



File Number: C07/06972

AUSTRALIAN CUSTOMS SERVICE PRACTICE STATEMENT

PRACTICE STATEMENT NO: PS2007/01 The Practice Statement System (Replaces PS2006/01)

PUBLISHED DATE:

AVAILABILITY: Internal and external

SUBJECT: Customs Practice Statement System

PURPOSE: To establish Customs Practice Statement System

OWNER: National Director People and Place

CATEGORY: Corporate

SUMMARY OF MAIN POINTS

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

- What Practice Statements are;
- That it is mandatory for all Customs employees to search for and comply with Practice Statements relevant to the tasks they are performing;
- How Practice Statements are distributed and where copies of Practice Statements are located; and
- How the Practice Statement system is administered.

STATEMENT

What is the Practice Statement Framework

1. The Practice Statement Framework contains the written policies of Customs to provide direction and assistance to Customs employees in the conduct of their duties.
2. It is expected that policies and procedures will be established through the Practice Statement Framework rather than through Minutes, memorandums, emails or other methods. However, Minutes may continue to be issued to provide short-term direction and assistance to Customs employees in performing their duties as the need arises. In such instances it would be expected that a Practice Statement is issued or

BCS CLASSIFICATION: *SM_Policy*

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amended to reflect the additional guidance that was provided in the Minute as soon as is practicable.

Structure of the Practice Statement Framework

The Practice Statement Framework consists of two tiers; Practice Statements and Instructions and Guidelines. Practice Statements articulate the high level policy and are supported by Instructions and Guidelines. Instructions and Guidelines include the detail currently in Standard Operating Procedures (SOPs) and Australian Customs Service Manuals (Manuals).

To ensure nationally consistent policies, all SOPs and Manuals are to be owned by and be consistent with a Practice Statement. They are to be known as Instructions and Guidelines. Although being separate documents, the Instructions and Guidelines owned by a Practice Statement are to be clearly identified in the Practice Statement by being listed and dated.

Instructions and Guidelines may account for local physical and resource differences and do not amount to delivery of a different policy. They should not lead to inconsistent requirements or outcomes, especially for clients.

A Practice Statement can be issued, establishing national policy to take effect at a set date in the future. The Practice Statement would require SOPs and Manuals to be reviewed and to be consistent with the policy by that date.

Chief Executive Instructions (CEIs)

1. CEIs that relate to the Financial Management and Accountability Act and its Regulations or Customs Financial Management framework will be treated as follows:
 - The *Instructions* are to be separated from the *Procedures and Guidelines*.
 - The *Instructions* are to remain as CEIs.
 - The *Procedures and Guidelines* are to be made into Practice Statements.
2. CEIs that do not relate to the Financial Management and Accountability Act and its Regulations or Customs Financial Management framework will be treated as follows:
 - The entire chapter is to be removed from the current CEIs and made into a Practice Statement.

CEO Directions made under ss183UC (1) of the *Customs Act 1901*

CEO directions made under ss183UC (1) of the Customs Act 1901 are Legislative Instruments and therefore are to continue to be clearly identifiable as CEO Directions, and not as Practice Statements.

Subsequent Customs procedures relating to CEO Directions are to be issued as Practice Statements. These Practice Statements are to clearly identify the CEO Direction to which they belong.

Categories of Practice Statements and Approving Officer

1. Practice Statements that relate to CEIs are approved by the relevant Approving Officer and do not require endorsement by DCEOs.
2. Other Practice Statements and Instructions and Guidelines are categorised and approved as outlined in the table below. Instructions and Guidelines do not require endorsement.

Category	Approving Officer	Endorsing Officer
Corporate (C) Includes corporate governance and assurance and across agency policies.	DCEO COO	CEO
People (P)	ND (People and Place)	DCEO
Money, Accounting and Assets (MAA)	CFO/ND (People and Place)	DCEO
Technology (T);	CIO / relevant ND	DCEO
Information (I)	CIO	DCEO
Operational Procedures (OP)	Relevant ND	DCEO
Law Administration (LA)	Relevant ND	DCEO

3. Each category of Practice Statement will provide direction, assistance and a point of reference for Customs employees on the practices to be followed and their obligations in performing their duties in each of these areas.

Numbering Structure

PRACTICE STATEMENTS

Each Practice Statement is allocated a unique identifier based on the order of issue within the calendar year. For example:

PS 2007/3 Indicates that this is the third Practice Statement issued in 2007.

INSTRUCTIONS AND GUIDELINES

Instructions and Guidelines are titled and dated. They contain a reference to the Practice Statement number to which they relate.

