



Consent form Fit and Proper Checks

Please open this form using Adobe Acrobat Reader. Either type in the fields provided or print this form and complete it using a pen and BLOCK LETTERS.

Tick where applicable [checked box]

Completing the form

Please read carefully.

This form is provided to you by (name of licensee) \_\_\_\_\_ (Licensee) and the Australian Border Force (ABF).

All persons that participate in the operations of a customs broker, warehouse or depot licenced under the Customs Act 1901 operated by the Licensee (other than those who have provided a completed form B195 Customs Broker Licence Application Personal information, form 1538 Privacy Notice Customs Broker Licence Application or form B301 Consent to obtain personal information) must complete and provide to the Licensee this form B1555 Consent form Fit and Proper Checks (form).

For clarity, participating in the operations of a warehouse or depot includes any person who:

- has the power to direct (directly or indirectly), whether the power is exercised or not, any other person in any of the operations of the licensed place;
• issues instructions or expresses wishes (whether based on a legal right or otherwise) that others are accustomed to following, or compelled to follow, in relation to any of the operations of the licensed place;
• the Comptroller-General is satisfied participates in any of the operations of the licenses place in any manner whatsoever and whether in the day to day operations of the licensed place or intermittently or otherwise.

The form is to collect personal information about you. The form and all attachments will be retained by the Licensee for a minimum of 5 years. The Licensee will provide a copy of the form and all attachments to the ABF on demand.

The Licensee or ABF may use your personal information to conduct background checks on you. The background checks are to determine if you are a fit and proper person to participate in the operations of a licensed customs broker, warehouse or depot.

Complete all sections in this form, including answering the questions in the Criminal Charge, Conviction, Pecuniary Penalties or Administrative Action section and sign your consent in the Consent section.

The Licensee is obliged to positively identify you. You must supply four identity documents outlined in the 'Proof of Identity Requirements' form. Forms without the required identity documents will not be accepted. Please see form 1538i Proof of Identity Requirements Customs Licensing Application available at https://www.abf.gov.au/form-listing/forms/1538i.pdf

Provision of false or misleading information

Giving false or misleading information to the ABF is a serious offence under Divisions 136.1 and 137.2 of the Criminal Code Act 1995 (Cth), which is punishable by a period of imprisonment of up to 12 months. Giving false or misleading information is also an offence under the Customs Act 1901. This includes omitting to advise the ABF of any matter or thing without which the information you provide is misleading.

Providing false or misleading information to the ABF may also result in a range of adverse administrative actions being taken. These may include (but are not limited to), a finding that you are not suitable to be a fit and proper person to participate in the operations of a licensed customs broker, warehouse or depot.

Personal details

Form with fields for Family / Surname (current), Given names, All other legal names you have been known by, Sex (Male, Female, Indeterminate / Intersex / Unspecified), Date of birth, Place of birth, State of birth, Country of birth, Drivers licence number, State of issue, Contact number (business hours), Mobile number, Work email address, Work address.

Permanent residential addresses over the last 5 years

Table with 2 columns: Addresses (Full details of all addresses are required, including overseas addresses. Include Street number and name, Suburb, Postcode, State and Country (if outside Australia)) and Period of residence (Month and year to Month and year).

If insufficient space, attach additional details

### Criminal charge, conviction, pecuniary penalties or administrative action

(i) Are you the subject of any criminal charge(s) still pending before a court?

No  Yes  If Yes, provide details (*If insufficient space, attach additional details*)

(ii) Do you have any conviction(s) or finding(s) of guilt which are less than 10 years old, or any conviction(s) or finding(s) of guilt where you were dealt with as a minor and which are less than 5 years old?

**Note:** Conviction has the same meaning as in s85ZM(1) *Crimes Act 1914* (Cth).

No  Yes  If Yes, provide details (*If insufficient space, attach additional details*)

(iii) Do you have any conviction(s) which are more than 10 years old where you were sentenced to imprisonment for more than 30 months or any convictions more than 5 years old where you were dealt with as a minor and where you were sentenced to imprisonment for more than 30 months?

