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| **EXPOSURE DRAFT** |

Inserts for

Treasury Laws Amendment Bill 2024: streamlining excise administration for fuel and alcohol

| Commencement information | | |
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| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | 1 July 2024. | 1 July 2024 |
| 2. |  |  |
| 3. |  |  |

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Schedule ??—Streamlining excise administration for fuel and alcohol

Part 1—Warehouse and excise licensing

Division 1—Amendments

Customs Act 1901

1 Subsection 4(1)

Insert:

***Collector*** has the meaning given by section 8.

***excise‑equivalent warehouse licence*** means a warehouse licence that authorises the warehousing of excise‑equivalent goods or kinds of excise‑equivalent goods, but does not include a warehouse licence that:

(a) covers an outwards duty free shop, as defined in subsection 96A(1); or

(b) covers an inwards duty free shop, as defined in subsection 96B(1); or

(c) authorises the storage of goods to be supplied to aircraft or ships as aircraft’s or ship’s stores (within the meaning of those terms in section 130C).

2 Subsection 78(1) (definition of *warehouse*)

Omit “the warehouse to which the licence relates”, substitute “a warehouse covered by the licence”.

3 Subsection 79(1)

Omit “to use a place described in the licence for warehousing goods”, substitute “to warehouse goods at any place covered by the licence”.

4 Subsections 79(2) and (3)

Repeal the subsections, substitute:

(2) A warehouse licence may cover:

(a) if the licence is an excise‑equivalent warehouse licence—one or more places; or

(b) otherwise—one place.

(3) A warehouse licence may authorise, at one or more places covered by the licence, the warehousing of:

(a) goods generally; or

(b) goods included in a specified class or classes.

(4) A warehouse licence may authorise, at one or more places covered by the licence and in relation to goods warehoused at the place generally or goods warehoused at the place and included in a specified class, any of the following activities:

(a) blending;

(b) packaging;

(c) processing;

(d) manufacturing of excisable goods;

(e) trading;

(f) other activities specified in the licence.

5 Subsection 80(1)

Repeal the subsection, substitute:

(1) An application for a warehouse licence may be made to the Comptroller‑General of Customs.

(1A) The application must:

(a) be in writing; and

(b) contain a description of each place proposed to be covered by the licence; and

(c) specify for each such place the kinds of goods that would be warehoused in the place if it were a warehouse; and

(d) set out the name and address of each person the Comptroller‑General of Customs is required to consider for the purposes of paragraph 81(1)(a), (b), (c) or (d); and

(e) set out such particulars of the matters that the Comptroller‑General of Customs is required to consider for the purposes of paragraph 81(1)(e), (f) or (g) as will enable the adequate consideration of those matters; and

(f) contain such other information as is prescribed; and

(g) if the application is for a licence that would not be an excise‑equivalent warehouse licence—be accompanied by the warehouse licence application charge.

Note: For paragraph (b), a licence that does not authorise the warehousing of excise‑equivalent goods can only cover one place, see subsection 79(2).

6 Paragraphs 81(1)(c) and (d)

Repeal the paragraphs, substitute:

(c) if the applicant is a company and the application describes only one place—any director, officer or shareholder of the company who would participate in the management or control of the warehouse is not a fit and proper person so to participate; or

(d) if the application describes only one place—an employee of the applicant who would participate in the management or control of the warehouse is not a fit and proper person so to participate; or

7 Paragraph 81(1)(e)

Omit “the physical security of the place in relation to which the licence is sought”, insert “if the application describes only one place—the physical security of the place”.

8 Paragraph 81(1)(f)

Omit “the plant and equipment that would be used in relation to goods in the place in relation to which the licence is sought”, substitute “if the application describes only one place—the plant and equipment that would be used in relation to goods in the place”.

9 Paragraph 81(1)(g)

Omit “the books of account or records that would be kept in relation to the place in relation to which the licence is sought”, substitute “if the application describes only one place—the books of account or records that would be kept in relation to the place”.

10 After subsection 81(1)

Insert:

(1A) If the application describes more than one place that is proposed to be a warehouse covered by the licence, the Comptroller‑General of Customs must not grant a licence, in so far as it covers a particular place, if the Comptroller‑General is of the opinion that if the place were to be a warehouse:

(a) where the applicant is a company—any director, officer or shareholder of the company who would participate in the management or control of the warehouse is not a fit and proper person so to participate; or

(b) an employee of the applicant who would participate in the management or control of the warehouse is not a fit and proper person so to participate; or

(c) the physical security of the place is not adequate having regard to:

(i) the nature of the place; or

(ii) the kinds and quantity of goods that would be kept in the place if it were a warehouse; or

(iii) the procedures and methods that would be adopted by the applicant to ensure the security of goods in the warehouse; or

(d) the plant and equipment that would be used in relation to goods at the warehouse are not suitable having regard to the nature of those goods and that place; or

(e) the books of account or records that would be kept in relation to the warehouse would not be suitable to enable an officer of Customs adequately to audit those books or records.

11 At the end of Section 81A

Insert:

(3) Subject to subsections 79(2) and 81(1) and (1A), if the application describes more than one place the Comptroller‑General of Customs may decide:

(a) to grant a warehouse licence that covers any or all of the places described; or

(b) not to grant a licence.

12 Subsection 81B(1)

Repeal the subsection, substitute:

(1) On application by the holder of a warehouse licence the, Comptroller‑General of Customs may, by written notice, vary the licence in one or more of the following ways:

(a) by omitting one place covered by the licence and substituting another place;

(b) by altering the description of a place covered by the licence;

(c) if the licence is an excise‑equivalent warehouse licence—by providing that the licence no longer covers one or more particular places, unless the effect of doing so is that no place would be covered by the licence;

(d) if the licence is an excise‑equivalent warehouse licence—by providing that the licence covers additional places.

13 Paragraph 81B(2)(e)

Before “be accompanied”, insert “if the application is for variation of a warehouse licence that is not an excise‑equivalent warehouse licence—”.

14 After subsection 81B(2)

Insert:

(2A) If the Comptroller‑General of Customs varies a warehouse licence (the ***first licence***) to cover an additional place also covered in another warehouse licence (the ***second licence***) held by the same licence holder, the Comptroller‑General must, by written notice given to the licence holder:

(a) if the second licence covers a place other than the additional place—vary the second licence to no longer cover the additional place; or

(b) in any other case—cancel the second licence.

