



Customs Legislation Amendment (2019 Measures No. 1) Regulations 2019

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 04 April 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

Peter Dutton
Minister for Home Affairs

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1 Name

This instrument is the *Customs Legislation Amendment (2019 Measures No. 1) Regulations 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 May 2019.	1 May 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Customs Act 1901*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Customs (Prohibited Exports) Regulations 1958

1 Subregulation 3(1)

Insert:

authorised person means a person appointed to be an authorised person under subregulation (3).

responsible Minister means the Minister administering Part 2 of the *Classification (Publications, Films and Computer Games) Act 1995*.

2 Subregulations 3(3), (4), (5), (7), (8), (9), (10), (13), (14) and (15)

Omit “Attorney-General” (wherever occurring), substitute “responsible Minister”.

3 Subregulation 4A(7) (definition of *authorised officer*)

Omit “the Department of Agriculture, Fisheries and Forestry”, substitute “the Department administered by the Minister”.

4 Subregulation 4A(7) (definition of *Minister*)

Omit “Minister for Agriculture, Fisheries and Forestry”, substitute “Minister administering the *Agricultural and Veterinary Chemicals Code Act 1994*”.

5 Subregulations 5(1) and (2)

Omit “Minister for Agriculture, Fisheries and Forestry”, substitute “Minister”.

6 At the end of regulation 5

Add:

(4) In this regulation:

Minister means the Minister administering the *Export Control Act 1982*.

7 Subregulation 9(1) (definition of *Minister*)

Omit “Minister for Industry, Tourism and Resources”, substitute “Minister administering the *National Radioactive Waste Management Act 2012*”.

8 Subregulation 9(3F)

Omit “his”, substitute “the”.

9 Subregulation 9AA(1) (definition of *authorised person*)

Omit “of Industry, Tourism and Resources”.

10 Subregulation 9AA(1)

Insert:

Department means the Department administered by the Minister.

11 Subregulation 9AA(1) (definition of *Minister*)

Omit “Minister for Industry, Tourism and Resources”, substitute “Minister administering the *Offshore Minerals Act 1994*”.

12 Paragraph 9AA(8)(b)

Omit “of Industry, Tourism and Resources”.

13 Subregulation 9AD(1) (definition of *Minister*)

Omit “Minister for Health and Ageing”, substitute “Minister administering the *Australian Radiation Protection and Nuclear Safety Act 1998*”.

14 Subregulation 13G(3) (definition of *Minister*)

Omit “Minister for Industry, Tourism and Resources”, substitute “Minister administering the *National Radioactive Waste Management Act 2012*”.

15 Paragraphs 13H(4)(b) and (c)

Omit “Minister for Industry, Tourism and Resources”, substitute “Minister referred to in that subregulation”.

16 Schedule 7 (heading)

Omit “**Minister for Industry, Tourism and Resources**”, substitute “**Minister referred to in regulation 9**”.

17 Subparagraph 1(g)(ii) of Schedule 7

Omit “Minister for Industry, Tourism and Resources”, substitute “Minister referred to in regulation 9”.

Customs (Prohibited Imports) Regulations 1956**18 Subregulation 4A(1)**

Insert:

authorised person means a person appointed to be an authorised person under subregulation (2A).

responsible Minister means the Minister administering Part 2 of the *Classification (Publications, Films and Computer Games) Act 1995*.

19 Subregulation 4A(2)

Omit “Attorney-General or a person authorized by the Attorney-General for the purposes of this subregulation”, substitute “responsible Minister or an authorised person”.

20 Subregulation 4A(2AA)

Omit “Attorney-General or the person authorised by the Attorney-General”, substitute “responsible Minister or the authorised person”.

21 Subregulation 4A(2A)

Omit “Attorney-General”, substitute “responsible Minister”.

22 Subregulation 4A(2A)

Omit “authorized”, substitute “authorised”.

23 Subregulation 4A(3)

Omit “Attorney-General or a person authorized by the Attorney-General for the purposes of subregulation (2)”, substitute “responsible Minister or an authorised person”.

24 Subregulation 4A(3)

Omit “he grants the permission”, substitute “the permission is granted”.

