



Australian
BORDER FORCE

APP Infringement Manual for Carriers - 21 March 2025

Disclaimer

Please note this information is correct at time of printing. For up to date information see www.border.gov.au
Feedback/suggestions regarding this manual can be sent to Email: appwebsite@abf.gov.au

© Commonwealth of Australia 2015

All material with the exception of images and third party content presented in this publication is provided under a Creative Commons Attribution 3.0 Australia licence (<http://creativecommons.org/licenses/by/3.0/au/deed.en>).

For the avoidance of doubt, this means this licence only applies to material as set out in this document.



The details of the relevant licence conditions are available on the Creative Commons website (accessible using the links provided) as is the full legal code for the CC BY 3.0 AU licence (<http://creativecommons.org/licenses/by/3.0/legalcode>).

Use of the Coat of Arms

The terms under which the Coat of Arms can be used are detailed on the It's an Honour website (<http://www.itsanhonour.gov.au/coat-arms/index.cfm>).

Contact us

Enquiries regarding the licence and any use of this document are welcome at:

Communication and Engagement Branch

Department of Home Affairs

PO Box 25

BELCONNEN ACT 2616

Email: Comms@homeaffairs.gov.au

ISBN 978-1-920996-49-9

Table of Contents

Introduction	4
Process Overview	4
Identification of Missing APP Reports	7
Initial Checks	7
Missing APP Report	7
Carrier may contact the ABF	10
Review	12
Infringement Notice is sent to Carrier	12
Request for withdrawal of an Infringement Notice	16
Payment of an Infringement Notice	22
The carrier can request an extension of the payment due date	25
Refund	26
Prosecution	26
Appendix A – Contact Information	27

Introduction

The responsibilities of international carriers in relation to Advance Passenger Processing are set out in the *Migration Act 1958* (the Act) and *Migration Regulations 1994* (the Regulations).

The relevant sections of the legislation and regulations are:

- *Migration Act 1958*: section 245I to 245N inclusive (Reporting on passengers and crew of aircraft and ships).
- *Migration Act 1958*: section 504 (Power to make Regulations).
- *Migration Regulations 1994*: Regulations 3.13 to 3.14 inclusive (Information about passengers and crew on overseas vessels).
- *Migration Regulations 1994*: Regulations 5.20 to 5.31 inclusive (Infringement notice penalties).

In addition, section 4AA of the *Crimes Act 1914* (penalty units) specifies the dollar amount per penalty unit¹.

It is the responsibility of carriers to provide advance passenger reports on all passengers and crew arriving and/or departing (including transiting) Australia (sections [245L](#) and 245LA of the Act).²

Each missed report is an offence (section 245N).

The Australian Border Force (ABF) may prosecute the offence, or in lieu of prosecution, issue an infringement notice of AUD 3,300 for each offence.

A carrier has the right to request withdrawal of an infringement notice.

If the notice is not withdrawn, and a carrier chooses not to pay an infringement notice, it is liable to be prosecuted for the offence.

The ABF is not compelled to issue an infringement notice for an offence (regulation 5.31).

All communications with the ABF should be conducted in writing, so that there is an accurate record for the relevant file.

The ABF is a law enforcement agency; it does not advise carriers how to comply with the law or how to conduct any other aspect of their business. If any part of the ABF or the Department of Home Affairs did provide such advice, no reliance should be placed on it and it would not exempt a carrier from APP infringement notices.

