

Committee Secretariat, Parliamentary Joint Committee on Law Enforcement

Dear Bill,

At the hearing of the Parliamentary Joint Committee on Law Enforcement (Adequacy of aviation and maritime security measures to combat serious and organised crime) held on 18 February 2010, I gave the following evidence (Proof Committee Hansard reference J-LE 19):

CHAIR—So it is unregulated. If you want to fly out of New Guinea or Indonesia into Northern Australia, if you have a private aircraft that can fly that far, you do not need to advise anybody? You do not need to advise CASA?

Mr Fereday—You do, however, need to advise the Department of Infrastructure and Transport. That is not our area.

CHAIR—Which division is that?

Mr Fereday—I believe it is the National Passenger Processing Committee. It is not our area. It is really a question for the department.

I would like to provide a correction to the answer to clarify and ensure correct documentation of the facts for the committee:

1. the National Passenger Processing Committee is not a part of the Department of Infrastructure and Transport. It is a Committee chaired by the Australian Customs and Border Protection Service and its role is to develop whole-of-government policy approaches to processing international passengers and to coordinate the exercise of various statutory controls and responsibilities carried out by Commonwealth Authorities at airports. The Committee's membership is from various agencies including senior representatives from the Department of Infrastructure and Transport;
2. In relation to aircraft that arrive or depart from Australian territory for non commercial purposes, no permission is required to be obtained from CASA or the Department of Infrastructure and Transport;
3. However, the attached brochure entitled Information for Airline and aircraft operators on customs requirements for passengers and crew (May 2006) prepared by the Australian Customs and Border Protection Service describes the customs requirements imposed on persons travelling to Australia by aircraft.

If you have any questions arising from this email, please do not hesitate to contact me.

Regards,

Peter Fereday | Civil Aviation Safety Authority
Executive Manager Industry Permissions



Australian Government
Australian Customs Service

**INFORMATION FOR
AIRLINE AND AIRCRAFT
OPERATORS**

ON

**CUSTOMS
REQUIREMENTS
FOR
PASSENGERS AND CREW**

(Please visit the Customs website
www.customs.gov.au for more information)

Compiled by

Passenger Compliance
Passengers Branch
Australian Customs Service

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INTRODUCTION

This document provides a basic guide to new airlines and aircraft operators who intend to operate into and out of Australia. The information contained herein outlines Customs requirements for processing aircraft, in accordance with Australian Government legislation. In particular, it identifies information that Customs requires upon arrival to, and departure from Australia, and discusses aircraft clearance matters in general.

If you require further information on these guidelines please contact the Supervisor Airport and Aircraft Policy, Passenger Compliance Section, Passengers Branch, Canberra, (02) 6275 5817.

ADVANCE PASSENGER AND CREW INFORMATION

Sections 64ACB and 64ACA of the *Customs Act 1901* places a mandatory legal obligation on all airline operators to provide an electronic report of all passengers and crew on board their aircraft. This must occur three hours before arrival into Australia if the journey from the last port is more than three hours, or at least one hour before arrival if the journey is less than three hours.

PASSENGERS

Advance Passenger Information (API)

The mandatory method for the provision of API is the Advance Passenger Processing (APP) system administered by the Department of Immigration and Multicultural Affairs (DIMA).

APP allows airlines to verify a passenger's travel authority at check-in by collecting passenger data at check-in and electronically transmitting that data to Australian border agencies prior to arrival of the aircraft.

APP electronically notifies the airline and confirms:

- The existence of a valid visa/Electronic Travel Authority (ETA) for those passengers requiring travel authority to enter Australia; and
- The passport status of Australian and New Zealand travellers

The APP system operates on the ETA platform within the Société Internationale de Télécommunications Aéronautiques (SITA).

API reporting does not apply to all circumstances under which passengers arrive in or depart from Australia. Therefore airlines will be required to provide information where the flight operates at a port with no established facilities (for example, approved charter flights into non-international airports).

When this is the case, airlines will be required to provide Form 2A and 2B reports (located on the Customs website) detailing passenger information. This information

may still be provided in either hard copy or in load file format (provided in Table 1) by email to the address provided in Table 2.

For more information on APP please visit the DIMA website at <http://www.immi.gov.au>.

