



Australian Government

**Australian Customs and
Border Protection Service**

INSTRUCTIONS AND GUIDELINES

Diplomatic Mail in the International Mail Environment

June 2010

This Instruction & Guideline refers to Practice Statement: PS2008/09: Intervention in International Mail

PUBLISHED DATE: 7 June 2010

AVAILABILITY: INTERNAL and EXTERNAL

SUBJECT: Diplomatic Mail in the International Mail Environment

PURPOSE: To provide nationally consistent procedures when dealing with diplomatic mail in gateways.

OWNER: National Director - Cargo Division

CATEGORY: Operational Procedures

CONTACT: National Manager, Sea Cargo and International Mail Ph 03 9244 8654

The electronic version published on the intranet is the current Instruction and Guideline.

Summary of Main Points

This Instruction and Guideline was developed to provide guidance to Customs & Border Protection (C&BP) staff when diplomatic mailbags, pouches or satchels are delivered at gateways.

This Instruction and Guideline also provides information on how to identify genuine diplomatic mailbags, pouches and satchels. It also contains specific instructions to C&BP staff at gateways about the procedures to be followed when a genuine diplomatic mail is presented by Australia Post for C&BP screening at gateways.

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FILE NUMBER: 2010/012061-01

INTRODUCTION

C&BP staff at International Mail Gateways monitors and screens international mail in accordance with Strategic Risks listed in the C&BP Strategic Statement 2010-2015.

C&BP staff at all gateways adheres to quality screening, processing, examination and clearance of international inbound and outbound mail.

C&BP also recognises the application of risk assessment techniques as an important tool in assessing the risk of any article presented to C&BP for screening and examination.

C&BP acknowledges Australia Post's Standard of Service delivery with its clients and the need to process and clear international mail on time.

INSTRUCTIONS AND GUIDELINES

Diplomatic Mailbags and Satchels

Diplomatic mailbags and satchels arrive on a regular basis via air freight along with diplomatic cargo. Mail not inside a sealed diplomatic pouch, bag or satchel, but addressed to a consulate or private address of a person working at that consulate or embassy does not have diplomatic status and is NOT immune from normal C&BP inspection and examination procedures. If a mail article addressed to a consulate is examined, the C&BP L3/L4 at gateways must be notified first. Diplomatic mail as well as diplomatic cargo is reported in the C&BP Integrated Cargo System (ICS). This is to ensure that diplomatic mail and cargo are dealt with promptly

Genuine diplomatic mailbags and satchels have immunity from being opened, examined and detained under the Vienna Convention on Diplomatic Relations (VCDR) 1961, Vienna Convention on Consular Relations (VCCR) 1963 and the Australian Privileges and Immunities Act 1967.

Because of the political sensitivities surrounding diplomatic mailbags, it is imperative for C&BP Officers at gateways to be able to identify genuine diplomatic mailbags correctly and be familiar with clearance protocols.

Identifying Diplomatic Mailbags and Satchels

Diplomatic mailbags and satchels are usually marked **DIPLOMATIC** and are secured with tamper proof seals and tear tamper/tamper proof bags and satchels.

In most instances, legitimate diplomatic and consular mailbags can be cleared without the need for an import document. The *Privileges and Immunities Act* provides for the facilitative clearance of diplomatic goods.

Diplomatic mail once reported in the ICS system is profiled and directed to relevant C&BP work group for immediate acquittal.

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Australia Post does not normally collect diplomatic mailbags and satchels as they are exempt from the normal C&BP and AQIS x-ray screening and examination processes at gateways.

C&BP Procedures when diplomatic mailbags and satchels are presented at gateways

In practice Australia Post should not be presenting diplomatic mailbags and satchels for C&BP and Quarantine screening at gateways however, diplomatic mailbags/satchels are occasionally presented to C&BP at gateway facilities. Whenever this situation occurs, C&BP staff at gateways are required to adhere to the following instructions.

