



Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015

Select Legislative Instrument No. 90, 2015

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 regulation.

Dated 17 June 2015

Governor-General

By His Excellency's Command

Peter Dutton
Minister for Immigration and Border Protection
for the Prime Minister, the Treasurer, the Minister for Communications, the Minister for Health, the Minister for Infrastructure and Regional Development, the Minister for Social Services, the Attorney-General, the Minister for Finance, the Minister for the Environment, the Minister for Defence, the Minister for Agriculture, the Minister for Foreign Affairs and the Minister for Industry and Science

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1 Name

This is the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*.

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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Schedules 1 and 2	At the same time as the <i>Australian Border Force Act 2015</i> commences.	1 July 2015

Note: This table relates only to the provisions of this instrument as originally made.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 following Acts:

- (a) the *Customs Act 1901*;
- (b) the *A New Tax System (Goods and Services Tax) Act 1999*;
- (c) the *Australian Postal Corporation Act 1989*;
- (d) the *Australian Sports Anti-Doping Authority Act 2006*;
- (e) the *Aviation Transport Security Act 2004*;

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- (f) the *Carriage of Goods by Sea Act 1991*;
 - (g) the *Child Support (Registration and Collection) Act 1988*;
 - (h) the *Civil Aviation Act 1988*;
 - (i) the *Commonwealth Electoral Act 1918*;
 - (j) the *Copyright Act 1968*;
 - (k) the *Crimes Act 1914*;
 - (l) the *Environment Protection and Biodiversity Conservation Act 1999*;
 - (m) the *Excise Act 1901*;
 - (n) the *Explosives Act 1961*;
 - (o) the *Fisheries Management Act 1991*;
 - (p) the *Imported Food Control Act 1992*;
 - (q) the *Law Enforcement Integrity Commissioner Act 2006*;
 - (r) the *Maritime Transport and Offshore Facilities Security Act 2003*;
 - (s) the *Migration Act 1958*;
 - (t) the *Motor Vehicle Standards Act 1989*;
 - (u) the *National Health Security Act 2007*;
 - (v) the *National Transport Commission Act 2003*;
 - (w) the *Navigation Act 2012*;
 - (x) the *Olympic Insignia Protection Act 1987*;
 - (y) the *Overseas Missions (Privileges and Immunities) Act 1995*;
 - (z) the *Primary Industries Levies and Charges Collection Act 1991*;
 - (za) the *Product Stewardship Act 2011*;
 - (zb) the *Public Service Act 1999*;
 - (zc) the *Quarantine Act 1908*;
 - (zd) the *Quarantine Charges (Imposition—Customs) Act 2014*;
 - (ze) the *Taxation Administration Act 1953*;
 - (zf) the *Telecommunications (Interception and Access) Act 1979*;
 - (zg) the *Therapeutic Goods Act 1989*;
 - (zh) the *Torres Strait Fisheries Act 1984*;
 - (zi) the *Trade Marks Act 1995*.

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 of the Customs Regulation 2015

Customs Regulation 2015

1 Section 4

Insert:

Australian Border Force has the same meaning as in the *Australian Border Force Act 2015*.

2 Section 4 (paragraph (a) of the definition of customs document)

Omit “by Customs or any officer”, substitute “by the Department, or any officer, for the purposes of the Customs Acts”.

3 Section 4 (paragraph (b) of the definition of customs document)

Omit “to Customs or any officer”, substitute “to the Department, or any officer, for the purposes of the Customs Acts”.

4 Section 4 (definition of Customs flag)

Repeal the definition.

5 Paragraph 7(2)(a)

Omit “of Customs—the Customs flag”, substitute “of the Australian Border Force—the flag prescribed by section 11”.

6 Paragraph 7(3)(a)

Repeal the paragraph, substitute:

- (a) for an aircraft in the service of the Australian Border Force—the words “AUSTRALIAN BORDER FORCE” displayed in letters at least 150 millimetres high; and

7 Paragraph 8(a)

Omit “of Customs—the Customs flag”, substitute “of the Australian Border Force—the flag prescribed by section 11”.

8 Section 11 (heading)

Repeal the heading, substitute:

11 Flag

9 Section 11

Omit “word”, substitute “words”.

10 Section 11

Omit “CUSTOMS”, substitute “AUSTRALIAN BORDER FORCE”.

11 Subsection 12(1) (table item 4, column headed “Function”)

Omit “Customs”, substitute “the Department or an officer of Customs”.

12 Subsection 12(1) (table items 5 and 6, column headed “Function”)

Omit “Customs”, substitute “an officer of Customs”.

13 Subsection 12(1) (table item 7, column headed “Function”)

Omit “of Customs”.

14 Subsection 12(1) (table item 7, column headed “Function”)

After “place”, insert “for the purposes of the Customs Acts”.

15 Subsection 12(1) (table item 8, column headed “Function”)

Omit “of Customs”.

16 Subsection 12(1) (table item 8, column headed “Function”)

After “place”, insert “for the purposes of the Customs Acts”.

17 Subsection 12(2) (paragraph (a) of the definition of *Customs place*)

Omit “Customs”, substitute “the Commonwealth for use for the purposes of the Customs Acts”.

18 Subsection 12(2) (paragraph (f) of the definition of *Customs place*)

Omit “that is approved, in writing, by the CEO”, substitute “approved in an instrument under subsection 183UA(2) of the Act”.

19 Subsection 13(4)

Omit “by Customs”, substitute “by the Commonwealth”.

20 Subsection 24(2)

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

21 Sections 30 and 31

Omit “Customs”, substitute “a Collector”.

22 Subsection 33(1)

Omit “Customs office”, substitute “place owned or occupied by the Commonwealth for use for the purposes of the Customs Acts”.

23 Subparagraph 59(1)(d)(i)

Omit “Customs”, substitute “the Department”.

24 Subsection 69(1)

Omit “Customs”, substitute “the Commonwealth”.

25 Section 71 (heading)

Repeal the heading, substitute:

71 Notice to Department by holder of warehouse licence

26 Paragraph 80(5)(b)

Omit “Customs”, substitute “the Department”.

27 Section 82

Omit “Customs may”, substitute “a Collector may”.

28 Paragraph 82(a)

Omit “Customs”, substitute “the Department”.

29 Subsection 83(1)

Omit “Customs”, substitute “a Collector”.

30 Subsection 83(2)

Omit “Customs”, substitute “the Department”.

31 Subsection 83(3)

Omit “to Customs”, substitute “to the Department”.

32 Paragraph 83(3)(b)

Omit “within a Customs office that has been allocated to the person who made the declaration for collection of documents from Customs”, substitute “that has been allocated for collection of such advices by notice published on the Department’s website”.

33 Paragraph 83(4)(b)

Omit “Customs”, substitute “the Department”.

34 Paragraph 84(3)(b)

Omit “Customs”, substitute “a Collector”.

**35 Subsection 84(3) (table item 1, column headed
“Circumstance”)**

Omit “Customs”, substitute “a Collector”.

