



Australian Government

**Australian Customs and
Border Protection Service**

Version 2.0

CONCEPT OF OPERATIONS

INTERIM BORDER FORCE – COUNTER-TERRORISM UNIT

AUSTRALIAN INTERNATIONAL AIRPORTS

COO NSB No. 01/2015

File:

References:

- A. Chief Executive Officer's Directive dated 13 August 2014

1. OUTLINE OF SITUATION

The Australian Government, on advice from Australian intelligence and law enforcement agencies raised the National Terrorism Public Alert System to 'high' on 12 September 2014 in response to a body of evidence that points to the increased likelihood of a terrorist attack in Australia.

Of particular and immediate concern is the threat posed by foreign fighters and their supporters, and individuals with links to, or who are inspired by, terrorist and issue-motivated groups in Syria and Iraq. These groups include, but are not limited to, the Islamic State of Iraq and the Levant (ISIL), Jabhat al-Nusrah, and al-Qaeda.

The Government announced on 5 August 2014 a \$630 million counter-terrorism package, of which the Australian Customs and Border Protection Service (ACBPS) will receive \$49.6 million to establish Border Force Counter-Terrorism Unit (CTU) teams at Australia's eight major international airports. Once fully implemented, the CTU measure will result in an additional 80 Border Force officers stationed across the eight major airports, and it will include the establishment of secure infrastructure and communication equipment at these airports.

The Chief Executive Officer issued a directive on 13 August 2014 ^{s33(a)(iii), s47E(d)} [REDACTED] (Reference A). Strategic Command Group reinforced the directive listing counter-terrorism as a priority for the operational areas of the Service. The CTU is a significant disruption capability in the ACBPS Counter-Terrorism Control Plan and the 2014-15 ACBPS Intelligence, Disruption and Enforcement Delivery Plan.

Between 22 August and 30 September 2014, using existing resources, Regional Commands stood up interim CTU teams at Australia's eight major international airports (Sydney, Melbourne, Brisbane, Perth, Adelaide, Gold Coast, Cairns, and Darwin) to manage all national security intervention activity. ^{s47E(d)} [REDACTED]

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While the CTU is a Strategic Border Command capability, the National Manager National Security Branch (NSB) has responsibility for leading, authorising or setting the priorities for Immigration and Border Protection Portfolio national security operational responses. As Operation Chief, the National Manager NSB, will set the operational priorities for the CTU in accordance with the Chief Executive Officer's Directive dated 13 August 2014 and Strategic Command Group requirements, monitor its operational effectiveness and report on activity and outcomes to key stakeholders.

2. OPERATION CHIEF'S INTENT

To protect the Australian community and Australia's international reputation by effectively managing national security threats that present at Australia's eight major international airports.

3. OPERATION CHIEF'S REQUIREMENTS

This Operation commenced on 22 August 2014, with interim CTU teams established at Australia's eight major international airports by 30 September 2014.

The interim CTU teams are to provide a visible frontline presence throughout each airport to manage national security threats. Specifically, their objectives are to:

- manage all travellers known to potentially pose a national security threat through the effective administration of all national security alerts, and
- identify travellers that may pose a potential threat to national security and may not have previously come to law enforcement interest, and respond with appropriate intervention activity.

The NSB acknowledges that, at times, the CTU teams will need to draw on specialist capabilities and additional resources within the Service to support them to achieve these objectives.

From 31 December 2014, CTU officers are exempt under the *Aviation Transport Security Act 2004* from airport security screening and are permitted to carry personal defensive equipment, including firearms in the airport environment.

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4. RESOURCE DETAILS

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5. TASKS

Regional Operation Commanders must ensure all CTU officers are briefed appropriately to exercise ACBPS powers to conduct the following activity:

s33(a)(1), s47E(d)



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Australian Government

**Australian Customs and
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Chief Executive Officer

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CEO Directive on Counter-Terrorism

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In recent months, a number of terrorist 'foreign fighters' and/or suspected terrorist financiers (foreign nationals and Australian citizens/residents) have departed or arrived in Australia.

This creates a serious national security threat. Increased vigilance and effort is required to address the threat posed by this phenomenon.

On 5 August 2014, the Prime Minister announced the Government's intention to support national security agencies with increased funding and strengthened legislation to combat the movement of 'foreign fighters' and related threats to Australia's national security.

This support includes new initiative of establishing Border Force Counter Terrorism Unit teams at Australia's international airports to proactively target the movement of foreign fighters across Australia's borders.

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Directive

As a matter of principle, where reasonably practicable and lawful to do so, operations are to be integrated with those of the Department of Immigration and Border Protection to ensure a unified approach to the border within the Portfolio.

s33(a)(iii), s47E(d)

[Redacted]

The National Security Unit in Special Investigations and Programmes Branch in Strategic Border Command is to coordinate this effort.

s33(a)(i), s47E(d)

[Redacted]

s33(a)(i), s47E(d)

[Redacted]

s33(a)(i), s47E(d)

[Redacted]

s33(a)(i), s47E(d)

[Redacted]

Officers are to be empowered to act and make decisions consistent with this Directive, and are to exercise their authority at all times in a reasonable fashion and consistent with law. Reasonable action on the basis of available information that prioritises security over facilitation will be fully supported.

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[Redacted]

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You are to work collaboratively to swiftly establish the Counter Terrorism Unit teams at Australia's major international airports in accordance with the approved New Policy Proposal. Deputy Chief Executive Officer Border Enforcement will oversee this initiative and provide you with additional guidance.

More broadly, you are to promote national security outcomes by working collegiately with national security and law enforcement agencies.

You are to acknowledge receipt of this Directive in writing.

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Michael Pezzullo
Chief Executive Officer
Australian Customs and Border Protection Service

13 August 2014

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NATIONAL OPERATION ORDER
INTERIM BORDER FORCE – COUNTER-TERRORISM UNIT
VERSION 2.0

OPORD NSB No. 01/2015

Copyof.....