AIRCREW

Advance Crew Information (ACI)

The mandatory method for the provision of ACI is the Advance Passenger Processing (APP) system administered by the Department of Immigration and Multicultural Affairs (DIMA).

APP allows airlines to verify a crewmember's travel authority at sign-in by collecting crewmember's data at sign-in and electronically transmitting that data to Australian border agencies prior to arrival of the aircraft.

ACI reporting does not apply to all circumstances under which aircrew arrive in or depart from Australia. Therefore airlines will still be required to provide information where:

- Aircrew arrive or depart from international airports and do not present at the primary line (for example, freighter crew cleared); and
- The flight operates at a port with no established primary line (for example, approved charter flights into non-international airports).

If crew fall into any of these categories the airline will be required to provide Form 3 reports (located on the Customs website), detailing crew information. This information may be provided in either hard copy or in load file format (provided in Table 1) by email to the address provided in Table 2.

For more information on APP please visit the DIMA website at <http://www.immi.gov.au>.

FLIGHT INFORMATION

Along with Advance Passenger and Crew Information, it is also necessary to provide specific flight information. This includes:

- Flight number
- Aircraft registration number
- Intended airport
- Expected date of arrival/departure
- Expected time of arrival/departure

Table 1 - Advanced Aircrew / Passenger Reporting

Travel Document No.	Country of Nationality	Surname	Given Names	Date of Birth	Sex (M or F)

The data elements required in Table 1 are:

Travel Document Number – Passport number of aircrew or passenger, including any leading zeros; Format column as *‘text’*

Country of Nationality – Three letter ICAO code if issuing country in passport of aircrew or passenger (i.e. ‘xxx’); Format column as *‘text’*

Surname – Surname of aircrew or passenger as it appears in the passport; Format column as *‘text’*

Given Names – Given names of aircrew or passenger as they appear in the passport (names to be separated by a space); Format column as *‘text’*

Date of Birth – Date of birth of the aircrew or passenger in the format dd/mm/yyyy, including all leading zeros; Format column as *‘Custom’*

Sex – Gender of aircrew or passenger as it appears in the passport. Either ‘M’ for male or ‘F’ for female; Format column as *‘text’*

Table 2 – Customs Contact Details

<p>Adelaide</p> <p>s.a.airboardingofficer@customs.gov.au Fax No: (08) 8208 8552</p>	<p>Brisbane</p> <p>gldbapaircrewreports@customs.gov.au Fax No: (07) 3867 3822</p>
<p>Broome</p> <p>admin@broomeair.com.au Fax No: (08) 9193 6960</p>	<p>Darwin (inc. Alice Springs)</p> <p>paxmanintell@customs.gov.au Fax No: (08) 8920 2559</p>
<p>Cairns</p> <p>cairnsaircrewreports@customs.gov.au Fax No: (07) 4052 3553</p>	<p>Gladstone (inc. Rockhampton)</p> <p>dmqglad@customs.gov.au. Fax No: (07) 49763649.</p>
<p>Gold Coast/Coolangatta</p> <p>dmgc@customs.gov.au Fax No: (07) 5523 7890</p>	<p>Hobart</p> <p>By prior arrangement only – ring Mobile: 0418 120 054</p>
<p>Mackay (inc. Hamilton Island)</p> <p>By prior arrangement only – ring Mobile: 0411 127 524</p>	<p>Melbourne (inc. Avalon, Essendon)</p> <p>MAPControl@customs.gov.au Fax No: (03) 9339 1327</p>
<p>Perth (inc. Learmonth)</p> <p>waircrewreports@customs.gov.au Fax No: (08) 9477 8829</p>	<p>Port Headland</p> <p>porthedland@customs.gov.au Fax No: (08) 91581015</p>
<p>Sydney (inc. Bankstown)</p> <p>nswaircrewreports@customs.gov.au Fax No: (02) 8339 7880</p>	<p>Torres Strait (inc. Horn Island)</p> <p>toroff@customs.gov.au Fax No: (07) 4069 1211</p>
<p>Townsville</p> <p>townsvilledo@customs.gov.au Fax No: (07) 4722 3735</p>	

ADVANCE NOTICE OF PASSENGER LOADINGS

To assist Customs in the timely facilitation of passengers and crew at airports, airlines are encouraged to provide Customs with advance notice of passenger loadings up to a week in advance of flights. This affords Customs the opportunity to ensure adequate staffing arrangements can be made.