**Note:** Conviction has the same meaning as in s85ZM(1) *Crimes Act 1914* (Cth).

No  Yes  If Yes, provide details (*If insufficient space, attach additional details*)

(iv) Have you been deemed not eligible or refused a Maritime Security Identification Card (MSIC) or Aviation Security Identification Card (ASIC) or had an MSIC or ASIC suspended or cancelled?

No  Yes  If Yes, provide details (*If insufficient space, attach additional details*)

(v) Are you an Australian citizen?

No  Yes

If No, have you breached any condition of your visa to reside in Australia?

No  Yes  If Yes, provide details (*If insufficient space, attach additional details*)

(vi) If yes has been ticked for the above questions please email the completed form to [licensing@abf.gov.au](mailto:licensing@abf.gov.au)

### Proof of Identity Requirements

At least four identity documents must be supplied. Please see form 1538i for requirements - <https://www.abf.gov.au/form-listing/forms/1538i.pdf>

Please tick when you have attached the required documents.

At least ONE Category A document       At least ONE Category B document       At least TWO Category C (secondary) documents

### Declaration

I, (print full name) \_\_\_\_\_ born, (date of birth) \_\_\_\_ / \_\_\_\_ / \_\_\_\_

of, (residential address) \_\_\_\_\_

have read the **Privacy Notice** on page 3 (also available at <https://www.homeaffairs.gov.au/access-and-accountability/our-commitments/privacy>).

I consent to the Licensee and the ABF, using and disclosing my personal information in the manner stated in the Privacy Notice. This consent extends to the third parties, Australian and law enforcement or customs agencies in other countries mentioned in the Privacy Notice.

Consent       Do not consent. (If consent is **not** provided you will not be able to participate in the operations of a licensed customs broker, warehouse or depot.)

I understand that my personal information may be used for General law enforcement purposes, including those purposes set out in the *Australian Crime Commission Act 2002* (Cth).

I acknowledge that my personal information may be used and/or disclosed by the licensee, ABF or a third party to whom the ABF discloses it for another purpose, in circumstances permitted under the *Privacy Act 1988*.

I declare that the information provided by me on this form is true and correct and that I am aware I may retract my consent by emailing [licensing@abf.gov.au](mailto:licensing@abf.gov.au).

**Note:** If you choose to sign this form electronically, make sure all fields have been completed before you sign as no further changes can be made once signed.

Signature	Full name (BLOCK LETTERS)	Date of completion / /
Company name	Position held	State
Broker/Depot/Warehouse Licence Number	Establishment ID/Special Reporter Number (if applicable)	

## Privacy Notice

This form is to collect personal information about you by the Licensee and the ABF. The Licensee and the ABF may use your personal information to conduct background checks on you, this includes disclosure of your personal information to third parties. The collection of the personal information by the ABF is authorised by the *Customs Act 1901*. The background checks are to determine whether you are a fit and proper person to participate in the operations of a licensed customs broker, warehouse or depot.

Failure to provide your personal information and consent will result in the ABF not being able to determine whether you are a fit and proper person to participate in the operations of a licensed warehouse or depot. In that event the Licensee must not permit you to participate in the operations of any licensed customs broker, warehouse or depot operated by the Licensee.

### **The following background checks/inquiries may be made with Australian authorities:**

- National Police Check with the Australian Federal Police, State and Territory Police Forces and Australian Criminal Intelligence Commission of your criminal and traffic history;
- Right to Work Check (Work Check of Visa holders);
- Checks to verify the authenticity and validity of personal and identity documents, including but not limited to:
  - birth, marriage and change of name documentation;
  - naturalisation/citizenship/visa documentation and passports;
  - firearm, driver or other licences; and
  - Medicare cards.

