

# Chapter 1

## Introduction

### The referral

1.1 On 17 July 2014, the Customs Amendment Bill 2014 (the Bill) was introduced into the House of Representatives by the Minister for Immigration and Border Protection, the Hon Scott Morrison MP.<sup>1</sup> On 28 August 2014, pursuant to a recommendation of the Selection of Bills Committee, the Senate referred the provisions of the Bill to the Legal and Constitutional Affairs Legislation Committee (the committee) for inquiry and report by 30 September 2014.<sup>2</sup>

### Overview of the Bill

1.2 The Explanatory Memorandum (EM) outlines six 'technical amendments' that the Bill would make to the *Customs Act 1901* (the Act), namely to:

- allow class based authorisations to include future offices or positions that come into existence after the authorisation is given;
- extend Customs controls to those places at which ships and aircraft arrive in Australia in accordance with section 58 of the Act;
- provide greater flexibility in relation to the reporting of the arrival of ships and aircraft in Australia and reporting of stores and prohibited goods on such ships and aircraft;
- improve the application processes for several permissions under the Act. These amendments will also support initiatives to enable online applications for these permissions;
- extend Customs powers of examination to the baggage of domestic passengers on international flights and voyages, and to domestic cargo that is carried on an international flight or voyage; and
- enhance the interaction of the infringement notice scheme with the claims process under the Act in relation to prohibited imports.<sup>3</sup>

1.3 The manner in which these technical amendments are to be brought about is explored in the next chapter.

1.4 The EM describes the Bill as having no financial impact.<sup>4</sup>

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1 House of Representatives, *Votes and Proceedings*, No. 58, 17 July 2014, p. 725.

2 *Journals of the Senate*, No. 48—28 August 2014, p. 1341.

3 Explanatory Memorandum (EM), p. 2

4 EM, p. 2.

### **Other parliamentary committees**

1.5 The Parliamentary Joint Committee on Human Rights has examined the Bill and concluded that it 'is compatible with human rights'.<sup>5</sup>

1.6 The Senate Standing Committee for the Scrutiny of Bills also examined the Bill. The only comment it had to make was in relation to the strict liability offence created by proposed subsection 129; it considered that '[t]he imposition of strict liability for this offence appears to be consistent with [that] committee's established principles'.<sup>6</sup>

### **Conduct of the inquiry**

1.7 As per the usual practice, the committee advertised the inquiry on its website and wrote to a number of stakeholders inviting submissions by 8 September 2014. Details of the inquiry were also placed on the committee's website ([http://www.aph.gov.au/senate\\_legalcon](http://www.aph.gov.au/senate_legalcon)).

1.8 The committee received one submission, from the Australian Customs and Border Protection Service (Customs),<sup>7</sup> which has been published on the committee's website.

1.9 The committee decided not to hold a public hearing.

### **Acknowledgement**

1.10 The committee thanks the Australian Customs and Border Protection Service for the assistance that it provided to the inquiry.

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5 Parliamentary Joint Committee on Human Rights, *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011 (Tenth Report of the 44<sup>th</sup> Parliament)*, p. 32.

6 Senate Standing Committee for the Scrutiny of Bills, *Alert Digest No. 10 of 2014*, p. 17.

7 Australian Customs and Border Protection Service, *Submission 1*.