25 Subregulations 4A(4), (5), (6), (9) and (10)

Omit “Attorney-General” (wherever occurring), substitute “responsible Minister”.

26 Paragraph 4AA(1)(a)

Omit “Attorney-General”, substitute “Minister”.

27 Paragraphs 4AA(2)(a) and (b)

Omit “Attorney-General”, substitute “Minister”.

28 Paragraph 4AA(4)(a)

Omit “Attorney-General”, substitute “Minister”.

29 Subregulation 4AA(5)

Omit “Attorney-General”, substitute “Minister”.

30 Subregulation 4AA(7) (definition of *authorised person*)

Omit “of the Attorney-General’s Department”, substitute “in the Department”.

31 Subregulation 4AA(7) (definition of *authorised person*)

Omit “Attorney-General”, substitute “Minister”.

32 Subregulation 4AB(3)

Omit “he grants the permission”, substitute “the permission is granted”.

33 Subregulation 4K(1)

Omit “Minister for Agriculture”, substitute “responsible Minister”.

34 Subregulation 4K(8) (definition of *authorised person*)

Omit “Department of Agriculture”, substitute “Department administered by the responsible Minister who is”.

35 Subregulation 4K(8) (definition of *authorised person*)

Omit “Minister for Agriculture”, substitute “responsible Minister”.

36 Subregulation 4K(8) (definition of *prescribed testing authority*)

Omit “Minister for Agriculture”, substitute “responsible Minister”.

37 Subregulation 4K(8)

Insert:

responsible Minister means the Minister administering the *Primary Industries Levies and Charges Collection Act 1991*.

38 Paragraph 4MA(3)(b)

Omit “Department of Industry, Tourism and Resources”, substitute “Department administered by the Minister administering the *Offshore Minerals Act 1994*”.

39 Subregulation 4R(1) (definition of *Minister*)

Omit “Minister for Health and Ageing”, substitute “Minister administering the *Australian Radiation Protection and Nuclear Safety Act 1998*”.

40 Subregulation 4S(5) (definition of *Minister*)

Repeal the definition (including the note), substitute:

Minister means the Minister administering Part 3-3 of Schedule 2 to the *Competition and Consumer Act 2010*.

41 Regulation 4U (heading)

Omit “*Trade Practices Act 1974*”, substitute “*Competition and Consumer Act 2010*”.

42 Subregulation 4U(4) (definition of *Minister*)

Repeal the definition (including the note), substitute:

Minister means the Minister administering Part 3-3 of Schedule 2 to the *Competition and Consumer Act 2010*.

43 Subregulation 4VA(1) (definition of *Minister*)

Omit “Minister for the Environment, Heritage and the Arts”, substitute “Minister administering the *Greenhouse and Energy Minimum Standards Act 2012*”.

44 Paragraph 5(7)(c)

Omit “him”, substitute “the applicant”.

45 Paragraph 5(7)(d)

Omit “his”, substitute “the applicant’s”.

46 Subparagraph 5(9)(a)(i)

Omit “his”, substitute “the holder’s”.

47 Paragraph 5(9)(c)

Omit “he is”.

48 Subparagraph 5(9)(d)(i)

Omit “his”, substitute “the holder’s”.

49 Subparagraph 5(9)(h)(ii)

Omit “him”, substitute “the holder”.

50 Subparagraph 5(9)(h)(iii)

Omit “he”, substitute “the holder”.

51 Paragraph 5(9)(j)

Omit “him” (wherever occurring), substitute “the holder”.

52 Subparagraph 5(10)(b)(i)

Omit “him”, substitute “the applicant”.

53 Subparagraph 5(10)(b)(ii)

Omit “his”, substitute “the applicant’s”.

54 Subparagraph 5(10)(b)(ii)

Omit “he”, substitute “the applicant”.

55 Subparagraph 5(10)(b)(ii)

Omit “him”, substitute “the applicant”.

56 Subparagraph 5(10)(c)(i)

Omit “him”, substitute “the applicant”.

57 Subparagraph 5(10)(c)(ii)

Omit “his”, substitute “the applicant’s”.

58 Subparagraph 5(10)(c)(ii)

Omit “he”, substitute “the applicant”.

