



## AUSTRALIAN CUSTOMS SERVICE PRACTICE STATEMENT

**FILE NO: 2008/007535-01**

**PRACTICE STATEMENT NO: PS2008/25**

**PUBLISHED DATE:** 10 JULY 2008

**AVAILABILITY:** Internal and External

**SUBJECT:** Customs Appointed Airports  
**PURPOSE:** This practice statement sets out policy in relation to Customs appointed airports  
**APPROVING OFFICER:** National Director Passengers  
**CATEGORY:** Operational Procedures (OP)  
**CONTACT:** Passenger Policy Ph: (02) 6275 8026

### SUMMARY OF MAIN POINTS

Customs Practice Statements are endorsed Customs policy and must be followed by all Customs employees. This Practice Statement outlines:

- Policy in relation to Customs appointed airports and how this, combined with other Government legislation, regulates the arrival and departure of international aircraft the control of people and goods at Australian airports, and creates secure areas in which Customs operate and exercise powers.

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

### STATEMENT

#### Introduction Statement:

The appointment of airports under the *Customs Act 1901* (the Act) and the *Customs Regulations 1926* serves multiple purposes. This includes regulating the international arrival and departure of aircraft, legally defining places to be set aside for the purposes of the Act, and in defining these places, allowing an area in which the powers of

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Customs officers may be exercised. The appointment of airports plays an integral role in multiple Customs functions.

## **Context and Scope**

This practice statement outlines why Customs appoints airports and encompasses the activities and functions carried out by Customs due to such appointments. It does not include more particular aspects of Customs operational activities.

## **Policy Statement**

The CEO of Customs has the authority to appoint airports and fix their limits by notice in the gazette under s15(1)(b) of the Act. The appointment of airports allows for Customs to carry out primary responsibilities of border protection and passenger clearance. These responsibilities include regulating the movement of international aircraft and setting aside places to establish a secure area for which powers in the Act may be utilised, including, but not limited to, powers of officers to arrest, detain and question passengers and control goods.

## **Procedural Statement**

The appointment of airports forms the basis for multiple Customs activities, including maintaining security within airports and allowing Customs to effectively carry out its community protection role to support legitimate travel, the interventions needed to detect the illegal movement of people and the goods they bring across the border, and the collection of associated revenue. Appointment of airports allows for the regulation of arriving and departing international aircraft, the establishment of places set aside for the purposes of the Act, and in setting aside these places creating an area in which Customs may exercise the power to enforce security of the airport zone and the power to patrol, question, detain, arrest, examine and search people and goods entering or leaving Australia.

### *Regulating the international arrival and departure points of an aircraft:*

The Act allows for the appointment of airports at which aircraft are permitted to arrive or depart Australia. It also allows Customs to exercise certain powers within the physical limits of those airports under the Act.

When an airport is appointed the Act provides that the CEO may then identify an area of that airport as a boarding station for the boarding of aircraft by officers. This further regulates the movement of international aircraft by requiring their presentation to a boarding station and to permit Customs to board.

Section 58 of the Act provides permission for an aircraft arriving to Australia to land at a place other than an airport appointed under S15 of the Act. Arrival without permission may be an offence under the Act.

Where an aircraft intends to arrive or depart Australia at an airport other than an international airport appointed under *Customs Regulations 1926*, permission must be sought from the National Passenger Processing Committee (NPPC). The NPPC consists of various government agencies and is chaired by Customs. Permission to

arrive at or depart from non-international airports may have conditions imposed to which the aircraft and their operators must adhere. Regulating arrival and departure of international flights under the Act allows Customs to effectively and efficiently maintain the integrity of Australia's borders, while ensuring Customs and other border agencies, can provide adequate resources necessary for the processing of international flights at these airports.

Under the Air Navigation Act 1920 most airports within Australia are designated as alternate airports for emergency purposes. In cases where an aircraft is required to land at an alternate airport as a result of emergency Air Services Australia will contact Customs at the airport the aircraft was originally to land at. Customs can then contact the aircraft to arrange clearance for the passengers and crew.

