



Ship Type: All Trade Area: Australia

Bulletin 255 - 07/02 - New Customs Offences - Australia

The Australian Government has recently given the Australian Customs Service expanded powers through amendment of the Customs Act 1901. This legislation will create new offences, many of which are “strict liability”, together with a new Penalty Infringement Notice scheme.

Members who breach their obligations under the Australian Customs Act may find themselves being served with a Penalty Infringement Notice, or worse – being prosecuted.

Members should be aware of these obligations and the possible penalties attaching to breaches. Some are listed below:

- **Impending arrival report:**
 - Earliest 10 days before ETA
 - Latest If journey more than 48 hours, then no later than 48 hours before ETA
 - If journey less than 48 hours, then no later than 24 hours before ETA

- **Passenger report:**
 - Latest If journey more than 48 hours, then 48 hours before ETA
 - If journey less than 48 hours, then 24 hours before ETA

- **Crew report:**
 - Earliest 10 days before ETA
 - Latest If journey more than 48 hours, then 48 hours before ETA
 - If journey less than 48 hours, then 24 hours before ETA

- **Ship arrival report:**
 - No more than 24 hours after arrival (disregarding Sundays and holidays), OR before Certificate of Clearance issued, whichever happens first

- **Stores and prohibited goods report:**
 - No more than 24 hours after arrival (disregarding Sundays and holidays), OR before Certificate of Clearance issued, whichever happens first

Whilst some other provisions of the Act came into force on 1st July 2002, Customs are yet to advise the implementation date for the sections that relate to shipping companies. We understand however, these will be implemented on or before 1st July 2003.

At present, most of these offences carry a maximum penalty of Aus\$500. However, from the commencement of the new provisions, most offences will attract a maximum penalty of Aus\$13,200 for an intentional breach, or Aus\$6,600 for a “strict liability” breach.

Members should become familiar with their obligations under the Customs Act and the consequences of any breach.

Further information can be found on the Australian Customs Service website: www.customs.gov.au

Source of Information: Ebsworth & Ebsworth Lawyers, Sydney