CUSTOMS AMENDMENT BILL (NO. 4) 1979

Date Introduced: 13 November 1979
House: House of Representatives
Presented by: Hon. I. Viner, Minister for Employment and Youth Affairs

Purpose

To give the power to use listening devices for the purposes of narcotics inquiries to the Australian Federal Police in place of officers of Customs.

Background

Among other things, the Customs Amendment Act 1979 granted Customs' officers, subject to a judicial warrant, the power to use listening devices in relation to inquiries into narcotics offences. However, as a consequence of the recommendations in the Interim Report of the Royal Commission into Drugs, the Government has decided that this power is best exercised by the newly-created Australian Federal Police. The essential procedures associated with the use of listening devices for narcotics purposes remain unchanged.

Main Provisions

Clause 3 amends the definition section 4 to include definitions of 'Commissioner of Police' and 'member of the Australian Federal Police' as referred to in the Australian Federal Police Act 1979. Clause 5 amends section 219D to substitute an authorised member of the Australian Federal Police for an authorised officer of Customs in respect of the exercise of powers under a listening device warrant. Clause 7 amends section 219H to provide that all records of warrants issued shall be retained in the Australian Federal Police.

Clause 8 repeals section 219J which is now unnecessary given section 64 of the Australian Federal Police Act 1979 which provides for offences in respect of obstructing or hindering a member of the Force. Clause 9 amends section 219K to stipulate that the Commissioner will now not only report to the Minister on the use made of information obtained by a listening device but also whether and to whom such information is communicated.
Clauses 11 and 12 insert references to a member of the Australian Federal Police Force in sections 243C and 243E respectively, relating to assessments and recovery of pecuniary penalties. Clause 13 amends the Act as set out in the Schedule to the Bill by inserting relevant references to the Australian Federal Police Force in substitution for the Comptroller and officers of Customs. Clause 14 is a savings provision ensuring that the new provisions relating to disclosure of information obtained by a listening device do not apply to information obtained before the commencement of this Bill.

14 November 1979

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