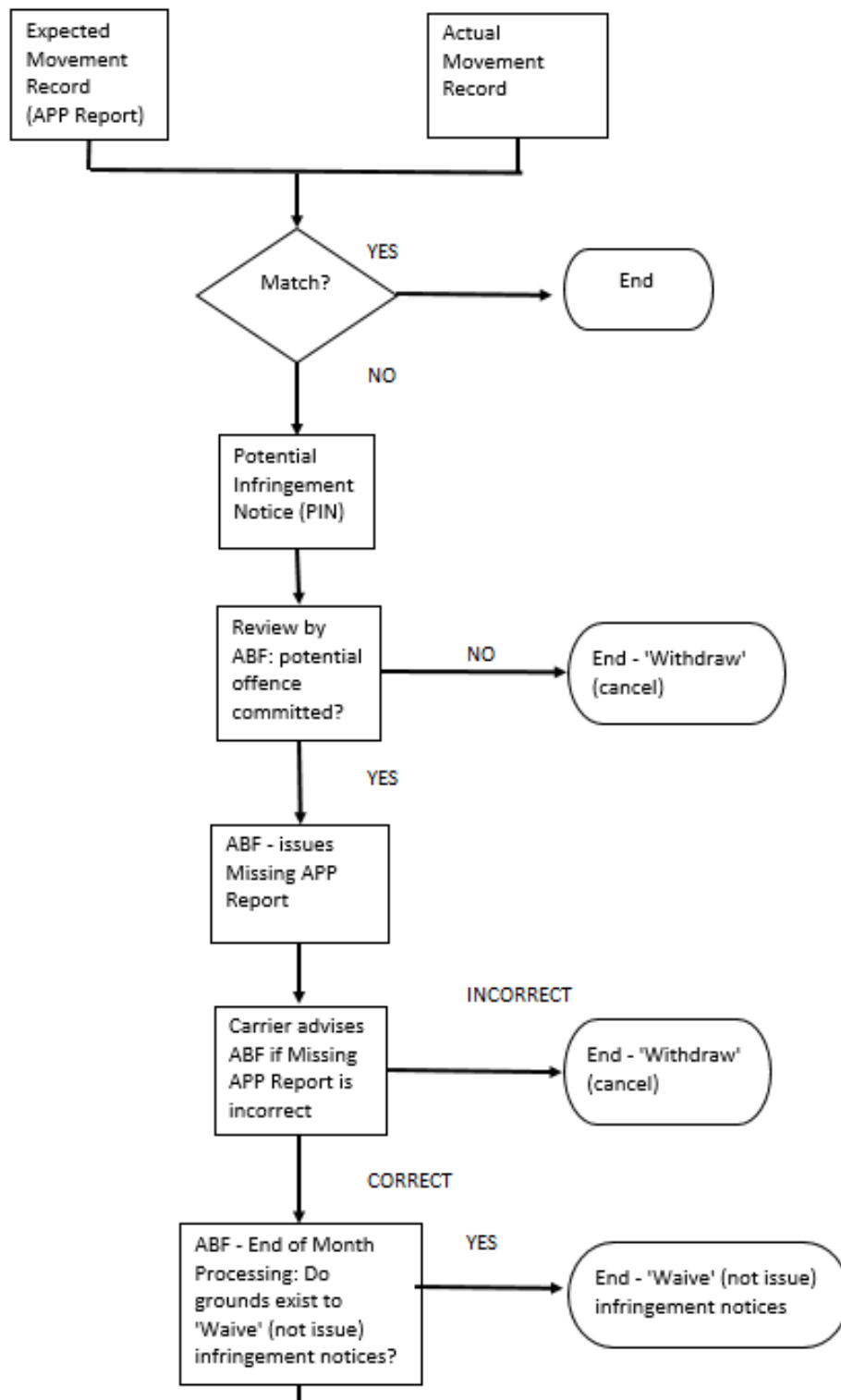
Process Overview

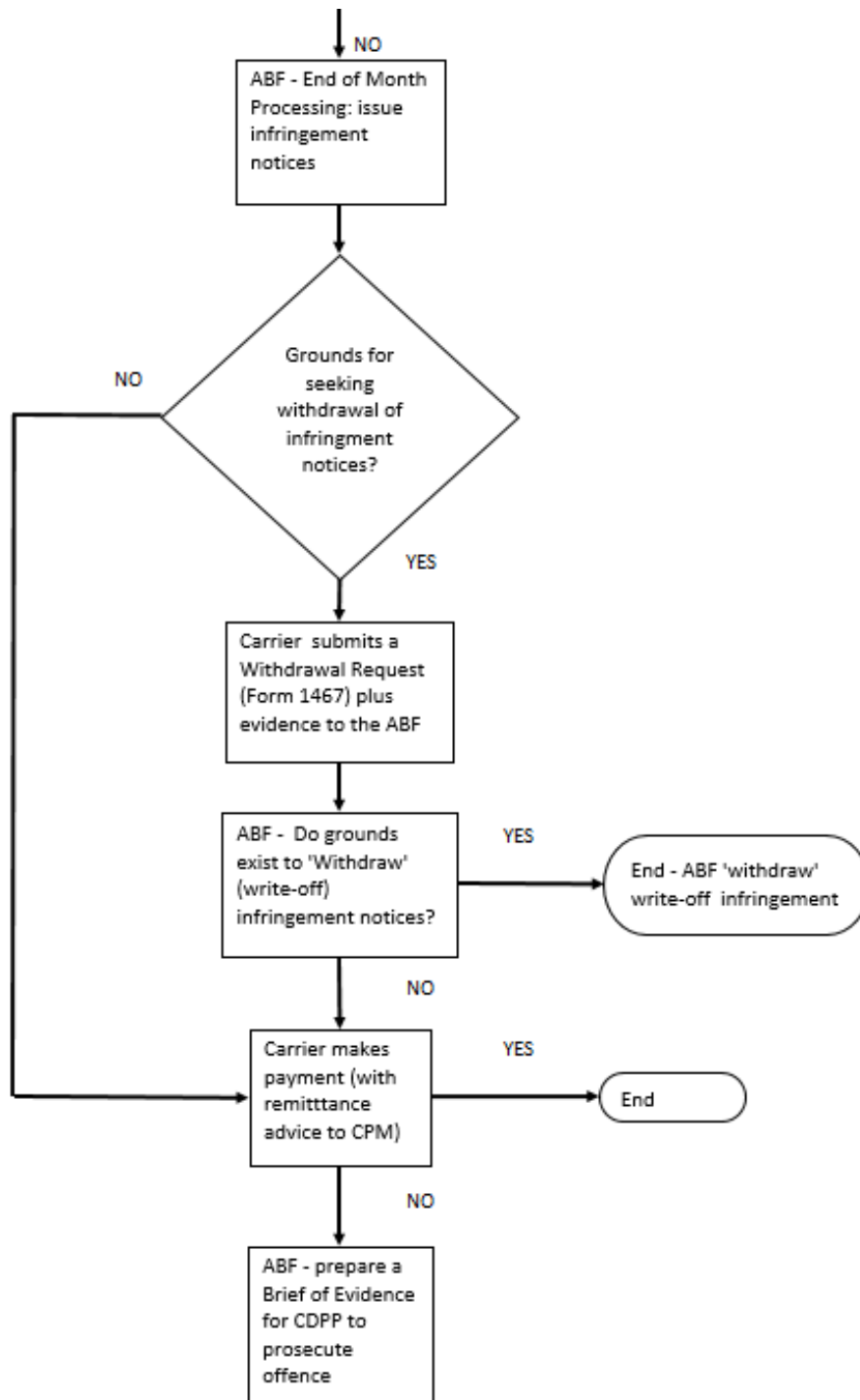
The diagram below shows the infringement process.

¹ Amounts are indexed to the Consumer Price Index every three years, to ensure that financial penalties keep pace with inflation and maintain value over time. The last increase was 1 July 2024.

² Airlines are required to APP report passengers and crew on passenger aircraft, including charter aircraft. Note: If an airline APP reports any passenger flight to/from Australia, it must also APP report charter flights. Only charter flights operated by airlines that do not provide a regular international passenger air service to/from Australia are exempt from APP reporting. Also EXEMPT from APP reporting are freighter aircraft, positioning/ferry aircraft, private aircraft, military aircraft (as well as yachts and cargo vessels).

alt="Flowchart of steps in the infringement process"





Identification of Missing APP Reports

The carrier obtains information from a passenger's travel document at check-in; and it uploads crew information from its employee records. It sends the information to the ABF. This generates an Expected Movement Record (EMR).

The traveller (passenger or crew) arrives/departs Australia, creating an Actual Movement Record (AMR).

The ABF matches AMR with EMR. If there is no EMR for an AMR, a Potential Infringement Notice (PIN) is generated.

Note: Carriers must APP report within legislated timeframes. Ordinarily, those timeframes are:

- Arrivals: 3 hours before the flight arrives in Australia;
- Arrivals: If the flight is less than 3 hours, then 1 hour before the flight arrives in Australia;
- Departures: Before the traveller is required to present evidence of his/her identity to a clearance authority in relation to his/her departure i.e. before the traveller presents at the Primary Line (SmartGates or ABF officer).

Initial Checks

As carriers tend to archive flight data within days (or hours) of departure, the ABF conducts a time-limited, preliminary review of the Potential Infringement Notices (PINs).

The PINs will be withdrawn if officers can find an APP report; or a carrier-reported system outage or if the flight is exempt from APP reporting. Carriers will be notified of all other PINs via the Missing APP Report notification.

