

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 November 2013

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE13/0219) PROGRAMME – 4.3: Offshore Asylum Seeker Management

Senator Ludwig (Written) asked:

What is the legal position of a customs vessel acting against whaling outside of Australia's economic zone?

Answer:

There is no legal framework or power that is specifically directed towards Australian Customs and Border Protection Service (ACBPS) vessels acting against whaling outside Australia's Exclusive Economic Zone. However ACBPS officers may, in certain circumstances, exercise certain powers upon ships on the high seas (For example, when establishing the identity of a ship in accordance with s 185A of the Customs Act). The application of these powers would be assessed on a case by case basis.