**36 Subsection 84(3) (table item 2, column headed
“Particulars”)**

Omit “Customs”, substitute “a Collector”.

37 Paragraph 85(3)(a)

Omit “Customs”, substitute “a Collector”.

38 Paragraph 90(2)(b)

Omit “the control of Customs”, substitute “customs control”.

39 Subsection 91(2)

Omit “Customs”, substitute “the Department”.

40 Paragraph 91(3)(a)

Omit “to Customs”, substitute “to the Department”.

41 Paragraphs 91(3)(a) and (b)

Omit “by Customs”, substitute “by a Collector”.

42 Subsection 91(5)

Omit “Customs”, substitute “the Department”.

43 Paragraph 92(2)(a)

Omit “taken through Customs”, substitute “carried”.

44 Subparagraph 107(2)(e)(ii)

Omit “in a Customs Office”.

45 At the end of subparagraph 107(2)(e)(ii)

Add “by notice published on the Department’s website”.

46 Subsection 107(3) (note)

Omit “Customs”, substitute “the Department”.

47 Section 108 (heading)

Repeal the heading, substitute:

108 Communication of application for refund, rebate or remission by computer to Department

48 Section 108

Omit “to Customs”, substitute “to the Department”.

49 Section 108

Omit “by Customs”, substitute “by a Collector”.

50 Subsection 109(1)

Omit “the control of Customs”, substitute “customs control under the Act”.

51 Subsection 109(2) (table items 1 and 2, column headed “Period for making application”)

Omit “the control of Customs”, substitute “customs control under the Act”.

52 Subsection 109(3)

Omit “of Customs before the delivery from the control of Customs”, substitute “of the Department before the delivery from customs control under the Act”.

53 Subsection 109(6)

Omit “CEO”, substitute “Comptroller-General of Customs”.

54 Subsection 110(1)

Omit “by Customs”.

55 Paragraph 111(4)(a)

Omit “Customs”, substitute “the Department”.

56 Subparagraph 111(4)(b)(ii)

Omit “Customs”, substitute “a Collector”.

57 Section 123 (heading)

Repeal the heading, substitute:

123 Samples

58 Subsection 123(4)

Omit “the control of Customs”, substitute “customs control under the Act”.

59 Paragraph 123(5)(a)

Omit “Customs”, substitute “the Commonwealth”.

60 Paragraph 132(b)

Omit “Customs”, substitute “the Department”.

61 Paragraph 134(1)(b)

Omit “CEO”, substitute “Comptroller-General of Customs”.

62 Subparagraph 137(2)(g)(ii)

Omit “Customs”, substitute “the Department”.

63 Paragraphs 137(3)(b) and (6)(c)

Omit “CEO”, substitute “Comptroller-General of Customs”.

64 Paragraph 138(4)(b)

Omit “CEO”, substitute “Comptroller-General of Customs”.

65 Subsections 139(1) and (2)

Omit “CEO” (wherever occurring), substitute “Comptroller-General of Customs”.

66 Subsection 139(3) (heading)

Repeal the heading, substitute:

Comptroller-General of Customs may extend period without application

67 Subsections 139(3), (4) and (5)

Omit “CEO” (wherever occurring), substitute “Comptroller-General of Customs”.

68 Subparagraph 139(5)(b)(ii)

Omit “CEO’s decision”, substitute “decision of the Comptroller-General of Customs”.

69 Subsection 139(6) (heading)

Repeal the heading, substitute:

Comptroller-General of Customs may extend period more than once

70 Subsection 139(6)

Omit “CEO”, substitute “Comptroller-General of Customs”.

71 Subsections 140(1), (3), (4) and (7)

Omit “CEO” (wherever occurring), substitute “Comptroller-General of Customs”.

72 Paragraph 148(1)(b)

Omit “posted in a conspicuous place at the Customs House nearest to the place where the sale is to be held”, substitute “published on the Department’s website”.

73 At the end of Part 18

Add:

154 Amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

- (1) A document that is a customs document under this instrument immediately before 1 July 2015 is taken on and after that day to continue to be a customs document under this instrument.
- (2) The reference in paragraph (f) of the definition of *Customs place* in subsection 12(2) to an instrument under subsection 183UA(2) of the Act is a reference to such an instrument in force on or after 1 July 2015 (whether the instrument was made before, on or after that day).
- (3) An accommodation allowance paid before 1 July 2015 to an officer by Customs as mentioned in subsection 13(4) is taken on and after that day to have been an accommodation allowance paid to the officer by the Commonwealth.
- (4) If before 1 July 2015 a person had informed Customs of the matter referred to in paragraph 24(2)(b), then on and after that day the person is taken to have informed the Department of that matter.
- (5) A description given to Customs before 1 July 2015 under subsection 24(2) is taken on and after that day to have been a description given to the Department.
- (6) A return lodged with Customs before 1 July 2015 under paragraph 80(5)(b) is taken on and after that day to have been a return lodged with the Department.
- (7) A number allocated by Customs before 1 July 2015 as mentioned in paragraph 84(3)(b), item 2 of the table in subsection 84(3), paragraph 85(3)(a) or item 3 of the table in clause 1 of Schedule 4 is taken on and after that day to have been a number allocated by a Collector.

(8) If:

- (a) a documentary export entry was given to a person before 1 July 2015 as mentioned in subsection 91(2); and
- (b) the document had not been delivered to Customs before that day;

then on and after that day the document is taken to have been given to the person for delivery to the Department.

(9) A documentary withdrawal of an export entry sent to Customs before 1 July 2015 as mentioned in paragraph 91(3)(a) is taken on and after that day to have been sent to the Department.

(10) A fax number specified by Customs as mentioned in paragraph 91(3)(a) and in effect immediately before 1 July 2015 is taken on and after that day to have been a fax number specified by a Collector.

(11) A postal address specified by Customs as mentioned in paragraph 91(3)(b) and in effect immediately before 1 July 2015 is taken on and after that day to have been a postal address specified by a Collector.

(12) An application left in accordance with subparagraph 107(2)(e)(ii) before 1 July 2015 is taken on and after that day to have been an application left in accordance with that subparagraph as amended by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*.

(13) An application taken to have been communicated to Customs before 1 July 2015 as mentioned in section 108 is taken on and after that day to have been an application communicated to the Department.

(14) A notification to Customs before 1 July 2015 as mentioned in paragraph 111(4)(a) is taken on and after that day to have been a notification to the Department.

(15) If before 1 July 2015 Customs told a person of the matter referred to in subparagraph 111(4)(b)(ii), then on and after that day a Collector is taken to have told the person of that matter.

(16) An authorisation of a person in force immediately before 1 July 2015 under paragraph 134(1)(b) is taken on and after that day to be

an authorisation of the person by the Comptroller-General of Customs.