Missing APP Report

If a carrier appears to have failed to make an APP report, ABF sends a Missing APP Report to carriers.

Officers work standard business hours, so weekends and public holidays will delay the issuing of the Missing APP Report. Ordinarily, Missing APP Reports for arrival flights are issued the day after the flight; while for IT systems reasons, the Missing APP Reports for departure flights are issued two days after the flight.

A carrier will not receive a Missing APP Report email if no Missing APP reports are identified.

The Missing APP Report is ***time-limited, preliminary advice*** of ***potential*** offences, intended to be available to carriers before flight data is archived. The Missing APP Report is intended to be reasonably accurate; it is not intended to be 100% correct. There are some things that officers preparing the report in Canberra will be unaware of e.g. if a traveller was not on the flight specified or flew on the domestic leg of an international flight because the traveller's flight details were incorrectly input by an ABF officer at airport.

Feedback from carriers regarding any perceived errors in the Missing APP Report assists the ABF determine whether an offence has occurred and whether infringements should be issued. Correspondence regarding the Missing APP Report is intended to be a calm, collaborative and collegiate process as both parties work to establish whether a traveller was APP reported.

Note: A Missing APP Report is NOT an infringement notice. If carriers have failed to APP report, they must wait until a formal infringement notice is issued (in the subsequent month) before formally requesting its withdrawal (or making payment).

alt="Notification Email"

The information contained in the attached report is provided on a confidential basis to facilitate compliance by your operator with mandatory APP reporting obligations imposed by Division 12B of Part 2 of Australia's Migration ACT 1958. This information must not be disclosed to any third party, or to any employee or contractor of your operator not directly involved with implementing APP or ensuring compliance with mandatory APP obligations for your operator.

alt="Excel spreadsheet flight and traveller information"

Carrier	Direction	Movement Date	Check-in (Movement (UTC) Flight	Port	Family Na	Given Name	Birth Date	Sex	Pax/Crew	Travel Document Number	Travel Doc	Infringement No
XX	A	22/02/2025	00/00/00C 00/00/0000 00:0CXX01	SYD	DOE	JOHN	2/03/1975	M	P	AT492846	CAN	1419001
XX	A	19/02/2025	00/00/00C 00/00/0000 00:0CXX02	SYD	DOE	JANE	2/03/1975	F	C	PA6483321	AUS	1419053

Example - Missing APP Report - for Outbound travel

The notification is titled Missing Outwards APP Report - <carrier code> - <processing date>

The notification is sent to the address(es) provided by the carrier to the ABF.

The attachment will contain the following information.

alt="Notification Email"

From: APPInfringements@ABF.gov.au <APPInfringements@ABF.gov.au>
Sent: Friday, 28 February 2025 4:30 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Missing Outwards APP Report – XX - 27.02.2025 [SEC=OFFICIAL]



Dear Sir/Madam,

Please find attached a summary of traveller (passenger or crew) movements for which the Australian Border Force (ABF) was unable to find an Advance Passenger Processing (APP) report.

The summary concerns Outwards flights assessed by the ABF on 27 February 2025 (from 00:00 hours to 24:00 hours inclusive).

This is an indicative report and will be finalised by the ABF prior to the issue of any Infringement Notice under section 245N (2) of the Migration Act 1958.

The report is an opportunity for you to examine your records and:

- Advise (with evidence) the ABF of any errors in the report. Errors for which a Missing report will be withdrawn include, but are not limited to:
 - The carrier did APP report the traveller;
 - The traveller was not on board the flight;
 - The carrier was not the operational carrier for the flight;
 - The carrier was unable to APP report due to a systems outage it **reported** at the time the outage occurred;
 - The carrier did APP report, but it appears the report was not received by the ABF (possible connectivity issue between SITA and the ABF).
- Advise (with evidence) the ABF of any mechanical/medical/weather event that affected the flight and APP reporting. A Missing Report will be withdrawn in these circumstances.
- Investigate the cause of any missing APP report; review your procedures for potential improvements to APP reporting; and if you intended to request withdrawal of infringement notices that will be issued, gather evidence of this review process and of corrective action taken.

If you wish to update the email address or add an email address for the Outwards Missing APP report, please email APPInfringements@abf.gov.au

APP Reporting Infringements Team
Border Operations Centre
Border Patrol and Coordination Command
Operations Group
Australian Border Force
Department of Home Affairs

alt="Excel spreadsheet flight and traveller information"

Carrier	Direction	Movement Date	Check-in (Movemen	Flight	Port	Family Na	Given Name	Birth Date	Sex	Pax/Crew	Travel Document Number	Travel Doc	Infringement No
XX	D	26/02/2025	00/00/00C	00/00/00C	CC123	MEL	DOE	JOHN	13/09/1974	M	P	M2348999	MYS	1420006

Carrier may contact the ABF

A carrier may contact the APP Reporting Infringements Team if it believes that the Missing APP Report is incorrect for the following reasons:

1. An APP report was made.

Note: Screen shots of a carrier's Departure Control System or other IT system are **not** acceptable as evidence of APP reporting. To demonstrate APP reporting, a carrier should provide the relevant CIRQ and CIRS data strings for the passenger it says was APP reported (data strings for every passenger on the flight are not required). Departure Control System (DCS) providers or SITA will be able to provide data strings to carriers. (Data strings are not available for crew.)

2. The traveller was not on-board the flight.

Note: A flight manifest or passenger list is **not** evidence that a traveller was not on-board a flight. SITA advises that if the DCS and APP are integrated, a traveller who is not APP reported, will not appear on the flight manifest / passenger list. It is also ABF experience that carrier claims that a person was not on a flight have often been mistaken. However, a claim that a traveller was not on board a flight will prompt a review.

3. The carrier is the marketing carrier, not the operating carrier.

4. The carrier reported a systems outage to the Border Operations Centre (BOC) at the time the outage occurred.

Note: Carriers must report each and every flight affected by a systems outage via telephone. The BOC will provide an Authorisation Code (a unique identifying code - UIC) via a system-generated email to the carrier's nominated contact point. Carrier staff may also ask for and record the Authorisation Code as additional evidence of having reported the outage.

Note: ABF will not ordinarily grant an exemption from APP reporting if a carrier knows in advance that its ability to APP report will be affected for reasons including, but not limited to: scheduled outages due to IT systems maintenance/upgrades; and difficulties accessing/resetting passwords for APP system. In these circumstances, carriers are expected to manually enter data through Carrier Portal.

