Purpose

To establish the Australian Customs Service (ACS) as a statutory authority and with a separate identity within the Industry, Technology and Commerce portfolio.

Background

The ACS is charged with the administration of the Parliament's powers to impose duties of customs and of excise, and to grant bounties on the production or export of goods. It is also responsible for implementing measures to control the import and export of goods. The ACS also assists other Commonwealth agencies in monitoring the movement of people, ships and aircraft into and out of Australia. In so doing, it performs the vital function in the Commonwealth's fight against illicit drug trafficking and importation.

In the light of ACS's important functions, the Government has also taken note of the fact that the responsibility for these functions has been transferred six times between different public service departments including a Trade and Customs department and the Department of Customs and Excise. The ACS has been included in the Industry, Technology and Commerce portfolio since 1982.

The Government believes that the ACS should now be established on a permanent statutory basis with an independent identity. The Bill was foreshadowed by the Government in an announcement on 12 March 1985, outlining changes to the structure of the ACS.

Main Provisions

A detailed analysis of the provisions of the Bill is contained in the Explanatory Memorandum.
The Bill establishes the Australian Customs Service and creates the office of the Comptroller-General of Customs (clause 4).

The Comptroller-General will be appointed by the Governor-General for a period of seven years (clauses 5 and 6).

The Bill makes it an offence for a person who is or has been:

- the Comptroller-General;
- employed in the ACS;
- delegated or authorised to exercise, a power or function by the Comptroller-General,

to disclose any information which would constitute a breach of confidence, unless such disclosure is required or permitted by law (sub-clauses 16(1) and (2)). The Bill does, however, set out limited circumstances where no offence is committed (sub-clause 16(3)).

The Comptroller-General will be required to furnish an annual report to the Minister. The report will focus on the operations of the ACS during the year ended 30 June. It will be tabled in the Parliament in the usual way (clause 17).

For further information, if required, contact:

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LEGISLATIVE RESEARCH SERVICE

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References