- (17) An infringement notice in force immediately before 1 July 2015 that states the matter referred to in paragraph 137(3)(b) or (6)(c) or 138(4)(b) is taken on and after that day to have stated the matter in relation to the Comptroller-General of Customs.
- (18) An application under subsection 139(1) that is pending immediately before 1 July 2015 is taken on and after that day to be an application to the Comptroller-General of Customs.
- (19) If before 1 July 2015 a payment period was extended under section 139, then on and after that day the Comptroller-General of Customs is taken to have extended that period.
- (20) Written representations made before 1 July 2015 under section 140 are taken on and after that day to be written representations made to the Comptroller-General of Customs.
- (21) An infringement notice withdrawn under section 140 before 1 July 2015 is taken on and after that day to have been withdrawn under that section by the Comptroller-General of Customs.

74 Clause 1 of Schedule 4 (table item 2, column headed “Circumstance”)

Omit “Customs”, substitute “a Collector”.

75 Clause 1 of Schedule 4 (table item 3, column headed “Particulars”)

Omit “Customs”, substitute “a Collector”.

76 Clause 1 of Schedule 4 (table item 10, column headed “Circumstance”, paragraphs (a) and (b))

Omit “CEO”, substitute “Comptroller-General of Customs”.

77 Clause 1 of Schedule 6 (table item 1, column headed “Circumstances”, paragraph (b))

Omit “the control of Customs”, substitute “customs control under the Act”.

78 Clause 1 of Schedule 6 (table item 2, column headed “Circumstances”)

Omit “the control of Customs”, substitute “customs control under the Act”.

79 Clause 1 of Schedule 6 (table item 3, column headed “Circumstances”, paragraphs (a) and (b))

Omit “the control of Customs”, substitute “customs control under the Act”.

80 Clause 1 of Schedule 6 (table item 4, column headed “Circumstances”, paragraph (c))

Omit “the control of the Customs”, substitute “customs control under the Act”.

Schedule 2—Amendments of other regulations

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

1 Regulation 33-15.06 (heading)

Repeal the heading, substitute:

33-15.06 Electronic dealings by approved entities

2 Subregulation 168-5.10(4)

Omit “Chief Executive Officer of Customs”, substitute “Comptroller-General of Customs”.

3 Subregulation 168-5.10C(3)

Omit “Chief Executive Officer of Customs”, substitute “Comptroller-General of Customs”.

4 Regulation 168-5.16 (heading)

Repeal the heading, substitute:

168-5.16 Processing payment authority given to Comptroller-General of Customs

5 Paragraph 168-5.16(1)(a)

Omit “Chief Executive Officer of Customs”, substitute “Comptroller-General of Customs”.

6 Paragraph 168-5.16(1)(c)

Omit “Chief Executive Officer”, substitute “Comptroller-General of Customs”.

7 Subregulation 168-5.16(3)

Omit “Chief Executive Officer”, substitute “Comptroller-General of Customs”.

8 Paragraph 168-5.17(1)(c)

Omit “Chief Executive Officer of Customs, or a person authorised by the Chief Executive Officer”, substitute “Comptroller-General of Customs, or a person authorised by the Comptroller-General of Customs”.

9 Subregulation 168-5.17(3)

Omit “Chief Executive Officer”, substitute “Comptroller-General of Customs”.

10 Clause 2 of Schedule 5

Repeal the clause, substitute:

2 Sealed bag arrangements for liquids, aerosols, gels, creams and pastes

- (1) This clause applies if:
 - (a) a person purchases a liquid, aerosol, gel, cream or paste (a **LAG product**) as a GST-free item; and
 - (b) in relation to dealing with the LAG product, the person is required to comply with the requirements of any of the following rules of Table 1 in this Schedule:
 - (i) SB Rule 2;
 - (ii) SB Rules 7 to 10; and
 - (c) the person deals with the LAG product in accordance with an arrangement (known as a “sealed bag arrangement”) that:
 - (i) is administered by the Australian Taxation Office and the Department administered by the Minister administering the *Migration Act 1958*; and
 - (ii) is consistent with the requirements of Subdivision 4.1.1A of the *Aviation Transport Security Regulations 2005*.
- (2) The supply of the LAG product to the person is taken to have complied with the rules in Table 1 in this Schedule.

11 Schedule 5 (table 1)

Omit “indirect tax zone side of the Customs barrier”, substitute “indirect tax zone side of the customs barrier”.

12 Schedule 5 (table 1, rule 7, column 2)

Omit “Customs barrier”, substitute “customs barrier”.

13 Schedule 5 (table 1, rule 7, column 3)

Omit “presents himself or herself to customs”, substitute “presents himself or herself to an officer of Customs”.

14 Schedule 5 (table 1, rule 8, column 2)

Omit “Customs barrier”, substitute “customs barrier”.

15 Schedule 5 (table 1, rule 8, column 5)

Omit “presents himself or herself to Customs”, substitute “presents himself or herself to an officer of Customs”.

16 Schedule 5 (table 2)

Omit “departure side of the Customs barrier”, substitute “departure side of the customs barrier”.

17 Schedule 5 (table 2, rule 1, column 4, paragraph (b))

Omit “Customs barrier”, substitute “customs barrier”.

18 Schedule 5 (table 2, rule 2, column 3)

Omit “Customs barrier” (wherever occurring), substitute “customs barrier”.

19 Schedule 5 (table 2, rule 4, column 4)

Omit “Customs barrier”, substitute “customs barrier”.

20 At the end of Schedule 15

Add:

**Part 2—Amendments made by the Customs and
Other Legislation Amendment (Australian
Border Force) Regulation 2015**

102 Verification of export

- (1) Arrangements agreed to by the Chief Executive Officer of Customs as mentioned in subregulation 168-5.10(4) of these Regulations and in force immediately before 1 July 2015 continue in force on and after that day as if they had been arrangements agreed to by the Comptroller-General of Customs.
- (2) Documentary evidence given to the Chief Executive Officer of Customs under subregulation 168-5.10C(3) of these Regulations before 1 July 2015 is taken on and after that day to have been documentary evidence given to the Comptroller-General of Customs.

103 Processing payment authority given to Chief Executive Officer of Customs

- (1) A payment authority mentioned in paragraph 168-5.16(1)(a) of these Regulations that was posted to the Chief Executive Officer of Customs before 1 July 2015 is taken on and after that day to have been posted to the Comptroller-General of Customs.
- (2) A payment authority mentioned in paragraph 168-5.16(1)(a) of these Regulations that was received by the Chief Executive Officer of Customs before 1 July 2015 is taken on and after that day to have been received by the Comptroller-General of Customs.

104 Processing claim for payment made in exceptional circumstances

- (1) If, before 1 July 2015, the Chief Executive Officer of Customs was satisfied of the matter mentioned in paragraph 168-5.17(1)(c) of these Regulations, then on and after that day the Comptroller-General of Customs is taken to be satisfied of the matter.
 - (2) An authorisation in force under paragraph 168-5.17(1)(c) of these Regulations immediately before 1 July 2015 is taken on and after that day to be an authorisation by the Comptroller-General of Customs in force under that paragraph.
 - (3) A claim mentioned in subregulation 168-5.17(3) of these Regulations that was received by the Chief Executive Officer of Customs before 1 July 2015 is taken on and after that day to have been received by the Comptroller-General of Customs.
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105 Sealed bag arrangements for liquids, aerosols, gels, creams and pastes

The repeal and substitution of clause 2 of Schedule 5 made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015* applies in relation to purchases on or after 1 July 2015.