*Places set aside for the purposes of the Act:*

An area of an airport appointed under s15 of the Act can be gazetted by the CEO as a designated area under s234AA. A Customs designated area within an appointed airport is an area utilised by Customs officers exercising powers in relation to processing passengers and crew, and may encompass both landside and airside areas.

Customs designated areas are identified by use of signage, at or near the areas, stating that entry to the areas by unauthorised persons and activities, for example, use of cameras, sound recorders or other electronic forms of communications are prohibited under the Act. Signs may also be used to temporarily designate an area. This temporary designation only occurs when Customs clearance processes are required outside of the gazetted designated area. This may occur within or outside of the confines of an appointed airport.

Persons permitted to access a Customs designated area includes passengers and crew embarking or disembarking an aircraft, Customs officers and the authorised holders of security identification cards (within the meaning of s213A of the Act) for purposes related to their employment.

Customs designated areas can intersect with other designated areas within an airport. The Aviation Transport Security Act 2004 defines certain areas as landside security zones, namely the sterile area or the area after which persons have been security screened. Additional security measures are implemented in these security zones such as restricting the quantity of liquid, aerosol and gel (LAGs) products taken on board an aircraft.

*Powers of officers used within a Customs place:*

Customs officers are afforded particular powers which they may exercise in an appointed airport zone and within Customs designated areas. These powers include conducting patrol activities, questioning, examination, searching, detaining and arrest.

Officers may question passengers and crew to determine if they are carrying prohibited, dutiable or excisable goods. Additionally, officers may question any persons who are not passengers or crew that are found in the Customs designated area in order to establish the person's identity and reasons for being in the area.

Where an officer has reasonable grounds to suspect a person is carrying prohibited, dutiable or excisable goods that officer may detain that person for the purpose of being searched. An officer may exercise the power to arrest a person where certain offences have been committed.

Customs officers also have the power to examine any goods within a Customs place defined under the Act that have arrived into or are due to depart Australia. Goods subject to Customs control require Customs authorisation for their release. Further, within a Customs designated place copies of documents may be made when an officer has reasonable grounds to believe that the documents may relate to the commission or attempted commission of an offence against prescribed legislation.

Additionally, Customs officers have powers to direct people within a Customs designated area. These powers include directing a person not to use electronic devices within this area and directing unauthorised persons to leave restricted areas.

#### **RELATED INSTRUCTIONS AND GUIDELINES**

Defining and controlling section 234AA places  
Powers of Officers  
Customs and DITRD&LG appointed airports

#### **RELATED POLICIES AND REFERENCES**

*Customs Act 1901*  
*Air Navigation Act 1920*  
*Migration Act 1958*  
*Quarantine Act 1908*  
*Aviation Transport Security Act 2004*

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

Customs policy responsibility rests with the Passenger Policy Section of the Passenger Operations Branch, Passengers Division.

The Director Passenger Policy is responsible for the preparation and dissemination of policy and practices in relation to appointing airports. Airport Operations North and South are responsible for ensuring the efficient and effective delivery of clearance functions in the eight international airports while Enforcement Operations Branch is responsible for delivery of the clearance function at minor airports.

Customs policy on the examination and release of cargo rests with the National Director Cargo Division. Cargo Operations North and South are responsible for ensuring the efficient and effective clearance of cargo at airports.

#### **CONSULTATION**

##### **Industry Consultation**

Not Required

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## **External Consultation**

Department of Infrastructure, Transport, Regional Development and Local Government

## **Internal Consultation**

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

Airport Operations North

Airport Operations South

Strategic Development Passengers

Enforcement Operations

Cargo Division

## **APPROVAL**

Approved on 18 June 2008 by:

Jan Dorrington

National Director Passengers

## **ENDORSED**

Endorsed on 9 July 2008 by:

Sue Pitman

A/g DCEO Passengers and Trade Facilitation