15 Subsection 81B(4)

Omit “if, in his or her opinion”, substitute “so far as it would have the effect of the licence covering a place, if in the Comptroller‑General’s opinion”.

16 Paragraph 81B(4)(a)

Omit “whose description is to be substituted, or of the place that would have the altered description,”.

17 Subsection 81B(5)

Omit “for the substitution of the description of a place in a warehouse licence if, in his or her opinion”, substitute “so far as it would have the effect of varying the warehouse licence to cover a new place (either by addition or substitution) if, in the Comptroller‑General’s opinion”.

18 After subsection 81B(5)

Insert:

(5A) Subject to subsections 79(2) and 81B(4) and (5), if the applicant requests more than one variation be made to a licence, the Comptroller‑General may make one or more of the variations requested by the licence.

19 Subsections 82(1) and (2)

Omit “the warehouse” (wherever occurring), substitute “a warehouse covered by the licence”.

20 Paragraphs 82(4)(a) and (b)

Omit “the warehouse”, substitute “any or all warehouses covered by the licence”.

21 Subsection 83(1)

Repeal the subsection, substitute:

(1) A warehouse licence comes into force on a date specified in the licence or, if no date is so specified, the date on which the licence is granted.

(1A) A warehouse licence that is not an excise‑equivalent warehouse licence remains in force until:

(a) the licence is cancelled; or

(b) if the licence is not cancelled:

(i) if not renewed earlier—the end of the next 30 June following the grant of the licence; or

(ii) if renewed one or more times under section 84—the end of the 1 year period beginning the 1 July following the renewal.

(1B) An excise‑equivalent warehouse licence remains in force until the licence is cancelled.

22 Subsection 83(3)

Omit “the former warehouse, the Comptroller‑General of Customs must by notice”, substitute “one or more of the former warehouses, the Comptroller‑General of Customs must, in respect of each former warehouse, by notice”.

23 Paragraph 83(3)(c)

After “which the”, insert “former”.

24 Subsection 84(4)

Repeal the subsection (not including the note), substitute:

(4) A warehouse licence that has been renewed under this section may be further renewed.

25 Subsection 85(1)

Omit “A warehouse licence charge”, substitute “Subject to subsection (2A), a warehouse licence charge”.

26 After subsection 85(2)

Insert:

(2A) No warehouse licence charge is payable in respect of the grant of an excise‑equivalent warehouse licence.

27 Subsection 86(1)

Omit “notice in accordance with this section to the holder of a warehouse licence if he or she”, substitute “a notice (a ***licence suspension notice***) in accordance with this section to the holder of a warehouse licence if the Comptroller‑General”.

28 Paragraph 86(1)(a)

Before “the physical security”, insert “if the licence covers only one warehouse—”.

29 Paragraph 86(1)(b)

Before “the plant”, insert “if the licence covers only one warehouse—”.

30 Paragraph 86(1)(e)

Omit “where the licence”, substitute “if the licence covers only one warehouse and”.

31 Paragraph 86(1)(f)

Before “an employee of”, insert “if the licence covers only one warehouse—”.

32 Paragraph 86(1)(g)

After “condition”, insert “, other than a condition that relates to at least one, but not all, of the warehouses covered by the licence,”.

33 After paragraph 86(1)(h)

Insert:

or (i) if the licence is an excise‑equivalent warehouse licence—the licence holder has not, for a period of at least 3 years, warehoused excise‑equivalent goods at any warehouse covered by the licence; or

(j) the Comptroller‑General has reasonable grounds for believing that a ground mentioned in any of paragraphs 86(1AA)(a) to (f) exists in relation to a warehouse covered by the licence;

34 After subsection 86(1)

Insert:

(1AA) If a warehouse licence covers more than one warehouse, the Comptroller‑General of Customs may give a notice (a ***warehouse suspension notice***) in accordance with this section to the licence holder in relation to a warehouse covered by the licence if the Comptroller‑General has reasonable grounds for believing that:

(a) the physical security of the warehouse is no longer adequate having regard to the matters referred to in paragraph 81(1)(e); or

(b) the plant and equipment used in the warehouse are such that the protection of the revenue in relation to goods in the warehouse is inadequate; or

(c) where the licence is held by a company—a director, officer or shareholder of the company who participates in the management or control of the warehouse is not a fit and proper person so to participate; or

(d) an employee of the holder of the licence, being an employee who participates in the management or control of the warehouse, is not a fit and proper person so to participate; or

(e) a condition to which the licence is subject that relates to the warehouse has not been complied with; or

(f) the licence holder has not, for a period of at least 3 years, warehoused excise‑equivalent goods at the warehouse.

35 Subsection 86(1A)

After “(f),”, insert “or (1AA)(c) or (d)”.

36 Subsection 86(3)

Omit “A notice”, substitute “A licence suspension notice”.

37 After subsection 86(3)

Insert:

(4) A warehouse suspension notice in relation to a warehouse that is given in accordance with subsection (1AA) to the holder of a warehouse licence:

(a) must state that, if the licence holder wants the warehouse licence to continue to cover the warehouse, the licence holder may, within 7 days after the day on which the notice was served, give to the Comptroller‑General of Customs at an address specified in the notice a written statement showing cause why the warehouse should continue to be covered by the licence; and

(b) may, if it appears to the Comptroller‑General of Customs to be necessary to do so:

(i) for the protection of the revenue; or

(ii) for ensuring compliance with the Customs Acts, any other law of the Commonwealth prescribed by the regulations or a law of a State or Territory prescribed by the regulations;

state that the licence is suspended in relation to the warehouse;

andif the notice states that the licence is suspended in relation to the warehouse, the licence is suspended in relation to the warehouse on and from the service of the notice.

38 Subsection 86(5)

Omit “section”, substitute “subsection (3) or (4)”.

39 Subsections 86(6) and (7)

Omit “this section”, substitute “subsection (3) or (4) in relation to a warehouse”.