Issued by: National Security Branch - National Security Operations

References:

A. CEO's Directive dated 13 August 2014

B. ^{s47E(d)} [REDACTED]

Time Zone: Kilo

1. SITUATION**a. General****1. Topography**

Melbourne, Sydney, Gold Coast, Adelaide, Darwin, Cairns, Perth and Brisbane International Airports.

2. Background Information

This National Operation Order 01/2015 replaces National Operation Order 02/2014 dated 9 September 2014.

On 12 September 2014, the Australian Government raised the National Terrorism Public Alert System to 'high' on advice from Australian intelligence and law enforcement agencies.

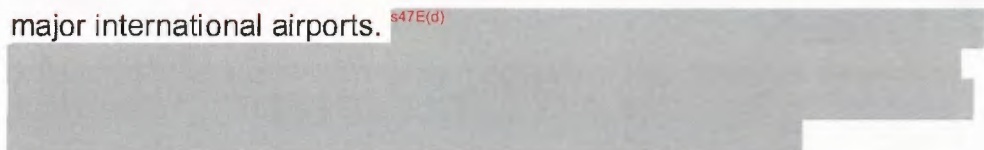
The Australian Government is concerned that individuals who travel to conflict zones in Iraq and Syria may pose a security threat to Australia due to the skills and intentions acquired from fighting with terrorist groups, such as Islamic State of Iraq and the Levant (ISIL), Jabhat al-Nusrah, and al-Qaeda.

Because of the increased likelihood of radicalisation while in these conflicts zones, the Australian Government is committed to preventing Australian citizens, residents, and non-citizens from leaving Australia to join conflicts in the Middle-East, and identifying individuals returning or travelling to Australia from these conflict zones.


Between 22 August and 30 September 2014, Regional Commands stood-up interim Counter-Terrorism Unit (CTU) teams using existing resources to manage all national security intervention activity at Australia's eight

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major international airports. ^{s47E(d)}



From 31 December 2014, CTU officers are exempt under the *Aviation Transport Security Act 2004* from airport security screening and are permitted to carry personal defensive equipment, including firearms in the airport environment. ^{s47E(d)}



^{s33(a)(i), s47E(d)}



c. Own Forces

^{s47E(d)}



d. Attachments


In Support:

National Security Intelligence
Tactical Support /Tactical Intelligence
Operational Strategies Branch

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2. MISSION


s33(a)(i), s47E(d)



3. EXECUTION

a. OPCHIEF's Intent

To protect the Australian community and Australia's international reputation by effectively managing national security threats that present at Australia's eight major international airports. s47E(d)



b. General Outline

Regional Commands have established interim CTU teams using existing resources to manage all national security intervention activity at the following international airports:

- Sydney
- Gold Coast
- Darwin
- Perth
- Melbourne
- Adelaide
- Cairns
- Brisbane

The interim CTU teams provide a visible frontline presence throughout each airport. Specifically, their objectives are to:

- manage all travellers known to potentially pose a national security threat through the effective administration of all national security alerts, and
- identify travellers that may pose a potential threat to national security and may not have previously come to law enforcement interest, and respond with appropriate intervention activity.

The NSB acknowledges that the CTU teams will need to draw on specialist capabilities and additional resources within the Service to support them to achieve these objectives.

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c. Airport Groups

(1) Sydney Airport Group

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(b) Resources – NSW regional officers

(2) Melbourne Airport Group

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(b) Resources – Victoria regional officers

(3) Darwin and Adelaide Airports Group

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(b) Resources – Central regional officers

(4) Brisbane, Gold Coast and Cairns Airports Group

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(b) Resources – Queensland regional officers


(5) Perth Airport Group

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(b) Resources – Western Australia regional officers

d. Tasks (Groups 1-5)

s33(a)(i), s47E(d)



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s33(a)(1), s47E(d)



e. ~~Group 6~~

(1) ~~SBC HQ Group~~

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(b) ~~Resources~~ — SBC HQ officers


f. ~~Tasks (Group 6)~~

s47E(d), s33(a)(1)



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s33(a)(1), s47E(d)



g. Group 7

(1) National Security Branch


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(b) Resources – National Security Operations officers

h. Tasks (Group 7)

s33(a)(1), s47E(d)



i. Co-ordinating Instructions

(1) Timings

Regional Commanders will maintain the established interim CTU teams.

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4. SECURITY

The Australian Government, on advice from Australian intelligence and law enforcement agencies raised the National Terrorism Public Alert System to 'high' on 12 September 2014 because of the increased likelihood of a terrorist attack in Australia.

While there is no specific threat to the Service or our officers, officers need to maintain security awareness. Given the visible presence they provide at airports and the environment in which they operate, CTU officers need to be vigilant to any unusual or suspicious behavior or items.

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The CEO has issued a Revised Security Directive to all ACBPS officers on 16 January 2015 which provided the minimum standard that must be adhered to when in uniform and not on duty. This Directive must be followed at all times, along with any additional requirements implemented by the local Regional Command.

Existing security protocols, especially those relating to the security of classified information, are to be adhered to at all times.

5. ADMIN & LOGISTICS

a) Dress


All operatives in the CTUs are to wear the CTU uniform while on duty (and follow the Revised Security Directive - 16 January 2015 when in uniform and not on duty).

b) Costs

All costs to be coded to normal work area codes.

5. COMMAND & SIGNAL

s47E(d), s33(a)(i)



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Chief Executive Officer

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CEO Directive on Counter-Terrorism

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In recent months, a number of terrorist 'foreign fighters' and/or suspected terrorist financiers (foreign nationals and Australian citizens/residents) have departed or arrived in Australia.

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This support includes new initiative of establishing Border Force Counter Terrorism Unit teams at Australia's international airports to proactively target the movement of foreign fighters across Australia's borders.

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Directive

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~~s33(a)(i), s47E(d)~~
[Redacted]
The National Security Unit in Special Investigations and Programmes Branch in Strategic Border Command is to coordinate this effort.

