

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CUSTOMS SERVICE

**Question No. 127**

**Senator Ludwig asked the following question at the hearing on 17 February 2006:**

- a) Are Indonesian fishing vessels boarded at the first port of call?
- b) What proportion of vessels do not report arrival?
- c) What percentage of those does Customs intercept?
- d) What penalties are in place against this?
- e) How many times have these penalties been applied in 2002-03, 2003-04, 2004-05?

**The answer to the honourable senator's question is as follows:**

- a) If an Indonesian fishing vessel arrived in an Australian port under legitimate circumstances, Customs would undertake first port boarding of that vessel.
- b) Nil.
- c) Not applicable.
- d) Section 64 of the *Customs Act 1901* requires the Master of any ship on a voyage to Australia to report the impending arrival of the vessel to Customs and Section 64AA requires a report of the actual arrival. Sections 64ACA and 64ACB further require a report detailing all passengers and crew on board the vessel. Non-compliance with these requirements constitutes strict liability offences and may attract fines of up to 60 penalty points, currently \$6,600. If it can be established that the failure to comply was intentional, the maximum penalty may be doubled to 120 penalty units.
- e) Customs has not applied these penalties to date as a moratorium is in place until 12 April 2006.