



Questions & Answers

Advance Passenger Processing Infringement Notices

June 2009

1. When will Advance Passenger Processing (APP) Infringement Notices be issued from?

APP infringement notices may be issued for offences occurring on or after Wednesday, 1 July 2009.

2. What is the fine?

The fine is AUD 1,100 for each offence.

3. Is there be a cap on the number infringements or the amount of the fines?

In recognition of the effort by airlines to comply with the mandatory reporting requirements, a threshold of 99.8 per cent will be applied. Airlines that achieve a reporting rate of 99.8 per cent or higher in a month will not be fined for offences committed the following month.

4. What happens if my airline falls below the threshold rate?

Airlines will face fines for each and every offence committed the following month where the previous months reporting rate is less than 99.8 per cent.

Example

Airline achieves an APP reporting rate of 99.8 per cent for the month of June 2009.

No infringements will be issued during July 2009, regardless of how many passengers and/or crew were not reported.

For the month of July 2009, the airline achieves an APP reporting rate of 99.7 per cent.

During August 2009, the airline fails to report ten people. Ten infringement notices will be issued to the airline for the month of August 2009.

5. When will airlines be notified of alleged offences?

An invitation to show cause outlining the individual particulars will be issued to airlines within five days of the alleged breach in reporting requirements. Airlines can provide supporting information to the department to justify why an infringement notice should not be issued.

6. How will my airline be advised of alleged offences?

The contact person/s nominated by each airline can choose whether to receive notifications by electronic means (email) or paper (mail). The preferred method is via email, allowing maximum time for airlines to investigate cases.

7. Can my airline lodge a response against an alleged offence?

Yes. Airlines will be issued with a show cause letter outlining the individual particulars of alleged breaches in non-reporting. Airlines can provide supporting information to the department to justify why an infringement notice should not be issued.

8. Will my airline receive individual invoices for each infringement notice or monthly invoices?

Infringement notices will be issued in bulk once a month. For example, infringement notices for alleged offences committed in July will be issued in August.

9. Can my airline seek to have an infringement withdrawn?

Yes. These instructions will be included on the issued infringement notice.

10. Who will investigate responses seeking an infringement withdrawal?

A delegated APP infringement officer will be responsible for investigating each case and will make a decision based on the facts of the case.

11. Will airlines be infringed if a passenger/crew member presents a different passport at the Australian border to the passport they checked in on?

No. As long as the airline has complied with its mandatory obligation to report on that person.

12. How will my airline's compliance rate be affected if we query an alleged offence on an infringement notice?

Your monthly compliance rate will reflect only those actual cases of non-reporting. Any queries to alleged offences of infringement notices will need to be resolved prior to finalising your monthly compliance rate.

13. Are airlines effectively being fined twice for the same offence?

No. The APP Infringement Regime is separate from any fines issued to airlines that carry an inadequately documented person into Australia.

If airlines fail to complete APP and a person does not hold authority to travel to Australia, it is possible for airlines to receive two fines: AUD 1,100 for breaching APP reporting requirements and AUD 5,000 for the person being improperly documented. However, by completing APP airlines can confirm that a person has authority to travel to Australia prior to departure through the "OK to Board" response and thereby, in most cases, avoid both fines.

14. Will airlines be advised of their monthly reporting rate?

Yes. Airlines continue to receive a monthly APP reporting report. These will be issued by the end of the first week of the following month.

15. How much time do airlines have to notify DIAC of an outage, particularly one occurring on a weekend?

The outage should be reported immediately. Airlines can contact the Entry Operations Centre (EOC) 24/7 to report outages. The EOC will record the outage and no infringement notices will be issued.

16. Who should I contact for further information?

The APP Support Team:

Email (infringements): airs@immi.gov.au

Email (general APP): appwebsite@immi.gov.au

Telephone: +61 2 6223 8291 (Australian Eastern Standard Time)