CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL 1985

Date Introduced: 23 April 1985
House: House of Representatives
Presented by: Hon. P.J. Morris, M.P., Minister representing the Minister for Industry, Technology and Commerce

Short Digest of Bill

Purpose

. To amend the Customs Act 1901 in order to provide for flexible quota periods and changes to the requirements of tender quota undertakings;

. To amend both the Customs Act 1901 and the Excise Act 1901 in order to introduce more effective controls over ships' and aircrafts' stores; to make bodies corporate liable for breaches of customs or excise law by their directors, servants and agents; and to automatically index the rate of rebate on diesel fuel used for certain off-road purposes;

. To make consequential penalty amendments to the Distillation Act 1901, the Spirits Act 1906, and the Coal Excise Act 1949.

Background and Outline

Customs Act 1901

On 4 May 1984, the Government announced a new automotive industry policy which would operate from 1985 to 1992. One element of this policy related to the liberalisation of tariff quota arrangements for imports. An increasing proportion of tariff quota would be allocated by tender in two pools. The first pool would be for a one year allocation for 1985, and the second pool will be for an allocation in each of four years commencing in 1986.

The amendments proposed by this Bill will provide for more flexible tender-quota arrangements. The quota system based on a 12-month period will be replaced by a
period determined by the Minister (amendment to section 266, by clause 20).

In tender-quota undertakings, successful tenderers will need only to undertake to enter the relevant goods for home consumption and not to also undertake to import the goods. Consequently, the importation requirement of quota instruments will be changed to a requirement that goods are entered for home consumption (an amendment to section 267 by clause 21). These amendments to the Customs Act are necessary to provide for multiple tender arrangements.

Revocation of tariff concession orders will be permitted under additional circumstances namely, where the Minister is satisfied that an order has become obsolete, or there is an incorrect description of goods (amendment to section 269P, by clause 23).

Customs Act 1901 and Excise Act 1901

Both Acts will be amended to provide for:

1. more effective controls over the loading, safe-keeping of and accounting for ships' and aircrafts' stores. For example, the owner of a ship or an aircraft is not to allow goods, required for use as stores, to be taken on board unless authority, pursuant to an entry, has been given;

2. six-monthly indexation of the rate of rebate payable to those who have paid duty on diesel fuel purchased for off-road use in agriculture, mining, fishing, forestry, households, hospitals, nursing and aged persons' homes;

3. bodies corporate being liable for breaches of customs and excise law by their directors, servants or agents.

Excise Act 1901, Distillation Act 1901, Spirits Act 1906 and Coal Excise Act 1949

The level of penalties are to be increased. For example, under the Excise Act, the penalty that may be imposed by courts of summary jurisdiction is to be increased from $1000 to $5000. The Schedules to the Bill outline the proposed increases in penalties for offences against specified sections of these Acts.
The prosecution provisions in these Acts are to be updated.

For a detailed explanation of the clauses of the Bill, refer to the Explanatory Memorandum.

For further information, if required, contact:

22 July 1985

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