



Supply chain security

Supply chain integrity is a whole of government concern. Everyone who works in the supply chain has an important role to play in keeping Australia safe from criminal syndicates.

The ABF is seeking to harden Australia's border, as a system, to ensure security and prosperity of the nation by making supply chain more hostile to criminal infiltration.

Focus of ABF Supply Chain Division

The ABF supply chain division encompasses all compliance, enforcement and regulatory activity regarding Australia's international supply chain with a particular focus on:

Air and Sea Ports:

Air and seaports are part of Australia's critical supply chain infrastructure. The Customs Act regulates their operations along with CTO's and cargo handlers operating within these environments. In conjunction with other legislation, the Customs Act helps ensure the security of cargo within these environments and the integrity of the supply chain overall.

Customs Licensed Depots and Warehouses:

Licensed depots and warehouses play key roles in our supply chains. Regulated by the Customs Act, this critical supply chain infrastructure is vital for the movement of goods across the border, and facilitates the ability of businesses of all sizes in meeting the demands of the Australian marketplace through the timely supply of goods.

Licensed Customs Brokers and Freight Forwarders:

Licensed Customs brokers and freight forwarders play critical roles in the accurate and timely reporting of cargo. This reporting provides a vital basis for assessing cargo for contraband, illicit goods and revenue evasion. Accurate reporting also helps the ABF maintain oversight of cargo as it moves through supply chains.

Transport and Logistics Operators:

The Customs Act regulates the reporting, movement and storage of goods subject to customs control. Underbond movements, warehouse declarations, and movement permissions allow goods subject to customs control to move from the port directly to licensed depots and warehouses by road, rail, air or sea. The unlawful access, movement or diversion of goods subject to customs control by transport operators remains an ongoing threat to supply chain integrity.

The ABF is partnering with industry to remove criminality from the supply chain. We need you to call out suspicious activity and if you think something is not right, or you see or hear of criminal activity occurring, report it!

What should I refer?

The ABF is interested in any information relating to unlawful access or diversion of goods subject to customs control—whether goods are being imported or exported:

- People employed within the supply chain who are diverting or accessing goods—or providing access to others to do so.
- Criminals or groups using the services of specialist people employed within supply chains and at key border nodes to assist criminal enterprise.
- Supply chain vulnerabilities that are being exploited by criminals and trusted insiders—even if the details of who is exploiting the vulnerability is not known.
- Unusual questions or interest being shown in specific ABF or 'customs' processes, regimes or routines.
- People working within supply chains at key border nodes being exploited or pressured by criminals to help them—or might feel compelled for whatever reason to provide assistance.

How to refer information:

Border Watch Program

To refer information or concerns regarding criminal infiltration or suspicious behaviour in your business or workplace please refer it via our Border Watch program.

Online reports can be made anonymously through the Border Watch program via the QR code below or by visiting the ABF website – www.abf.gov.au



Australian Border Force (ABF) officers will be required to access certain places to carry out their role as Commonwealth law enforcement officers. The following information provides a general overview of some of the powers of an ABF officer operating in a port or airport environment.

The information outlines the places an ABF officer may access, equipment they may carry, how officers may exercise their powers and what obligations (if any) are placed upon the occupiers (including owners and operators) of these places.

This pamphlet also outlines the process for referring relevant information to the ABF through our Border Watch program.

What is a Cargo Terminal and a Cargo Terminal Operator?

A 'cargo terminal' is a place (other than a licenced depot or a licenced warehouse) where goods subject to Customs control are located immediately before being loaded onto, or immediately after being unloaded from, a ship or aircraft.

A cargo terminal can only exist within the limits of an airport, port or wharf appointed under Section 15 of the *Customs Act 1901* (the Customs Act).

A cargo terminal operator (CTO) is broadly defined as a person who manages a cargo terminal. A 'person' includes a government body, corporate body and/or an individual.

A CTO could be the entity with responsibility for the port or airport as a whole or an entity which has exclusive long term access to a designated area of an airport and which manages the operations and security of that area.

Section 31(a) of the Customs Act outlines that all goods on board any ship or aircraft, from a place outside Australia, are subject to customs control while the ship or aircraft is within the limits of any port or airport in Australia.

CTO's and cargo handlers have obligations to ensure the security of Customs controlled goods. These are statutory obligations under Part VAAA of the Customs Act. The purpose of these obligations are to strengthen the cargo supply chain against criminal infiltration. Non-compliance is a strict liability offence under the Customs Act.

The ABF is responsible for enforcing the Customs Act and other laws.

What places can ABF officers access?

ABF officers may, for the purpose of performing duties and functions, enter and remain in any airport or airstrip, port, bay, harbour or coast without the need for a warrant or the permission of the relevant owner, occupier or operator under section 193 of the Customs Act.

Customs Act powers exist alongside separate obligations in the *Maritime Transport and Offshore Facilities Security Act 2003* (MTOFSA) and the *Aviation Transport Security Act 2004* (ATSA).

Section 15 Areas – A Customs Place

Under section 15 of the Customs Act the Comptroller-General of Customs (Comptroller-General) or a delegate, may appoint ports, airports, wharves and boarding stations and, if required, limit the purpose of those ports, airports, wharves and boarding stations.