~~s33(a)(i), s47E(d)~~
[Redacted]

~~s33(a)(i), s47E(d)~~
[Redacted]

~~s33(a)(i), s47E(d)~~
[Redacted]

~~s33(a)(i), s47E(d)~~
[Redacted]

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[Redacted]

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You are to work collaboratively to swiftly establish the Counter Terrorism Unit teams at Australia's major international airports in accordance with the approved New Policy Proposal. Deputy Chief Executive Officer Border Enforcement will oversee this initiative and provide you with additional guidance.

More broadly, you are to promote national security outcomes by working collegiately with national security and law enforcement agencies.

You are to acknowledge receipt of this Directive in writing.

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Michael Pezzullo
Chief Executive Officer
Australian Customs and Border Protection Service

13 August 2014

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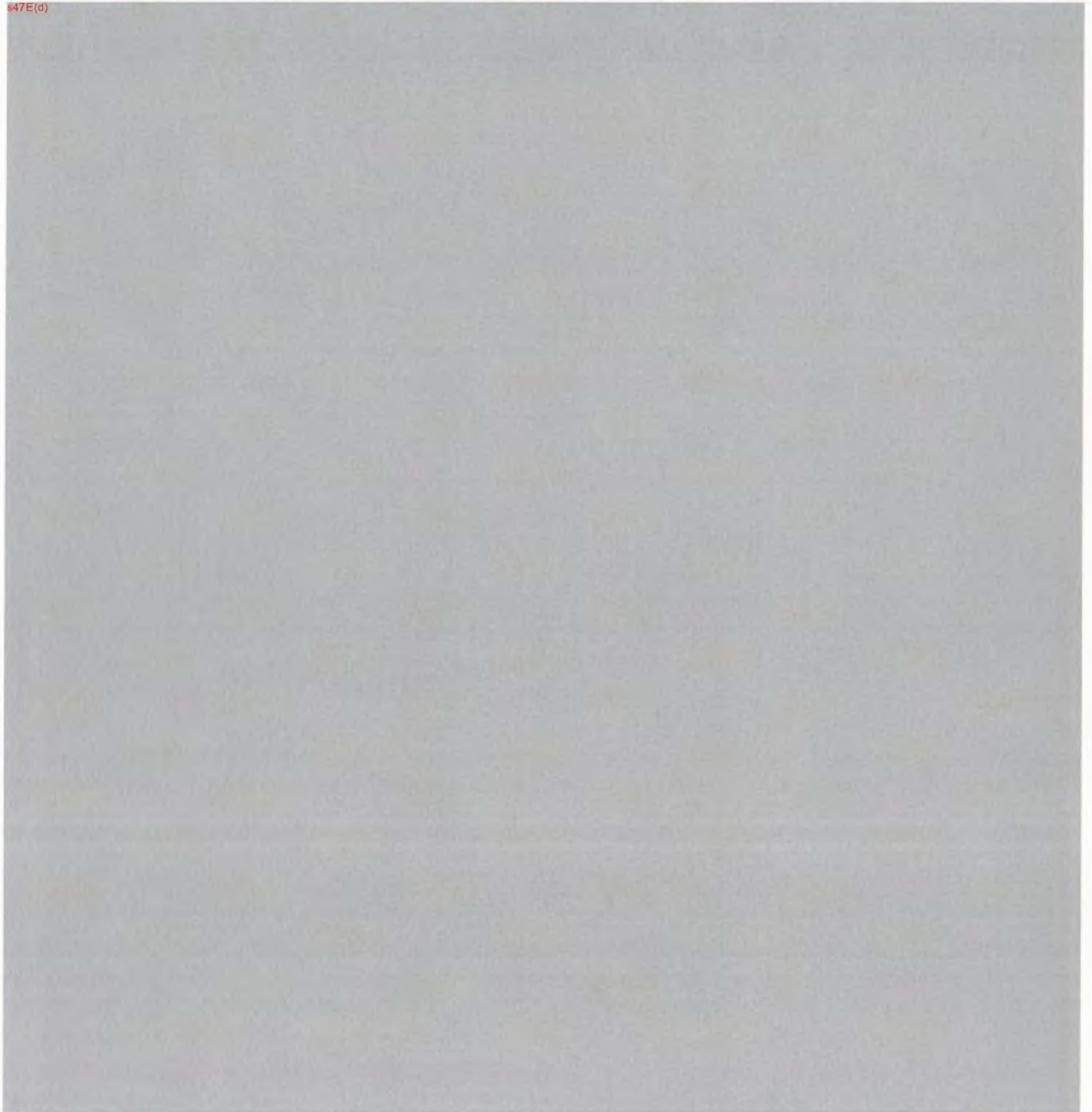


