



# **Home Affairs Legislation Amendment (Australia Travel Declaration and Other Matters) Regulations 2024**

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I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 10 October 2024

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Tony Burke  
Minister for Home Affairs

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## 1 Name

This instrument is the *Home Affairs Legislation Amendment (Australia Travel Declaration and Other Matters) Regulations 2024*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	12 October 2024

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following:

- (a) the *Customs Act 1901*;
- (b) the *Migration Act 1958*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Customs amendments

### *Customs Regulation 2015*

#### 1 Section 4

Insert:

***Australia Travel Declaration***, in relation to the importation of Subdivision AA goods by a person into Australia, means the digital declaration known by that name that is:

- (a) submitted by the person in respect of that importation to the departmental system that processes such declarations; or
- (b) if the person has submitted one or more subsequent declarations in respect of that importation—the most recently submitted declaration.

#### 2 Section 27

Repeal the section, substitute:

#### 27 Providing information about Subdivision AA goods

- (1) For the purposes of subsection 71AAAB(1) of the Act, this section specifies matters in relation to information that a person importing, or intending to import, Subdivision AA goods into Australia must provide to the Department under section 71 of the Act.

*Information that is to be given*

- (2) The specified information that is to be given is the following:
  - (a) the person's full name;
  - (b) the number of the person's passport;
  - (c) for goods imported on board a ship—the name of the ship;
  - (d) for goods imported on board an aircraft—the flight number of the aircraft;
  - (e) whether the goods are prohibited or subject to restrictions;
  - (f) whether the goods consist of more than 2,250 millilitres of alcoholic beverages;
  - (g) whether the goods consist of more than 25 cigarettes or more than 25 grams of tobacco products;
  - (h) for goods obtained overseas or purchased as duty free or tax free goods in Australia—whether the goods have a combined total value of:
    - (i) if the person is a passenger—more than \$900; and
    - (ii) if the person is a crew member—more than \$450;
  - (i) whether the goods are samples intended for business or commercial use.

Note 1: Examples for paragraph (2)(e) include goods that are medicines, steroids, illegal pornography, firearms, weapons or illicit drugs.

Note 2: An example for paragraph (2)(h) is goods that are purchased as gifts.

*Circumstances in which information is to be given*

- (3) The specified circumstance in which the information is to be given is that a Collector has requested the person to give the information.

*Time at which information is to be given*

- (4) The specified time at which the person is to give the information is the time at which the Collector requests the person to give the information.

*Manner and form in which information is to be given*

- (5) The following manner and form for giving the information is specified:
- (a) the information must be given as answers to questions on a form;
  - (b) the form must:
    - (i) be signed in the manner required by the form; and
    - (ii) include a declaration from the person signing the form that the information given is true and correct;
  - (c) the completed form must be given to a Collector.

Note: For paragraph (5)(a), the form is known as:

- (a) if the person giving the information is a crew member—the crew declaration; and
- (b) if the person giving the information is a passenger—the incoming passenger card.

*Exemption if information is given by Australia Travel Declaration*

- (6) However, if a person has complied with paragraph 27A(2)(a) in relation to the goods, a Collector may request the person to give the information under subsection (1) in accordance with the requirements of this section only if:
- (a) a decision has not been made about the goods under subsection 71AAAB(2) of the Act; and
  - (b) the Collector reasonably suspects that the Australia Travel Declaration in relation to which the person complied with paragraph 27A(2)(a) is not, or is no longer, accurate or complete.

**3 Section 27A (heading)**

Omit “**digital passenger declaration**”, substitute “**Australia Travel Declaration**”.

**4 Paragraph 27A(1)(b)**

Omit “a digital passenger declaration about the goods to a departmental system that processes digital passenger declarations”, substitute “an *Australia Travel Declaration* about the importation of the goods”.

**5 Paragraph 27A(2)(a)**

Repeal the paragraph, substitute:

- (a) present to a Collector an electronic message generated by the departmental system that processes Australia Travel Declarations; and

**6 Paragraph 27A(2)(b)**

Omit “digital passenger declaration about the goods”, substitute “Australia Travel Declaration”.

## 7 At the end of subsection 27A(2)

Add:

; and (d) confirm to the Collector, if requested to do so, that the information provided in the Australia Travel Declaration is correct.