- Identified diplomatic mailbag or satchel must be removed from the belt before the bag or satchel enters the x-ray machine.
- X-ray Image Analyst (IA) to notify the C&BP Supervisor immediately for further instructions.
- If diplomatic bag or satchel is inadvertently x-rayed and items of concern are detected and identified from the x-ray image, the x-ray image analyst must undertake the following actions:
 - Save the x-ray image in the system for further reference.
 - Notify the L2 Team Leader or L3 Supervisor immediately.
 - The diplomatic mailbag or satchel is to be secured and a C&BP B390 Receipt for Goods must be completed before the mailbag or satchel is transferred over to the Detained Goods area.
 - Diplomatic bag or satchel is not to be opened without prior approval from the L3 Supervisor or L4 Manager.
- In the event that there are sufficient indicators present to warrant further inspection, the L3 Supervisor is to:
 - check the saved x-ray images to confirm the items of concern.
 - immediately notify the L4 Manager providing details of the importation, reasons for selection and proposed action to be taken (i.e., opening and examination of the diplomatic/consular mail/bag) to assist the relevant line Director Post (e.g., North & South) make a decision to contact and advise the Chief of Protocol, Department of Foreign Affairs and Trade (DFAT).

It is very important to note that DFAT is the proper and only authority on all matters diplomatic and matters relating to diplomatic privileges. They are the sole government body that can authorise the opening of diplomatic goods.

If a genuine diplomatic mailbag or satchel that belongs to a foreign mission is accidentally inspected and something of concern is identified, C&BP needs to immediately notify DFAT and seek advice regarding protocols and other requirements. In most circumstances, the Consulate in question will be notified and the Consul or a consular representative will be present at the inspection.

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Inspecting Non Diplomatic Consignments (address to a Consulate or staff member)

A mail article not secured inside a sealed diplomatic pouch, bag or satchel, but addressed to a consulate or private address of a person working at that consulate, is NOT immune from normal inspection and examination procedures. It does not have diplomatic status.

If narcotics are located in a non diplomatic mail article (outside diplomatic bag/satchel) addressed to a Consulate or private address of a consular employee, the International Mail Screening Process and Examination Instructions and Guidelines are to be followed.

The consignment will be referred to the Australian Federal Police (AFP). The AFP will liaise with DFAT in regards to further action.

Detection of firearms and parts and other prohibited imports are to be held on a B390 transferred to Detained Goods Management (DGM).

In all detection instances, the gateway C&BP L3 Supervisor and C&BP L4 Manager must be notified immediately to escalate the matter through the Cargo Branch line management structure.

Due to possible political sensitivities of these types of detections, DFAT needs to be notified as a matter of course as well as the C&BP Compliance Branch due to non-compliance issues.

If during the C&BP examinations no prohibited imports were found but goods subject to quarantine were identified, the article is to be directly referred to the Australian Quarantine Inspection Service (AQIS). If further inspection is conducted by AQIS, they will follow their own protocols.

However, C&BP need to witness any follow up inspection in case other prohibited items are detected in the consignment. Notes are to be recorded in the C&BP Operations diary indicating basic information such as the date and time of examination, consignor/consignee details, and names of C&BP and AQIS examination officers and including the results of AQIS inspection.

Further Information:

Diplomatic Section, C&BP Central Office (02) 6275 6007
Duty Officer, Department of Foreign Affairs & Trade (02) 6261 3331

RELATED POLICIES AND REFERENCES

PRACTICE STATEMENTS

- PS 2008 - Intervention in International Mail

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OTHER INSTRUCTIONS AND GUIDELINES

- 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)
- 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 (CNO) (23 March 2009)
- C&BP OH&S Policy

KEY ROLES AND RESPONSIBILITIES

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

CONSULTATION

INTERNAL

The following internal stakeholders have been consulted in the development of these Instructions and Guidelines:

- C&BP Supervisors and staff, International Mail – North & South.
- C&BP Managers, International Mail – North & South.

PARTNER AGENCIES

The following external stakeholders have been consulted in the development of these Instructions and Guidelines:

- Australia Post Managers Victoria

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APPROVED

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| Approved on | 24 March 2010 | |
| By | Robyn Miller A/g National Director Cargo Division | |
| Review Period | Annually | |

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