5. The carrier did APP report, but it appears the report was not received by the ABF (possible connectivity issues between SITA and ABF).
6. The flight was directly related to the provision of assistance to an Australian government tasking or program and APP reporting was not practicable in the circumstances. **NOTE:** This consideration does **not** extend to repatriation flights in connection with emergency evacuations from zones of war or civil unrest or natural disaster.
7. There was a weather event that prevented APP reporting.

It is recognised that weather events e.g. typhoons, volcanic ash clouds may cause disruption both pre-flight and in-flight to IT systems and telephone communications; availability of staff (office and check-in); crew availability and scheduling; flight timetables; passenger movement/backlog; failure to follow standard operating procedures i.e. weather events *may* be an acceptable reason for failure to APP report. Carriers are requested to provide supporting documentation (media article, internal report) that supports the claim of a weather issue.

8. Aircraft diverted to, or returning to, Australia due to an in-flight mechanical/medical issue or adverse weather.

In these unexpected and emergency situations, carriers are not required to APP report. Carriers are requested to provide supporting documentation (media article, internal airline report) that supports the claim of a mechanical/medical/weather issue.

9. The flight was delayed and as a result, a traveller's arrival or departure date differs from that reported.

Carriers are expected to report accurately i.e. to the best of their knowledge, based on information that is within their control. Ordinarily the ABF will not penalise a carrier for delays that occur after the aircraft leaves the Gate because a carrier is not expected to know what happens after that point or be in a position to APP report, for example:

- Queue on the runway at take-off;
- Headwinds encountered en-route;
- A flight arrived shortly before midnight as scheduled, but the passenger was recorded as arriving after midnight i.e. the following day because, for example, s/he went to the duty free store or there was a long queue at the Primary Line (ABF Control Point).

However, the ABF **will** penalise a carrier if a carrier knows, or could reasonably be expected to know, that a flight will be delayed prior to the aircraft leaving the Gate **and** the carrier fails to make new APP reports for the new arrival/departure date, for example:

- Mechanical breakdown prior to departure;
- Delayed departure necessitated replacement of a crew member i.e. a carrier had time to organise a replacement crew member and it should also have APP reported him/her.

NOTE: The ABF will **not** penalise a carrier if the flight arrives or departs the same day, even if the delay is due to mechanical breakdown prior to departure e.g. there will be no penalties for a flight scheduled to arrive at 0900 hours on 11 September, but arrives at 1400 hours on 11 September i.e. the same day.

NOTE: This exemption is for **delayed flights only** i.e. it does **not** apply if there was human error when reporting e.g. the APP report for crew was made on 16 September and the expected date of arrival was also reported as 16 September, instead of 17 September i.e. the actual arrival date.

NOTE: Carriers may encounter difficulties APP reporting if a **flight is delayed to the following day, and there is a flight already scheduled for that day** i.e. two flights, with the same flight number, will arrive/depart on the same day. This is **not** a reason for failing to APP report / provide new APP reports. In these circumstances, possible solutions include, but are not limited to:

- Carrier create a new flight schedule in the Official Aviation Guide of the Airways (OAG) and denote the delayed flight with a 'D' or 'X' at the end of the flight number e.g. flight AB123D;
- Modify the Expected Arrival Date to '+X days' in the OAG using the TIETAYT function, while maintaining the Expected Departure Date as its original date. This can be done manually, by adding the flight schedule information in the APP system, but not by sending it through the OAG. Carriers should add the flight schedule information manually, using the Estimated Time of Departure / Estimated Time of Arrival, if it is different to the flight's Scheduled Arrival and/or Departure Time. Then check in the traveller as per the carrier's standard process.

Example: Flight AB123 was due to arrive at 0945 hours on 28 January 2024. It was delayed and actually arrived two days later at 0600 hours on 30 January. The original TIETAYT was:

TIETAYT A/AB123/27JAN24/27JAN24/6/PVG/2050/0945+1/SYD

However as the flight was delayed to 0600 hours on 30 January 2024, a new TIETAYT entry should be made to reflect the new arrival time and date:

TIETAYT A/AB123/27JAN24/27JAN24/6/PVG/2050/0600+3/SYD

If assistance is needed, carriers should contact their DCS provider or SITA.

NOTE: Carriers may encounter difficulties APP reporting if a **flight was delayed, necessitating a change to aircraft configuration or routing** in carrier's DCS (which may cause APP reporting to drop off i.e. no APP reports made). This is **not** a reason for failing to APP report / provide new APP reports. In these circumstances, carriers should contact their DCS providers / SITA to update flight information in their DCS and to send new APP reports.

The APP Infringements mailbox is:

appinfringements@abf.gov.au

If a carrier does not advise the ABF of any errors in the Missing APP Report, it may wait until an infringement notice is received and then formally request its withdrawal.

If the carrier should have APP reported the traveller, but did not, the carrier must wait until a formal infringement notice is issued (in the subsequent month) before formally requesting its withdrawal.

The exchange of correspondence between the ABF and carriers is intended to be a calm, collaborative and collegiate process as both parties work to establish whether a traveller was APP reported.

Review

A second review of PINs, including consideration of any correspondence received from carriers, is conducted by the ABF to formally confirm that APP reports were not made.

Infringement Notice is sent to Carrier

After the 10th day of the subsequent month, the ABF will issue infringements notices.

Carriers will receive one set infringement notice covering both arrivals and departures. Each set may contain a number of alleged offences (missed reports). The penalty for each alleged offence is AUD 3,300.

An infringement notice will consist of:

- A covering letter explaining the infringements
- A list of all the offences, flight and traveller details and penalty amounts
- A letter explaining payment methods.

Example: Infringement Notice

alt="Redacted copy of an infringement notice"



**Australian
BORDER FORCE**

**Advance Passenger Processing
Infringement Notice
Migration Act 1958**

Notification date: 13.02.2025

For the attention of:

Operator:

Email Address:

Client Code:

I, Conor ANNESLEY, am an authorised officer for the purposes of regulation 5.22 of the Migration Regulations 1994 (the Regulations). I have reason to believe that the operator named above has committed an offence/offences against subsection 245L (2) and/or 245LA(2) of the Migration Act 1958 (the Act). This infringement notice sets out the dates and particulars of these alleged offences.