21 Dictionary

Insert:

Comptroller-General of Customs means the person who is the Comptroller-General of Customs in accordance with subsection 11(3) or 14(2) of the *Australian Border Force Act 2015*.

Australian Postal Corporation Regulations 1996

22 Paragraph 3B(aa)

Omit “Customs officer”, substitute “customs officer”.

23 Paragraph 3B(aa)

Omit “*first Customs officer*”, substitute “*first customs officer*”.

24 Paragraph 3B(ab)

Omit “Customs officer to whom the first Customs officer”, substitute “customs officer to whom the first customs officer”.

25 Paragraph 3B(ab)

Omit “*second Customs officer*”, substitute “*second customs officer*”.

26 Paragraph 3B(ac)

Omit “Customs officer” (wherever occurring), substitute “customs officer”.

27 Paragraph 3B(b)

Omit “other than the Australian Customs Service established under the *Customs Administration Act 1985*”.

28 Subparagraph 3B(b)(i)

Omit “Customs officer”, substitute “customs officer”.

29 Regulation 3C

Omit “Customs officer”, substitute “customs officer”.

30 Subparagraph 3F(a)(i)

Repeal the subparagraph, substitute:

- (i) a law relating to customs; or

Australian Sports Anti-Doping Authority Regulations 2006

31 After Part 5

Insert:

Part 6—Transitional matters

24 Amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

Information, documents or things disclosed to the Australian Customs Service under subclause 4.21(2) of Schedule 1 before 1 July 2015 are taken on and after that day to have been information, documents or things disclosed to the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

32 Paragraph 4.21(2)(c) of Schedule 1

Repeal the paragraph, substitute:

- (c) the Department administered by the Minister administering Part XII of the *Customs Act 1901*;

Aviation Transport Security Regulations 2005

33 Regulation 1.03 (definition of *Customs and Border Protection*)

Repeal the definition.

34 Regulation 1.03

Insert:

officer of Customs has the same meaning as in the *Customs Act 1901*.

35 Regulation 1.03 (definition of *officer of Customs and Border Protection*)

Repeal the definition.

36 Paragraph 4.11(2)(b)

Repeal the paragraph, substitute:

(b) an officer of Customs;

37 Paragraph 4.12A(1)(b)

Omit “an officer of Customs and Border Protection”, substitute “an officer of Customs”.

38 Paragraph 4.53(1)(a)

Repeal the paragraph, substitute:

(a) an officer of Customs;

39 Paragraph 4.54(1)(e)

Repeal the paragraph, substitute:

(e) an officer of Customs;

40 Regulation 4.55 (note 2)

Omit “Customs and Border Protection”, substitute “an officer of Customs”.

41 Subregulation 4.62(1) (table item 6, column 2)

Omit “An officer of Customs and Border Protection”, substitute “An officer of Customs”.

42 Subregulation 4.65(2)

Omit “An officer of Customs and Border Protection”, substitute “An officer of Customs”.

43 Subregulation 6.01(1)

Insert:

Comptroller-General of Customs means the person who is the Comptroller-General of Customs in accordance with subsection 11(3) or 14(2) of the *Australian Border Force Act 2015*.

44 Subregulation 6.01(1) (paragraph (c) of the definition of *VIC issuer*)

Repeal the paragraph, substitute:

(c) the Comptroller-General of Customs.

45 Regulation 6.12 (heading)

Repeal the heading, substitute:

6.12 Comptroller-General of Customs and CASA to be issuing bodies

46 Regulation 6.12

Omit “Customs and Border Protection”, substitute “The Comptroller-General of Customs”.

47 Paragraph 6.25A(2)(a)

Omit “Customs and Border Protection”, substitute “the Comptroller-General of Customs”.

48 Subparagraph 6.25A(2)(i)(iii)

Omit “not issued by Customs”, substitute “not issued by the Comptroller-General of Customs”.

49 Sub subparagraph 6.25A(2)(i)(iii)(A)

Omit “Customs and Border Protection”, substitute “the Comptroller-General of Customs”.

50 Paragraph 6.25A(2)(k)

Omit “Customs and Border Protection” (wherever occurring), substitute “the Comptroller-General of Customs”.

51 Subregulation 6.27A(1)

Omit “Customs and Border Protection”, substitute “the Comptroller-General of Customs”.

52 Subparagraph 6.33(4)(h)(iii)

Repeal the subparagraph, substitute:

- (iii) if the issuing body is the Comptroller-General of Customs—the words ‘Comptroller-General of Customs’; or

53 Subparagraph 6.37(3)(h)(iii)

Repeal the subparagraph, substitute:

- (iii) if the issuing body is the Comptroller-General of Customs—the words ‘Comptroller-General of Customs’; or

54 Subregulation 6.38(1A)

Omit “Customs and Border Protection”, substitute “The Comptroller-General of Customs”.

55 Subregulation 6.38D(6)

Omit “Customs and Border Protection”, substitute “The Comptroller-General of Customs”.

56 Subregulation 6.38E(1)

Omit “Customs and Border Protection”, substitute “the Comptroller-General of Customs”.

57 Paragraph 6.38E(5)(a)

Omit “Customs and Border Protection”, substitute “the Comptroller-General of Customs”.

58 Regulation 6.38EB (heading)

Repeal the heading, substitute:

6.38EB The 28 day rule—additional rule for Comptroller-General of Customs

59 Subregulation 6.38EB(1)

Omit “Customs and Border Protection must”, substitute “The Comptroller-General of Customs must”.

60 Subregulation 6.38EB(1)

Omit “by Customs and Border Protection”, substitute “by the Comptroller-General of Customs”.

61 Paragraphs 6.38EB(2)(a) and (b)

Omit “Customs and Border Protection”, substitute “the Comptroller-General of Customs”.

62 Subregulation 6.38EB(3)

Repeal the subregulation.

63 Subparagraph 6.39(2)(g)(iii)

Repeal the subparagraph, substitute:

- (iii) if the VIC is issued by the Comptroller-General of Customs—the words ‘Comptroller-General of Customs’;

64 Subregulation 6.39A(1) (heading)

Repeal the heading, substitute:

VICs issued by the Comptroller-General of Customs

65 Subregulation 6.39A(1)

Omit “Customs and Border Protection”, substitute “The Comptroller-General of Customs”.

66 Subregulation 6.39A(3)

Omit “Customs and Border Protection”, substitute “the Comptroller-General of Customs”.

67 Paragraph 6.39A(4)(b)

Omit “Customs and Border Protection”, substitute “the Comptroller-General of Customs”.

