

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES – 26 – 27 MAY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE14/043) PROGRAMME – Australian Customs and Border Protection Service

Senator Hanson-Young (L&CA 112) asked:

Senator HANSON-YOUNG: Okay, thank you. Can I ask some questions about the Maritime Powers Regulation that was introduced on 13 March this year. Can you explain to me what that regulation does.

Mr Pezzullo: I think you are referring to—and I will stand corrected—the Maritime Powers Act, which is a—

Senator HANSON-YOUNG: No, the regulation that is currently—

Mr Pezzullo: I am sure that the regulation would be made pursuant to the legislation. If you want to ask me a specific question, I will try to answer it as best as I can. I will take it on notice, otherwise.

Answer:

Section 122 of the *Maritime Powers Act 2013* (the MPA) provides that the Governor-General may make regulations prescribing matters which are required or permitted by the MPA to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the MPA.

The MPA permits several matters to be prescribed including laws and protected land areas, international agreements and decisions, additional powers, officers, methods of disposal and sharing of information.

The Maritime Powers Regulation 2014 prescribes:

- aviation and maritime security laws to exclude them from the definition of ‘Australian law’ under the MPA;
- Commonwealth laws in respect of which enforcement and monitoring powers can be exercised by maritime officers;
- international agreements and international decisions which enable the exercise of maritime powers by maritime officers if an authorising officer suspects, on reasonable grounds, that the agreement or decision applies to a particular vessel, installation or aircraft;
- Commonwealth laws that can be enforced by maritime officers in Australia’s contiguous zone to investigate or prevent a contravention of a customs or immigration law occurring in Australia;
- additional types of maritime officers in uniform to be exempt from the usual requirement to produce identification, when requested by the person in charge of a vessel, installation or aircraft, after boarding the vessel, installation or aircraft; and

- additional types of maritime officers in uniform to be exempt from the usual requirement to produce identification, when requested by the person in charge of the land, after entering onto the land.