This information can be sent to the above email contacts, or alternatively, arrangements can be made with the appropriate Customs staff at that airport.

INCOMING PASSENGER CARDS (IPC)

All international passengers arriving in Australia must complete an IPC. An IPC is required for all individuals including accompanied minors. IPC's are available in a number of different languages. Airlines are responsible for ensuring they have enough IPC stocks on board for distribution to passengers prior to landing. This will facilitate clearance procedures.

Incoming passenger cards can be obtained from DIMA.

OUTGOING PASSENGER CARDS (OPC)

All international passengers departing Australia must complete an OPC. An OPC is required for all individuals including accompanied minors. OPC's are only available in English. Airlines are responsible for ensuring they have enough OPC stocks on board for distribution to passengers prior to departure. This will facilitate clearance procedures.

Outgoing passenger cards can be obtained from DIMA.

AIRCREW DECLARATION

Each crewmember must complete an Aircrew Declaration (Form B465 available on the Customs website) and declare anything over their duty free concessions and anything that may be prohibited or restricted.

This Aircrew Declaration form must be completed by all aircrew and made available to Customs on arrival. The form will be returned to foreign crew on completion of all inwards Customs, Immigration and Quarantine clearance for presentation to Customs on departure.

Details of the concessions and a list of goods that must be declared are set out on the reverse side of the B465, which also contains warnings on offences against Australian laws.

Penalties for false statements and drug offences are severe in Australia.

The Australian Quarantine Inspection Service (AQIS) has strict controls in place, including 100% intervention. Aircrew could be penalised up to \$AUS220 on the spot or prosecuted for undeclared quarantine goods.

Aircraft stores are goods under Customs control and must not be removed from the aircraft without authority. However, airline companies operating scheduled international flights into and out of Australia should apply for a continuing permission to unload and take on board stores in accordance with Sections 127 and 129 of the *Customs Act 1901*.

Email orders for printed copies of the B465 should be made to:
pubsact@customs.gov.au.

ARRIVALS

Before an aircraft, which is subject to Customs control, may arrive or depart, Customs must first issue it with a clearance. Commercial aircraft operators, or their agents, must electronically report the anticipated arrival/departure of the aircraft through the Integrated Cargo System (ICS).

For arriving aircraft (Section 64 & 64AA, *Customs Act 1901*), an Impending Arrival Report (IAR) must be completed no later than three hours before ETA at the first Australian port if the flight is longer than three hours. If the flight is less than three hours the IAR must be submitted no later than one hour before ETA. The IAR must be submitted electronically where an aircraft is carrying cargo (including import, in-transit and transshipment cargo). Documentary (paper) IARs will only be accepted for aircraft where there is no cargo carried (Form B364).

An Actual Arrival Report (AAR) must be submitted no more than three hours after arrival or before the Certificate of Clearance is issued, whichever happens first. The AAR must be submitted electronically where an aircraft is carrying cargo and documentary (paper) AARs will only be accepted for aircraft where there is no cargo carried (Form B358).

For more information on access to ICS please visit the Customs website.

DEPARTURES

Airlines are expected to provide advance passenger and crew information for aircraft departing from non-designated airports.

For departing aircraft (Section 118 & 118A, *Customs Act 1901*), the pilot or owner of the aircraft (or their agent) must obtain a Certificate of Clearance from Customs.

Firstly, an electronic departure report in the ICS or a documentary Outward Manifest form (Form B960) will provide Customs with basic information about the departure of the aircraft, and must be lodged prior to its departure.

There is a condition that the Aircraft Outward Manifest form is used only if no 'additional' goods are on board, other than prescribed for the purpose of Section 120 of the *Customs Act 1901*, stating certain stores, ship's ballast and accompanied baggage. Otherwise, this communication is required to be made electronically through the ICS.

Once communication of an outward manifest is made by either paper document or electronically, a Certificate of Clearance is then required. A Certificate of Clearance is granted by Customs when the Customs clearing officer ensures that all relevant government requirements are met.

This information and the above Form (B960) can be found on the Customs website.