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**NATIONAL SECURITY UNIT
SPECIAL INVESTIGATIONS AND PROGRAMMES**

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Strategic Border Command

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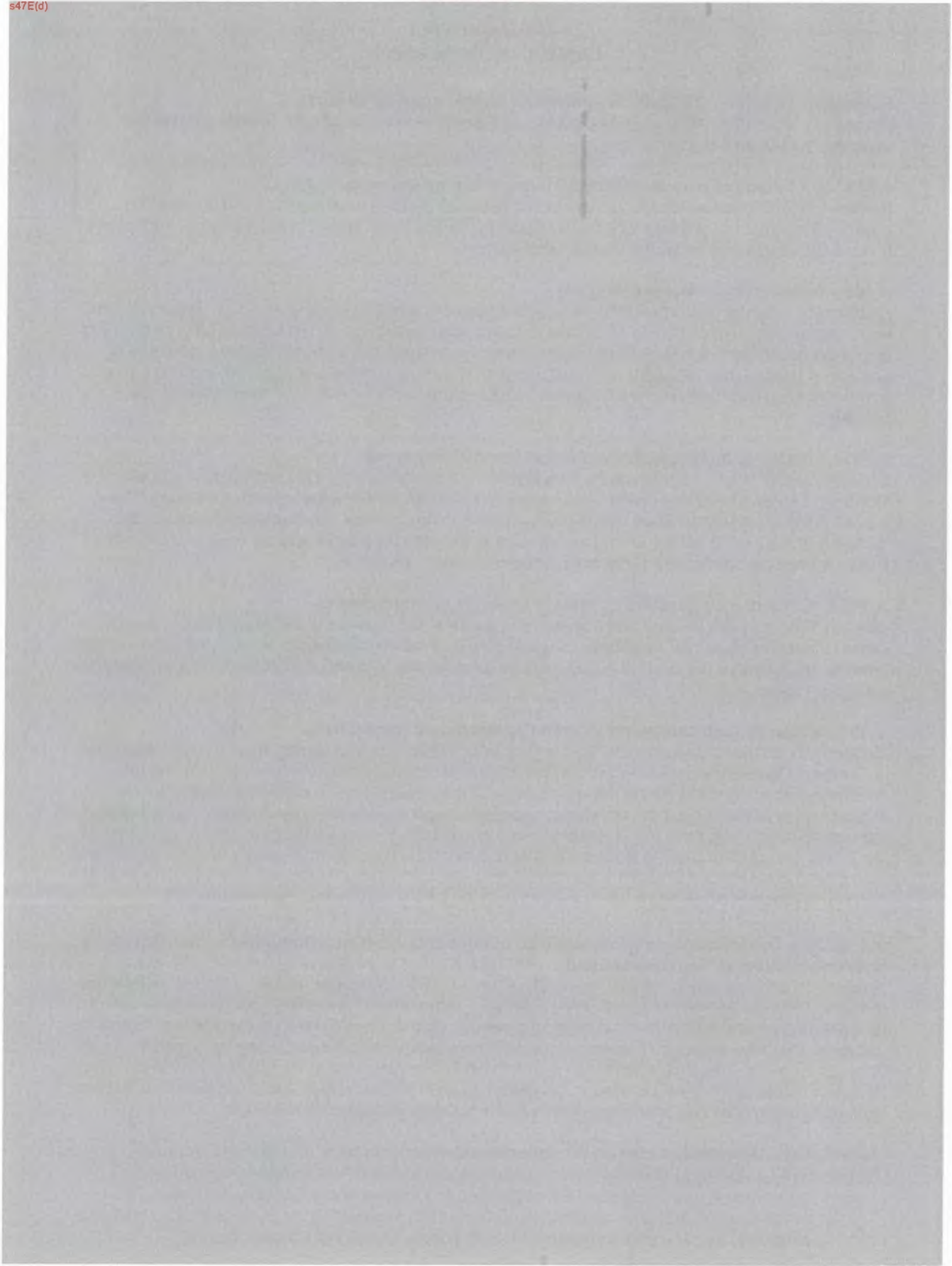


Special Investigations and Programmes

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Annexure A Legislative References

Paragraph 193(3)(c) - Officers may enter and remain upon an airport

Paragraph 193(1)(c) entitles on-duty Customs and Border Protection officers to enter and remain upon any part of an airport or airstrip.

s.219ZJD - Search of person detained for law enforcement co-operation

Section 219ZJD enables officers to frisk search detained persons, their clothing and immediate property for weapons, or things which would enable them to inflict injury or assist escape. This power is more fully explained under the section titled 'Detain'.

s.195 – Power to question passengers

Customs and Border Protection officers have the power to question anyone on board an aircraft, and anyone they believe has disembarked or is about to board an aircraft about whether they, or any child or person accompanying them, have on their person or in their baggage any dutiable, excisable or prohibited goods. This extends to all questioning of all service providers who get on or off an aircraft in the course of their work and persons with access to the belly of the aircraft, such as baggage handlers.

s.195A - Power to question persons found in restricted areas

Customs and Border Protection officers may question people found in a s.234AA place (a Customs Controlled area). The officer can require the person to provide their name, reason for being in the s.234AA place, and evidence of identification. Failure to do so could constitute an offence under s.243SA and s.243SB. If they are found not to be in the area for a valid purpose (see s.234A(1A)) then they can be directed leave the area, or be removed (s.234ABA).

s.106J - Officers may question operators about departing persons

Section 106J provides officers with the power to question the operator of the aircraft that is due to depart, is departing, or has already departed Australia about persons expected to be on board, or who were or are on board the aircraft. It also requires the operator to produce documents relating to those persons if requested.

s.197 - Power to stop conveyances about to leave a Customs place

Section 197 provides Customs and Border Protection officers with the power to stop a conveyance in a Customs Place and check to establish that there is appropriate documentation authorising the movement of any goods in or on the conveyance that are subject to the control of Customs. The officer may give directions (and do what is necessary to give effect to those directions in the event of non-compliance) relating to the unloading of any goods from the conveyance; or their movement to a particular part of the Customs place for further examination. There is no prerequisite to the exercise of this power. Subsection 197(2) enables officers to question the person who is apparently in charge of the conveyance about goods on or in the conveyance for the purposes of subsection (1).

s.219ZJB – Detention of person suspected of committing serious Commonwealth offences or prescribed State or Territory offence

Section 219ZJB of the Customs Act enables an ACBPS officer can detain a person where that person is in a Designated Place (Section 234AA) and the officer has reasonable grounds to suspect the person has committed or is committing a serious commonwealth offence (espionage, threats to national security, violence, firearms, terrorism and indictable offences carrying penalties of 12 months or more – Section 23B(1) Crimes Act 1914) or prescribed state offence. In these cases federal or state/territory police need to be alerted as soon as practicable and the individual is entitled to have a family member or another person notified of their detention after 2 hours.

s.219ZJCA – Detention of person for national security or security of a foreign country

Section 219ZJCA of the Customs Act stipulates that a Customs officer may detain a person if:

- the person is in a Designated Place (defined in section 4 of the Customs Act), and
- the officer is satisfied on reasonable grounds that the person is, or is likely to be, involved in an activity that is a threat to national security or the security of a foreign country.

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An officer who is detaining a person under this section must:

- ensure that the person is made available, as soon as practicable, to a police officer
- if the person is detained for more than 2 hours, the officer must inform the person of their right to have a family member or another person notified of their detention, and
- the person should be released immediately if the grounds for detention cease to exist.

