

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Question No. 41

Senator Xenophon asked the following question at the hearing on 14 February 2012:

Senator XENOPHON: Mr Carmody, I have some general questions about a matter I have been pursuing in relation to international tag flights and issues that may relate to Customs. I am very happy for these to be taken on notice. I will reel them off in case you want to comment on any of them specifically. First, is there a legal and/or policy distinction between an international flight sector and a domestic flight sector or are they mutually exclusive? Second, are inbound international flights cleared at the first point of entry into Australia? Under what circumstances might a decision be made to clear a flight at an on-port? I do not know whether you are able to comment on that one at this stage.

Mr Carmody: Can we take them on notice?

Senator XENOPHON: I am happy for you to do that. Further to that, Australian designated international airlines mix international and domestic passengers on so-called tag flights that are feeder flights for the international sectors. Do Customs procedures permit the mixing of domestic passengers with uncleared international passengers? An issue that has been put to me is that on some occasion those international tag flights leave from the international terminal, so domestic passengers have to go through the immigration process with the appropriate identification, and on other occasions they do not. Foreign international airlines are not permitted to carry domestic passengers in Australia. However, an Australian designated international airline may do so. What processes are in place to manage the border protection aspects if an Australian designated international airline decides to pick up domestic passengers? Finally, are the arrangements under which you act on behalf of the Department of Immigration and Citizenship limited to entry and exit administration or do you have an investigation and enforcement role?

Mr Carmody: We will take those on notice and get the answers to you as soon as we can.

The answer to the honourable senator's question is as follows:

1. Is there a legal and/or policy distinction between an international flight sector and a domestic flight sector or are they mutually exclusive?

Where a flight is engaged in an international journey, all sectors of that flight including the domestic sectors are considered to be part of the international flight.

This means that international flight routes may include stops at multiple Australian international ports either on the inbound or outbound journeys. At each Australian port these flights will be treated as an international flight and any embarking or disembarking traveller and/or goods are subject to border agency clearance.

2. Second, are inbound international flights cleared at the first point of entry into Australia?

3. Under what circumstances might a decision be made to clear a flight at an on-port?

Travellers on inbound international flights are cleared at their port of disembarkation on entry into Australia. Some international carriers' flights include stops at multiple Australian airports. Travellers on these flights may be ticketed to disembark or embark the international flight at any of the ports on that particular flight, where they will present for clearance. International flights are required to use ports that are appointed under section 15 of the *Customs Act 1901*.

Where a traveller is ticketed to travel on an international flight to or from an arrival or departure port other than the first or last Australian port, the traveller will remain either onboard or within the sterile or transit area of each terminal until they reach their ticketed destination and present for clearance, or the aircraft departs Australia.

4. Do Customs procedures permit the mixing of domestic passengers with uncleared international passengers?

Outbound international passengers are cleared for departure prior to boarding the aircraft. Inbound international passengers are cleared by the outbound country at the port of departure. There is some scope for domestic passengers to mix with international passengers before international and domestic passengers are cleared through Australian inwards clearance procedures. All domestic passengers on international flights are required to go through Australian clearance processes.

5. What processes are in place to manage the border protection aspects if an Australian designated international airline decides to pick up domestic passengers?

Domestic travellers are identified by the transporting airline by placing an orange 'D' sticker on their boarding pass.

All travellers on domestic sectors of international flights are the subject of real time officer risk assessment at the port of disembarkation. Assessment includes verification of the passenger's identity and possible questioning in relation to the passenger's baggage and travel plans.

6. Finally, are the arrangements under which you act on behalf of the Department of Immigration and Citizenship limited to entry and exit administration or do you have an investigation and enforcement role?

Customs and Border Protection performs the primary clearance function on behalf of DIAC. This role is to perform the entry and exit processing function of lawful travellers to Australia.

Where Customs and Border Protection officers have concerns with a traveller in relation to DIAC requirements, they are referred to DIAC for secondary clearance. Customs and Border Protection does not undertake investigation and enforcement activities in relation to DIAC matters.