

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 93

Senator Ludwig asked the following question at the hearing on 31 October 2006:

With respect to Regulation 4QA of the Customs (Prohibited Imports) Regulations (repealed in 2003), *Importation of goods of Iraqi Origin*, prior to the repeal of that Regulation:

- (a) Prior to its repeal, what responsibilities (if any) did Customs have in respect of that section?
- (b) Did these responsibilities include: (i) the provision of any advice, reports, memorandums or other information to the Minister for Foreign Affairs in respect of his power to grant permission for the purposes of that regulation (if so, specify the exact forms of what was provided); (ii) the provision of any other form of assistance to the Minister in respect of his power to grant permission for the purposes of that regulation (if so, specify the form of assistance); (iii) any investigative functions (if so, give details); and (iv) any other functions (if so, please specify).
- (c) On how many occasions did Customs provide the Minister for Foreign Affairs with any advice, reports, memorandums or another or form of information to the Minister in respect to any, if so: (i) on how many occasions did this occur; and (ii) on how many occasions did Customs indicate.
- (d) Did Customs provide the Minister for Foreign Affairs with any advice, reports, memorandums or another or form of information or assistance to the Minister in respect of the Poul Sour? If so: (i) when was this advice provided; (ii) in what form was this advice provided; and (iii) what was the substance of this advice?
- (e) If Customs performs any other functions with respect of that section, at any point during the performance of these functions, did Customs come to the belief that the Poul Sour or any other shipment would be in violation of the Iraqi sanctions?

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

- (a) Before the repeal of Regulation 4QA of the *Customs (Prohibited Imports) Regulations 1956*, Customs' responsibility was to ensure that when goods were declared as being imported from Iraq, a permission had been issued under that Regulation by a delegate of the Minister for Foreign Affairs.
- (b) (i – ii) No (b) (iii) to (iv) If Customs detected an apparent breach of border controls - including goods entering Australia without being properly declared or, where subject to restrictions, without appropriate permission - compliance, investigation and/or prosecution action could be taken by Customs in consultation with the agency responsible for granting permission.

(c) None

(d) No

(e) Customs was not responsible for functions other than those described in response to (a) and (b).