These appointments enable ABF officers to undertake various border clearance functions and facilitate the legitimate and efficient movement of people and goods across the Australian border.

Within the boundary of a section 15 appointed area, ABF officers are able to exercise a number of powers under the Customs Act, provided the relevant preconditions are met, including, but not limited to:

- seizure of special forfeited goods without warrant (section 203B);
- control over goods brought there for export (paragraph 30(1)(d) of the Act);
- Customs waterfront area control (section 20);
- stop a conveyance about to leave a Customs place (section 197);
- detention and searches powers of persons if an ABF officer suspects on reasonable grounds that a person is unlawfully carrying any prohibited goods on his or her body (sections 219L, 219M, 219Q, 219R); and
- other general detention powers in designated places (sections 219ZJB, 219ZJC, 219ZJCA).

Powers of ABF officers in Cargo Terminals

Under the Customs Act, ABF officers have additional powers as authorised officers within a cargo terminal. These powers are in addition to the powers ABF officers can exercise within section 15 areas.

An ABF officer can request certain information from a CTO or cargo handler. This includes documentation on the methods used by the CTO to secure goods, and records relating to persons who enter the terminal.

What is an Authorised Officer?

An authorised officer is an officer of the ABF or Home Affairs who is authorised in writing by the Comptroller-General of Customs or a delegate under section 4(1AA) of the Customs Act to exercise powers or perform functions of an authorised officer under Part VAAA.

What can ABF officers access?

At the cargo terminal, authorised officers can access electronic equipment and storage devices without a warrant if they have reasonable grounds to suspect it contains information relating to any of the following:

- the security of goods subject to Customs control in the cargo terminal
- access to goods subject to Customs control in the cargo terminal or on a ship or aircraft within, or adjacent to, the cargo terminal
- the rostering and attendance of staff
- ship bay plans relating to the cargo terminal
- the unloading, receipt, movement and stacking of Customs controlled goods at the cargo terminal.

What details must a CTO record for people accessing the area?

A CTO must record everyone who enters and exits its cargo terminal. The only exceptions are:

- a CTO employee; and
- an employee or officer of the Commonwealth, or state or territory government i.e. police officer, ABF officer, biosecurity official.

Workers contracted by a CTO are not exempt. Entry/exit records can be electronic or paper based and must be kept for at least five years.

The CTO needs to record:

- Persons full name.
- Entry and departure times.
- Type of ID used and unique Identifier.
- Name of the person sighting the ID.
- If a visitor, the name of the person being visited by the person entering.

These details must be provided to ABF within 30 days if requested by an authorised officer and it is an offence to fail to comply.

Security Obligations

A CTO has obligations regarding the physical security of a cargo terminal and the security of goods at a terminal.

Section 102CA of the Customs Act stipulates the minimum requirements which includes:

- The terminal must be protected by adequate fencing and a monitored alarm.
- Entry or exit to the terminal must be controlled or limited.
- Appropriate procedures and methods for ensuring the security of goods at the terminal must be in place.

A CTO must give written notice of any substantial change that would affect the physical security of the terminal or the security of the goods. Section 102CC of the Customs Act covers a range of goods related notification events ranging from unauthorised access to goods to attempted break-ins at a terminal. These notifications must be made in writing as soon as practicable, but no later than 5 days after the CTO becomes aware of the event.

What about privacy?

ABF officer must use their powers reasonably with consideration of proportionality, appropriateness and necessity. Authorised officers are bound by the *Privacy Act 1988* when dealing with personal information. *The Australian Border Force Act 2015* (ABF Act) also contains provisions limiting disclosure of information, including personal information.

Will ABF officers entering these places be armed?

Yes, where there is an operational need to do so. A risk management framework has been instituted to identify and manage risks related to officer safety and will guide the deployment of officers with Personal Defensive Equipment (PDE). All officers deploying with PDE are authorised to do so.

Under no circumstance will ABF officers remove their PDE

Will officers bring other equipment with them when they access these places?

Yes. In order to carry out the full range of ABF enforcement and regulatory duties, officers may deploy with a range of operational equipment including communication equipment, detection technologies and various tools and examination equipment.

Can an ABF officer question me?

Yes they can. ABF officers have a range of questioning powers under various legislation including the MTOFSA, ATSA, the *Migration Act 1958* and the Customs Act.

Section 20 of the Customs Act requires persons in a waterfront area to provide appropriate identification such as a passport for crew or employer ID for a worker. Section 195 of the Customs Act also empowers officers to question persons who are on-board an aircraft, ship or installation, reasonably believed to have got off or about to board a ship or aircraft regarding dutiable goods, excisable goods or prohibited goods.

Can ABF stop my vehicle?

Yes. If a conveyance (aircraft, vehicle or vessel of any kind) is in a Customs place, section 197 of the Customs Act authorises an officer to stop a conveyance, check documentation regarding the movement of customs controlled goods in or on the conveyance and also give direction regarding unloading the conveyance or movement of the goods.

Do ABF officers have powers of arrest?

Yes. An ABF officer may arrest without warrant if they believe on reasonable grounds that a person has committed or is committing one or more prescribed offences.