



NSW STATE NOTICE 2004/01

INFORMATION FOR PORT OPERATORS AND USERS

Access Rights of Customs Officers to Security Regulated Ports as appointed by the *Maritime Transport Security Act 2003*

The *Maritime Transport Security Act 2003* (MTSA) came into effect on 1 July 2004. This Act imposes a range of conditions on vessels, persons, goods and vehicles entering, exiting or operating within the security zones of Australia's Ports.

For the purposes of the MTSA, Customs Officers are deemed Law Enforcement Officers, and have been appointed as Duly Authorised Officers under the Act. The *Customs Act 1901* also provides Customs Officers with extensive powers relating to rights of unimpeded access to wharves and vessels. Any attempt to hinder or obstruct that lawful access is an offence under this Act.

It is important that all Port Operators, users and Maritime Security officers clearly understand the Port access rights of Customs Officers. These include:

- A prescribed Customs Officer may enter and remain in a security regulated port or vessel at any time after identifying him/herself and advising the reason for entering. Access cannot be denied if these conditions are met.
- Customs Officers only need to show a valid Customs Identification (ID) card with their photograph and personal identification number visible. They do not need to give their name or to wear or provide any other form of ID, or to sign any registers.
- A Customs ID card will not be surrendered under any circumstances even if surrender forms a part of a vessel's security plan.
- Customs Officers are exempt from personal search of any kind.
- Customs Officers' bags/equipment and vehicles are exempt from search of any kind.

If you require any further clarification please contact the Director Enforcement Operations on (02) 9550 8275.

David Collins
Regional Director

11 October 2004