Definitions

National Security is defined as "Australia's defence, security, international relations or law enforcement interests" in *the National Security Information (Criminal and Civil Proceedings) Act 2004*.

'**Security of a foreign country**' has a similar definition of **National Security**, but for a foreign country.

s.210 – Power of arrest without warrant

An officer may, without warrant, arrest a person if the officer believes on reasonable grounds that the person has committed or is committing one or more of the following offences:

- intentional unauthorised movement of goods of under Customs control (either personally or by direction/permission);
- intentional obstruction etc of Commonwealth property (eg CCTV) in a Customs place;
- assembly to import a prohibited import, export a prohibited export, smuggle, prevent seizure or rescue seized goods;
- the prohibited importation or exportation of tier 1, tier 2, or UN-sanctioned goods;
- the importation or exportation of unmarked plastic explosives;
- the importation, exportation or possession of border controlled drugs, plants or precursors;
- possession of controlled precursors where the substance involved is reasonably expected of having been imported, or being intended for export in contravention of the Customs Act;
- causing, or threatening to cause, harm to an officer or obstructing, hindering, resisting or intimidating an officer;
- giving or receiving a bribe or corrupting benefit, or abuse of office, in relation to an arrestable offence;
- attempt, aid and abet, counsel, procure, incite, conspire or accessory after the fact to an arrestable offence;
- escape from lawful custody following a s.210 arrest; and
- proceedings by summons against the person would not achieve one or more of the following:
 - ensuring the appearance of the person before a court in respect of the offence;
 - preventing a repetition or continuance of the offence (or the commission of another offence);
 - preventing the concealment, loss or destruction of evidence relating to the offence;
 - preventing harassment of, or interference with, a person required to give evidence in respect of the offence;
 - preventing the fabrication of evidence in respect of the offence;
 - preserving the safety and welfare of the person.

If, after arresting a person (but before charging the person), an officer ceases to believe that the person has committed the offence, or ceases to believe that proceeding by summons will be ineffective, the person must be released.

Note – an officer may conduct a frisk search of an arrested person, if the officer suspects on reasonable grounds that it is prudent to do so in order to ascertain whether the person is carrying any seizable items. The officer may seize any seizable items found (s.211). 'Seizable items' are items that would present a danger to a person or that could be used to assist a person escape from lawful custody (see s.183UA(1)). An officer may conduct an ordinary search of an arrested person if the officer suspects on reasonable grounds that the person is carrying a seizable item or evidential material in relation to the offence or another offence. The officer may seize any such items/materials found (s.211A). An officer may ask a person arrested to provide their name and/or address (s.213).

Division 1BA - Detention for law enforcement co-operation (s.219ZJA-s.219ZJJ)

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A person can be detained under Division 1BA of Part XII if a Customs and Border Protection officer reasonably suspects that the person has committed or is committing a serious Commonwealth or a prescribed State or Territory offence, or where there is a warrant for the arrest of a person in relation to Commonwealth, State or Territory offence or the person is on bail and subject to a condition that prevents them from leaving Australia, and the officer has reasonable grounds to suspect the person intends to leave the designated place.

A 'serious Commonwealth offence' is defined in s.15HB of the Crimes Act 1914, and include threats to national security. The offences listed in s.15HB of the Crimes Act must also be punishable on conviction by imprisonment for a period of 3 years or more.

When a person is detained under Division 1BA, the Customs and Border Protection officer must advise a police officer of the person's detention and ensure that the detainee is delivered into police custody as soon as practicable after detention. If the officer stops suspecting the detainee of being involved, then they must release the person immediately. An officer of the same sex may conduct a frisk or ordinary search of the detainee under this division and search of the clothing the detainee is wearing or property under the detainee's immediate control if the officer believes on reasonable grounds that it is necessary to do so, for the purposes of:

1. Determining whether the detainee has any concealed weapons or things capable of being used to:

- inflict bodily injury; or
- assist the detainee to escape from detention.

2. In the case of someone suspected of committing a serious Commonwealth offence or a prescribed State or Territory offence, to prevent concealment, loss or destruction of evidence relating to that offence

An officer may seize:

- A. Any weapon or thing found for which the search was being conducted; and
- B. Anything that the officer has reasonable grounds to suspect that is a thing:
 - linked to an offence; or
 - is evidence to the commission of an offence; or
 - used or is intended to be used to commit an offence.

In these instances, "seize" means to remove from the detainee's possession. The officer must ensure that anything seized is to be delivered to the police officer into whose custody the detainee is delivered. Subsections 219ZJB(5) to (7) provide parameters for the detention. For example if the person will be detained for more than 45 mins, the officer must inform the person of the right to have a family member or another person notified of the detention, but only if this is not going to impede the processes of law enforcement; or endanger the life and safety of any person.