68 Subregulations 6.39A(7) and (7A)

Omit “Customs and Border Protection”, substitute “the Comptroller-General of Customs”.

69 Regulation 6.42F (paragraph (d) of the definition of *issuer*)

Omit “Customs and Border Protection” (wherever occurring), substitute “the Comptroller-General of Customs”.

70 Subparagraphs 6.45(3)(b)(i) and (ii)

Omit “Customs and Border Protection” (wherever occurring), substitute “the Comptroller-General of Customs”.

71 After Part 9

Insert:

Part 10—Transitional matters

10.01 Amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

- (1) A thing done by, or in relation to, the Australian Customs and Border Protection Service under these Regulations before 1 July 2015 has effect on and after that day as if it had been done by, or in relation to, the Comptroller-General of Customs.
- (2) Without limiting subregulation (1), if an ASIC program was in force in relation to the Australian Customs and Border Protection Service immediately before 1 July 2015, then, on and after that day, the program is taken to be in force in relation to the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

Carriage of Goods by Sea Regulations 1998

72 Schedule of modifications (paragraph 4(a) of Article 1)

Omit “Chief Executive Officer of Customs”, substitute “Comptroller-General of Customs”.

Child Support (Registration and Collection) Regulations 1988

73 Paragraph 5F(a)

Repeal the paragraph, substitute:

- (a) the Comptroller-General of Customs (within the meaning of the *Customs Act 1901*);

Civil Aviation Safety Regulations 1998

74 Paragraph 92.160(2)(b)

Repeal the paragraph, substitute:

- (b) the Australian Border Force (within the meaning of the *Australian Border Force Act 2015*);

Copyright Regulations 1969

75 Subregulation 21(1)

Omit “CEO” (wherever occurring), substitute “Comptroller-General of Customs”.

76 Subregulation 21(2) (note)

Repeal the note.

77 Subregulation 22B(1)

Omit “CEO”, substitute “Comptroller-General of Customs”.

78 Before regulation 28

Insert:

Part 8—Transitional matters

79 After regulation 28

Insert:

29 Amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

- (1) A direction given by the CEO under subregulation 21(1) and in force immediately before 1 July 2015 continues in force on and after that day under that subregulation as if it had been given by the Comptroller-General of Customs.
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- (2) An instrument in force under subregulation 22B(1) immediately before 1 July 2015 has effect on and after that day as if it were an instrument of the Comptroller-General of Customs in force under that subregulation.

Crimes Regulations 1990

80 Schedule 4 (cell at table item 4, column 2)

Repeal the cell, substitute:

The Australian Border Force Commissioner (within the meaning of the *Australian Border Force Act 2015*) or the Secretary of the Department administered by the Minister administering Part XII of the *Customs Act 1901*

Customs (International Obligations) Regulation 2015

81 Subparagraph 26(2)(e)(ii)

Omit “in a Customs Office”.

82 At the end of subparagraph 26(2)(e)(ii)

Add “by notice published on the Department’s website”.

83 Subsection 26(3) (note)

Omit “Customs”, substitute “the Department”.

84 Section 27 (heading)

Repeal the heading, substitute:

27 Communication of application for refund, rebate or remission by computer to Department

85 Section 27

Omit “to Customs”, substitute “to the Department”.

86 Section 27

Omit “by Customs”, substitute “by a Collector”.

87 Subsection 28(1)

Omit “the control of Customs”, substitute “customs control”.

88 Subsection 28(3)

Omit “CEO”, substitute “Comptroller-General of Customs”.

89 Subsection 29(1)

Omit “by Customs”.

90 At the end of Part 9

Add:

50 Amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

- (1) An application left in accordance with subparagraph 26(2)(e)(ii) before 1 July 2015 is taken on and after that day to have been an application left in accordance with that subparagraph as amended by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*.
- (2) An electronic message transmitted by Customs before 1 July 2015 as mentioned in section 27 is taken on and after that day to have been an electronic message transmitted by a Collector.

Customs (Prohibited Exports) Regulations 1958

91 Paragraphs 10B(1)(c) and (e)

Omit “CEO” (wherever occurring), substitute “Comptroller-General of Customs”.

92 Regulation 10E (heading)

Repeal the heading, substitute:

10E Exercise of powers by Secretary, Comptroller-General of Customs or authorised person

93 Regulation 10E

Omit “CEO”, substitute “Comptroller-General of Customs”.

94 Part 4

Insert in its appropriate numerical position:

17 Transitional matters—amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

- (1) The amendment of regulation 10B made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015* applies in relation to licences granted under regulation 10A before, on or after 1 July 2015.
- (2) A requirement made by the CEO before 1 July 2015 as mentioned in paragraph 10B(1)(c) or (e) that had not been complied with before that day is taken on and after that day to have been a requirement made by the Comptroller-General of Customs.

Customs (Prohibited Imports) Regulations 1956

95 Subregulation 3C(2) (definition of authorised officer)

Omit “CEO”, substitute “Comptroller-General of Customs”.

96 Subregulation 4B(2)

Omit “the control of the Customs”, substitute “customs control”.

97 Subregulation 4BA(1)

Omit “the control of Customs”, substitute “customs control”.

98 Paragraphs 5(9)(b) and (e)

Omit “CEO”, substitute “Comptroller-General of Customs”.

99 After regulation 7

Insert:

8 Transitional matters—amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

- (1) The amendment of regulation 5 made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015* applies in relation to licences granted under regulation 5 before, on or after 1 July 2015.
- (2) A direction given by the CEO under paragraph 5(9)(b) and in force immediately before 1 July 2015 continues in force on and after that day under that paragraph as if it had been given by the Comptroller-General of Customs.
- (3) A requirement made by the CEO before 1 July 2015 as mentioned in paragraph 5(9)(e) that had not been complied with before that day is taken on and after that day to have been a requirement made by the Comptroller-General of Customs.
- (4) An application under subitem 5.8 of Part 3 of Schedule 6 that is pending immediately before 1 July 2015 is taken on and after that day to be an application to the Comptroller-General of Customs.
- (5) A certificate issued by the CEO under subitem 5.10 of Part 3 of Schedule 6 and in force immediately before 1 July 2015 continues in force on and after that day under that subitem as if it had been issued by the Comptroller-General of Customs.
- (6) If before 1 July 2015 a person had informed the CEO of a change in the person's circumstances as mentioned in subitem 5.11 of Part 3 of Schedule 6, then on and after that day the person is taken to have informed the Comptroller-General of Customs of the change.

100 Subparagraphs 5.7(b)(i) and (c)(ii) of Part 3 of Schedule 6

Omit “CEO”, substitute “Comptroller-General of Customs”.

101 Subitems 5.8, 5.10, 5.11, 5.12 and 5.15 of Part 3 of Schedule 6

Omit “CEO” (wherever occurring), substitute “Comptroller-General of Customs”.

Electoral and Referendum Regulations 1940

102 Schedule 1 (table item 5)

Repeal the item.