40 Subsection 87(1)

Repeal the subsection, substitute:

(1) The Comptroller‑General of Customs may cancel a warehouse licence if:

(a) the Comptroller‑General is satisfied in relation to the licence as to any of the matters mentioned in paragraphs 86(1)(a) to (j); or

(b) but for subsection 87B(3), the Comptroller‑General could vary a licence under subsection 87B(1) or would be required to vary a licence under subsection 87B(2); or

(c) the Comptroller‑General is satisfied on any other grounds that cancellation of the licence is necessary for the protection of the revenue or for the purpose of ensuring compliance with the Customs Acts, any other law of the Commonwealth prescribed by the regulations or a law of a State or Territory prescribed by the regulations.

41 Paragraph 87(2)(b)

Omit “the warehouse”, substitute “a warehouse covered by the licence”.

42 Subsection 87(4)

Omit “he or she must”, substitute “the Comptroller‑General must”.

43 Paragraph 87(4)(c)

Repeal the paragraph, substitute:

(c) published in a newspaper or newspapers circulating in each locality in which a place that was a warehouse covered by the licence is situated;

44 Subsection 87(4)

Omit “the place that was the warehouse”, substitute “each place that was a warehouse covered by the licence (a ***former warehouse)***”.

45 Subparagraphs 87(4)(d)(i) and (ii)

Omit “the warehouse”, substitute “a former warehouse”.

46 Paragraph 87(4)(e)

Omit “their goods in that place”, substitute “the goods”.

47 Subsection 87(5)

Repeal the subsection, substitute:

(5) If the Comptroller‑General of Customs is satisfied that all the goods in a former warehouse are the property of the person who held the licence that covered the former warehouse, instead of publishing the notice in respect of the former warehouse as required by subsection (4) the Comptroller‑General must ensure that the notice is:

(a) served, either personally or by post, on the person; or

(b) served personally on another person who, at the time of the cancellation of the licence, apparently participated in the management or control of the former warehouse.

Note: The Comptroller‑General of Customs will still need to publish the notice as required by subsection (4) in relation to any former warehouses in respect of which they are not so satisfied.

48 Subsection 87(6)

After “(4)”, insert “or (5)”.

49 After subsection 87A

Insert:

87B Variation of licence to remove warehouse

(1) Subject to subsection (3), the Comptroller‑General of Customs may vary a warehouse licence so the licence no longer covers a particular warehouse if:

(a) the licence covers more than one warehouse; and

(b) the Comptroller‑General is satisfied as to any of the matters mentioned in paragraphs 86(1AA)(a) to (f) in relation to the particular warehouse.

(2) Subject to subsection (3), the Comptroller‑General must vary a warehouse licence so the licence no longer covers a particular warehouse if the Comptroller‑General receives a written notice from the licence holder requesting the Comptroller‑General vary the licence to no longer cover the warehouse.

(3) The Comptroller‑General must not vary a warehouse licence under subsection (1) or (2) if the variation would have the effect that the licence would no longer cover any warehouse.

Note: Paragraph 87(1)(b) provides for when a licence can be cancelled when it cannot be varied due to this subsection.

(4) The Comptroller‑General must vary a licence under subsection (1) by written notice:

(a) served, either personally or by post, on the licence holder; or

(b) served personally on a person who, at the time of service, apparently participates in the management or control of one or more warehouses covered by the licence.

(5) Subject to subsection (6), if the Comptroller‑General of Customs varies a warehouse licence under this section, the Comptroller‑General must, by notice:

(a) published on the Department’s website; and

(b) published in the Gazette; and

(c) published in a newspaper or newspapers that circulate in each locality in which each place that is no longer a warehouse as a result of the variation is situated;

inform the owners of goods in each place that is no longer a warehouse as a result of the variation (a ***former warehouse***):

(d) that they are required, within a time specified in the notice or any further time allowed by the Comptroller‑General of Customs, to:

(i) pay to the Collector duty payable in respect of their goods in a former warehouse; or

(ii) remove any of their goods warehoused in a former warehouse to another place in accordance with permission obtained from the Collector; and

(e) that, if they do not comply with the requirements of the notice, the goods in the former warehouse will be sold.

(6) If the Comptroller‑General of Customs is satisfied that all the goods in a former warehouse are the property of the person who held the licence that covered the former warehouse, instead of publishing the notice as required by subsection (5) in respect of the former warehouse, the Comptroller‑General must ensure that the notice is:

(a) served, either personally or by post, on the person; or

(b) served personally on another person who, at the time of the variation of the licence, apparently participated in the management or control of the former warehouse.

Note: The Comptroller‑General of Customs will still need to publish the notice as required by subsection (5) in relation to any former warehouses in respect of which they are not so satisfied.

(7) Where the owner of goods to which a notice under subsection (5) or (6) applies fails to comply with the requirements of the notice within the time specified in the notice or any further time allowed by the Comptroller‑General of Customs, the goods may be sold by a Collector.

50 Section 88

Omit “the warehouse shall”, substitute “a warehouse covered by the licence will”.

51 Section 90

Omit “shall”, substitute “must, at each warehouse covered by the licence”.

52 Subsection 99(3)

Omit “the warehouse”, substitute “a warehouse covered by the licence”.

53 Subsection 101(1)

Omit “the warehouse” (first occurring), substitute “a warehouse”.

54 Subparagraph 105B(1)(d)(i)

Omit “described in”, substitute “covered by”.

55 Subparagraph 105B(1)(d)(ii)

Omit “specified in”, substitute “covered by”.

56 Subparagraph 105C(1)(d)(i)

Omit “described in”, substitute “covered by”.

57 Subparagraph 105C(1)(d)(ii)

Omit “specified in”, substitute “covered by”.

58 Paragraph 105E(a)

Omit “described in”, substitute “covered by”.

59 Paragraph 105E(b)

Omit “specified in”, substitute “covered by”.

Excise Act 1901

60 Subsection 4(1) (definition of *approved place*)

Repeal the definition, substitute:

***approved place*** means:

(a) premises covered by a storage licence; or

(b) premises, other than premises that are a factory, covered by a manufacturer licence.

61 Subsection 4(1) (definition of *dealer licence*)

Repeal the definition, substitute:

***dealer licence*** has the meaning given by subsection 6C(5).

62 Subsection 4(1) (paragraph (c) of the definition of *excise place*)

Omit “the premises specified in”, substitute “premises covered by”.