59 Subparagraph 5(10)(c)(ii)

Omit “him”, substitute “the applicant”.

60 Paragraph 5(11)(b)

Omit “his”, substitute “the supplier’s”.

61 Subregulations 5(14) and (15)

Omit “under his hand”.

62 Subregulation 5(20) (paragraphs (a) and (b) of the definition of *manufacture*)

Omit “his”.

63 Subregulation 5A(5)

Omit “him” (wherever occurring), substitute “the person”.

64 Paragraph 5A(5)(b)

Omit “his”, substitute “the person’s”.

65 Subregulations 5F(1) and (3)

Omit “his”, substitute “the”.

66 Subregulation 5H(3)

Omit “he grants the permission”, substitute “the permission is granted”.

67 Subregulation 5I(1)

Repeal the subregulation, substitute:

(1) In this regulation:

authorised officer means a person authorised under subregulation (1A).

Minister means the Minister administering the *Agricultural and Veterinary Chemicals Code Act 1994*.

(1A) The Minister may authorise, in writing, an officer of the Department administered by the Minister to grant permissions under this regulation.

68 Paragraph 5I(2)(d)

Omit “Minister for Agriculture, Fisheries and Forestry”, substitute “Minister”.

69 Subparagraph 5I(2A)(e)(i)

Omit “Minister for Agriculture, Fisheries and Forestry”, substitute “Minister”.

70 Subregulation 5I(3)

Omit “Minister for Agriculture, Fisheries and Forestry”, substitute “Minister”.

71 Subregulation 5I(4)

Omit “Minister for Agriculture, Fisheries and Forestry under subregulation (3), that”, substitute “Minister under subregulation (3), the”.

72 Schedule 3 (table item 3, column headed “Conditions, restrictions and requirements”)

Omit “Minister for the Environment and Heritage, or an officer of the Department of the Environment and Heritage”, substitute “Minister administering the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*, or an officer of the Department administered by that Minister”.

73 Subitems 1.1 and 1.2 of Part 1 of Schedule 6

Omit “Attorney-General” (wherever occurring), substitute “Minister”.

74 Subitem 1.4 of Part 1 of Schedule 6 (table items 1 and 5, column headed “Ownership arrangements”)

Omit “Attorney-General”, substitute “Minister”.

75 Subitems 2.1, 2.2, 3.1, 3.2, 5.1, 5.2, 5A.1, 5A.2, 6.1, 6.2, 8.1, 8.2, 8A.2, 8A.3, 8B.2 and 8B.3 of Part 1 of Schedule 6

Omit “Attorney-General” (wherever occurring), substitute “Minister”.

76 Item 9 of Part 1 of Schedule 6 (heading)

Omit “Attorney-General’s”, substitute “Minister’s”.

77 Subitems 9.1 and 9.2 of Part 1 of Schedule 6

Omit “Attorney-General”, substitute “Minister”.

78 Subparagraph 1A(2)(b)(ii) of Part 3 of Schedule 6

Omit “Attorney-General”, substitute “Minister”.

79 Subitem 1.5 of Part 3 of Schedule 6

Omit “Attorney-General”, substitute “Minister”.

80 Paragraphs 2.1(a), 3.1(a) and (b), 3.2(a) and (b), 3.3(a) and (b), 3.4(a) and (b), 3.5(a) and (b) and 3A.1(a) and (b) of Part 3 of Schedule 6

Omit “Attorney-General’s”, substitute “Minister’s”.

81 Paragraph 4.2(ba) of Part 3 of Schedule 6

Omit “Attorney-General”, substitute “Minister”.

82 Paragraph 4.2(c) of Part 3 of Schedule 6

Omit “Attorney-General’s”, substitute “Minister’s”.

83 Subitems 1.1, 1A.1, 4.1 and 4.2 of Part 4 of Schedule 6

Omit “Attorney-General” (wherever occurring), substitute “Minister”.

84 Paragraph 4.3(a) of Part 4 of Schedule 6

Omit “Attorney-General’s”.

85 Subparagraph 8(b)(v) of Part 4 of Schedule 6

Omit “Attorney-General”, substitute “Minister”.