Subsection 245L(2) of the Act has the effect that the operator of an aircraft/ship that is due to arrive at a place in Australia from a place outside Australia must report, using the approved primary reporting system, on each passenger and member of crew who will be on board the aircraft/ship at the time of its arrival.

Subsection 245LA(2) of the Act has the effect that the operator of an aircraft/ship that is due to depart from a place in Australia to a place outside Australia must report, using the approved primary reporting system, on each passenger and member of crew who will be on board the aircraft/ship at the time of its departure.

The operator of an aircraft/ship who contravenes subsection 245L(2) and/or 245LA(2) commits an offence against subsection 245N(2), punishable on conviction by a penalty not exceeding 60 penalty units (AUD 19,800.00) per offence. By operation of subsection 245N(4), the operator of an aircraft/ship commits a separate offence in relation to each passenger or member of the crew in relation to whom the operator contravenes subsection 245L(2) and/or 245LA(2).

If you do not wish this matter to be dealt with by a court, you may pay a penalty of 10 penalty units (AUD 3,300.00) per offence. The penalty is payable within 28 days after the date of service of this infringement notice, unless an infringement is withdrawn before the end of that period.

An infringement on this infringement notice may be withdrawn by an authorised officer, by notice in writing, at any time within 28 days after the date of service, or if any further time has been allowed for payment of the prescribed penalty, before the end of that further period. The operator may request withdrawal of an infringement using Form 1467 and attaching evidence supporting the request.

An authorised officer may, if satisfied that in all the circumstances it is proper to do so, allow a further period for payment of the prescribed penalty, whether or not the period of 28 days after the date of service has expired.

If an infringement is withdrawn after the prescribed penalty is paid, an authorised officer must arrange a refund of the amount paid.

If the infringement is not withdrawn and the prescribed penalty is not paid, criminal proceedings may be instituted against the operator without further correspondence.

If you wish to discuss the particulars of this infringement notice, please refer your enquiry to:

Conor ANNESLEY

APP Reporting Infringements Team

Border Operations Centre | Border Control and Coordination Command | Operations Group

Australian Border Force

Email: APPinfringements@abf.gov.au



Australian
BORDER FORCE

Advance Passenger Processing
Infringement Notice
Migration Act 1958

For the attention of:

Operator:

Email Address:

Client Code:

Month:

January 2025

Payment Reference:

PARTICULARS OF ALLEGED OFFENCES

Paid	Infringement No	Flight Details	Traveller Detail	Amount
<input type="checkbox"/>	1415487	Departure 05.01.2025 [REDACTED] SYD	[REDACTED] M P	\$ 3,300.00
<input type="checkbox"/>	1418761	Arrival 29.01.2025 [REDACTED] MEL	[REDACTED] M C	\$ 3,300.00

Total Amount Payable by 13.03.2025

\$ 6,600.00

Amount Being Paid

\$

Please indicate which infringements you are paying either by clicking the relevant entries and return a copy of this sheet with your payment to CPM.national@homeaffairs.gov.au OR by providing a remittance advice with your payment.



Advance Passenger Processing
Infringement Notice
Migration Act 1958

For the attention of:
Operator:
Email Address:
Client Code:
Month:

[REDACTED]
January 2025

PAYMENT OPTIONS

Direct Credit	Cheque Payment
<p>Bank: Commonwealth Bank BSB: 062987 Account Number: 10016044 Name of Account: Department of Home Affairs Official Administered Receipts - Direct Credit Account SWIFT Code: CTBAAU2S Payment Reference: 1017071613101252</p> <p>Home Affairs ABN: 33 380 054 835</p>	<p>Collector of Public Monies Department of Home Affairs PO Box 25 Belconnen ACT 2616 Australia Payment Reference: 1017071613101252</p> <p>Cheques and money orders should be made payable to 'Department of Home Affairs'. If a cheque is offered as payment, payment is not taken to have been made unless the cheque is honoured upon presentation.</p> <p>Home Affairs ABN: 33 380 054 835</p>

PAYMENT TERMS

Please enter the 16 digits unique Payment Reference when making the payment. Part Payment of an infringement notice cannot be accepted.

If you do not pay the prescribed penalty by the due date (or, if a further period has been allowed under regulation 5.24 of the Regulations, that further period), criminal proceedings may be instituted against the operator for an offence against subsection 245L(2) and/or subsection 245LA(2) of the Act, and if convicted the operator may be liable to pay the maximum penalty of 60 penalty units (AUD 19,800.00) per offence.

If an offence is withdrawn, after the prescribed penalty had been paid, no criminal proceedings will lie against the operator and the penalty will be refunded.

If the prescribed penalty is paid before the end of the period of the due date, or if a further period has been allowed under regulation 5.24 of the Regulations, that further period, or if the infringement listed on the infringement notice is withdrawn, whichever happens first, then:

- any liability in respect of the alleged offence is discharged;
- no further proceedings may be taken in respect of the alleged offence; and
- the operator is taken NOT to have been convicted of the alleged offence.

Please quote your payment reference on all correspondence related to these payments.

Request for withdrawal of an Infringement Notice

The ABF will consider all withdrawal requests – but before you submit a request, consider the following extensive, but not exhaustive list of circumstances and decide if it has a realistic prospect of success and whether it is appropriate to make the request.

Factors considered irrelevant to the ABF's decision-making, include, but are not limited to:

1. History of compliance with APP reporting requirements.

Compliance with the law is not exceptional behavior; it is expected behavior. Therefore the fact that a carrier has previously complied with its legal obligations does not warrant the withdrawal (writing-off) of infringement notices issued.

2. Internal disciplinary action.

The ABF does not take into consideration disciplinary action by a carrier towards its employees/contractors. Carriers are responsible to the ABF for APP reporting. Employee responsibilities towards their employer are a separate, distinct and unrelated issue.

3. Other penalties incurred.

As an example, a passenger was not APP reported (section 245N offence, penalty \$3,300) and also did not have a valid visa to enter Australia (section 229 offence, penalty \$5,000). The offences are separate and distinct and there is no reason to withdraw either infringement notice.

4. Self-reporting i.e. the carrier identified and reported non-compliance.

A carrier advising the ABF that it failed to make an APP report does not alter the fact that the carrier did not APP report. It does not mitigate the offence because the ABF has no difficulty identifying failure to APP report.

5. Effect of Error.

An error made by check-in staff typically results in 1 missed APP report; but an error made by back-office staff may result in 15 missed APP reports if an entire crew is not APP reported.

