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Inquiry into the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014 [Provisions]

The Australian Customs and Border Protection Service (ACBPS) welcomes the opportunity to contribute to the Legal and Constitutional Affairs Committee Inquiry into the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014 [Provisions].

While the Bill comprises six schedules, the ACBPS primary areas of interest relate to Schedule 1 – New Psychoactive Substances, and Schedule 2 – Firearms Trafficking Offences.

Schedule 1 – New Psychoactive Substances

ACBPS was closely consulted in the development of the new measures outlined in Schedule 1 of the Bill and is fully supportive of those amendments which will:

- ban the importation of all substances that have a psychoactive effect that are not otherwise regulated or banned; and
- ensure that ACBPS officers have appropriate powers to stop these substances at the border.

As Australia's primary border protection agency, ACBPS plays an important role in protecting the Australian community through the detection of illicit drugs at the border. The emergence of new psychoactive substances (NPS), substances which mimic the psychoactive effects of illicit drugs but whose chemical structures fall outside existing controls, represents a significant threat to the Australian community. In recent years the ACBPS has seen an increasing number of NPS at the Australian border. Many of these substances have been connected to deaths in Australia and overseas.

The proposed measures will ensure that the ACBPS has the power to stop, seize and destroy NPS which present a risk to the community. The proposal is

intended to act as a safety net that will allow the ACBPS to seize substances that have been identified as high risk, but that are currently unable to be dealt with under existing regulatory schemes.

ACBPS believes that this approach strikes an appropriate balance. As was outlined in the Explanatory Memorandum; 'The measure is intended to work in parallel with, and not replace, any of the existing schemes which ban the importation of illicit drugs and regulate the importation of substances with a legitimate use'.

This is an important point as it allows the ACBPS to stop the importation of high risk substances, without restricting legitimate trade or adding any additional regulatory burden to those companies or individuals already complying with existing legislative requirements.

Schedule 2 – Firearms Trafficking Offences

ACBPS was closely consulted in the development of the new measures outlined in Schedule 2 of the Bill and is fully supportive of those amendments which will:

- create new international firearms offences of trafficking prohibited firearms and firearm parts into and out of Australia; and
- extend the existing offences of cross-border disposal or acquisition of a firearm and taking or sending a firearm across borders within Australia to include firearm parts as well as firearms.

These new measures will assist the ACBPS in its efforts against illicit firearm trafficking. A strong border is essential to protecting the Australian community from gun-related violence and is part of a whole-of-government approach that has given Australia some of the toughest firearms laws in the world. Australia's border integrity is also in the interest of our neighbours and the broader international community in support of the global effort against illicit firearms trafficking.

The number of undeclared firearm parts and accessories detected at importation by the ACBPS has significantly increased over the last three (3) financial years, rising from 326 in 2010-11 to 960 in 2011-12. The inclusion of firearm parts in the measures proposed in Schedule 2 is necessary to ensure that the trafficking offences cannot be evaded by breaking firearms down to their constituent parts.

Should the Committee decide to hold any public hearings, the ACBPS would be happy to provide further evidence.

Yours sincerely

Michael Pezzullo
Chief Executive Officer
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