

CUSTOMS.

No. 37 of 1957.

An Act to amend the *Customs Act* 1901-1954, and for purposes connected therewith.

[Assented to 7th June, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Customs Act* 1957.

(2.) The *Customs Act 1901–1954** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Customs Act 1901–1957*.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) Section four of this Act shall come into operation at the expiration of a period of three months from the day on which this Act receives the Royal Assent.

3. Section four of the Principal Act is amended by omitting the definition of “The Customs” and inserting in its stead the following definition:— Definitions.

“ ‘The Customs’ means the Department of Customs and Excise.”.

4. Section twenty-one of the Principal Act is repealed and the following section inserted in its stead:—

“ 21.—(1.) The Comptroller may, by writing under his hand, authorize an authority constituted under a law of the Commonwealth or a State for the purpose of operating railways to carry goods which are subject to the control of the Customs. Vehicles of railway deemed to be licensed.

“(2.) Every carriage (including a carriage that is not a railway carriage) under the control of an authority so authorized and used for the carriage of goods shall be deemed to be licensed under this Act for the carriage of goods subject to the control of the Customs.”.

5. After section thirty-five of the Principal Act the following section is inserted:—

“ 35A.—(1.) Where a person who has, or has been entrusted with, the possession, custody or control of dutiable goods which are subject to the control of the Customs— Persons having possession of dutiable goods to keep them safely.

(a) fails to keep those goods safely; or

(b) when so requested by a Collector, does not account for those goods to the satisfaction of a Collector,

that person shall, on demand in writing made by a Collector, pay to the Commonwealth an amount equal to the amount of the duty of Customs which, in the opinion of the Collector making the demand, would have been payable on those goods if they had been entered for home consumption on the day on which the demand was made.

* Act No. 6, 1901, as amended by No. 21, 1906; Nos. 9 and 36, 1910; No. 19, 1914; No. 10, 1916; No. 41, 1920; No. 19, 1922; No. 12, 1923; No. 22, 1925; No. 6, 1930; Nos. 7 and 45, 1934; No. 7, 1935; No. 85, 1936; No. 54, 1947; No. 45, 1949; Nos. 56 and 80, 1950; No. 56, 1951; No. 108, 1952; No. 47, 1953; and No. 66, 1954.

“(2.) An amount payable under the last preceding sub-section shall be a debt due to the Commonwealth and may be sued for and recovered in a court of competent jurisdiction by proceedings in the name of a Collector.

“(3.) In proceedings under the last preceding sub-section, a statement or averment in the complaint, claim or declaration of the Collector is evidence of the matter or matters so stated or averred.

“(4.) This section does not affect the liability of a person arising under or by virtue of—

- (a) any other provision of this Act; or
- (b) a security given under this Act.”.

Right to require security.

6. Section forty-two of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) The right of the Customs under the last preceding sub-section to require and take securities includes the right to require and take a security for a purpose or purposes for which security may be taken under that sub-section and for a purpose or purposes for which security may be taken under section sixteen of the *Excise Act* 1901–1957 and the succeeding provisions of this Part apply to and in relation to such a security in the same manner as they apply to and in relation to any other security required and taken under the last preceding sub-section.”.

7. Section forty-three of the Principal Act is repealed and the following section inserted in its stead:—

Form of security.

“43. A security shall be given in a manner and form approved by a Collector and may, subject to that approval, be by bond, guarantee, cash deposit or any other method, or by two or more different methods.”.

Boarding stations, &c.

8. Section sixty of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

“(2.) The pilot of an aircraft from parts beyond the seas arriving in Australia shall not suffer the aircraft to land at any other airport until the aircraft has first landed—

- (a) at such airport for which a boarding station is appointed as is nearest to the place at which the aircraft entered Australia; or
- (b) at such other airport for which a boarding station is appointed as has been approved by the Comptroller, in writing, as an airport at which that aircraft, or a class of aircraft in which that aircraft is included, may land on arriving in Australia from parts beyond the seas.

Penalty: Fifty pounds.

“(3.) The pilot of an aircraft engaged on an air service or flight between Australia and parts beyond the seas—

- (a) shall not suffer the aircraft to land at an airport for which a boarding station is not appointed; and
- (b) shall, as soon as practicable after the aircraft lands at an airport, bring the aircraft for boarding to the boarding station appointed for that airport.

Penalty: Fifty pounds.

“(4.) It is a defence to a prosecution for an offence against a provision of either of the last two preceding sub-sections if the person charged proves that he was prevented from complying with the provision by stress of weather or other reasonable cause.”.

9.—(1.) Section one hundred and ninety-nine of the Principal Act is amended by omitting the words “for six months from the date thereof” and inserting in their stead the words “until the expiration of the period specified in the warrant or until the warrant is revoked, whichever first occurs”.

Customs
warrants.

(2.) A warrant in force under section one hundred and ninety-nine of the Principal Act immediately before the commencement of this section continues in force, after the commencement of this section, as if granted under that first-mentioned section as amended by this Act, and shall, for the purposes of the Principal Act as amended by this Act, be deemed to be a Customs Warrant in the form of Schedule IV. to that Act as so amended.

10. Section two hundred and thirty-four A of the Principal Act is amended by adding at the end thereof the following sub-section:—

Unauthorized
entry on ships,
aircraft or
wharves.

“(2.) The last preceding sub-section does not prohibit a person—

- (a) who has, or is a member of an authority which has, the management or control of a wharf or wharves or an airport or airports; or
- (b) who is employed in connexion with the management or control of a wharf or wharves or an airport or airports,

from entering on, or being in or on, a place, ship, aircraft, wharf or part of a wharf for the purposes of that management or control.”.

11.—(1.) Sections two hundred and fifty-eight, two hundred and fifty-eight A and two hundred and sixty of the Principal Act are repealed.

Repeal of
sections 258,
258A and 260.

(2.) The repeal effected by the last preceding sub-section does not apply to or in relation to a person convicted of an offence before the commencement of this section.

Schedule IV.

12. Schedule IV. to the Principal Act is amended by omitting the words "This warrant shall remain in force for six months from the date thereof." and inserting in their stead the words "This warrant shall remain in force for a period of
from the date thereof unless revoked before the expiration of that period."