Infringement notices are issued for every traveller who was not APP reported; **not** for mistakes made. Thus if a carrier makes 1 mistake and fails to APP report 1 passenger, the penalty is \$3,300. However, if a carrier makes 1 mistake and fails to report an entire crew of 15 people, the penalty will be 15 people not APP reported x \$3,300 which equals \$49,500.

The ABF will NOT withdraw (write-off) an infringement notice for reasons including, but not limited to:

1. The failure to APP report was due to human error.

This applies to failure by check-in staff to APP report passengers **and** to back-office staff failing to APP report crew.

Corrective action taken by a carrier is not grounds for seeking withdrawal of infringement notices in this circumstance. The relatively few missed APP reports indicates that airline staff already know their job and that effective operating procedures are already in place. Corrective action such as additional procedures, further training, reminders, reprimands, etc will not prevent a re-occurrence of human error by that staff member or a different staff member in the future.

The exception to this rule is 'automation of a manual process' e.g. for two carriers, APP reporting of crew was a manual process and some reports were not made due to human error. Effective corrective action taken by one carrier was to integrate its crew rostering and APP reporting systems. Effective corrective action taken by another carrier was the enhancement of its DCS to identify any unreported crew prior to the APP report being submitted. In both cases, the APP infringement notices were withdrawn. **Note:** The ABF does **NOT** require carriers to automate any manual process. The ABF is a law enforcement agency; it does not advise carriers how to conduct any aspect of their business. How a carrier operates its own business is a matter for the carrier. These are simply two examples of automation that carriers self-initiated and that the ABF subsequently considered would prevent a re-occurrence of the failure to APP report.

2. The failure to APP report was due to insufficient and/or untrained staff.

The ABF will not withdraw infringement notices because a carrier's staff are new and inexperienced, or because the office was short-staffed due to people being sick, etc.

It is the responsibility of carriers to employ sufficient staff, and to adequately induct, inform, train and supervise those staff, to ensure that APP reporting obligations are met.

3. The carrier's ability to APP report was affected by self-inflicted systems access issues.

Self-inflicted systems access issues include, but are not limited to: scheduled outages due to IT systems maintenance/upgrades; or difficulties obtaining/resetting passwords for the DCS/APP system. In these circumstances, carriers are expected to manually enter data through Carrier Portal.

4. The failure to APP report was due to outsourcing the APP reporting function.

Outsourcing can happen in a number of ways, including, but not limited to:

- A carrier outsources check-in to a ground handling services company;
- A carrier allows the operator of a domestic leg of an international journey to make the APP report;
- Passengers use a phone app to check-in themselves.

A carrier's responsibility for complying with legislative requirements cannot be shifted to a third party i.e. the carrier remains responsible for the failure to APP report. Thus even if a mistake made by a passenger (using a phone app) results in a missed APP report, that is considered to be the carrier's fault because it allowed passengers to APP report and it didn't have sufficient checks in place to ensure passengers APP reported correctly.

5. The failure to APP report was due to a crisis/disaster including, but not limited to: a pandemic (e.g. COVID-19), terrorist attack, civil unrest, war.

The requirement to APP report does not cease in a crisis/disaster, including in relation to repatriation flights.

Note: The exception is chartered aircraft operated by a carrier or company that prior to the disaster/crisis was **not** operating regular scheduled flights to/from Australia i.e. was not previously, and is not currently, required to APP report. All other carriers that were required to APP report travellers to/from Australia before the crisis/disaster, are required to continue to APP report, even if they are operating a dedicated repatriation flight or a charter flight.

Note: A crisis/disaster (for which APP infringement notices will **not** be withdrawn) is a separate issue to a mechanical/medical/weather issue that prevented APP reporting (for which APP infringement notices **will** be withdrawn).

6. Prior to an aircraft leaving the Gate, the carrier knew, or could reasonably be expected to have known, that its arrival/departure would be delayed.

Carriers are required to report each traveller who will be on board an aircraft *at the time of its arrival* in Australia – and each traveller who is on or is expected to be on board an aircraft *at the time of its departure* from its last place in Australia.

Carriers are expected to report accurately i.e. to the best of their knowledge based on information that is within their control. If a flight is delayed e.g. due to mechanical breakdown, then previously submitted APP reports may no longer be accurate and new APP reports may be required to reflect the new arrival/departure date. As an example: APP reports are made for travellers on a flight due to arrive on 11 September. The aircraft breaks down prior to departure. The carrier will know that repairs are being made or that another aircraft is being sourced. The carrier will also know that as a result of the breakdown, the travellers will not arrive until 12 September. The carrier must make new APP reports to reflect the new arrival date of 12 September.

NOTE: The ABF will **not** penalise a carrier if the flight arrives or departs the same day, even if the delay is due to mechanical breakdown prior to departure e.g. a flight is scheduled to arrive at 0900 hours on 11 September, but it arrives at 1400 hours on 11 September.

NOTE: The ABF will **not** (ordinarily) penalise a carrier for delays that occur after the aircraft leaves the Gate because a carrier is not expected to know what happens then or be in a position to APP report, for example:

- Queue on the runway at take-off;
- Headwinds encountered en route;
- A flight was due to arrive shortly before midnight, but the passenger was recorded as arriving in Australia after midnight i.e. the following day because s/he went to the duty free store or there was a long queue at the Primary Line.

The ABF WILL withdraw (write-off) of an infringement notice for the following reasons including, but not limited to:

1. A carrier should not have been issued with an infringement notice for reasons including, but not limited to:
 - a. It completed APP reporting. (Please provide CIRQ and CIRS data strings for the traveller the carrier says was APP reported, not the data strings for every traveller on the flight.)
 - b. The traveller was not on-board the flight. (A flight manifest or passenger list is **NOT** acceptable as evidence that a traveller was not on-board a flight.³)
 - c. It was not the operational carrier for the flight that the passenger or crew member travelled on.
 - d. It was unable to complete APP reporting due to a system outage that was **reported** to the BOC. (Please provide the Authorisation Code (Unique Identifying Code) from the email received by the carrier or recorded by carrier staff when reporting the outage.)
 - e. The carrier did APP report, but it appears the report was not received by the ABF (possible connectivity issues between SITA and ABF).
 - f. The flight was directly related to the provision of assistance to an Australian government tasking or program and APP reporting was not practicable in the circumstances. **NOTE:** This consideration does **NOT** extend to repatriation flights in connection with emergency evacuations from zones of war or civil unrest or natural disaster.
 - g. There was a weather event that prevented APP reporting e.g. typhoons, volcanic ash clouds. It is recognised that extreme weather events may cause disruption both pre-flight and in-flight to IT systems and telephone communications; availability of staff (office and check-in); crew availability and scheduling; flight timetables; passenger movement/backlog; ability to follow standard operating procedures. Carriers are requested to provide supporting documentation (media article, internal report) that supports their claim.
 - h. Aircraft diverted to, or returning to, Australia due to an in-flight mechanical/medical issue or adverse weather. In these unexpected and emergency situations, carriers are not required to APP report. Carriers are requested to provide supporting documentation (media article, internal airline report) that supports the claim of a mechanical/medical/weather issue.
 - i. A traveller's arrival or departure date differs from that reported because after the aircraft left the Gate, the traveller was delayed by circumstances unknown to the carrier, for example: a queue on the runway at take-off; headwinds encountered en-route; or the flight arrived shortly before midnight as scheduled, but an APP infringement notice was received for a traveller recorded as arriving the following day and it is considered likely that the traveller's arrival at the ABF's Primary Line (control point) was delayed e.g. by duty free store shopping and not caused by human error when reporting the traveller.

