Customs Amendment Regulation (No. 1)1

Select Legislative Instrument 2012 No. 49

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Customs Act 1901*.

Dated 19 April

QUENTIN BRYCE

Governor-General

By Her Excellency’s Command

JASON CLARE

Minister for Home Affairs

1 Name of regulation

 This regulation is the *Customs Amendment Regulation 2012 (No. 1)*.

2 Commencement

 This regulation commences on the day after it is registered.

3 Amendment of *Customs Regulations 1926*

 Schedule 1 amends the *Customs Regulations 1926*.

4 Transitional

 Regulations 176AA and 176B of the *Customs Regulations 1926*, as in force immediately before this regulation commenced, continue to apply in relation to the records of an external search of a detainee made before this regulation commenced.

Schedule 1 Amendments

(section 3)

[] Regulation 176AA

substitute

176AA Equipment for scans or searches

 For subsections 219SA (1), 219ZAB (1) and (2) of the Act, the table describes the equipment for carrying out a scan or search.

|  |  |
| --- | --- |
| Item | Equipment |
| **1** | ***Equipment for internal non-medical scan*** |
| 1.1 | Smiths Detection B-SCAN 16 HD-DV |

[] Regulation 176B, heading

substitute

176B Storage of records of an external search or an internal non-medical scan

[] Subregulation 176B (1)

substitute

 (1) For section 219ZAE of the Act, this regulation applies to the search record of an external search or an internal non‑medical scan of a detainee under section 219R or 219SA of the Act.

[] Subparagraph 176B (4) (c)

omit

records are

insert

search record is

[] Subregulation 176B (5)

substitute

 (5) In this regulation:

***search record***, of an external search or an internal non-medical scan of a detainee, means:

 (a) a videotape or other electronic record of the external search of the detainee mentioned in paragraph 219ZAE (1) (a) of the Act ; and

 (b) a photograph or image mentioned in paragraph 219ZAE (1) (b) or (c) of the Act, relating to the detainee; and

 (c) a sample from the outer surface of the detainee’s hand mentioned in paragraph 219ZAE (1) (d).

[] Further amendments

|  |  |  |
| --- | --- | --- |
| *Provision* | *omit* | *insert* |
| Subregulations 176B (2), (3) and paragraphs (4) (a), (c) and (d) | records | search record |

**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003.* See [www.comlaw.gov.au](http://www.comlaw.gov.au/).