63 Subsection 4(1) (definition of *Factory*)

Omit “the premises”, substitute “premises”.

64 Subsection 4(1) (definition of *licence*)

Repeal the definition, substitute:

***licence*** has the meaning given by subsection 6C(1).

65 Subsection 4(1) (definition of *manufacturer licence*)

Repeal the definition, substitute:

***manufacturer licence*** has the meaning given by subsection 6C(2).

66 Subsection 4(1) (definition of *producer licence*)

Repeal the definition, substitute:

***producer licence*** has the meaning given by subsection 6C(5).

67 Subsection 4(1) (definition of *proprietor*)

Omit “specifies”, substitute “covers”.

68 Subsection 4(1) (definition of *storage licence*)

Repeal the definition, substitute:

***storage licence*** has the meaning given by subsection 6C(4).

69 Before Division 1 of Part IV

Insert:

Division 1AA—Kinds of Licences

6C Kinds of licences

(1) Each of the following is a licence for the purposes of this Act:

(a) a manufacturer licence;

(b) a storage licence;

(c) a producer licence;

(d) a dealer licence.

Manufacturer licence

(2) A manufacturer licence is a licence granted under subsection 39A(1) that authorises the licence holder to do any of the following, subject to subsection (3):

(a) at one or more premises covered by the licence—manufacture kinds of excisable goods;

(b) at each premises covered by the licence—keep and store kinds of excisable goods on which duty has not been paid.

(3) A manufacturer licence for the manufacture of tobacco goods can only cover one premises.

Storage licence

(4) A storage licence is a licence granted under subsection 39A(1) that authorises the licence holder to do any of the following, at each premises covered by the licence:

(a) keep and store kinds of excisable goods on which duty has not been paid;

(b) carry out other activities authorised by the licence.

Producer licence

(5) A producer licence is a licence granted under subsection 39A(1) that authorises the licence holder to do any of the following, at the premises covered by the licence:

(a) produce tobacco seed, tobacco plant or tobacco leaf;

(b) keep and store tobacco seed, tobacco plant and tobacco leaf.

Dealer licence

(6) A dealer licence is a licence granted under subsection 39A(1) that authorises the licence holder to do any of the following at the premises covered by the licence:

(a) deal in tobacco seed, tobacco plant and tobacco leaf;

(b) keep and store tobacco seed, tobacco plant and tobacco leaf.

70 Sections 27, 30, 31, 35 and 36

Omit “specified in” (wherever occurring), substitute “covered by”.

71 Paragraph 39(2)(c)

Omit “(d),”.

72 Paragraph 39(2)(c)

After “and (f)”, insert “and 39A(2A)(a)”.

73 Paragraph 39(2)(d)

Omit “the premises”, substitute “each premises”.

74 After paragraph 39(2)(d)

Insert:

Note: Manufacturer licences that authorise the production of tobacco goods, producer licences and dealer licences can only cover a single premises.

75 Paragraph 39(2)(f)

Repeal the paragraph.

76 Subsection 39A(1)

After “may”, insert “, by written notice given to the applicant,”.

77 After subsection 39A(1)

Insert:

(1A) Without limiting subsection (1), if an application is made under section 39 for a licence in relation to 2 or more premises, the Collector may grant a licence under subsection (1) covering any or all of the premises.

78 Paragraphs 39A(2)(d), (g), and (i)

Repeal the paragraphs.

79 At the end of subsection 39A(2)

Add:

; or (n) the Collector is of an opinion mentioned in paragraph (2A)(a), (b) or (c) in relation to each of the premises described in the application.

80 After subsection 39A(2)

Insert:

(2A) Without limiting subsection (1) or (1A), but subject to subsection (3), the Collector may grant a licence under subsection (1) that does not cover particular premises that are described in the application, if, in the Collector’s opinion:

(a) a natural person who would participate in the management or control of the premises is not a fit and proper person; or

(b) in relation to an application for a manufacturer licence or storage licence—the physical security of the premises is not adequate having regard to:

(i) the nature of the premises; or

(ii) the kinds and quantity of goods that would be kept at the premises; or

(iii) the procedures and methods that would be adopted by the applicant to ensure the security of goods at the premises; or

(c) in relation to an application for a manufacturer licence or storage licence—the plant and equipment that would be used in relation to goods at the premises are not suitable having regard to the nature of those goods and the premises.

81 Subsection 39A(3)

Repeal the subsection, substitute:

(3) If the application is for a producer licence or dealer licence, the Collector must not:

(a) refuse under paragraph (2)(a), (b), (c) or (f) to grant the licence; or

(b) refuse under paragraph (2)(n) to grant the licence on the ground mentioned in paragraph (2A)(a);

unless the Collector is satisfied that doing so is necessary to protect the revenue.

82 After subparagraph 39B(c)(i)

Insert:

(ia) held a licence which has been varied to no longer cover one or more premises; or

83 Subparagraph 39B(c)(ii)

Omit “; and”, substitute “; or”.

84 At the end of paragraph 39B(c)

Add:

(iii) participated in the management or control of a company that has had its licence varied to no longer cover one or more premises; and

85 After paragraph 39C(c)

Insert:

(caa) whether the company held a licence which has been varied to no longer cover one or more premises; and

86 Paragraphs 39D(1)(a), (d) and (g)

Omit “the premises specified in” (wherever occurring), substitute “any of the premises covered by”.

87 Paragraph 39D(1)(h)

Omit “specified in”, substitute “covered by”.

88 Paragraph 39D(1)(j)

Omit “the premises specified in”, substitute “any of the premises covered by”.

89 Subparagraph 39DA(3)(c)(ii)

Omit “the premises”, substitute “any of the premises covered by the licence”.

90 Subsection 39E(2)

Repeal the subsection (including the examples), substitute:

(2) A manufacturer licence authorising the manufacture of any tobacco goods, a dealer licence or a producer licence remains in force until:

(a) it is cancelled; or

(b) if the licence is not cancelled, the end of the period beginning when the licence is granted and ending the 30 September after the second anniversary of the day on which the licence is granted; or

(c) if the licence is renewed under subsection 39F(5) one or more times—unless cancelled sooner, the end of the 3 year period that begins the day the licence would otherwise have ceased to be in force if the most recent renewal had not occurred.