When conducting these checks/inquiries, the ABF will generally only provide the relevant Australian authorities with the information necessary for the third party to identify you, unless it is necessary in order to conduct the particular check or inquiry to give them other information you have provided to the ABF.

Third parties to whom the ABF discloses your personal information will examine their information holdings relating to you and may disclose your personal information or the personal information of your associates to the ABF and to each other, where the disclosure is necessary and related to assessing and determining whether you are a fit and proper person to participate in the operations of a licensed customs broker, warehouse or depot.

### **Third parties to which the ABF may disclose your personal information and obtain reports on you include but is not limited to:**

- other parts of the Department of Home Affairs;
- the Australian Federal Police;
- State and Territory Police Forces;
- the Australian Taxation Office;
- the Australian Criminal Intelligence Commission;
- the Australian Security and Intelligence Organisation;
- the Australian Government Security Vetting Agency (AGSVA);
- any authorised Documentation Verification Service (DVS) Gateway Service Provider and any identity credential issuing authority connected to the DVS
- other Commonwealth, State or Territory Departments or Agencies including enforcement, regulatory or licence issuing agencies; and
- law enforcement of customs agencies of other countries.

### **Where permitted under the *Privacy Act 1988* (Cth) (the *Privacy Act*) the ABF may also use and/or disclose your personal information to, and may collect your personal information from authorities, including law enforcement or customs agencies of other countries and use and/or disclose that information for a purpose that is not directly related to the purpose for which the information was collected.**

At all times, your personal information will be collected, used, stored and disclosed by the ABF in accordance with the Australian Privacy Principles (APPs) in Schedule 1 of the *Privacy Act*. Further information regarding how the ABF handles personal information and your rights to seek access to and correction of your personal information that the ABF holds about you can be found in the Department of Home Affairs (Department) privacy policy on the Department's website at <https://www.homeaffairs.gov.au/access-and-accountability/our-commitments/privacy>

The Department's privacy policy also contains information about how you can complain if you believe that the Department has handled your personal information in a way that breaches our obligations in the APPs and how the Department will deal with a complaint.

### **National Police Check**

A national police history check is an integral part of the assessment of whether you are a fit and proper person. Previous criminal convictions do not mean that you are not to be a fit and proper person to participate in the operations of a licensed customs broker, warehouse or depot. Each case will be assessed on its own merits. If you have previous criminal or traffic convictions you are encouraged to provide reasons why, notwithstanding the convictions, you are a fit and proper person to participate in the operations of a licensed customs broker, warehouse or depot.

### ***It is in your interest to provide full and frank details.***

Information will be forwarded to the Australian Criminal Intelligence Commission and other Commonwealth, State and Territory police agencies and where applicable to law enforcement or customs agencies of other countries for checking. By signing the general consent form you are consenting to these agencies and law enforcement or customs agencies of other countries accessing their records to obtain and disclose to the ABF information that relates to you.

Police history information may include outstanding charges, and criminal convictions/findings of guilt recorded against you disclosed in accordance with the laws of the relevant jurisdiction and, in the absence of any laws governing the release of that information, according to the relevant jurisdiction's information release policy.

### **Spent Convictions Scheme**

The following information is provided as general guidance and is not exhaustive. You may wish to obtain independent legal advice as to whether a particular conviction is spent.

In certain circumstances a person is not required to disclose spent convictions. This right varies depending upon the nature of the convictions and the jurisdiction in which the convictions were recorded. The ABF may, where the relevant legislation allows it, access information about convictions whether or not a person voluntarily provides this information to the ABF.

Some convictions are never spent regardless of how long ago you were convicted.

Each Australian police agency will apply the relevant spent convictions legislation/information release policy prior to disclosure. If you require further information or clarification please contact the individual police agencies directly for further information about their release policies and any legislation that affects them.

**You are advised to seek independent legal advice if you think that you may have a spent/old conviction and that you have a right to not disclose this conviction.**