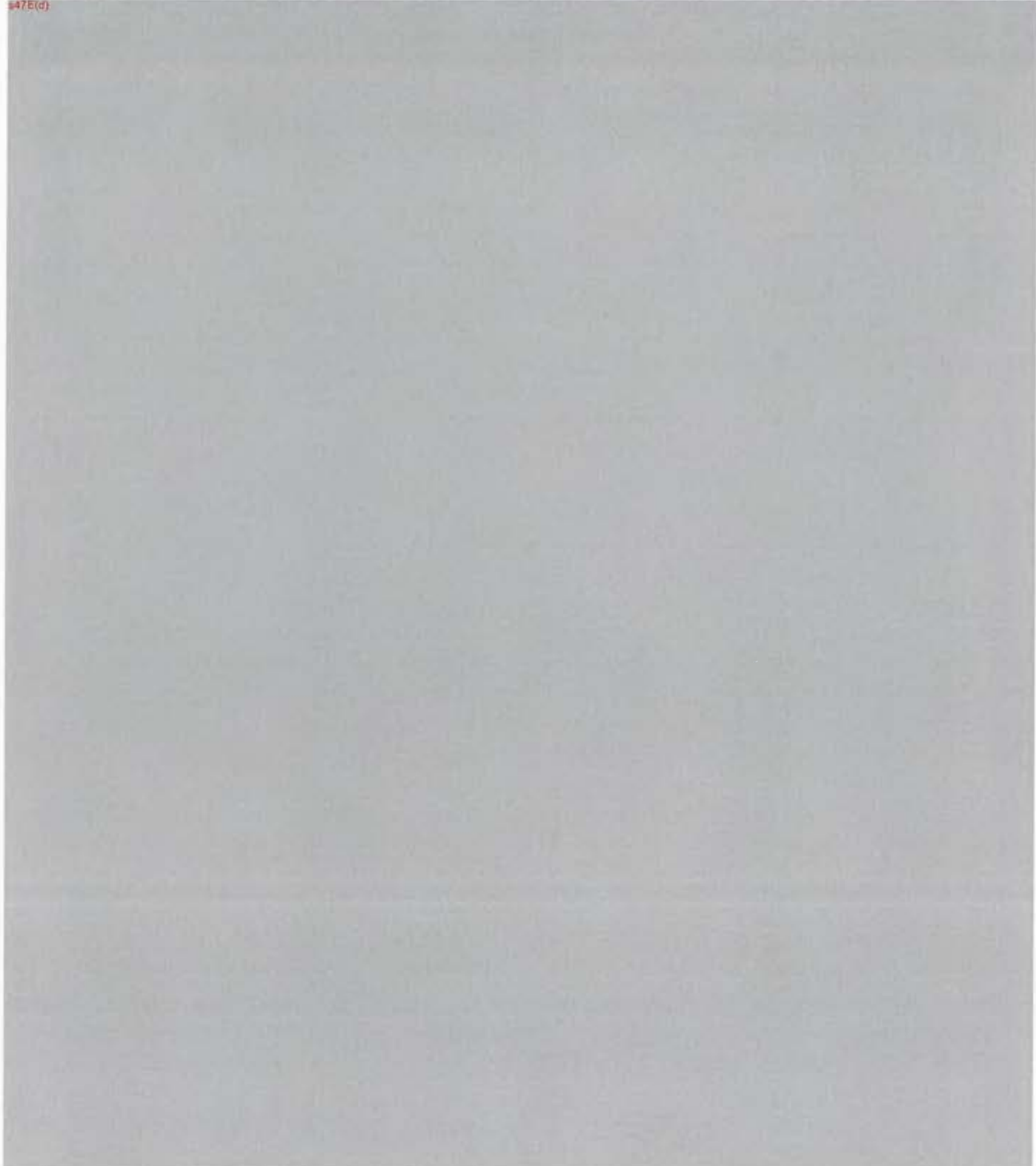
If a minor is detained, s.219ZJJ states a Customs and Border Protection officer must inform the minor of the right to have a parent, guardian or another person who can represent them, notified of the detention. If the minor so requests, the officer must notify the representative of the detention, the place of detention, place of transfer and the reason for the detention. However, subsection (2) states that an officer does not have to notify the parent/guardian or other person if they have reasonable grounds to believe that notification should not be made in order to safeguard the law enforcement process; or protect the life and safety of any person. A person arrested for a Commonwealth offence (other than a terrorism offence) may be detained for the investigation period defined under section 23C.

s.234ABA - Officers may direct unauthorised persons to leave restricted areas

An officer may direct a person to leave a place in relation to which a sign is displayed under subsection 234AA(1) if the officer reasonably believes that the person is in that place in contravention of s.234A. Section 234A provides the basis for directing people to leave by prohibiting unauthorised entry to s.234AA(1) places, or an aircraft when baggage is being examined.



s47E(d)



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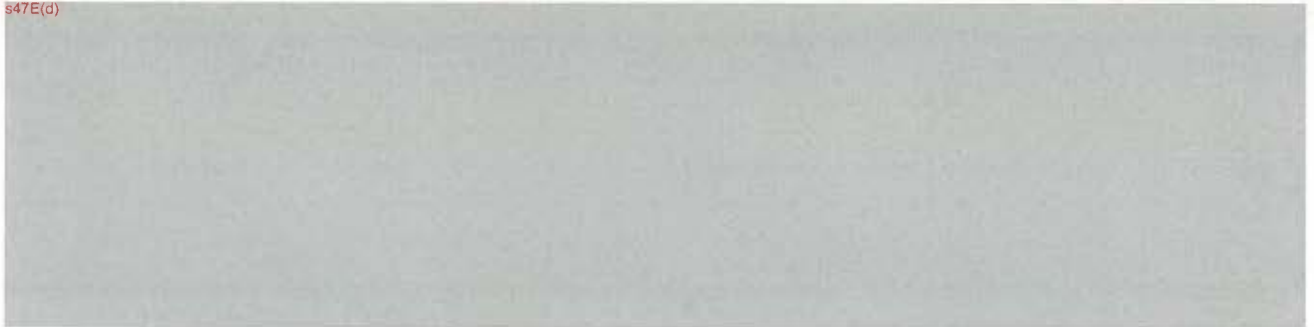