Example 1: A manufacturer licence that authorises the manufacture of tobacco goods is granted on 17 September 2025. It ceases to be in force at the end of 30 September 2027.

Example 2: A producer licence is granted on 18 October 2025. It ceases to be in force at the end of 30 September 2028.

Example 3: A dealer licence is granted on 20 March 2026. It is renewed under subsection 39F(5) on or before 30 September 2028, and is renewed again on or before 30 September 2031. It ceases to be in force at the end of 30 September 2034.

(3) A storage licence or a manufacturer licence other than one described in subsection (2) remains in force until cancelled.

91 Section 39F (at the end of the heading)

Add “**that cease to be in force after a period**”.

92 Subsection 39F(1)

After “a licence”, insert “to which subsection 39E(2) applies”.

93 Subsection 39F(7) (at the end of the definition of *expiry day*)

Omit “expire”, substitute “cease to be in force under paragraph 39E(2)(b) or (c)”.

94 After section 39F

Insert:

Division 3A—Variation of licences to include additional premises

39FA Application for variation

(1) A person who holds a licence that is:

(a) a storage licence; or

(b) a manufacturer licence other than a manufacturer licence that authorises the manufacture of tobacco goods;

may apply to the Collector to vary the licence to cover additional premises.

(2) The application must:

(a) be in a form (if any) approved by the CEO; and

(b) set out the name and address of the licence holder; and

(c) identify the licence to be varied; and

(d) if the additional premises are covered by another licence or licences held by the licence holder—identify the other licence or licences; and

(e) if the additional premises are not covered by another licence held by the licence holder:

(i) set out the name and address of each person whom the Collector is required to consider for the purposes of paragraphs 39A(2)(b), (c), (e) and (f) and (2A)(a); and

(ii) contain a description of the additional premises; and

(iii) set out such particulars of the matters that the Collector is required to consider for the purposes of sections 39A, 39B and 39C as will enable the Collector adequately to consider those matters; and

(f) contain such other information as is prescribed.

39FB Effect of variation

(1) The Collector may, on application by the licence holder under section 39FA, by written notice, vary a licence to cover additional premises.

(2) If a licence (the ***first licence***) is varied to cover premises also covered in another licence (the ***second licence***) held by the licence holder, the Collector must, by written notice given to the licence holder:

(a) if the second licence covers premises other than the additional premises—vary the second licence to no longer cover the additional premises; or

(b) in any other case—cancel the second licence.

95 Paragraph 39G(1)(d)

Before “a natural person”, insert “if the licence covers only one premises—”.

96 Paragraphs 39G(1)(g) and (i)

After “storage licence”, insert “that covers only one premises”.

97 Paragraph 39G(1)(k)

After “licence”, insert “, other than a condition that relates only to particular premises,”.

98 At the end of subsection 39G(1)

Add:

; or (o) the licence holder has not, for a period of at least 3 years, conducted any activities authorised by the licence at any premises covered by the licence; or

(p) the Collector has reasonable grounds for believing that a ground referred to in any of paragraphs 39G(1A)(a) to (e) exists in relation to each premises covered by the licence.

99 After subsection 39G(1)

Insert:

(1A) If the licence covers more than one premises, the Collector may suspend a licence in relation to particular premises if the Collector has reasonable grounds for believing that:

(a) a natural person who participates in the management or control of the premises is not a fit and proper person; or

(b) the physical security of the premises is no longer adequate having regard to:

(i) the nature of the premises; or

(ii) the kinds and quantity of goods kept at the premises; or

(iii) the procedures and methods adopted to ensure the security of goods at the premises; or

(c) the plant and equipment used at the premises covered by the licence are such that the protection of the revenue in relation to goods at the premises is inadequate; or

(d) the licence holder has not, for a period of at least 3 years, conducted any activities authorised by the licence at the premises; or

(e) a condition of the licence relating to particular premises has been breached.

100 Section 39H

Omit “and (f)”, substitute “, (f) and (1A)(a)”.

101 After subparagraph 39H(d)(i)

Insert:

(ia) held a licence which has been varied to no longer cover one or more premises; or

102 At the end of paragraph 39H(d)

Add:

; or (iia) participated in the management or control of a company that has had its licence varied to no longer cover one or more premises; and

103 Subsection 39J(1)

After “a licence”, insert “under subsection 39G(1) or (1A)”.

104 Paragraph 39J(2)(b)

Omit “the premises”, substitute “a particular premises”.

105 Subsection 39J(3)

Omit “The notice”, substitute “A notice given under subsection (1) relating to a suspension under subsection 39G(1)”.

106 After subsection 39J(4)

Insert:

(4A) A notice given under subsection (1) relating to a licence suspended under subsection 39G(1A):

(a) must state that, if the licence holder wants the licence to continue to cover the premises, the licence holder may, within 7 days after the day on which the notice was served, give to the Collector at an address specified in the notice a written statement showing cause why the premises should continue to be covered by the licence; and

(b) may, if it appears to the Collector to be necessary for the protection of the revenue or for ensuring compliance with the Excise Acts, state that the licence is suspended in relation to the premises.

(4B) If the notice states that the licence is suspended in relation to particular premises, then the licence is suspended in relation to the premises on and from the service of the notice.

107 Subsection 39J(5)

Repeal the subsection, substitute:

(5) The Collector may revoke a suspension at any time.

(6) The Collector must revoke a suspension made under subsection 39G(1) if the licence has not been cancelled within 28 days after the day the Collector suspended the licence.

(7) The Collector must revoke a suspension made under subsection 39G(1A) if, within 28 days after the day the Collector made the suspension, the licence has not been varied to the effect of not covering the premises.

108 Subsection 39K(1)

After “is suspended”, insert “under subsection 31G(1)”.

109 Paragraph 39K(1)(b)

Omit “specified in”, substitute “covered by”.

110 After subsection 39K(1)

Insert:

(1A) During a period in which a licence is suspended under subsection 39G(1A), the licence holder must not, without permission under subsection (6), at premises in relation to which the licence was suspended:

(a) for a manufacturer licence—intentionally manufacture goods that are excisable goods, knowing, or being reckless as to whether, they are excisable goods; and

(b) intentionally keep or store excisable goods at the premises specified in the licence, knowing, or being reckless as to whether, they are excisable goods.

