

# TERRITORY OF COCOS (KEELING) ISLANDS

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## Customs Ordinance 1993

No. 6 of 1993

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance under the *Cocos (Keeling) Islands Act 1955*.

Dated 2 September 1993.

P. BENNETT  
Administrator

By His Excellency's Command,

WARREN SNOWDON  
Parliamentary Secretary to the  
Minister for the Environment, Sport and Territories  
for the  
Minister for the Environment, Sport and Territories

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An Ordinance to apply in the Territory certain customs laws of Australia

### Short title

1. This Ordinance may be cited as the *Customs Ordinance 1993*.<sup>1</sup>

[NOTE: This Ordinance commences on gazettal: see *Cocos (Keeling) Islands Act 1955* s. 12 (2).]

## Definitions

**2.** In this Ordinance, unless the contrary intention appears: “**customs officer**” means a person appointed under section 7 and includes the Comptroller;

“**Comptroller**” means the person appointed under section 6.

## Application of the *Customs Act 1901*

**3. (1)** Subject to this Ordinance:

- (a) the *Customs Act 1901* of the Commonwealth applies in the Territory as if that Act were a law of the Territory, except to the extent that it purports to deal with duties of customs; and
- (b) regulations in force under that Act apply in the Territory as if they were regulations made under that law.

**(2)** For the purposes of this Ordinance:

- (a) the *Customs Act 1901* is modified in accordance with Schedule 1; and
- (b) the Customs Regulations are modified in accordance with Schedule 2.

**(3)** The *Customs Act 1901* in its application to the Territory may be cited as the *Customs Act 1901* (C. K. I. ).

**(4)** For the purposes of the *Customs Act 1901* (C.K.I.), goods have the same classification as they would have if they were classified under a tariff classification under the *Customs Tariff Act 1987* of the Commonwealth.

## Interpretation of the Act and Regulations

**4.** In the *Customs Act 1901* (C.K.I.) and regulations in force under that Act:

- (a) a reference to the Minister is a reference to the Minister who administers this Ordinance; and
- (b) a reference to Australia or the Commonwealth, if used in a geographical sense, is a reference to the Territory.

### **Indian Ocean Territories Customs Service**

**5. (1)** The Indian Ocean Territories Customs Service is established in relation to the Territory.

**(2)** For the purposes of the Territory, the Indian Ocean Territories Customs Service comprises the Comptroller and customs officers.

### **Comptroller of the Indian Ocean Territories Customs Service**

**6.** The Minister may appoint in writing a person to be the Comptroller of the Indian Ocean Territories Customs Service.

### **Customs officers**

**7.** The Comptroller may appoint in writing a person to be a customs officer.

### **Regulations**

- 8.** The Minister may make regulations prescribing matters:
- (a) required or permitted by this Ordinance to be prescribed;  
or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.
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**SCHEDULE 1**

Paragraph 3 (2) (a)

**MODIFICATION OF *CUSTOMS ACT 1901*****1. New section 2A**

1.1 After section 2, insert:

**Application of this Act**

“2A. For the purposes of this Act:

- (a) the importation of goods into the Territory from the Territory of Christmas Island is taken not to be an importation to which this Act applies; and
- (b) the exportation of goods from the Territory to the Territory of Christmas Island is taken not to be an exportation to which this Act applies.”.

**2. Section 4 (Interpretation)**

2.1 Subsection 4 (1) (definition of “Comptroller”):

Omit the definition, substitute:

“ **‘Comptroller’** means Comptroller of the Indian Ocean Territories Customs Service;”.

2.2 Subsection 4 (1) (definition of “Customs”):

Omit the definition, substitute:

“ **‘Customs’** means Indian Ocean Territories Customs Service;”.

2.3 Subsection 4 (1) (definition of “Division 1B Judge”):

Omit the definition, substitute:

“ **‘Division 1B Judge’** means Judge of the Supreme Court of Western Australia;”.

2.4 Subsection 4 (1) (definition of “Division 1B Magistrate”):

Omit the definition, substitute:

“ **‘Division 1B Magistrate’** means Magistrate of Western Australia;”.

**SCHEDULE 1—continued**

2.5 Subsection 4 (1) (definition of “Officer of Customs”, paragraph (a)):

Omit the paragraph, substitute:

“(a) who is a customs officer; or”.

**3. Section 4A (Approved forms and approved statements)**

3.1 Subsections 4A (1) and (1A):

After “the Comptroller”, insert “of the Australian Customs Service”.

**4. Section 8 (Collectors of Customs)**

4.1 Subsection 8 (1):

Omit the subsection, substitute:

“(1) In this Act:

- (a) a reference to a Collector, except the Collector of Customs for a State or Territory, is a reference to a customs officer; and
- (b) a reference to a Collector of Customs for a State or Territory is a reference to the Comptroller.”.

**5. Section 27 (State inspection laws)**

5.1 Omit “State Act”, substitute “law of the Territory”.

**6. Section 180 (Interpretation)**

6.1 Subsection 180 (1) (definition of “agents licence”):

Omit the definition, substitute:

“‘**agents licence**’ means licence to act as a customs agent under the Act in its application to Australia;”.

**SCHEDULE 1**—continued**7. Divisions 3, 4 and 5 of Part XI:**

7.1 Omit the Divisions.

**8. Section 270:**

8.1 Omit the section.

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**SCHEDULE 2**

Paragraph 3 (2) (b)

## MODIFICATION OF CUSTOMS REGULATIONS

**1. Regulations 125, 125A and 125B:**

1.1 Omit the regulations.

**2. Regulations 156 to 166 (inclusive):**

2.1 Omit the regulations.

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**NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on 9 September 1993