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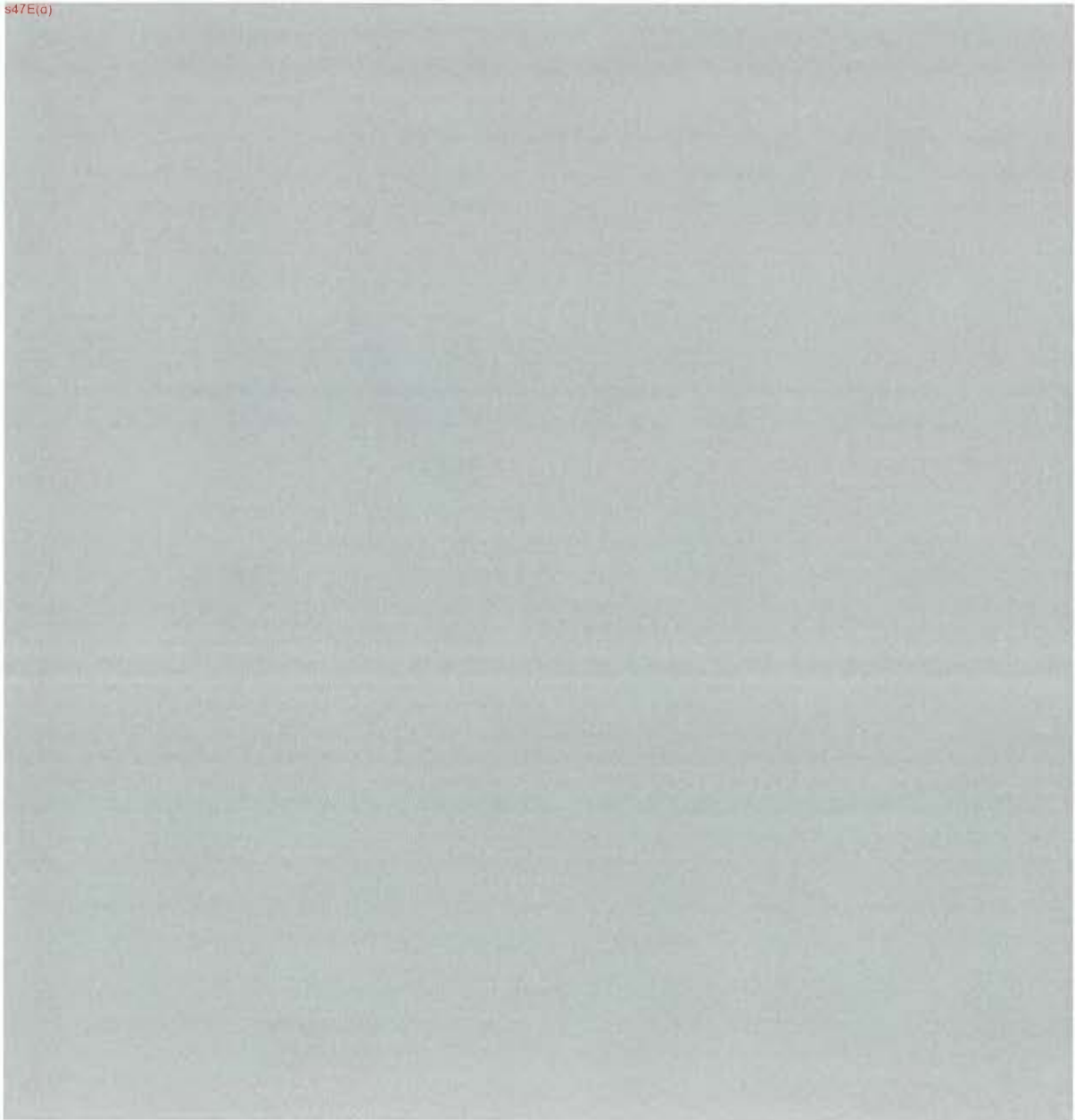
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**NATIONAL SECURITY UNIT
SPECIAL INVESTIGATIONS AND PROGRAMMES**

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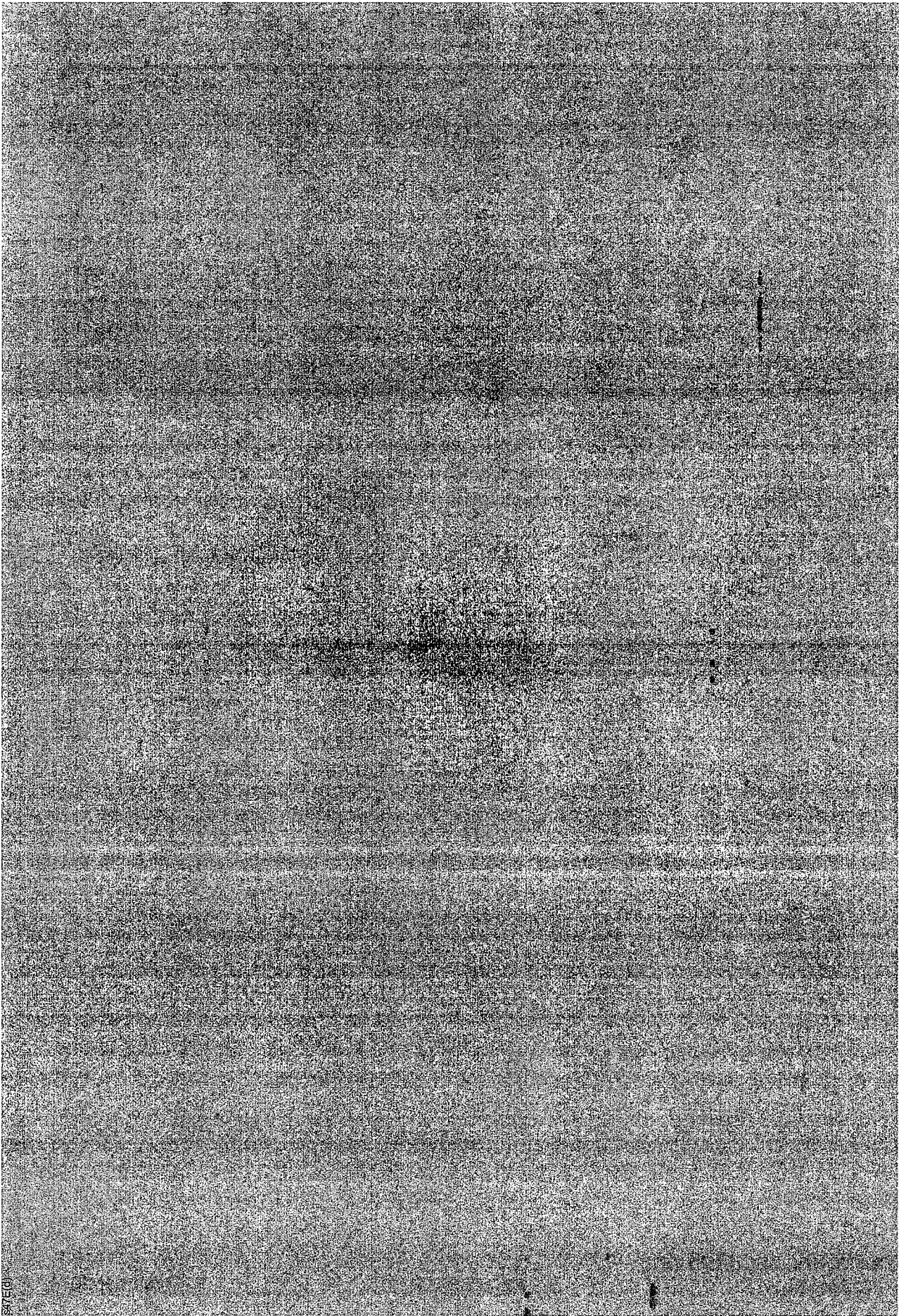