Penalty: 2 years imprisonment or the greater of:

(a) 500 penalty units; and

(b) 5 times the amount of duty that would be payable if the goods had been entered for home consumption on the penalty day.

111 Subsection 39K(4)

After “suspended”, insert “under subsection 39G(1)”.

112 After subsection 39K(4)

Insert:

(4A) During a period in which a licence is suspended under subsection 39GA(1), the licence holder must not, without permission under subsection (6), at premises in relation to which the licence was suspended:

(a) for a manufacturer licence—manufacture excisable goods; and

(b) keep or store excisable goods.

Penalty: 100 penalty units.

113 Subsection 39K(5)

Omit “subsection (4)”, substitute “subsections (4) and (4A)”.

114 Subsection 39K(6)

After “is suspended”, insert “under subsection 39G(1) or (1A)”.

115 Paragraphs 39K(6)(a), (b) and (c)

Omit “the premises specified in” (wherever occurring), substitute “premises covered by”.

116 Paragraphs 39K(6)(d) and (e)

Repeal the paragraphs, substitute:

(d) if the licence is suspended under subsection 39G(1):

(i) by written notice to the owner of goods at premises covered by the licence, require the owner to remove the goods to another place approved by the Collector; and

(ii) take such control of premises covered by the licence and of any goods at those premises as may be necessary for the protection of the revenue or for ensuring compliance with the Excise Acts; and

(e) if the licence is suspended under 39G(1A):

(i) by written notice to the owner of goods at premises in relation to which the licence is suspended, require the owner to remove the goods to another place approved by the Collector; and

(ii) take such control of premises in relation to which the licence is suspended and of any goods at those premises as may be necessary for the protection of the revenue or for ensuring compliance with the Excise Acts; and

117 Subsection 39L(1)

Repeal the subsection, substitute:

(1) The Collector may cancel a licence if:

(a) the Collector is entitled to suspend the licence under subsection 39G(1); or

(b) but for subsection 39LA(3), the Collector could vary a licence under subsection 39LA(1) or would be required to vary a licence under subsection 39LA(2).

118 Paragraph 39L(3)(b)

Omit “the premises specified in”, substitute “any of the premises covered by”.

119 After subsection 39L(8)

Insert:

39LA Variation of licence to remove premises

(1) Subject to subsection (3), the Collector may vary a licence so the licence no longer covers a particular premises if:

(a) the licence covers more than one premises; and

(b) the Collector is entitled to suspend the licence in relation to that particular premises under subsection 39G(1A).

(2) Subject to subsection (3), the Collector must vary a licence so the licence no longer covers a particular premises if the Collector receives a written notice from the licence holder requesting the Collector vary the licence to no longer cover the particular premises.

(3) The collector must not vary a licence under subsection (1) or (2) if the variation would have either of the following effects:

(a) if the licence is a manufacturer licence—the licence would no longer cover a factory;

(b) the licence would no longer cover any premises.

(4) The Collector must vary a licence under subsection (1) by written notice:

(a) served, either personally or by post, on the licence holder; or

(b) served personally on a person who, at the time of service, apparently participates in the management or control of premises covered by the licence.

(5) If the Collector so varies the licence, the Collector must, by written notice, inform an owner of excisable goods at the premises that will no longer be covered by the licence:

(a) that the owner is required, within a time specified in the notice or any further time allowed by the Collector, to:

(i) pay to the Collector duty payable in respect of the goods at the premises; or

(ii) remove the goods at the premises to another place in accordance with permission obtained from the Collector; and

(b) that, if the owner does not comply with the requirements of the notice, the goods will be sold or otherwise disposed of.

(6) The notice under subsection (5) must be:

(a) served, either personally or by post, on the owner of the goods; or

(b) for each premises no longer covered by the licence—served personally on a person who, at the time of the variation of the licence, apparently participated in the management or control of the premises no longer covered by the licence due to the variation.

(7) If the owner of goods in relation to which a notice under subsection (5) is served fails to comply with the requirements of the notice within the time specified in the notice or any further time allowed by the Collector, the Collector may sell, or otherwise dispose of, the goods.

120 Section 39M (heading)

Omit “**on cancellation etc. of licence**”, substitute “**when licence has ceased to be in force or is varied**”.

121 Subsection 39M(1)

Omit “cancelled, or has expired and has not been renewed,”, substitute “ceased to be in force”.

122 Subsection 39M(1)

Omit “the premises that were specified in”, substitute “any of the premises that were covered by”.

123 Subsection 39M(1) (note)

Repeal the note.

124 After subsection 39M(1)

Insert:

(2) If a licence has been varied to not cover a particular premises, a person must not, without permission, intentionally remove from the premises that are no longer covered by the licence any excisable goods on which duty has not been paid, knowing, or being reckless as to whether, the goods are excisable goods on which duty has not been paid.

Penalty: 2 years imprisonment or the greater of:

(a) 500 penalty units; and

(b) 5 times the amount of duty that would be payable if the goods had been entered for home consumption on the penalty day.

125 Subsection 39M(3)

Omit “the premises that were specified in”, substitute “any of the premises that were covered by”.

126 After subsection 39M(3)

Insert:

(3A) If a licence has been varied to not cover a particular premises, a person must not, without permission, remove from the premises that are no longer covered by the licence any excisable goods on which the duty has not been paid.

Penalty: 100 penalty units.

127 Subsection 39M(4)

Omit “subsection (3)”, substitute “subsections (3) and (3A)”.

128 Section 39N (heading)

Omit “**on cancellation etc. of licence**”, substitute “**when licence has ceased to be in force or is varied**”.

129 Subsection 39N(1)

Omit “cancelled, or has expired and has not been renewed,”, substitute “ceased to be in force”.

130 Paragraph 39N(1)(a)

Omit “the premises specified in”, substitute “any of the premises covered by”.

131 After subsection 39N(1)

Insert:

(1A) If a licence has been varied under subsection 39LA(1) to not cover particular premises, the Collector may cause:

(a) any excisable goods on which duty has not been paid that are at the premises; and

(b) any packages in which the goods are contained;

to be removed to such other place as the Collector thinks fit.

