



Australian  
**BORDER FORCE**

# Australian Customs Notice No. 2021/10

## New Obligations on Customs Broker Licences

The purpose of this notice is to inform licensed customs brokers that new additional conditions will come into effect on 1 July 2021. The updated additional conditions are available at **Attachment A**.

The additional conditions will apply to all customs broker licences under section 183CG(6) of the *Customs Act 1901* (the Act).

### Background

In 2016 the then Department of Immigration and Border Protection (DIBP) undertook a review of all licensing regimes under the Act. The Review provided an opportunity for industry and Government to work together to deliver improvements in licensing regimes while ensuring the cost of maintaining the efficiency and integrity of our border is appropriately shared with those who use it.

After extensive consultation and engagement with stakeholders, the Reviews findings were outlined in the Final Report, published in December 2017, and presented recommendations for the Comptroller-General of Customs to consider. Recommendation 14 stated that the *DIBP should re-examine the additional conditions it includes on licences to ensure that they are sufficiently clear and provide guidance*.

The Australian Border Force engaged with industry on customs broker additional licence conditions, receiving feedback from licensed brokers and peak industry bodies. This feedback was considered and guided the amendments and the supplementary conditions to be implemented.

### Complying with notification requirements

Failure to meet any condition(s) of a customs broker licence constitutes a breach under section 183CGC of the Act. Breaching this section of the Act can result in an infringement notice being issued, further conditions being placed on the licence, suspension or cancellation of the licence or prosecution.

Enquiries concerning this notice may be directed to Broker Licensing at [brokers.licensing@abf.gov.au](mailto:brokers.licensing@abf.gov.au).

Brett Cox

Assistant Secretary  
Trusted Trader and Trade Compliance Branch | Customs Group  
Australian Border Force

March 2021

## **Attachment A - Additional Conditions**

A customs broker licence is also subject to the following additional conditions pursuant to subsection 183CG(6).

No.	Condition
1	The holder of a customs broker licence must, when requested by the Department of Home Affairs (the Department), complete and forward the required documentation to allow the Department to undertake a fit and proper person check on the licence holder.
2	In the case of a customs broker licence held by a company; if there is a change in the director, officer, shareholder or member of the company the holder of the licence must, within 30 days after the occurrence of the event, notify the Comptroller-General of Customs of that event.
3	A director, officer, shareholder or member of a licensed company must, when requested by the Department, complete and forward the required documentation to allow the Department to undertake a fit and proper person check on that person.
4	If a holder of a customs broker licence becomes aware that information that has been provided to the Department is false, misleading or incomplete, the customs broker must, as soon as practicable after becoming aware provide written particulars of the incident to the Comptroller-General of Customs.
5	The holder of a customs broker licence must not allow Departmental systems or information provided by the Department to be used for an unauthorised purpose or to assist, aid, facilitate or participate in any unlawful or illegal activity.
6	<p>A natural person who holds a customs broker licence must undertake accredited Continuing Professional Development (CPD) as per the following requirements:</p> <p>(a) for the purposes of this condition, accredited CPD activities are the activities accredited by the Comptroller-General of Customs or by a CPD provider that has been granted Accredited CPD Provider status by the Department. A customs broker must complete sufficient accredited CPD activities, as detailed on the Australian Border Force (ABF) website, to acquire the minimum number of points each CPD year, which commences on 1 April each year and ends 31 March the following year.</p> <p>(b) the holder of a customs broker licence must keep accurate, auditable, written records of completion of accredited CPD activities and provide them upon request to the Comptroller-General of Customs.</p> <p>(c) the holder of a customs broker licence must notify the Comptroller-General of Customs if the holder of the customs broker licence has failed to complete the required number of points and provide a written explanation of the circumstances surrounding the failure prior to the end of the CPD year.</p>
7	The holder of a customs broker licence must not lodge import declarations from outside Australia.
8	The holder of a corporate customs broker licence must maintain suitable professional indemnity insurance for the protection of their clients and the Commonwealth. The licence holder must forward evidence of insurance to the Comptroller-General of Customs if requested.

## **General Notes:**

- (1) The Department of Home Affairs contains the entirety of the Australian Border Force (ABF).
- (2) Pursuant to section 183B, a person “participates in the work of a customs broker” if
  - (a) he or she has authority as a nominee of, or as an agent, officer or employee of, the customs broker, to do any act or thing for the purposes of the Customs Acts on behalf of an owner of goods; or
  - (b) he or she has authority to direct a person who has authority referred to in paragraph (a) in the exercise of that authority.
- (3) For the purpose of additional condition 1 and 3 the required documentation includes; providing proof of identity in accordance with the Departments proof of identity requirements and; completing a personal information form and a privacy notice and general consent form.
- (4) For the purpose of additional condition 6 a natural person is a nominee customs broker or a sole trader customs broker.
- (5) Where a licence condition states that information is to be provided to the Comptroller-General of Customs, the information is to be provided to the Broker Licensing team via email to [brokers.licensing@abf.gov.au](mailto:brokers.licensing@abf.gov.au). If the information to be provided is in relation to additional licence condition 4 this will need to be provided to Border Watch as specified on the ABF website.