³ SITA advises that if the DCS and APP are integrated, a traveller who is not APP reported, will not appear on the flight manifest / passenger list i.e. a manifest/list has no evidentiary value. It is also ABF experience that carrier claims that a person was not on a flight have often, but not always, been mistaken e.g. because the traveller was issued with a boarding pass in the wrong name (infringement notice will not be withdrawn); a passenger used false documentation to board and claimed protection upon arrival in Australia using his/her real name (infringement notice will be withdrawn if false name was APP reported).

2. The introduction of new or enhanced IT systems by carriers.

Despite best efforts to establish and test new or enhanced IT systems and associated processes prior to implementation, their introduction often presents a range of technological, procedural and human challenges that may cause compliance issues over a number of months. These challenges are a valid reason to withdraw (write-off) infringement notices for a maximum of three consecutive months from the date of system introduction/enhancement.

3. A carrier has identified, and taken corrective action to fix, the cause of non-reporting; and that action has prevented or appears likely to prevent a re-occurrence of the non-reporting.

Examples include, but are not limited to:

- A carrier's IT system didn't have a name field in the Passenger Name Record (PNR) for infants and so check-in staff had to enter information based on infant Special Service Requests (SSRs). This work-around process was not very effective and the carrier consistently failed to APP report infants. The cause of the problem was the deficiency in the carrier's IT system; and the corrective action taken was to fix the IT system.
- Email address to receive Missing APP Reports (advising of potential infringement notices) was deleted when a carrier's email system was up-graded. The up-graded system did not have the capability to prompt a message to the sender (ABF) if delivery of the email failed. The corrective action was to re-create the email address. **NOTE:** the first set of infringement notices were not withdrawn because there had been a failure to APP report. However, subsequent sets of infringement notices were withdrawn, on the basis that the carrier was not aware of the first set of missing APP reports and therefore could not take corrective action to prevent a re-occurrence of the problem.


NOTE: Corrective action is **not** grounds for withdrawing infringement notices issued for non-reporting caused by human error (except where a manual process is automated); insufficient and/or untrained staff; self-inflicted systems access issues; outsourcing of the APP reporting function; a crisis/disaster including, but not limited to a pandemic (e.g. COVID-19), terrorist attack, civil unrest, war; the carrier knew, or could reasonably be expected to have known, that a flight arrival/departure would be delayed.

NOTE: Corrective action **is** grounds for withdrawing infringement notices issued following a failure to report outages to the BOC, **provided** the cause of the outage was an IT system issue **and** that issue has been fixed **or** effective alert process implemented. **HOWEVER**, the ABF will not ordinarily grant an exemption from APP reporting if a carrier knows in advance that its ability to APP report will be affected for reasons including, but not limited to: scheduled outages due to IT systems maintenance/upgrades; and difficulties accessing/resetting passwords for APP system. In these circumstances, carriers are expected to manually enter data through Carrier Portal.

4. Carriers commencing Australian operations

Carriers commencing Australian operations are given a three month grace period in order to refine their APP reporting systems and procedures. Infringement notices will be issued (to record the non-compliance for statistical purposes), but will be subsequently withdrawn by the ABF and the carrier advised.

5. A change in ABF or SITA policies or processes prevented APP reporting.



As a carrier has 28 days to pay an infringement notice, it should submit any withdrawal request as soon as possible after receipt of the infringement notice.

Carriers must submit withdrawal requests in writing.

Carriers must also submit evidence of matters stated in their withdrawal request.

Other than the evidence suggested above (in relation to specific withdrawal reasons), carriers ordinarily provide email correspondence relating to the incident. Commercially sensitive information can be redacted. Sometimes there might be other evidence available e.g. a media announcement regarding the introduction of a new IT system or a weather event and its impact. It is a matter for a carrier to determine what evidence to provide to the ABF will best support its request for withdrawal (writing-off) of an infringement notice.

Withdrawal requests and supporting evidence should be sent to the APP Infringement mailbox at appinfringements@abf.gov.au.

Payment of an Infringement Notice

If an infringement notice is paid, then:

- Any liability in respect of the alleged offence is discharged.
- No further proceedings may be taken in respect of the alleged offence.
- The carrier is taken NOT to have been convicted of the alleged offence.

A carrier has up to 28 days after the date it receives the infringement notice to make payment.

NOTE: The operating carrier is required to pay infringement notices. The carrier may subsequently seek to recover the penalty amount from the ground handler or other airline to whom it outsourced APP reporting.

Carriers should refer to the infringement notice for the full details of the method of payment. The carrier can make payments by direct credit, cheque or money order.

Carriers should be aware that many financial institutions deduct a "service fee" for money transfers. This may result in a sum being removed from their payment by the financial institution. For example, if a payment of AUD 3,300 is made, the financial institution may deduct a fee, resulting in a payment shortfall. Carriers should check with their financial institution to understand if fees apply and adjust the payment amount accordingly.

The Collector of Public Monies (CPM) receives and receipts payment of APP infringement notices. It would assist receipting of payments if, when making a bank transfer, carriers enter the Payment Reference number in the description field.

