Migration Amendment Bill (No. 2) 1988

Date Introduced: 19 October 1988
House: House of Representatives
Presented by: Hon. Clyde Holding, M.P., Minister Representing the Minister for Immigration, Local Government and Ethnic Affairs

Digest of Bill

Purpose
To allow visas issued overseas to be used also as entry permits, to enable certain flights to Australia to receive customs clearance overseas, and to make it an offence to tamper with movement records.

Background
The measures to be introduced by this Bill were announced by the Ministers for Immigration, Local Government and Ethnic Affairs and Science, Customs and Small Business on 8 September 1988. They form part of a 'Master Plan for Passenger Processing at Australian Airports' which aims, by the end of 1989, to enable most passengers to be cleared within 40 minutes. In the Australian Customs Service Annual Report for 1987–88, it is stated: '96% of passengers were through the primary line in less than 30 minutes'.

There are a number of reasons for the current delays for passengers entering Australia. First, the number of tourists arriving has greatly increased in recent years, particularly at Kingsford Smith Airport. According to recently released statistics from the Bureau of Tourism Research, there were over 1 million tourist arrivals in the first half of the year and the final year figure is estimated to be 2.25 million. This follows increases of 13% in 1985 and 25% in 1986 and 1987. This compares with an annual growth rate of 7% between 1975 and 1984. It is still estimated that the annual number of visitors will be 5 million in 2000, or over twice the current, record figure. To these figures must be added the number of Australians arriving at airports. The total number of people processed by the Australian Customs Service at Australian airports rose from 2.367 million in 1983–84, to 2.697 million in 1984–85, 2.935 million in 1985–86, 3.323 million in 1986–87, and to 3.800 million in 1987–88.

Australian airports have failed to keep up with the extra number of passengers. The largest problems occur at Kingsford Smith Airport, the favoured airport for most arriving passengers. Designed in the 1960s, the airport was opened in 1970 and even at that stage certain design faults were being noticed, principally that the airport was not designed to take the Boeing 747 which was coming into widespread service. The airport is currently undergoing a $38 million refit of the existing terminal. However, there will be no major improvement until a recently announced $214 million development is completed, which is likely to be in 1992.
Another way of improving the time taken to clear the airport is the reduction in time taken to complete entry formalities. Currently, overseas travellers are required to obtain an entry permit in Australia, even if they have obtained a visa. Following improvements in the computer system linking overseas offices with Australia, it is now possible to determine if the person should be allowed to enter Australia at the time of issue of the visa. As a result, this Bill will remove the general requirement that visa holders also obtain an entry permit. Similarly, the proposal to allow overseas customs clearance on certain direct flights to Australia aims at reducing the congestion in Australian customs areas, and so reducing the time taken to clear an airport.

Main Provisions

A new section 6AA will be inserted into the Migration Act 1958 (the Principal Act) by clause 7. The proposed section will allow the holders of visas granted after the commencement of this Bill to disembark at an airport as though the person held an entry permit. The person will be able to remain in Australia subject to the conditions laid down in the visa (such as date of departure). Proposed sub-section 6AA(6) provides for the Minister to declare a specified flight to be a pre-cleared flight.

The Minister will be given a discretion to determine visa conditions, or the time limit of a visa, by clause 10 which will amend section 11A of the Principal Act.

It will be an offence, punishable by a $5000 fine and/or 2 years imprisonment for a person, other than an authorised person, to read, examine or reproduce movement records. Further, it will be an offence, punishable by a $20 000 fine and/or 10 years imprisonment, to alter such records or tamper with notified data base (clause 13 which will insert a new section 65AA into the Principal Act).

The Minister will be authorised to establish notified data bases in relation to the entry and departure of persons from Australia (clause 13).

References

For further information, if required, contact the Law and Government Group.

3 November 1988

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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