103 Schedule 1 (table item 19)

Repeal the item, substitute:

- 19 Department administered by the Minister administering the *Australian Border Force Act 2015*
- (a) verifying the identity or status of travellers and consignees of cargo or postal articles; or
 - (b) verifying the identity and status of importers and exporters; or
 - (c) checking the accuracy of information given to that Department or to a Collector (within the meaning of the *Customs Act 1901*); or
 - (d) verifying the identity of individuals on behalf of:
 - (i) the government of another country; or
 - (ii) a law enforcement administration under an international agreement or arrangement; or
 - (e) surveillance purposes; or
 - (f) facilitating travel to Australia, or entry to Australia, for an Australian citizen who may have lost his or her passport; or
 - (g) enabling airport officers to identify travellers and confirm their status; or
 - (h) assisting investigations and compliance staff in the detection of persons suspected of:
 - (i) being in Australia unlawfully; or
 - (ii) working without authority; or
 - (iii) being involved in people smuggling; or
 - (iv) committing offences against legislation administered by that Department

***Environment Protection and Biodiversity Conservation
Regulations 2000***

104 Paragraph 12.61(2)(b)

Omit “a Customs officer”, substitute “an officer of Customs”.

105 Subparagraph 12.61(2)(c)(i)

Omit “a Customs officer”, substitute “an officer of Customs”.

106 Paragraph 14.01H(1)(b)

Repeal the paragraph.

107 Subregulation 14.01H(2) (table item 3)

Repeal the item.

Excise Regulation 2015

108 Subparagraph 47(1)(d)(i)

Omit “Customs”, substitute “the Department administered by the Minister administering Part XII of the *Customs Act 1901*”.

**109 Clause 2 of Schedule 1 (table item 7, column headed
“Circumstances”, subparagraph (b)(ii))**

Omit “clearance through Customs”, substitute “clearance through customs”.

Explosives Transport Regulations 2002

110 Paragraph 9(1)(f)

Omit “the control of Customs”, substitute “customs control”.

**111 Subregulation 26(3) (paragraph (a) of the definition of
Commonwealth agency)**

Repeal the paragraph.

**112 Subregulation 26(3) (after paragraph (c) of the definition
of Commonwealth agency)**

Insert:

-
- (ca) the Department administered by the Minister administering Part XII of the *Customs Act 1901*; or

113 Subregulation 27(2) (note 3)

Omit “the Australian Customs and Border Protection Service.”.

114 Subregulation 27(2) (note 3)

After “Australian Federal Police”, insert “, the Department administered by the Minister administering Part XII of the *Customs Act 1901*”.

115 After Part 5

Insert:

Part 6—Transitional matters

30 Amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

An approved security plan of the Australian Customs and Border Protection Service that was in force under regulation 26 immediately before 1 July 2015 continues in force on and after that day as if it were an approved security plan of the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

Fisheries Management Regulations 1992

116 Paragraph 19J(b)

Repeal the paragraph, substitute:

- (b) the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

117 Regulation 19K (table item 3)

Repeal the item.

118 Paragraph 19M(b)

Repeal the paragraph, substitute:

- (b) the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

Hong Kong Economic and Trade Office (Privileges and Immunities) Regulations 1996

119 Subregulation 2(1) (paragraphs (a) and (b) of the definition of *authorised person*)

Omit “Minister responsible for Customs”, substitute “Minister administering Part XII of the *Customs Act 1901*”.

120 After regulation 13

Insert:

14 Transitional matters—amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

- (1) The amendments of these Regulations made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015* do not affect the validity of any thing done by an authorised person under these Regulations before 1 July 2015.
- (2) An authorisation in force under paragraph (b) of the definition of ***authorised person*** in subregulation 2(1) immediately before 1 July 2015 continues in force on and after that day as if it were an authorisation by the Minister administering Part XII of the *Customs Act 1901*.

Imported Food Control Regulations 1993

121 Subregulation 3(1) (definition of *Customs*)

Repeal the definition.

122 Subregulations 14(1) and (2)

Omit “Customs”, substitute “an officer of Customs (within the meaning of the *Customs Act 1901*)”.

Law Enforcement Integrity Commissioner Regulations 2006

123 Regulation 3 (definition of ACBPS)

Repeal the definition.

124 Regulations 4 and 6

Repeal the regulations.

125 Subregulation 8(2) (definition of *Integrated Cargo System*)

Omit “ACBPS”, substitute “Immigration and Border Protection Department”.

126 Regulation 9

Repeal the regulation.

Maritime Transport and Offshore Facilities Security Regulations 2003

127 Subregulation 6.05(1) (example for paragraph (c))

Omit “Australian Customs Service officers”, substitute “customs officers”.

128 At the end of subregulation 6.07O(1) (before the note)

Add:

; (e) the Comptroller-General of Customs (within the meaning of the *Customs Act 1901*).

129 Subregulation 7.05(1) (example for paragraph (c))

Omit “Australian Customs Service officers”, substitute “customs officers”.

130 Paragraph 8.40(a)

Repeal the paragraph, substitute:

(a) customs officers who are covered by paragraph (a) of the definition of ***Immigration and Border Protection worker*** in subsection 4(1) of the *Australian Border Force Act 2015* and

who are in the Australian Border Force (within the meaning of that Act);

131 At the end of Schedule 2

Add:

Part 2—Amendments made by the Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015

102 Things done by the Australian Customs and Border Protection Service

- (1) A thing done by, or in relation to, the Australian Customs and Border Protection Service under these Regulations before 1 July 2015 has effect on and after that day as if it had been done by, or in relation to, the Comptroller-General of Customs.
- (2) Without limiting subclause (1), if the Australian Customs and Border Protection Service was an issuing body under Division 6.1A of Part 6 of these Regulations immediately before 1 July 2015, then, on and after that day, the Comptroller-General of Customs is taken to be an issuing body under that Division.
- (3) Without limiting subclause (1), if an MSIC plan was in force in relation to the Australian Customs and Border Protection Service immediately before 1 July 2015, then, on and after that day, the plan is taken to be in force in relation to the Immigration and Border Protection Department.

Migration Regulations 1994

132 Subregulation 2.06AAA(2) (paragraphs (b) and (c) of the note)

Omit “report to Customs”, substitute “report to the Department”.

133 Subregulation 5.20(3) (note)

After “Secretary”, insert “or the Australian Border Force Commissioner”.

134 Regulation 5.21 (note)

After “Secretary”, insert “or the Australian Border Force Commissioner”.

135 Division 988.1 of Schedule 2

Repeal the Division, substitute:

988.1—Interpretation

Note 1: ***Member of the crew*** and ***non-military ship*** are defined in regulation 1.03.

Note 2: For this Part, a person will sign on to a ship in Australia after:

- (a) travelling to Australia on another visa in order to join a ship as a member of the crew; or
- (b) joining the ship in Australia after signing off another ship in Australia; or
- (c) joining another ship after the ship on which the person travelled to Australia is imported under section 49A or 71A of the *Customs Act 1901*.

