



LIN23/041

Customs (Obligations on Cargo Terminal Operators) Instrument 2023

I, Michael Outram APM, Comptroller-General of Customs, make the following Instrument.

Dated 12 May 2023

[signed]

Michael Outram APM
Comptroller-General of Customs

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Part 1—Preliminary

1 Name

This instrument is the *Customs (Obligations on Cargo Terminal Operators) Instrument 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument.	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 102CJ of the *Customs Act 1901*.

4 Definitions

Note: A number of expressions used in this instrument are defined in sections 4 and 102B of the Act, including the following:

- (a) cargo terminal;
- (b) cargo terminal operator;
- (c) officer of Customs.

In this instrument:

Act means the *Customs Act 1901*.

closed-circuit television includes wholly or partially wireless closed-circuit television.

closed-circuit television system includes:

- (a) the equipment of the closed-circuit television system; and
- (b) any equipment, materials, utilities or infrastructure required in order to enable the closed-circuit television system to be operated or maintained.

relevant person means:

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- (a) an officer of Customs; or
 - (b) a person acting on behalf of the Department; or
 - (c) a person providing services in relation to the installation, operation, maintenance or removal of a closed-circuit television system operated, or to be operated, by or on behalf of the Department; or
 - (d) an officer or employee of a person mentioned in paragraph (b) or (c).

Part 2—Obligations with respect to closed-circuit television systems

5 Purpose of this Part

This Part imposes obligations on cargo terminal operators with respect to closed-circuit television systems.

6 Installation of closed-circuit television systems

- (1) A cargo terminal operator must, on request by an officer of Customs, provide relevant persons with access to a cargo terminal for the installation of a closed-circuit television system to be operated by or on behalf of the Department.
- (2) Without limiting subsection (1), access must be provided to enable relevant persons:
 - (a) to conduct preparatory work before the installation of the closed-circuit television system, including any work to determine whether and where to install the system or any part of the system;
 - (b) to make any necessary modifications to the premises to enable the installation of the closed-circuit television system;
 - (c) to install the closed-circuit television system;
 - (d) to connect to and use the power supply and other utilities necessary for the installation of the closed-circuit television system.
- (3) Without limiting subsection (1), access must be provided to:
 - (a) poles;
 - (b) pit and pipe;
 - (c) suitable rooms to install closed-circuit television racks and servers;
 - (d) any other existing infrastructure necessary for the installation of the closed-circuit television system.
- (4) A cargo terminal operator must ensure that all reasonable facilities and assistance is given to relevant persons to enable the installation of the closed-circuit television system.
- (5) A request referred to in subsection (1) may relate to particular relevant persons or to a class or classes of relevant persons.

7 Operation, maintenance and removal of closed-circuit television systems

- (1) A cargo terminal operator must, on request by an officer of Customs, provide relevant persons with ongoing access to a cargo terminal for the operation, maintenance or removal of a closed-circuit television system.

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- (2) Without limiting subsection (1), access must be provided to enable relevant persons:
 - (a) to conduct assessments of infrastructure as necessary after installation to ensure the closed-circuit television system is able to perform its function;
 - (b) to connect to and use the power supply and other utilities necessary for the operation, maintenance or removal of the closed-circuit television system;
 - (3) A cargo terminal operator must provide all reasonable facilities and assistance to relevant persons to enable the operation, maintenance or removal of the closed-circuit television system.
 - (4) A request referred to in subsection (1) may relate to particular relevant persons or to a class or classes of relevant persons.