



AUSTRALIAN CUSTOMS SERVICE PRACTICE STATEMENT

FILE NO: 2008/007525-01

PRACTICE STATEMENT NO: PS2008-37

PUBLISHED DATE: 28 JULY 2008

AVAILABILITY: Internal and External

SUBJECT: Traveller Intervention and Response

PURPOSE: To provide a high level policy overview of Customs intervention and response capabilities in the airport and seaport environments.

APPROVING OFFICER: National Director Passengers

CATEGORY: Operational Procedures

CONTACT: Passenger policy 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:

- The policies relating to Traveller Intervention and Response activities undertaken by Customs in the airport environment.

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

STATEMENT

Introduction Statement

This practice statement outlines Customs policy position in relation to traveller intervention and response within the airport and seaport environments. It identifies the activities undertaken by Customs officers at airports and seaports, the powers available to Customs officers, and the legislation that provides those powers.

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Context and Scope

The context of this practice statement is restricted to the high level policy framework and legislation relating to Customs intervention response within the international airport environment.

Policy Statement

Customs presence in airports derives from our community protection role. Whether on our own behalf or on behalf of other agencies, we are there 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.

Customs operations form part of the travel experience for the millions of travellers entering and leaving Australia every year. For many international travellers, their first impressions of Australia are created by their experience at Customs entry control points. This experience should be as welcoming and non-confronting as possible for the general public.

The *Customs Act 1901* (The Act) grants Customs officers powers to undertake activities within Customs places in order to assess risk and to determine the travellers' compliance with Australian laws. These powers provide for a range of proportionate responses depending on the situation.

Customs intervention and response activities are commensurate with any suspected or identified risks and are conducted in a way that minimises traveller intervention, while still ensuring compliance with Australian laws. This enables legitimate passengers to be facilitated quickly across the border while Customs border protection responsibilities are not diminished.

Procedural Statement

Customs intervention and response can occur at any point of the traveller's journey through the airport or seaport to assist in the identification of persons who may pose a threat to the Australian border. This may involve:

- questioning a traveller to assist in risk assessment;
- baggage examination, including unaccompanied, mishandled and unclaimed baggage;
- use of detection technology including dogs;
- use of surveillance technology (CCTV); and
- detention and search of travellers;
- use of controlled toilets.

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Based on risk indicators present, Customs may undertake closer examination of a traveller to further investigate the risks. The traveller may be required to undergo a baggage search which may include x-ray and electronic screening, as well as other materials testing. The intervention may also involve the examination and copying of documents.

Under the Act, Customs officers may detain and search certain persons suspected of carrying restricted, prohibited or dutiable goods on their person or suspicious substances inside their body. Where appropriate, the Customs officers may:

1. conduct a frisk search
2. conduct an external search; or
3. refer the person to the Australian Federal Police (AFP) for an internal search.

Customs officers may, on behalf of other law enforcement agencies, detain and search people who are in a designated place and are suspected of having committed or are committing a serious Commonwealth offence.

Unaccompanied, mishandled and unclaimed luggage is referred by airlines to Customs and to the Australian Quarantine and Inspection Service (AQIS) for clearance. The baggage is screened without the owner present using x-ray technology and may also be subject to a full examination if further scrutiny is required when any risk is identified.

RELATED INSTRUCTIONS AND GUIDELINES

Detention and Search
Baggage Examination
Response to Restricted and Prohibited items at Airports
Electronic Examination Technology
Controlled Cooperation

RELATED POLICIES AND REFERENCES

Customs Act 1901;
Customs Administration Act 1985;
Privacy Act 1988;
Crimes Act 1914;
Memorandum of Understanding (MOU) between Customs and the AFP.

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 the function. Airport Operations North and South are responsible for ensuring the efficient and effective delivery of the function in the eight

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international airports while Enforcement Operations Branch is responsible for delivery of the function at minor airports and seaports.

CONSULTATION

Industry Consultation

Not Required

External Consultation

AFP

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

Investigations Branch

Approval

Approved on 8 July 2008 by:

Jan Dorrington

National Director Passengers

ENDORSED

Endorsed on 25 July 2008 by:

Sue Pitman

A/g DCEO Passengers and Trade Facilitation

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