136 Schedule 10 (Form 2)

After “of the Department of Immigration and Border Protection”, insert “or the Australian Border Force Commissioner [*or a delegate of the Australian Border Force Commissioner*]”.

137 Schedule 10 (Form 2)

Before “[*or Delegate*”, insert “or Australian Border Force Commissioner”.

138 Schedule 10 (Form 3)

After “delegate of the Secretary”, insert “or the Australian Border Force Commissioner”.

Motor Vehicle Standards Regulations 1989

139 Schedule 1 (table, entry relating to date of importation)

Omit “*as shown on Australian Customs clearance*”, substitute “*of importation*”.

National Health Security Regulations 2008

140 Subregulation 3.03(3) (paragraph (c) of the definition of law enforcement agency)

Repeal the paragraph, substitute:

- (c) the Department administered by the Minister administering Part XII of the *Customs Act 1901*; or

National Transport Commission (Road Transport Legislation—Vehicle Standards) Regulations 2006

141 Paragraph 34(3)(e) of Schedule 2

Repeal the paragraph, substitute:

- (e) a vehicle in the service of the Australian Border Force (within the meaning of the *Australian Border Force Act 2015*); or

142 Subrule 118(1) of Schedule 2 (paragraph (e) of the definition of exempt vehicle)

Repeal the paragraph, substitute:

- (e) a vehicle in the service of the Australian Border Force (within the meaning of the *Australian Border Force Act 2015*); or

Navigation Regulation 2013

143 Section 4

Insert:

Comptroller-General of Customs means the person who is the Comptroller-General of Customs in accordance with subsection 11(3) or 14(2) of the *Australian Border Force Act 2015*.

144 Section 4 (definition of CVMP)

Repeal the definition.

145 Section 4 (note 3)

Repeal the note.

146 Part 2 (heading)

Repeal the heading, substitute:

**Part 2—Australian Border Force vessel
management plans**

147 Section 5

Omit “a CVMP for a customs vessel or a person in relation to a customs vessel”, substitute “an Australian Border Force vessel management plan for an Australian Border Force vessel or for a person in relation to an Australian Border Force vessel”.

148 Division 2.2 of Part 2 (heading)

Repeal the heading, substitute:

**Division 2.2—Application for acceptance of Australian
Border Force vessel management plan**

149 Subsection 6(1)

Omit “Customs”, substitute “The Comptroller-General of Customs”.

150 Subsection 6(1)

Omit “a CVMP for a customs vessel or a person in relation to the customs vessel”, substitute “an Australian Border Force vessel management plan for an Australian Border Force vessel or for a person in relation to an Australian Border Force vessel”.

151 Subsection 6(2)

Omit “The CVMP”, substitute “The Australian Border Force vessel management plan”.

152 Paragraphs 6(2)(a) and (b)

Omit “CVMP”, substitute “Australian Border Force vessel management plan”.

153 Paragraph 6(2)(d)

Omit “agreed by Customs”, substitute “agreed by the Comptroller-General of Customs”.

154 Paragraph 6(2)(d)

Omit “CVMP will be reviewed by Customs”, substitute “Australian Border Force vessel management plan will be reviewed by the Comptroller-General of Customs”.

155 Paragraph 6(2)(e)

Omit “CVMP”, substitute “Australian Border Force vessel management plan”.

156 Subsection 6(3)

Omit "Customs", substitute "The Comptroller-General of Customs".

157 Subsections 6(3) and (4)

Omit “CVMP” (wherever occurring), substitute “Australian Border Force vessel management plan”.

158 Section 7 (heading)

Repeal the heading, substitute:

7 Review of Australian Border Force vessel management plan by recognised organisation

159 Section 8 (heading)

Repeal the heading, substitute:

8 Acceptance of Australian Border Force vessel management plan by AMSA

160 Subsection 8(1)

Omit “CVMP”, substitute “Australian Border Force vessel management plan”.

161 Subsection 8(3)

Omit “a CVMP”, substitute “an Australian Border Force vessel management plan”.

162 Subsection 8(3) (note)

Repeal the note, substitute:

Note: An acceptance of an Australian Border Force vessel management plan also expires on the date that AMSA receives notification that the Comptroller-General of Customs will not use the plan—see subsection 9(2).

163 Section 9 (heading)

Repeal the heading, substitute:

9 Notification that Australian Border Force vessel management plan will no longer be used

164 Subsection 9(1)

Omit “Customs decides to not use a CVMP for a customs vessel or a person in relation to a customs vessel, Customs”, substitute “the Comptroller-General of Customs decides to not use an Australian Border Force vessel management plan for an Australian Border Force vessel or for a person in relation to an Australian Border Force vessel, the Comptroller-General of Customs”.

165 Subsection 9(2)

Omit “CVMP”, substitute “Australian Border Force vessel management plan”.

166 Division 2.3 of Part 2 (heading)

Repeal the heading, substitute:

Division 2.3—Variation of Australian Border Force vessel management plan

167 Section 10 (heading)

Repeal the heading, substitute:

10 Application for acceptance of variation of Australian Border Force vessel management plan

168 Subsection 10(1)

Omit “Customs must apply to AMSA for an acceptance of a variation of a CVMP for a customs vessel or a person in relation to a customs vessel”, substitute “The Comptroller-General of Customs must apply to AMSA for an acceptance of a variation of an Australian Border Force

vessel management plan for an Australian Border Force vessel or for a person in relation to an Australian Border Force vessel”.

169 Paragraph 10(1)(b)

Omit “CVMP”, substitute “Australian Border Force vessel management plan”.

170 Subsection 10(2)

Omit “Customs may only apply to AMSA for acceptance of a variation of a CVMP if the recognised organisation for the CVMP”, substitute “The Comptroller-General of Customs may only apply to AMSA for acceptance of a variation of an Australian Border Force vessel management plan if the recognised organisation for the plan”.

171 Subsection 10(3)

Omit “a CVMP”, substitute “an Australian Border Force vessel management plan”.

172 Paragraph 10(3)(c)

Omit “CVMP”, substitute “Australian Border Force vessel management plan”.

173 Subsection 10(4) (paragraph (b) of the definition of *significant change*)

Omit “CVMP”, substitute “Australian Border Force vessel management plan”.

174 Section 11 (heading)

Repeal the heading, substitute:

11 Acceptance of variation of Australian Border Force vessel management plan by AMSA

175 Subsection 11(1)

Omit “a CVMP”, substitute “an Australian Border Force vessel management plan”.

176 Division 2.4 of Part 2 (heading)

Repeal the heading, substitute:

Division 2.4—Ongoing review of Australian Border Force vessel management plan

177 Section 12 (heading)

Repeal the heading, substitute:

12 Reporting of non-compliance with requirements of Australian Border Force vessel management plan

178 Section 12

Omit “a customs vessel or person has not complied with a requirement of the CVMP”, substitute “an Australian Border Force vessel or a person has not complied with a requirement of the Australian Border Force vessel management plan”.

