



Your reference: Sophie Dunstone
Date: 11 July 2019

Ms Sophie Dunstone
Committee Secretary
Senate Legal and Constitutional Affairs
Legislation Committee
Parliament House
CANBERRA ACT

LegCon.Sen@aph.gov.au

Dear Ms Dunstone,

Inquiry into the Customs Amendment (immediate Destruction of Illicit Tobacco) Bill 2019

I refer to your email of 8 July 2019.

The Legal Services Commission (the Commission) is South Australia's largest criminal defence agency. We represent defendants in both State and Commonwealth criminal law matters. We have represented defendants in matters concerning the illegal importation of tobacco.

I note that this Bill allows the Comptroller-General of Customs to immediately destroy tobacco products seized as prohibited imports rather than wait at least 30 days before destruction. I have consulted with senior criminal law practitioners employed by the Commission. In instances where illegal tobacco is seized and charges are laid, a properly obtained sample of the tobacco must be preserved before destruction in the event that the defendant seeks to allege that the product is not in fact tobacco. That sample must be made available to the defendant for appropriate forensic testing.

Thank you for the opportunity to comment on these proposed amendments.

Yours sincerely,

Gabrielle Z Canny
Director

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