Note: For paragraph (2)(d), see paragraph 234(1)(d) of the Act for offences relating to giving false or misleading statements.

## 8 After subsection 27A(2)

Insert:

(2A) The specified time at which the person is to present the electronic message mentioned in paragraph (2)(a) to the Collector is the time at which the Collector requests the person to present the message.

(2B) The following manner and form for presenting the electronic message to the Collector is specified:

- (a) the message must be presented:
  - (i) on a phone, tablet or other electronic device; or
  - (ii) as a copy of the message printed on paper; and
- (b) the message must confirm that the person has submitted an Australia Travel Declaration in respect of the importation of the goods that includes the information specified in subsection 27(2); and
- (c) the message must enable the Collector to access the declaration.

## 9 Subsection 27A(3)

Omit “indication, a code”, substitute “Australia Travel Declaration, an electronic message”.

## 10 Subsection 65(2)

Omit “digital passenger declaration”, substitute “Australia Travel Declaration”.

## 11 In the appropriate position in Part 18

Insert:

## 164 Amendments made by the *Home Affairs Legislation Amendment (Australia Travel Declaration and Other Matters) Regulations 2024*

If at a time in the period:

- (a) starting on the day (the *commencement day*) that Schedule 1 of the *Home Affairs Legislation Amendment (Australia Travel Declaration and Other Matters) Regulations 2024* commences; and
- (b) ending 3 months after the commencement day;

a proprietor displays a sign that meets the requirements in subsection 65(2), as in force immediately before the commencement day, then the proprietor is taken to have complied with subsection 65(2), as amended by that Schedule, in relation to that time.



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## Schedule 2—Migration amendments

### *Migration Regulations 1994*

#### **1 Regulation 1.03**

Insert:

*Australia Travel Declaration*, in relation to the arrival of a person in Australia, means the digital declaration known by that name that is:

- (a) submitted by the person in respect of that arrival to the departmental system that processes such declarations; or
- (b) if the person has submitted one or more subsequent digital declarations in respect of that arrival—the most recently submitted declaration.

#### **2 After regulation 2.07AR**

Insert:

##### **2.07AS Applications for Special Category (Temporary) (Class TY) visas**

Despite anything in regulation 2.07, for the purposes of sections 45 and 46 of the Act, an application for a Special Category (Temporary) (Class TY) visa is taken to have been validly made by an applicant, in person, while in immigration clearance, if the applicant:

- (a) presents to a clearance officer a New Zealand passport held by the applicant that is in force; and
- (b) is not the holder of a permanent visa; and
- (c) has submitted an Australia Travel Declaration; and
- (d) has provided answers to the health and character questions required by the departmental system that processes such declarations; and
- (e) complies with the requirements under regulation 3.03AB in relation to the provision of the Australia Travel Declaration.

#### **3 Paragraph 2.43(1)(na)**

Repeal the paragraph, substitute:

- (na) the holder of the visa provided an Australia Travel Declaration (other than an Australia Travel Declaration that was withdrawn before the time referred to in paragraph 3.03AB(1)(b)) and one or more of the following apply:
  - (i) the Australia Travel Declaration was incorrect at the time it was submitted to the departmental system that processes such declarations;
  - (ii) the Australia Travel Declaration was incorrect at the time the holder, or a person in charge of the holder on the relevant flight or voyage, showed the electronic message generated by that system in respect of the declaration to a clearance authority;
  - (iii) the holder, or a person in charge of the holder on the relevant flight or voyage, has provided incorrect information in relation to the Australia Travel Declaration;

**4 Regulation 3.03AB (heading)**

Omit “digital passenger declaration”, substitute “Australia Travel Declaration”.

**5 Paragraph 3.03AB(1)(a)**

Repeal the paragraph, substitute:

- (a) the person has submitted an Australia Travel Declaration; and
- (aa) the person has received an electronic message, generated by the departmental system that processes such declarations, showing that the person has submitted that declaration; and
- (ab) if requested by a clearance officer, the person:
  - (i) presents the electronic message to the clearance officer; and
  - (ii) confirms to the clearance officer that the information provided in the Australia Travel Declaration is correct; and

**6 Subparagraph 3.03AB(1)(b)(i)**

Omit “digital passenger declaration”, substitute “Australia Travel Declaration”.