179 After Part 4

Insert:

Part 5—Transitional matters

18 Amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

- (1) An application under subsection 6(1) that was pending immediately before 1 July 2015 is taken on and after that day to be an application under that subsection for acceptance of an Australian Border Force vessel management plan for an Australian Border Force vessel or for a person in relation to an Australian Border Force vessel.
- (2) An application under subsection 10(1) that was pending immediately before 1 July 2015 is taken on and after that day to be an application under that subsection for an acceptance of a variation of an Australian Border Force vessel management plan for an Australian Border Force vessel or for a person in relation to an Australian Border Force vessel.

Olympic Insignia Protection Regulations 1993

180 Regulation 9

Omit “CEO”, substitute “Comptroller-General of Customs”.

Primary Industries Levies and Charges Collection Regulations 1991

181 Clause 1 of Schedule 17 (note)

Repeal the note.

Product Stewardship (Televisions and Computers) Regulations 2011

182 Regulation 1.03 (note at the end of the definition of *product code*)

Repeal the note, substitute:

Note: The *Combined Australian Customs Tariff Nomenclature and Statistical Classification* could in 2015 be viewed on the Immigration and Border Protection Department’s website (<http://www.border.gov.au>).

Public Service Regulations 1999

183 Paragraph 6.2(c)

Repeal the paragraph.

Quarantine Charges (Imposition—Customs) Regulation 2014

184 Section 4 (definition of *Customs*)

Repeal the definition.

185 Section 4 (definition of *Integrated Cargo System*)

Omit “administered by Customs”, substitute “administered by the Department administered by the Minister administering Part XII of the *Customs Act 1901*”.

186 At the end of the regulation

Add:

Part 3—Transitional matters

9 Amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

An entry lodged before 1 July 2015 on the Integrated Cargo System (within the meaning of this regulation as in force immediately before that day) is taken on and after that day to have been an entry lodged on the Integrated Cargo System (within the meaning of this regulation as in force on that day).

Quarantine Regulations 2000

187 Regulation 4 (definition of *Customs*)

Repeal the definition.

188 Regulation 4 (definition of *Customs import entry*)

Repeal the definition.

189 Regulation 4

Insert:

customs import entry means a communication, mentioned in section 71A of the *Customs Act 1901*, to the Department administered by the Minister administering Part XII of that Act.

190 Subregulation 50(2) (table item 18)

Omit “Customs import entry”, substitute “customs import entry”.

191 Paragraph 53(b)

Omit “to Customs”.

192 Paragraph 53(b)

Omit “Act; and”, substitute “Act.”.

193 Paragraph 53(c)

Repeal the paragraph.

Taxation Administration Regulations 1976

194 Paragraph 13(3)(a)

Repeal the paragraph, substitute:

- (a) the Comptroller-General of Customs (within the meaning of the *Customs Act 1901*);

Telecommunications (Interception and Access) Regulations 1987

195 Regulation 2AA

Repeal the regulation.

Therapeutic Goods (Medical Devices) Regulations 2002

196 Part 1 of Schedule 4 (table item 1.4, column headed “Kinds of medical devices”, paragraph (b))

Omit “the control of the Australian Customs Service”, substitute “customs control under the *Customs Act 1901*”.

Therapeutic Goods Regulations 1990

197 Schedule 5 (table item 4, column 2)

Omit “the control of the Customs”, substitute “customs control under the *Customs Act 1901*”.

Torres Strait Fisheries Regulations 1985

198 Paragraph 24(b)

Repeal the paragraph, substitute:

- (b) the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

199 Regulation 25 (table item 3)

Repeal the item.

Trade Marks Regulations 1995

200 Regulation 13.1A

Omit “*Customs CEO*”, substitute “Comptroller-General of Customs”.

201 Subregulation 13.4(2)

Omit “Customs CEO” (wherever occurring), substitute “Comptroller-General of Customs”.

202 Subregulation 13.5(1)

Omit “Customs CEO”, substitute “Comptroller-General of Customs”.

203 Regulation 13.6 (heading)

Repeal the heading, substitute:

13.6 Period for compliance with request of Comptroller-General of Customs for information etc.

204 Regulation 13.6

Omit “Customs CEO”, substitute “Comptroller-General of Customs”.

205 Regulation 17A.42E (heading)

Repeal the heading, substitute:

17A.42E Registrar to notify Comptroller-General of Customs

206 Subregulation 17A.42E(1)

Omit “Customs CEO”, substitute “Comptroller-General of Customs”.

207 Subregulation 17A.42E(2)

Omit “Customs CEO seizes under Part 13”, substitute “Comptroller-General of Customs seizes under Part 13 of the Act”.

208 Paragraphs 17A.42E(2)(a) and (b)

Omit “Customs CEO”, substitute “Comptroller-General of Customs”.

209 Subregulations 21.21A(1), (2) and (3)

Omit “Customs CEO” (wherever occurring), substitute “Comptroller-General of Customs”.

210 Subregulation 21.22(2)

Omit “Customs CEO”, substitute “Comptroller-General of Customs”.

211 Paragraph 21.22(3)(b)

Omit “Customs CEO” (wherever occurring), substitute “Comptroller-General of Customs”.

212 Regulation 21.23

Omit “Customs CEO”, substitute “Comptroller-General of Customs”.

213 At the end of Division 2 of Part 22

Add:

22.10 Amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

- (1) An instrument in force under subregulation 13.5(1) immediately before 1 July 2015 has effect on and after that day as if it were an instrument of the Comptroller-General of Customs in force under that subregulation.
- (2) A notification under subregulation 17A.42E(1) before 1 July 2015 is taken on and after that day to have been a notification under that subregulation to the Comptroller-General of Customs.
- (3) A fee paid before 1 July 2015 to the Customs CEO as mentioned in subregulation 21.22(2) is taken on and after that day to have been a fee paid to the Comptroller-General of Customs.
- (4) A direction of the Customs CEO that was in force under subregulation 21.22(3) immediately before 1 July 2015 continues in force on and after that day as if it were a direction of the Comptroller-General of Customs.
- (5) An advice or notification by the Customs CEO under regulation 21.23 before 1 July 2015 is taken on and after that day to have been an advice or notification under that regulation by the Comptroller-General of Customs.

214 Item 3 of Schedule 3

Repeal the item, substitute:

3 Section 133A

Omit “An officer of Customs (within the meaning of subsection 4(1) of the *Customs Act 1901*)”, substitute “The Comptroller-General of Customs”.

215 Item 4 of Schedule 3

Omit “Customs CEO”, substitute “Comptroller-General of Customs”.

216 Item 7 of Schedule 3

Omit “Customs CEO”, substitute “Comptroller-General of Customs”.

217 Item 6 of Schedule 4

Omit “Customs CEO”, substitute “Comptroller-General of Customs”.

218 Item 6 of Schedule 5

Omit “Customs CEO”, substitute “Comptroller-General of Customs”.