132 Subsection 39N(2)

After “subsection (1)”, insert “or (1A)”.

133 Section 39P

Omit “the premises specified in”, substitute “any of the premises covered by”.

134 Paragraphs 51(1)(a) and (b)

Omit “the factory”, substitute “each factory covered by the licence”.

135 Section 52

Omit “his or her factory” (first occurring), substitute “a factory covered by the licence”.

136 Section 52

Omit “his or her factory” (second occurring), substitute “such factories”.

137 Section 53

Omit “his or her factory” (first occurring), substitute “a factory covered by the licence”.

138 Section 53

Omit “his or her factory” (second occurring), substitute “such factories”.

139 Subsection 76(1)

Omit “his or her factory”, substitute “the factory covered by the licence”.

140 Section 77E (heading)

Omit “**etc.**”, substitute “**or is varied to no longer cover a particular brewery**”.

141 Section 77E

Omit “been cancelled, or has expired and has not been renewed,”, substitute “ceased to be in force or has been varied to no longer cover a particular brewery”.

142 Section 77E

Omit “the premises that constituted the brewery to which the licence related”, substitute “premises that constituted a brewery that are no longer covered by the licence due to the licence ceasing to be in force or being varied”.

143 Section 77F (heading)

Omit “**on cancellation etc. of licence**”, substitute “**when licence ceases to be in force or is varied**”.

144 Subsection 77F(1)

Repeal the subsection, substitute:

(1) If, one month after a brewery licence ceases to be in force or is varied to no longer cover a particular brewery, beer on which duty had not been paid remains at a place that is no longer covered by the licence, then the Collector may sell the beer and any containers and packages that contain the beer.

145 Subsection 77F(3)

Omit “after the expiration of the period referred to in subsection (1)”, substitute “one month after the licence ceases to be in force or is varied to no longer cover the brewery”.

146 Paragraph 77HB(a)

Omit “specified in”, substitute “covered by”.

147 Subsection 86(3)

Omit “specified in”, substitute “covered by”.

148 Paragraph 116(1)(bc)

Omit “specified in”, substitute “covered by”.

Division 2—Application and transitional provisions

149 Expiry of licences

(1) Subsection 83(1) of the *Customs Act 1901*, as amended by this Part, applies on and after the commencement of this item in relation to a warehouse licence granted:

(a) on or after the commencement of this item; or

(b) before that commencement, if the licence has not ceased to be in force before that commencement.

(2) Sections 39E and 39F of the *Excise Act 1901*, as amended by this Part, apply on and after the commencement of this item in relation to a licence granted:

(a) on or after the commencement of this item; or

(b) before that commencement, if the licence has not ceased to be in force before that commencement.

150 Warehouse licence application charges and warehouse licence charges

(1) Section 80 of the *Customs Act 1901*, as amended by this Part, applies to an application for a warehouse licence made:

(a) on or after the commencement of this item; or

(b) before that commencement if the application is not decided before that commencement.

(2) Section 85 of the *Customs Act 1901*, as amended by this Part, applies to the grant of a warehouse licence on or after the commencement of this item, regardless of when the licence was applied for.

(3) If:

(a) a person or partnership applied for an excise‑equivalent warehouse licence (within the meaning of the *Customs Act 1901* as amended by this Part) before the commencement of this item; and

(b) the licence is grantedbefore, on or after that commencement; and

(c) the licence comes into force on or after 1 July 2024;

then:

(d) the Commonwealth must refund to the person or partnership an amount equal to so much of any warehouse licence application charge as has been paid for the grant of the licence; and

(e) so much of any warehouse licence charge as has not been paid in respect of the grant of the licence before the commencement of this item is taken on and after that commencement to no longer be payable under section 85 of the *Customs Act 1901*; and

(f) the Commonwealth must refund to the person or partnership an amount equal to so much of any warehouse licence charge as has been paid for the grant of the licence.

(4) If:

(a) a person or partnership applied to renew an excise‑equivalent warehouse licence (within the meaning of the *Customs Act 1901* as amended by this Part) before the commencement of this item; and

(b) the licence is renewed before 1 July 2024; and

(c) but for the amendments of section 83 of the *Customs Act 1901* made by this Part, the 12 month period mentioned in subsection 84(4) of that Act would have ended on 30 June 2025;

then:

(d) so much of any warehouse licence charge as has not been paid in respect of the renewal before the commencement of this item is taken on and after that commencement to no longer be payable under section 85 of the *Customs Act 1901*; and

(e) the Commonwealth must refund to the person or partnership an amount equal to so much of any warehouse licence charge as has been paid for the renewal of the licence.

Part 2—Removing goods from licensed premises to other licensed premises

Customs Act 1901

151 Section 71E

Omit “**Application for movement permission**”, substitute “**Movement permissions**”.

152 Before subsection 71E(1)

Insert:

Applications for movement permissions

153 After subsection 71E(3)

Insert:

Directions to hold goods in place

154 After subsection 71E(3AA)

Insert:

Grant or refusal of movement permission by application

155 After subsection 71E(3AB)

Insert:

Grant of movement permission to excise‑equivalent warehouse licence holders

(3AC) The Comptroller‑General of Customs may give permission in writing to a person who holds a licence that covers more than one warehouse to remove excise‑equivalent goods from any warehouse covered by the licence to another warehouse covered by that or another licence that authorises goods of that kind to be kept at the other warehouse.

(3AD) If the Comptroller‑General of Customs:

(a) grants an excise‑equivalent warehouse licence under section 81A and the licence covers more than one warehouse; or

(b) varies, under subsection 81B(1), an excise‑equivalent warehouse licence that only covers one warehouse to cover more than one warehouse;

the Comptroller‑General must give permission in writing to the licence holder to remove excise‑equivalent goods from any warehouse covered by the licence to another warehouse covered by that or another excise‑equivalent warehouse licence that authorises goods of that kind to be kept at the other warehouse.

(3AE) A permission given under subsection (3AC) or (3AD) is subject to any conditions imposed on the licence under section 82.