Special Investigations and Programmes
ACBPS

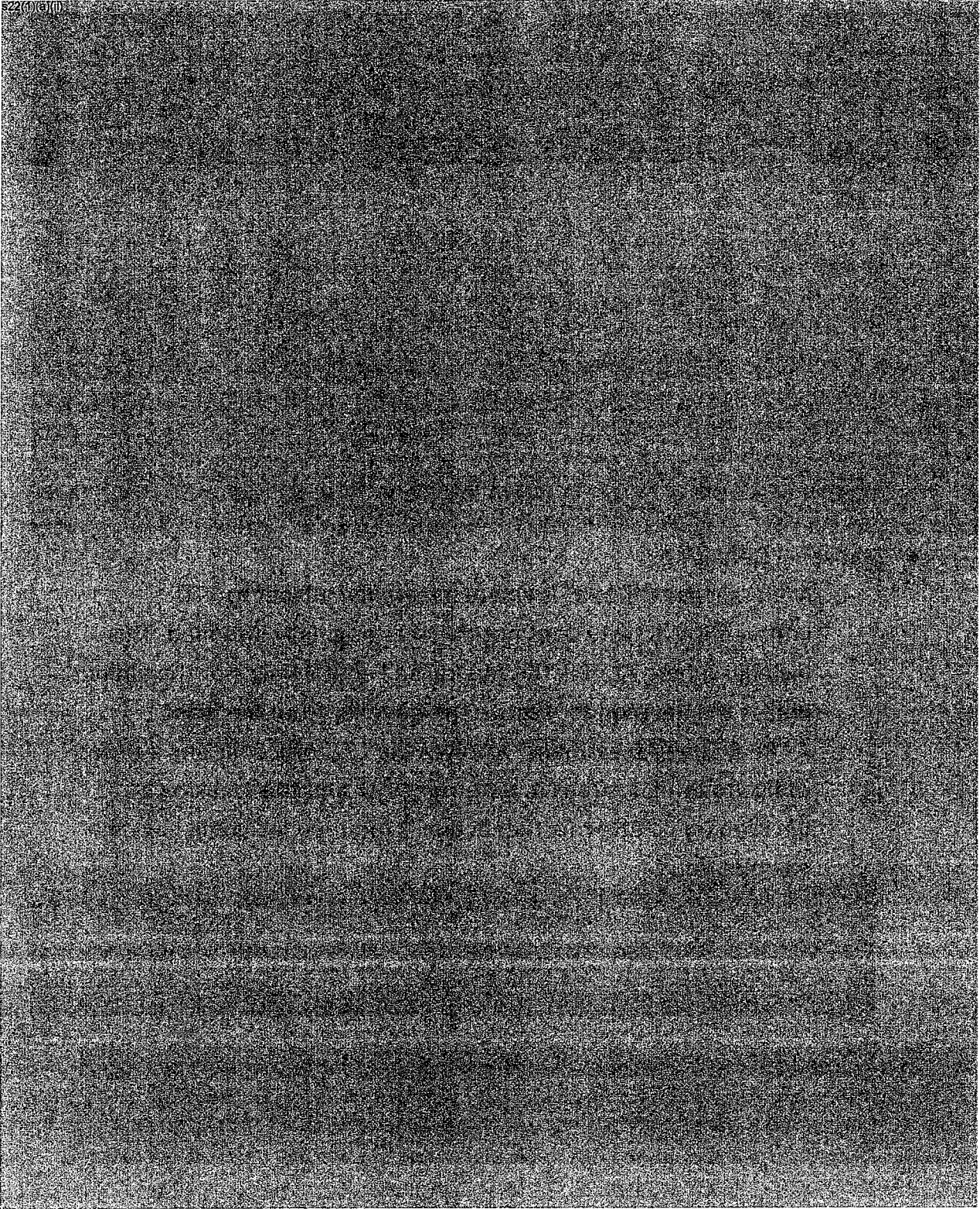
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- From 22 August 2014 to 01 April 2015 the CTU teams have:
 - assisted in 239 passenger offloads
 - conducted 92,594 real time assessments, and

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s22(1)(a)(ii)



- Statistical Definitions:
 - A “Passenger Offload” is where a traveller subject to CTU intervention activity does not travel as originally intended. This includes where ACBPS, the Australian Federal Police or the airline makes the decision to remove the traveller from the flight.
 - A “Real-Time Assessment” involves the CTU officer asking a series of five to ten questions to determine risk and then making a decision on whether further action is required including baggage examination.

s22(1)(a)(ii)



s22(1)(a)(ii)



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[REDACTED]	Combined AUDS Value* (note: takes into account POIs who have been offloaded and again found with excess currency on second departure attempt, to ensure figures are not double counted)	[REDACTED]
[REDACTED]	\$	[REDACTED]
[REDACTED]	\$	23,507.00
[REDACTED]	\$	55,501.00

*May include currency taken from an individual but subsequently returned. This data is not an outcome of AFP investigations.

