



Customs Legislation Amendment (Name Change) Act 2009

No. 33, 2009

An Act to change the name of the Australian Customs Service, 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 Legislation Amendment (Name Change) Act 2009

No. 33, 2009

An Act to change the name of the Australian Customs Service, and for related purposes

[Assented to 22 May 2009]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Customs Legislation Amendment (Name Change) Act 2009*.

2 Commencement

This Act commences on the day after it receives the Royal Assent.

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3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Customs Administration Act 1985

1 Title

Omit “**to establish an Australian Customs Service**”, substitute “**to provide for an Australian Customs and Border Protection Service**”.

2 Subsection 4(1)

Repeal the subsection, substitute:

- (1) The agency known immediately before the commencement of this subsection as the Australian Customs Service is continued in existence with the new name, the Australian Customs and Border Protection Service.

Note: The heading to section 4 is altered by inserting “**and Border Protection**” after “**Australian Customs**”.

3 Subsections 4(2), (3) and (4)

After “**Australian Customs**” (wherever occurring), insert “**and Border Protection**”.

4 After section 4

Insert:

4AA Meaning of *Customs*

In any Act, unless the contrary intention appears:

Customs means the agency continued in existence under subsection 4(1).

5 Subsection 4A(1)

After “**Australian Customs**”, insert “**and Border Protection**”.

6 Section 16 (including the example)

After “**Australian Customs**” (wherever occurring), insert “**and Border Protection**”.

7 Subsection 17(1)

After “Australian Customs”, insert “and Border Protection”.

Schedule 2—Amendment of other Acts

ACIS Administration Act 1999

1 Subsections 115(2) and (3)

Omit “the Australian Customs Service”, substitute “Customs”.

Air Services Act 1995

2 Subsection 3(1) (paragraph (b) of the definition of *authority of the Commonwealth*)

Repeal the paragraph, substitute:

(b) Customs;

A New Tax System (Goods and Services Tax) Act 1999

3 Paragraph 117-5(1)(a)

Omit “the Australian Customs Service”, substitute “Customs”.

A New Tax System (Wine Equalisation Tax) Act 1999

4 Section 33-1 (definition of *Customs*)

Repeal the definition, substitute:

Customs means the agency continued in existence under subsection 4(1) of the *Customs Administration Act 1985*.

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

5 Section 5 (paragraph (e) of the definition of *designated agency*)

Repeal the paragraph, substitute:

(e) Customs; or

Australian Crime Commission Act 2002

6 Subsection 4(1) (paragraph (c) of the definition of *eligible Commonwealth Board member*)

Omit “the Australian Customs Service”, substitute “Customs”.

7 Paragraph 7B(2)(c)

Omit “the Australian Customs Service”, substitute “Customs”.

Australian Nuclear Science and Technology Organisation Act 1987

8 Subsection 3(1) (paragraph (c) of the definition of *law enforcement agency*)

Repeal the paragraph, substitute:

(c) Customs; or

Australian Postal Corporation Act 1989

9 Section 90E (paragraph (a) of the definition of *compliance agency*)

Repeal the paragraph, substitute:

(a) Customs;

10 Subsection 90T(8)

Omit “The Australian Customs Service established under the *Customs Administration Act 1985*”, substitute “Customs”.

11 Subsection 90V(2A)

Omit “the Australian Customs Service”, substitute “Customs”.

Australian Sports Anti-Doping Authority Act 2006

12 Paragraph 71(2)(f)

Omit “the Australian Customs Service”, substitute “Customs”.

13 Paragraph 72(2)(f)

Omit “the Australian Customs Service”, substitute “Customs”.

Civil Aviation Act 1988

14 Subsection 3(1) (paragraph (b) of the definition of *authority of the Commonwealth*)

Repeal the paragraph, substitute:

(b) Customs;

Crimes Act 1914

15 Subsection 3(1) (paragraph (d) of the definition of *law enforcement officer*)

Repeal the paragraph, substitute:

(d) an officer of Customs;

16 Subparagraph 15N(2)(c)(iv)

Omit “the Australian Customs Service”, substitute “Customs”.

17 Section 15Q

Omit “the Australian Customs Service” (wherever occurring), substitute “Customs”.

