



**Australian Government**  
**Australian Customs and  
Border Protection Service**

## Australian Customs & Border Protection Service Practice Statement

<b>PRACTICE STATEMENT NO:</b>	PS 2008/09
<b>PUBLISHED DATE:</b>	4 JUNE 2010
<b>AVAILABILITY:</b>	Internal and External
<b>SUBJECT:</b>	<b>Intervention in International Mail</b>
<b>PURPOSE:</b>	To provide nationally consistent Customs and Border Protection policy for intervention in postal articles at international gateway facilities.
<b>OWNER:</b>	National Director, Cargo Division
<b>CATEGORY:</b>	Operational Procedures
<b>CONTACT:</b>	National Manager Sea Cargo and International Mail - Ph 03 9244 8654

### SUMMARY OF MAIN POINTS

Customs and Border Protection Practice Statements are endorsed C&BP policy and must be followed by all Customs employees. This Practice Statement outlines:

- Customs purpose for intervention in International Mail.
- International Conventions relevant to the processing of international mail.
- The legislative framework and administrative arrangements for examining postal articles.

***The electronic version published on the intranet is the current Practice Statement..***

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## STATEMENT

### Introduction Statement

The intended policy outcomes of this practice statement are:

1. To provide policy guidance to C&BP officers deployed in the postal environment.
2. To allow for the implementation of nationally consistent guidelines and instructions for C&BP intervention in international mail articles coming in and out of Australia through the gateway facilities.

### Context and Scope

This Practice Statement is specific to intervention in international mail articles in the International Mail environment.

The associated Instructions and Guidelines set out the procedures to be followed by C&BP officers at international mail gateway facilities.

### Policy Statement

Australia has four international mail gateway facilities located in Sydney, Melbourne, Brisbane and Perth. C&BP staff at these facilities work in cooperation with the Australian Quarantine and Inspection Service and Australia Post

These gateway facilities have a “whole of Customs” focus and, in keeping with C&BP role in protecting Australia’s borders, they have been designed to address a full range of Customs border protection risks. C&BP also works in partnership with the Australian Quarantine and Inspection Service (AQIS).

C&BP officers at international mail gateways screen inbound mail to protect the community from a range of contraband, including illicit drugs, weapons, replica firearms, dangerous goods, copyright items, protected wildlife and pornography.

C&BP officers at international mail gateways, as required, will screen outbound mail to enforce legislation to prevent a range of contraband, including illicit drugs, prescription medicines, dangerous goods, protected wildlife and any other prohibited exports from being illegally exported from Australia.

The gateway facilities utilise a range of technologies to assist them in this role, including x-ray and detector dogs.

C&BP in the International Mail environment is empowered by specific and allied legislation to protect the border and minimise the risks and damage to Australia’s security and way of life.

Australia is signatory to a number of international conventions which have an impact on processing of international mail.

C&BP is committed to establishing and maintaining practices that meet its business needs, stakeholder expectations and accountability responsibilities.

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## **Procedural Statement**

C&BP in the International Mail environment shall apply intervention on international mail articles in accordance with the procedures detailed in the various Instructions and Guidelines under this Practice Statement.

C&BP is responsible for regulating the movement of goods and people across Australia's borders. While the vast majority of imports are legitimate, there are a small number that may contain prohibited and restricted items. C&BP presence at international mail gateways is intended to protect the Australian community from illegal and harmful goods, including illicit drugs, alcohol, tobacco and firearms. C&BP also collects duty and GST applicable on mail articles.

Mail items arriving in Australia includes letters, parcels and the Express Mail Service. All mail items are assessed for risk through the application of intelligence, technology and/or by physical examination. C&BP has a number of measures in place aimed at ensuring that the risk assessment and examination process is performed with minimal disruption to legitimate trade and facilitates the efficient movement of mail into Australia.

### **INTERNATIONAL ADMINISTERING ORGANISATIONS AND CONVENTIONS RELEVANT TO THE PROCESSING OF INTERNATIONAL MAIL**

#### **1. World Customs Organisation**

The Kyoto Convention on the Simplification and Harmonisation of Customs procedures came into force in 1974. The convention includes an Annex covering postal traffic. To modernise the Convention a process of considerable revision has been completed. The revised convention also contains a specific Chapter on postal traffic. The Chapter and its guidelines provide for simplified and cooperative procedures to facilitate the movement of postal items.

#### **2. Universal Postal Union (UPU)**

Multilateral Treaties initiated by the UPU principally govern policy and administrative postal arrangements for the security, movement, handling and delivery of international mail to and from Australia. In addition, the Universal Postal Convention sets out the rules applicable throughout the international postal service. Freedom of transit for the exchange of letter-post articles is guaranteed throughout member territories. Chapter 4 of the Convention details Customs matters applicable to postal items.

#### **3. International Civil Aviation Organisation**

Annex 9 of the Convention on International Civil Aviation (Chicago Convention 1980) details obligations and requirements in respect of mail where Contracting States shall carry out the handling, forwarding and clearance of mail and shall comply with the documentary procedures as prescribed in the Acts in force of the Universal Postal Union.

#### **4. International Maritime Organisation**

Standard 2.8 of the Convention on Facilitation of International Maritime Traffic covers mail dispatches by sea intended for delivery to postal administrators where authorities shall not require on arrival or departure of the ship any written declaration in respect of mail other than that prescribed in the Universal Postal Union.

