Date introduced: 12 February 1986
House: Senate
Presented by: Senator the Hon. John Button, 
Minister for Industry, Technology 
and Commerce

DIGEST OF BILL

Purpose

The Bill will amend a number of customs Acts to 
transfer various Ministerial powers to the 
Comptroller-General of Customs and to transfer one power 
from the Comptroller-General to the Minister.

Background

The Australian Customs Service (ACS) was 
established as a statutory authority in June 1985 by the 
Customs Administration Act 1985. Prior to this, the ACS had 
been part of the Department of Industry, Technology and 
Commerce. As part of the establishment of the statutory 
body a number of powers were transferred from the Minister 
to the Comptroller-General of Customs by the Customs 
Administration (Transitional Provisions and Consequential 
Amendments) Act 1985. After this transfer, approximately 
25% of the former Ministerial powers remained to be 
exercised by the Minister.[1]

A review of the remaining Ministerial powers 
conducted by the ACS and the Department of Industry, 
Technology and Commerce was completed in late 1985. The 
Government accepted the review's recommendation that the 
remaining day-to-day administrative powers be transferred to 
the Comptroller-General of Customs. It is estimated that 
approximately 10% of former Ministerial powers will remain 
to be exercised by the Minister.[2] In the Second Reading 
Speech, the Minister stated that the remaining Ministerial 
powers are those which 'have major policy implications and 
which are considered more appropriate for retention by the 
Minister'.[3]
The power to determine that goods are substitutes for other goods with a higher rate of duty (section 25 of the Customs Tariff Act 1982), which was previously transferred to the Comptroller-General of Customs, is to be returned to the Minister. The Minister has stated that 'the Government considers that it is a power in the major policy category which should be retained by the Minister'.[4]

Main Provisions

For a detailed analysis of the clauses of the Bill refer to the Explanatory Memorandum.

Clause 3 amends the Acts set out in the Schedule to the Bills. A total of 28 Acts, including the Customs Act 1901, the Customs Tariff Act 1982 and the Excise Act 1901, are amended. Save for the amendment to section 25 of the Customs Tariff Act 1982, which transfers power to the Minister, all amendments relate to the transfer of administrative power from the Minister to the Comptroller-General of Customs.

Clause 4 is a transitional provision that will ensure the validity of actions taken under powers to be transferred by this Bill.

For further information, if required, contact the Economics and Commerce Group.

14 March 1986

Bills Digest Service

LEGISLATIVE RESEARCH SERVICE
References

2. Ibid., p.148.
3. Ibid., p.149.
4. Ibid., p.149.

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