



Australian Government
Department of Immigration and Citizenship

3 July 2009

Mr Bill Henderson
Productivity Commission
GPO Box 1428
Canberra ACT 2601

Dear Mr Henderson

Comment in response to draft Review of Regulatory Burdens on Business

Thank you for the opportunity to comment on the *Productivity Commission Draft Research Report of the Annual Review of Regulatory Burdens on Business: Social and Economic Infrastructure Services* (“the Report”). The scope of the department’s comments relate to Advance Passenger Processing (APP) segment starting on page 225.

As previously advised, the infringement regime for airlines that do not conduct an APP check prior to the arrival in Australia of each and every passenger and crew member commenced on 1 July 2009. As noted on page 226 paragraph 4 of the Report, an airline could be fined twice in relation to the same passenger. However, this is only true if an airline does not conduct an APP check and the person arrives into Australia with improper documentation. In the same paragraph, the report goes on to highlight that APP checks will in fact assist airlines to reduce their exposure to fines for improperly documented passengers. For example, in 2000/01 around 4,500 notices for improperly documented passengers were issued compared to around 660 notices in 2007/08.

Against this background, I would request that paragraph 2 on page 227 be revisited, specifically “...and they are not fined twice in relation to the same passenger...”. As stated above, an airline could receive two fines for a passenger or crew member **but for two separate offences**.

I also note that the second reference to the “Migration Act” on page 225 has an incorrect year (1959). It should read “Migration Act 1958”.

Yours sincerely

Suzanne Ford
Director
Offshore Border and International Section