**Customs Amendment Act (No. 4) 1979**

**No. 180 of 1979**

An Act to amend the *Customs Act* 1901 for and in relation to the conferring of powers on the Australian Federal Police in respect of narcotics offences.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

**Short title, &c.**

**1**. (1) This Act may be cited as the *Customs Amendment Act* (*No.* 4) 1979.

(2) The *Customs Act* 1901 is in this Act referred to as the Principal Act.

**Commencement**

**2.** This Act shall come into operation on the day on which it receives the Royal Assent.

**Interpretation**

**3.** Section 4 of the Principal Act is amended—

(a) by inserting after the definition of “commercial quantity” in sub-section (1) the following definition:

“‘Commissioner of Police’ means the Commissioner of Police referred to in section 6 of the *Australian Federal Police Act* 1979, and includes an acting Commissioner of Police;”; and

(b) by inserting after the definition of “Master” in sub-section (1) the following definition:

“‘Member of the Australian Federal Police’ includes a special member of the Australian Federal Police;”.

**Use of listening devices**

**4.** Section 219b of the Principal Act is amended by inserting in sub-section (2) “narcotics” before “inquiries”.

**Exercise of powers under warrant**

**5.** Section 219d of the Principal Act is amended by omitting “authorized officer of Customs” (wherever occurring) and substituting “authorized member of the Australian Federal Police”.

**Certain information not to be disclosed**

**6.** Section 219f of the Principal Act is amended by omitting paragraph (a) of sub-section (2) and substituting the following paragraph:

“(a) where the information relates, or appears to relate, to the commission, or intended commission, of an offence against the law of the Commonwealth or of a State or Territory, being an offence punishable by imprisonment for life or for a period, or maximum period, of not less than 3 years—the information may be communicated to a member of the Australian Federal Police for the purposes of investigations into the offence, or to an officer of the Police Force of a State or Territory;”.

**Warrants, &c., to be retained**

**7.** Section 219h of the Principal Act is amended by omitting “his Department” and substituting “the Australian Federal Police”.

**Obstruction**

**8.** Section 219j of the Principal Act is repealed.

**Reports to be made to Minister concerning use of listening devices**

**9.** Section 219k of the Principal Act is amended by omitting from sub-section (2) “a report in writing on the extent to which action taken under the warrant has assisted officers of Customs in narcotics inquiries that have been made by them” and substituting “a report in writing with respect to the use made by members of the Australian Federal Police of information obtained by using a listening device in pursuance of the warrant and the communication of any information so obtained to persons other than members of the Australian Federal Police”.

**Interpretation**

**10.** Section 243a of the Principal Act is amended by inserting in sub-section (5) “a member of the Australian Federal Police or” before “an officer of Customs”.

**Assessment of pecuniary penalty**

**11.** Section 243c of the Principal Act is amended by inserting in sub-section (5) “a member of the Australian Federal Police or” before “an officer of Customs”.

**Court may direct official receiver to take control of property**

**12.** Section 243e of the Principal Act is amended by inserting in sub-section (2) “a member of the Australian Federal Police or” before “an officer of Customs” (wherever occurring).

**Formal amendments**

**13.** The Principal Act is amended as set out in the Schedule.

**Savings**

**14.** The amendments of section 219f of the Principal Act made by this Act do not apply to or in relation to any record or information obtained, before the commencement of this Act, by using a listening device for the purposes of narcotics inquiries.

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SCHEDULE Section 13

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting “Comptroller” (wherever occurring) and substituting “Commissioner of Police”:

Sections 219b(3), 219d(1) and (2), 219e, 219f(2), 219g, 219h and 219k(1) and (2).

2. The following provisions of the Principal Act are amended by omitting “an officer of Customs” (wherever occurring) and substituting “a member of the Australian Federal Police”:

Sections 219b(1), (2), (4), (5) and (7), 219d(2) and 219f(1) and (2).

3. The following provisions of the Principal Act are amended by omitting “officers of Customs” (wherever occurring) and substituting “members of the Australian Federal Police”:

Sections 219a(2), 219b(1), (2), (5) and (7), 219d(1), 219f(1), (2) and (3) and 219g.