Effect of movement permission

156 Subsection 71E(3B)

Repeal the subsection, substitute:

(3B) A permission given under paragraph (3AB)(c) or subsection (3AC) or (3AD) is, until revoked, authority for the person to whom the permission is given to move the goods to which the permission relates accordingly.

157 Subsection 71E(4)

Omit “subsection (3)”, substitute “paragraph (3AB)(c)”.

Excise Act 1901

158 Before subsection 61A(1)

Insert:

Permission to remove goods from and to specified places

159 After subsection 61A(1)

Insert:

(1A) Subject to subsection (2AA), a Collector may give permission in writing to a person who holds a licence that covers more than one premises to remove goods that are subject to the CEO’s control from premises covered by the licence to other premises covered by that or another licence that authorises goods of that kind to be kept at the other premises.

(1B) Subject to subsection (2AA), if:

(a) a Collector grants a licence under section 39A and the licence covers more than one premises; or

(b) a Collector varies, under section 39FA, a licence that only covers one premises to cover more than one premises;

the Collector must give permission in writing to the licence holder to remove goods that are subject to the CEO’s control from premises covered by the licence to other premises covered by that or another licence that authorises goods of that kind to be kept at the other premises.

(1C) Until a permission under subsection (1A) or (1B) is revoked, the permission is authority for the licence holder to remove goods subject to the CEO’s control accordingly.

160 Subsection 61A(2AA)

After “(1)”, insert “, (1A), (1B)”.

161 Before subsection 61A(2A)

Insert:

Permission to deliver goods for exportation

162 After subsection 61A(2B)

Insert:

Certain permissions may be revoked

(2C) A Collector may, by written notice given to the licence holder, revoke a permission under subsection (1), (1A) or (2A).

Permission may be subject to conditions

163 Subsection 61A(3)

After “(1)”, insert “, (1A), (1B),”.

Contravening a condition of a permission

164 Section 61B

Repeal the section.

Part 3—The Excise and Excise‑Equivalent Warehouse Licences Register

Customs Act 1901

165 At the end of Part V

Insert:

102AB Disclosure of excise‑equivalent warehouse licence information

An officer of Customs may disclose information relating to excise‑equivalent warehouse licences to a taxation officer for the purpose of enabling the Commissioner of Taxation to perform a function or exercise a power relating to the register established under subsection 40(1) of the *Excise Act 1901*.

Excise Act 1901

166 Subsection 4(1)

Insert:

***Excise and Excise‑Equivalent Warehouse Licences Register*** means the register established and maintained under subsection 40(1).

167 At the end of Division 6 of Part IV

Add:

40 Register of excise and excise equivalent goods licences

(1) The CEO must establish and maintain a register (the ***Excise and Excise‑Equivalent Warehouse Licences Register***) of licences of the following kinds:

(a) a storage licence granted under subsection 39A(1) of this Act;

(b) a manufacturer licence granted under subsection 39A(1) of this Act, other than a manufacturer licence that allows for the manufacture of tobacco products;

(c) an excise‑equivalent warehouse licence granted under section 79 of the *Customs Act 1901*.

(2) If the CEO becomes aware that a licence has ceased to be in force, the CEO must remove that licence from the register.

(3) The register must include each of the following in relation a licence of a kind mentioned in subsection (1):

(a) the name of the licence holder;

(b) if the licence holder has an Australian Business Number—the Australian Business Number;

(c) the name of the Act under which the licence was granted;

(d) any additional information that is prescribed by the regulations for the purposes of this paragraph.

(4) The CEO must take reasonable steps to ensure the register is accurate and kept up‑to‑date.

(5) The register must be made publicly available on a website maintained by the Australian Taxation Office.

(6) The register is not a legislative instrument.

41 Evidentiary value of the Excise and Excise‑Equivalent Warehouse Licences Register

(1) The CEO may issue a document containing the details of a matter taken from the Excise and Excise‑Equivalent Warehouse Licences Register.

(2) A document issued under subsection (1) is admissible in any proceedings as prima facie evidence of the matter.

Taxation Administration Act 1953

168 Subsection 355‑50(1) in Schedule 1 (note 2)

Repeal the note, substitute:

Note 2: Examples of duties mentioned in paragraph (b) include:

(a) the duty to make available information under sections 3C, 3E and 3H; and

(b) the duty to establish and maintain the Excise and Excise‑Equivalent Warehouse Licences Register under subsection 40(1) of the *Excise Act 1901*.

Part 4—Removing licence requirements for certain producers of crude oil and condensate

Excise Tariff Act 1921

169 Subsection 3(1)

Insert:

***exempt onshore condensate*** means condensate that is included in exempt onshore oil and condensate.

***exempt onshore oil*** means stabilised crude petroleum oil that is included in exempt onshore oil and condensate.

***exempt* *onshore oil and condensate*** means:

(a) if a particular onshore field produces stabilised crude petroleum oil and condensate—stabilised crude petroleum oil and condensate produced from the field after 30 June 1987 that is included in the first 4767.3 megalitres of stabilised crude petroleum oil and condensate produced from the field before, on or after 30 June 1987; or

(b) if a particular onshore field produces stabilised crude petroleum oil but not condensate—stabilised crude petroleum oil produced from the field after 30 June 1987 that is included in the first 4767.3 megalitres of stabilised crude petroleum oil produced from the field before, on or after 30 June 1987; or

(c) if a particular onshore field produces condensate but not stabilised crude petroleum oil—condensate produced from the field after 30 June 1987 that is included in the first 4767.3 megalitres of condensate produced from the field before, on or after 30 June 1987.

170 Subsection 3(1)

Repeal the following definitions:

(a) definition of ***pre‑threshold onshore condensate***;

(b) definition of ***pre‑threshold onshore oil***;

(c) definition of ***pre‑threshold onshore oil and condensate***.

171 Subsection 3(1A)

Repeal the subsection.

172 Schedule (at the end of the cell at table item 20, column headed “Description of goods”)

Add:

|  |
| --- |
| **; and (c) exempt onshore oil** |

173 Schedule (table subitem 20.3)

Repeal the subitem.

174 Schedule (at the end of the cell at table item 21, column headed “Description of goods”)

Add:

|  |
| --- |
| **; and (d) exempt onshore condensate** |

175 Schedule (table subitem 21.2)

Repeal the subitem.