## RELATED INSTRUCTIONS AND GUIDELINES

The detailed procedures in the Instructions and Guidelines underlying this Practice Statement have been developed in conjunction with the local Standard Operating Procedures (SOPs) provided by Customs and are as follows:

- International Mail Screening (May 2010)
- International Mail Examination (May 2010)
- Use of Accountability Stamps in the International Mail environment (May 2010)
- Duty Calc in the International Mail environment .(May 2010)
- Detecting Explosives in the International Mail environment (May 2010)
- Diplomatic Mail in the International Mail environment. (May 2010)
- Processing of Military Ordnance through International Mail Facilities (May 2010)
- Use of Advanced Metal Detection System (AMDS) in the International Mail environment. (May 2010)
- International Mail Recording Finds in EXAMS, ( May 2010)
- Management of Missed Detections in International Mail, (May 2010)
- Detained Goods Management , Detained Goods Management System & Records Management (September 2008)
- Significant Find Reporting Requirements for the Customs National Operations Centre (CNOC) (23 March 2009)

## RELATED POLICIES AND REFERENCES

C&BP acknowledges its obligation to act in accordance with relevant legislation, written procedures and guidelines. These include, but are not limited to:

- Customs Act 1901
  - Section 30 - Goods subject to the control of Customs
  - Section 33 - Persons shall not move, alter or interfere with goods
  - Section 35 - Goods imported by Post
  - Section 50 - Prohibited Imports
  - Section 51 - Prohibited Exports
  - Section 186 (1) - Power to examine goods.
- Customs Prohibited Imports Regulations 1956
- Customs Prohibited Exports Regulations 1958
- Customs Tariff Act 1995
- Environment Protection and Biodiversity Conservation Act 1999
- Quarantine Act 1908
- Commerce (Trade Description) Act 1905
- Copyright Act 1968
- Trademarks Act 1995
- Customs' Chief Executive Instructions
- Memorandum of Understanding between Customs and Environment Australia
- Occupational Health and Safety (Commonwealth Employment) Act 1991
- Customs Custodial Firearms Manual April 2006

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- Customs National Policy on Detection of Explosives 9 January 2006
- Customs Security Handbook March 2003
- Customs Incident Reporting Centre 2006
- Financial Management and Accountability Act 1997
- Business Classification System
- Records Disposal Authority, Australian Customs Service, 20 December 2001
- Financial Transaction Reports Act 1988

Australian Postal Corporation Act 1989 sets out the legal requirements of Australia Post and its operations including the definition of obligations and dealings with articles and their contents.

- Section 90S - This section limits C&BP officers' powers in relation to suspect mail articles to the examination of the article only. An Australia Post authorised examiner opens and reseals article in close proximity to and in view of C&BP officers.
- Section 90T - This section applies to an article that is reasonably believed by a C&BP officer to consist of, or contain certain drugs or other chemical compounds. C&BP Officer may remove such articles from the normal course of carriage and give it to a second C&BP officer, following the procedures that are prescribed for the purposes of this section.
- Memorandum of Understanding (MOU) between C&BP, AQIS and Australia Post August 2002. The MOU contains the respective roles of Customs, AQIS and Australia Post in the processing and clearance of international mail that is subject to Customs Act, AQIS, TGA and other relevant Commonwealth legislation.
- The MOU also provides guidelines for regional offices of C&BP, AQIS and Australia Post to enable local managers to develop complementary arrangements pertaining to their work area that are consistent with MOU.
- Crimes Act Part VIIA - Tampering with mail is an offence. This includes theft of articles and stamps and penetrating or opening mail articles 'haphazardly' (i.e., without official reason to do so).
- Diplomatic Privileges and Immunities Act / Consular Privileges and Immunities Act - The inspection of items is generally waived unless there are serious grounds to suspect that it contains goods that are:
  - Ineligible for duty and GST exemption;
  - Subject to import prohibitions;
  - Controlled by Quarantine Regulations.
- Financial Transaction Reports Act 1988 (FTRA) is an initiative to assist in the detection of major tax evasion and other serious criminal activity such as money laundering from drug trafficking and organised crime. To achieve these aims the FTRA places an obligation on members of the public who move AUD 10,000 or more to complete the relevant AUSTRAC's Cross Border Movement Physical Currency form.

The Cross Border Movement Physical Currency form (CBM-PC) is to be completed if AUD 10,000 or more or foreign currency equivalent is detected at gateway facilities.

The legislation was amended on 14 December 2006 to include the disclosure of Bearer Negotiable Instruments (BNIs) which includes promissory notes, traveller's cheques, personal cheques, money orders and postal orders.

#### **KEY ROLES AND RESPONSIBILITIES**

The Policy Owner for this Practice Statement is the National Director, Cargo Operations.

#### **CONSULTATION**

##### **Industry Consultation**

The procedures detailed in the Instructions and Guidelines underlying this Practice Statement have been drafted in consultation with Australia Post.

##### **Internal Consultation**

The following internal stakeholders have been consulted in the development of this Practice Statement:

- Customs management, supervisors and staff, International Mail - North & South;
- Manager, Import Clearance, Industry Engagement and User Services - Canberra.

#### **APPROVAL**

<b>Approved on</b>	28 February 2008	
<b>By</b>	Jacqui Fisher National Director Cargo Division	
<b>Review Period</b>	Annually	

#### **ENDORSED**

<b>Endorsed by</b>	12 March 2008	
<b>By</b>	Neil Mann DCEO P&TF	

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