CHARTER FLIGHTS / ITINERANT AIRCRAFT AT NON-INTERNATIONAL AIRPORTS

The Australian Customs Service provides Customs and Immigration functions at airports proclaimed under Section 15 of the *Customs Act 1901* ("the Act"). In addition approval may be given under Section 58 of the Act for commercial aircraft to land at an airport (other than a Section 15 airport) and conditions may be imposed. Consideration of applications for international flights to and from non-international airports is co-ordinated by the National Passenger Processing Committee (NPPC), which is chaired by Customs.

The NPPC co-ordinates the exercise of various statutory controls and responsibilities carried out at airports. One of the NPPC's functions is to grant approval to itinerant flights and charter flights arriving or departing from non-international and / or non-designated airports where there is no permanent Customs, Immigration or Quarantine (CIQ) presence.

Charter flight request procedures must be followed in all instances where NPPC approval is required, regardless of the number of people on board.

Charter operators and owner operators must provide a written request for NPPC approval to Customs at least four weeks prior to the flight. Customs will liaise with relevant border agencies and the Department of Transport and Regional Services in relation to resource implications and approval to land, as well as the adequacy and availability of the existing facilities for processing passengers from the itinerant / charter flight. It should be noted that it is NPPC policy that requests received less than five working days prior to the flight will be automatically denied except in emergency situations.

NPPC approval is conditional upon operators providing Advance Passenger Information (API) at least four working days prior to arrival. Operators will also be expected to arrange remittance of the PMC and any other costs as detailed in the Charter Flight Request Procedures.

This information and the relevant application forms can be found on the Customs website.

PASSENGER MOVEMENT CHARGE (PMC)

The PMC is imposed in respect of the departure of a person from Australia to another country. The rate is presently \$38 as determined by the *Passenger Movement Charge Act 1978*. Exemptions are listed in Section 5 of the *PMC Collection Act 1978*, which is attached for your information.

Under formal arrangements with the Commonwealth of Australia, airlines assume responsibility for the collection and remittance of the PMC.

The Customs PMC Unit, National Pay and Accounts Centre, Melbourne, will contact airlines so that an arrangement may be entered into before commencement of regular flights.

With respect to charter flights, the \$38 PMC must be collected from all non-exempt passengers and remitted to Customs within 28 days after the departure of the charter together with a list of any exemptions granted.

For more information on the Passenger Movement Charge please contact the PMC Unit on 03 9244 8389, or on email at npacpmc@customs.gov.au.

Persons Exempt from Passenger Movement Charge

Section 5, *PMC Collection Act 1978*

A person departing from Australia does not have to pay the charge in relation to his or her departure if, at the time of his or her departure, the person:

- (a) *is under 12 years old; or*
- (b) *is a traditional inhabitant whose departure is undertaken in connection with the performance of traditional activities; or*
- (c) *is a member of the defence force of a country other than Australia whose departure is undertaken:*
 - (i) *in the course of his or her duty as such a member; and*
 - (ii) *on an aircraft or a ship of a defence force; or*
- (d) *is a spouse or a child:*
 - (i) *of a member of the defence force of a country other than Australia to whom paragraph (c) applies; and*
 - (ii) *whose departure from Australia is undertaken in the company of the member; or*
- (e) *is a crew member of an aircraft or a ship whose departure from Australia is on the aircraft or ship; or*
- (f) *is a spouse or a child:*
 - (i) *of a crew member of a ship to whom paragraph (e) applies; and*
 - (iii) *whose departure from Australia is undertaken in the company of the member; or*
- (g) *is a positioning crew member; or*
- (h) *is a transit passenger; or*
- (i) *is an emergency passenger; or*
- (j) *is in the course of a journey that has involved a previous departure by the person from Australia by ship in respect of which the person paid the charge; or*
- (k) *does not have to pay the charge because of the operation of:*
 - (i) *the Consular Privileges and Immunities Act 1972; or*

- (ii) *the Diplomatic Privileges and Immunities Act 1967; or*
 - (iii) *the International Organisations (Privileges and Immunities) Act 1963; or*
 - (iv) *the Overseas Missions (Privileges and Immunities) Act 1995; or*
- (l) *is a passenger whose departure from Australia is undertaken for the purpose of travelling to the Joint Petroleum Development Area in connection with the prospecting for petroleum or the undertaking of petroleum operations; or*
- (m) *is a protective service officer (as defined in the Australian Federal Police Act 1979) on an aircraft for the purpose of enhancing the security of the aircraft.*