18 Subsection 15XA(1) (paragraph (b) of the definition of *Commonwealth participating agency*)

Repeal the paragraph, substitute:

(b) Customs;

19 Section 85ZL (paragraph (ba) of the definition of *law enforcement agency*)

Repeal the paragraph, substitute:

(ba) Customs;

Criminal Code Act 1995

20 Section 146.1 of the *Criminal Code* (paragraph (e) of the definition of *Commonwealth law enforcement officer*)

Omit “the Australian Customs Service”, substitute “Customs”.

Customs Act 1901

21 Subsection 4(1) (definition of *Customs*)

Repeal the definition.

22 Paragraph 13(2)(b)

Omit “H.M. Customs”, substitute “Customs and Border Protection”.

23 Subsection 64ACB(8)

Omit “the Australian Customs Service”, substitute “Customs”.

24 Subsection 273GAB(1) (note)

Omit “The Australian Customs Service”, substitute “Customs”.

Environment Protection (Sea Dumping) Act 1981

25 Subsection 4(1) (paragraph (b) of the definition of *inspector*)

Omit “the Australian Customs Service”, substitute “Customs”.

26 Paragraph 27(b)

Omit “the Australian Customs Service”, substitute “Customs”.

27 Subsection 28(1)

Omit “the Australian Customs Service”, substitute “Customs”.

28 Subsections 29(6) and (7)

Omit “the Australian Customs Service” (wherever occurring), substitute “Customs”.

29 Subsection 32(2)

Omit “the Australian Customs Service” (wherever occurring), substitute “Customs”.

Evidence Act 1995**30 Part 1 of the Dictionary at the end of the Act
(subparagraph (b)(i) of the definition of *Commonwealth document*)**

Omit “the Australian Customs Service”, substitute “Customs”.

Excise Act 1901**31 Subsection 4(1) (definition of *The Customs*)**

Repeal the definition.

32 Subsections 24(2) and (3)

Omit “the Customs”, substitute “Customs”.

**33 Subsection 61E(1) (paragraph (a) of the definition of
officer of Customs)**

Omit “the Customs”, substitute “Customs”.

Fisheries Management Act 1991**34 Subsection 167B(2)**

Omit “the Australian Customs Service (*Customs*)”, substitute
“Customs”.

***Hazardous Waste (Regulation of Exports and Imports) Act
1989*****35 Subsection 42(3) (note)**

Omit “the Australian Customs Service”, substitute “Customs”.

***Horticulture Marketing and Research and Development
Services Act 2000*****36 Section 26A (note)**

Omit “the Australian Customs Service”, substitute “Customs”.

Imported Food Control Act 1992

37 Subsection 3(1) (definition of *Customs*)

Repeal the definition.

***Maritime Transport and Offshore Facilities Security Act
2003***

38 Paragraph 9(2)(b)

Repeal the paragraph, substitute:

(b) Customs; or

39 Paragraph 9(3)(b)

Repeal the paragraph, substitute:

(b) Customs; or

**40 Section 10 (definition of *maritime industry participant*)
(note)**

Omit “the Australian Customs Service”, substitute “Customs”.

**41 Section 10 (definition of *offshore industry participant*)
(note)**

Omit “the Australian Customs Service”, substitute “Customs”.

Migration Act 1958

42 Subsection 245L(6)

Omit “the Australian Customs Service”, substitute “Customs”.

Note: The heading to subsection 245L(6) is altered by omitting “*information on to Australian Customs Service*” and substituting “*on information*”.

National Health Act 1953

43 Subsection 99ZH(1) (definition of *CEO of Customs*)

Omit “the Australian Customs Service”, substitute “Customs”.

44 Subsection 99ZH(1) (definition of *Customs documentation purposes*)

Omit “the Australian Customs Service”, substitute “Customs”.

45 Subsection 99ZN(6)

Omit “the Australian Customs Service”, substitute “Customs”.

Privacy Act 1988

46 Subsection 6(1) (paragraph (c) of the definition of *enforcement body*)

Repeal the paragraph, substitute:

(c) Customs; or

*[Minister’s second reading speech made in—
House of Representatives on 12 March 2009
Senate on 20 March 2009]*

(27/09)