COMPLIANCE WITH PRACTICE STATEMENTS

1. It is mandatory for all Customs employees to search for and comply with Practice Statements and related Instructions and Guidelines relevant to the tasks they are performing, subject to the escalation of the matter where they are concerned about the application of the Practice Statement (for example, unintended consequences).
2. Practice Statements and Instructions and Guidelines have the effect of being lawful and reasonable directions of the Chief Executive. Under subsection 13(5) of the Public Service Act 1999 a failure to comply with a direction is a breach under the Code of Conduct, which if proven can result in serious sanctions set out in subsection

15(1) of the Public Service Act 1999. Sanctions range from reprimands to termination of employment.

3. Customs employees should take care not to rely on paper copies of Practice Statements and Instructions and Guidelines, as these may be outdated. They should refer to the Practice Statement Intranet repository, which will contain the current version of policies.
4. Where a Customs employee considers that the application of a particular Practice Statement or Instruction and Guideline produces an unintended consequence, the matter must be escalated. It is not an option for a Customs employee to ignore a Practice Statement or Instructions and Guidelines.

RECORD KEEPING

When introduced, the Records and Information Management System (RIMS) will require all documents to be stored electronically by the originator of the document. The intranet repository is not to be used for this purpose. In addition, signed physical copies of Practice Statements and Instructions and Guidelines are to be filed by the Approving Officers.

CONSULTATION

Customs will consult with Industry on the development of Practice Statements that are likely to impact on Industry. Without reducing effective performance of its role, Customs seeks to develop policies that do not unnecessarily burden Industry.

Customs will consult with other Government agencies in the development of Practice Statements, where these statements are likely to impact on those agencies or Customs is acting on behalf of those agencies.

DISTRIBUTION AND LOCATION OF PRACTICE STATEMENTS AND INSTRUCTIONS AND GUIDELINES

Form and Distribution

1. Practice Statements and Instructions and Guidelines are published on the Practice Statements site on the Customs intranet and where applicable the Internet.
2. The issue of new Practice Statements and Instructions and Guidelines and revisions to existing Practice Statements and Instructions and Guidelines will be advised through BusinessNEWS or other authorized communication channel.

External Publication of Practice Statements

1. Practice Statements are to generally be made externally available unless operational effectiveness would be compromised. External availability will assist Industry to comply with Customs requirements particularly in relation to cargo and trade matters.
2. The Approving Officer responsible for the Practice Statement and Instructions and Guidelines will determine whether it is to be made publicly available. The documents are to indicate whether they are available *internal only* or *internal and external*.

3. Where it is intended that a Practice Statement be restricted from being externally available, Approving Officers should cite their reasons for this restriction under the Summary of Main Points heading.
4. Instructions and Guidelines are generally internal documents that are to be used by Customs employees in the conduct of their duties.
5. Practice Statements and Instructions and Guidelines that are to be made externally available are published on the Practice Statements site on the Customs external internet website.

Searching for Practice Statements

1. Searches for all Practice Statements and Instructions and Guidelines may be conducted via the Practice Statement site on the Customs intranet.
2. Practice Statements are cross-referenced to Instructions and Guidelines, where relevant, by subject references, legislative references, relevant case law and related Practice Statements.

ADMINISTRATION OF PRACTICE STATEMENTS

1. The administrative, publishing and approval processes for Practice Statements are attached in the Instruction and Guideline entitled “The administrative, approval and publishing processes for Practice Statements”.

CURRENCY OF PRACTICE STATEMENTS

1. Practice Statements are to be reviewed annually by the Practice Statement Owner who is to certify that the Practice Statement remains valid and current.
2. Where a Practice Statement needs to be updated, the Practice Statement will be withdrawn and re-issued. Practice Statements that are redundant will be withdrawn.
3. Customs employees are encouraged to provide feedback on any Practice Statements that may need to be updated or withdrawn.
4. Compliance with Practice Statements will be incorporated into the Internal Audit Program.

RELATED INSTRUCTIONS AND GUIDELINES

The administrative, approval and publishing processes for Practice Statements and Instructions and Guidelines. Dated: 8 August 2007

REFERENCES

Public Services Act 1999, subsection 13(5) APS Code of Conduct
 Public Services Act 1999, subsection 15(1) Breaches of Code of Conduct

APPROVAL

Approved by:

Jon Brocklehurst,
DCEO COO
21 August 2007

ENDORSED

Endorsed by:

Michael Carmody
Chief Executive Officer
Australian Customs Service
27 August 2007