### **1      Section 3**

*substitute*

### **3      Interpretation**

In this Act:

*CEO* means the Comptroller of the Indian Ocean Territories Customs Service.

*Customs Ordinance 1993* means the *Customs Ordinance 1993* in force under the *Cocos (Keeling) Islands Act 1955*.

### **2      Sections 4, 4A, 5 to 13**

*omit*

### **3      Subsection 14 (1)**

*omit*

a law of customs or any other law of the Commonwealth.

*insert*

the *Customs Ordinance 1993* or an applied customs law within the meaning of that Ordinance.

### **4      Subsection 14 (3)**

*substitute*

- (3) A function or power delegated under this section, when performed or exercised by the delegate, is taken to have been performed or exercised by the CEO.

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**5 Subsection 14 (5)**

*after*

*Customs Act 1901*

*insert*

(C.K.I.)

**6 Section 15**

*omit*

**7 Paragraphs 16 (1) (a) and (1AA) (b) and (c)**

*omit each mention of*

Australian Customs Service

*insert*

Indian Ocean Territories Customs Service

**8 Paragraphs 16 (1AA) (d) and (e)**

*omit each mention of*

a law of customs or any other law of the Commonwealth;

*insert*

the *Customs Ordinance 1993* or an applied customs law within the meaning of that Ordinance;

**9 Subsection 16 (1A), definition of *duties*, and the example**

*omit each mention of*

Australian Customs Service

*insert*

Indian Ocean Territories Customs Service

**10 Subsection 16 (1A), definition of *State***

*substitute*

*State* includes a Territory.

**11 Subsections 16 (3A), (3B), (3C) and (3D)**

*omit each mention of*

Australian Customs Service

*insert*

Indian Ocean Territories Customs Service

**12 Sections 16A, 17 and 18**

*omit*

**Table of Ordinances****Notes to the *Customs Ordinance 1993*****Note 1**

The *Customs Ordinance 1993* (in force under the *Cocos (Keeling) Islands Act 1955*) as shown in this compilation comprise Ordinance No. 6 1993 amended as indicated in the Tables below.

**Table of Ordinances**

<b>Year and number</b>	<b>Date of notification in <i>Gazette</i></b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
No. 6, 1993	9 Sept 1993	9 Sept 1993	—
No. 1, 1996	17 Apr 1996	17 Apr 1996	—
No. 2, 2001	28 Sept 2001	28 Sept 2001	—

**Table of Amendments**

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**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

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<b>Provision affected</b>	<b>How affected</b>
Ss. 2, 3.....	rs. No. 2, 2001
S. 4 .....	am. No. 2, 2001
S. 6 .....	am. No. 2, 2001
Schedule 1 .....	am. No. 1, 1996; No. 2, 2001
Schedule 2 .....	am. No. 2, 2001
Schedule 3.....	ad. No. 2, 2001

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