Alternatively, carriers can email the CPM (CPM.national@homeaffairs.gov.au) and:

- When paying all the infringement notices for a given month, quote the payment reference number (red arrow);
- If paying some, but not all the infringement notices, quote the specific infringement notice numbers (green arrows); or
- If paying some, but not all the infringement notices, place ☒ or ☐ in the box against the infringement notices being paid (blue arrows) and email the document to the CPM.

alt="Extract from infringement notice indicating information to be included in payment remittance advice"



Advance Passenger Processing
Infringement Notice
Migration Act 1958

For the attention of:

Operator:

Email Address:

Client Code:

Month:

July 2023

Payment Reference:

PARTICULARS OF ALLEGED OFFENCES

Paid	Infringement No	Flight Details	Traveller Detail	Amount
<input type="checkbox"/>	1333626	Arrival 04.07.2023		\$ 3,130.00
<input type="checkbox"/>	1343677	Departure 08.07.2023		\$ 3,130.00
<input type="checkbox"/>	1344352	Arrival 10.07.2023		\$ 3,130.00
<input type="checkbox"/>	1344379	Arrival 14.07.2023		\$ 3,130.00
<input type="checkbox"/>	1344778	Arrival 18.07.2023		\$ 3,130.00
<input type="checkbox"/>	1345651	Arrival 24.07.2023		\$ 3,130.00
<input type="checkbox"/>	1346200	Arrival 27.07.2023		\$ 3,130.00
<input type="checkbox"/>	1346381	Arrival 28.07.2023		\$ 3,130.00
<input type="checkbox"/>	1346382	Arrival 28.07.2023		\$ 3,130.00
<input type="checkbox"/>	1346383	Arrival 28.07.2023		\$ 3,130.00
<input type="checkbox"/>	1346384	Arrival 28.07.2023		\$ 3,130.00
<input type="checkbox"/>	1346601	Arrival 30.07.2023		\$ 3,130.00
<input type="checkbox"/>	1346602	Arrival 30.07.2023		\$ 3,130.00
<input type="checkbox"/>	1346603	Arrival 30.07.2023		\$ 3,130.00

Total Amount Payable by 11.09.2023

\$ 43,820.00

Amount Being Paid

\$

Please indicate which infringements you are paying either by clicking the relevant entries and return a copy of this sheet with your payment to CPM.national@homeaffairs.gov.au OR by providing a remittance advice with your payment.



If an infringement notice is paid and is subsequently withdrawn by the ABF, the penalty paid will be refunded.

However, carriers should not pay infringement notices and then lodge a withdrawal request for those same infringement notices. If the withdrawal request is successful, it is only extra and unnecessary work for both parties to pay/receipt monies and then to pay/receipt refunds.

There may be occasions when a carrier receives infringement notices, some of which the ABF will not withdraw and some that it might withdraw e.g. 10 infringement notices due to human error (ABF will not withdraw) and 50 due to an IT system upgrade (ABF might withdraw). It is up to each carrier to determine its approach to this situation. However, it is suggested that a carrier would pay the 10 infringements that it knows will not be withdrawn and put in a withdrawal request for the 50 infringements that may be withdrawn. If a carrier adopts this approach, payment should be accompanied by a remittance advice, so that the Collector of Public Monies will know which infringement notices are being paid.

The carrier can request an extension of the payment due date

A carrier has 28 days to either pay an infringement notice or submit a withdrawal request.

An option to request an extension of the payment due date exists. Carriers must submit requests in writing.

An extension of the payment date will **not** be granted to enable a carrier **to investigate the cause of missed APP reports**. This is because:

- Missing Report notifications are dispatched throughout the month prior to the infringement notices being issued (providing potentially 30 days to investigate the cause of missing reports);
- A further 10 to 15 days is required for ABF to formalise and issue infringement notices (during which time investigations can also be conducted); and
- 28 days is allowed for payment (during which time investigations can also be conducted).

Therefore carriers have sufficient time to investigate the cause of missing APP reports and gather relevant evidence for a withdrawal request. Carriers are encouraged to investigate the cause of missing APP reports immediately upon receipt of the Missing APP Report because it enables carriers to

- Identify and correct any issues preventing APP reporting, thereby avoiding further infringement notices; and
- Commence / take corrective action which may result in favourable consideration being given to any request made for withdrawal of infringement notices issued.

An extension of the payment due date may be granted in **critical, rare and exceptional circumstances**, when a carrier **demonstrates** that:

- Payment cannot be made by the due date because of circumstances beyond its control; and
- The carrier has taken reasonable steps to mitigate the effect of those circumstances; and
- Payment in full can and will be made at a specified latter time.

Extension of Payment Date requests should be emailed to the APP Infringement mailbox:
APPinfringements@abf.gov.au

The carrier will be notified of the ABF's decision regarding extension of the payment period request.

Refund

Refunds of penalties paid will be made in circumstances, including but not limited to:

- Carrier paid an infringement notice twice;
- Carrier paid an infringement notice and simultaneously lodged a withdrawal; request (which was successful).

To enable the ASBF to pay a refund, the following information is required from carriers:

- Account Name
- Name of Bank
- BSB Number
- Account Number
- SWIFT Code

Prosecution

The penalty payable per offence is 10 penalty units (AUD 3,300).

If the matter is prosecuted, each offence is punishable, on conviction, by a penalty not exceeding 60 penalty units (AUD 19,800). In addition, the carrier incurs legal costs and suffers reputational damage.

However, every carrier has the right not to pay the infringement notice and to have the matter dealt with by a court via a criminal prosecution.

If infringement notices are not paid, the ABF will prepare a Brief of Evidence in relation to the offences. The Brief will be forwarded to the Commonwealth Director of Public Prosecutions.

Appendix A – Contact Information

Email (Infringements) APPinfringements@abf.gov.au

Email (APP reporting systems) appwebsite@abf.gov.au

BOC Email: boc@abf.gov.au

Telephone:

+61 1300 368 126 or

+61 (02) 6264 1301 – select “1 EOC/BOC”.

A carrier MUST contact the Border Operations Centre (BOC) to report ***each and every flight*** (arriving or departing Australia) affected by an information or communication systems outage.

Approver	Position	Date
Conor ANNESLEY	Inspector APPRIT	1 March 2018
Conor ANNESLEY	Inspector APPRIT	1 March 2019
Conor ANNESLEY	Inspector APPRIT	14 November 2019
Conor ANNESLEY	Inspector APPRIT	20 November 2019
Conor ANNESLEY	Inspector, Industry Engagement & Standards	12 August 2020
Conor ANNESLEY	Inspector APPRIT	25 June 2023
Conor ANNESLEY	Inspector APPRIT	11 September 2023
Conor ANNESLEY	Inspector APPRIT	21 March 2025