



Application for variation of a place covered by a Depot Licence

Approved form for the purposes of section 77LA of the *Customs Act 1901*.

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

About this variation application form

Under section 77LA of the *Customs Act 1901* (the Customs Act), Comptroller-General of Customs (Comptroller-General) may, on application by the holder of a depot licence, vary the licence by:

- (a) omitting the description of the place that is currently described in the licence and substituting a description of another place ("substitution"); or
- (b) altering the description of the place that is currently described in the licence ("alteration").

Under subsection 77N(2A) of the Customs Act the depot licence holder must provide the Comptroller-General with 30 days notice prior to any proposed substantial changes to the physical security of the depot or record keeping in relation to the depot. Further, under subsection 77LA(4) the Comptroller-General must not vary a licence if, in the Comptroller-General's opinion the physical security of the place would not be adequate, having regard to the nature of the place or the procedures and methods that would be adopted to ensure the security of goods in the place.

All questions must be answered in a comprehensive manner. (Any misleading information could jeopardise the grant of the variation).

Any personal information contained in this form will be collected, used, stored and disclosed by the Australian Border Force (ABF) in accordance with the Australian Privacy Principles in Schedule 1 of the *Privacy Act 1988*. Further information regarding how the ABF handles personal information can be found in the Department of Home Affairs' (the Department) Privacy Policy www.homeaffairs.gov.au/access-and-accountability/our-commitments/privacy or by contacting the Department's Privacy Help Desk by email privacy@homeaffairs.gov.au.

1. About the applicant

If the proposed variation to the depot licence will result in changes to personnel participating in positions of management or control of the depot, you are required to notify the Comptroller-General within 30 days. The individuals nominated will be required to establish their identity through a 100 point check and will be subject to police and other background checks. The information is used to satisfy the requirement that all persons participating in the management or control of the depot are 'fit and proper' for the purposes of section 77K of the Customs Act.

Applicant's full name		ABN (if applicable)	
Street address (do not use post office box)		State	Postcode
Address for correspondence (if different to street address)		State	Postcode
Contact person's name		Contact number	
Email			

2. About the proposed depot

Under section 77N of the Customs Act, a licence holder of a depot located more than 40 kilometres from an ABF office is liable to pay to the Commonwealth the travelling expenses of a collector travelling to and from the depot for the purposes of Customs Acts. In addition, under subsection 77LA(5) the Comptroller-General will take into consideration the proximity of the proposed depot to the nearest ABF office when determining whether to grant the application.

Current name of the depot	Proposed name by which the depot is to be known
Establishment code	Licence number
Current depot address	

- 2.1 Are the proposed premises owned or leased by the applicant?
- Owned If Owned, provide evidence of ownership
- Leased If Leased provide details of the lease (*If insufficient space, attach additional details*)

2. About the proposed depot continued...

2.2 Is it proposed that the postal and/or location address of the depot would change?

No Yes If Yes, provide the new address

2.3 Is the depot located more than 40 kilometres from the nearest ABF office?

No Yes

2.4 What are the proposed physical changes to the depot? *(If insufficient space, attach additional details)*

2.5 Describe the security, layout and construction of the proposed depot (Example: Floor to ceiling cyclone wire fence).
References to buildings or locations of interest should be identified on the plan (see Point 3 "Plan of proposed licensed depot").
(If insufficient space, attach additional details)

2.6 Is asbestos present in the building(s) within the proposed licensed area?

In accordance with Workplace Health and Safety Guidelines, you are required to notify the ABF of the presence of this substance in the workplace.

No If No, you must provide evidence (Examples: Occupancy Certificate or Asbestos Report)

Yes If Yes, provide details *(If insufficient space, attach additional details)*

2.7 Will there be any physical security changes?

No Yes If Yes, provide responses to (a) and (b) below *(If insufficient space, attach additional details)*

(a) Describe the physical security of the proposed depot.
(Examples: Alarm systems, security patrol service, description of perimeter fencing, and/or exterior lighting)

(b) Nominate the person who may be contacted by the ABF to gain after hours access.

Contact person's name

Contact number

Email

2.8 Is any area on the premises on which the proposed depot is located licensed under section 79 of the Customs Act as a licensed warehouse?

No Yes

3. Plan of the proposed licensed depot

Please provide two (2) copies of a certified plan:

(a) Outline the proposed variation to the depot area in red. Plans may be prepared by hand but must be to scale. Dimensions on the plan must be in metric measurements.

(b) The plan should include the following details:

- entrance(s) to the premises in cases where the whole of the premises is proposed to be licensed, otherwise the entrance to the area to be licensed as a depot.
- storage sheds and other buildings within the proposed licensed depot and their purposes. Examples: cargo storage, equipment storage.
- entrance(s) to such buildings.
- the proposed secure area (deadhouse) and examination area.
- use of the various areas within the proposed licensed area. Examples: storage of cargo, unpacking of containers, export consolidation.
- if the premises include an area licensed under section 79 of the Customs Act as a warehouse, indicate the location of this licensed area.

(c) An authorised official of the business should endorse the plan with the following statement (handwritten or typed on the actual plans):

"I hereby certify that this is a correct plan of the place proposed to be covered by a depot licence at (insert street address) operated by (insert name of depot licence holder) and referred to in the application for an amended depot licence dated (insert date).
I also certify that the area bounded in red is the area of the proposed licensed depot."

The authorised official should sign the site plan, including their full name, designation/position title and the date of signature.

4. Changes to Company membership and persons who participate in the management or control of the depot

The applicant and all persons in positions of management or control are required to be fit and proper. The ABF considers a person to be in management or control if they:

- have authority to direct operations or activities at a depot;
- are involved in, or have an influence over, the policies and procedures of the depot; or
- direct the receipt or release of goods at a depot.

A person is considered to be in management irrespective of whether their role is active or passive; and whether they are physically located at the depot.

This include all directors, managers and customs brokers on site and includes (but not limited to) employees with:

- the authority to direct operations and/or release cargo;
- access to the ICS;
- after hours access; or
- keys to the deadhouse.

Full name	Position	Contact number	Email address

If insufficient space, attach additional details

5. Depot recording systems

Under subsection 77LA(4) of the Customs Act the Comptroller-General must not grant an application to vary a depot licence if, in the Comptroller-General's opinion, the records that would be kept in relation to the place would not be suitable to enable the ABF to audit those records.

Will your record keeping procedures and systems change?

No Yes If Yes, provide details of the proposed changes. (Examples: Updated Standard operating procedures)
(If insufficient space, attach additional details)

Certification

I hereby apply for the description of my depot licence to be varied by substitution/alteration in accordance with section 77LA of the Customs Act. I certify that the information contained in this application, which consists of the following attachments is true and correct.

- Attachment A: Copy of a certified plan in accordance with Point 3 "Plan of proposed licensed depot", and
- other attachments as required.

Signed in accordance with the business's Partnership Agreement or company's Constitution		Date / /
Name	Designation / Position title	

Submitting this form

When the application form and requested attachments have been completed, please submit your application to:

Australian Border Force
 Customs Licensing
 GPO Box 9984
 SYDNEY NSW 2001
 Email: licen@abf.gov.au

On receipt of your application you will be invoiced for the \$300 depot licence variation application fee. Processing of your application will only commence once the invoice is paid.

You will be advised in writing should the Comptroller-General require further details in relation to this application for variation. Should no further information be required, you will be advised within 60 days after the receipt of this application, whether this application has been approved. If you have not had a response within 60 days, after the receipt of this application, the application is deemed refused.