



Australian
BORDER FORCE

Australian Customs Notice No. 2022/38

Sea Cargo Reporting Requirements and Inspection Arrangements (Replacing ACCA 2009/04 and ACCA 2012/18)

This notice replaces Australian Customs Cargo Advices 2009/04 and 2012/18. It does not change any existing legislative requirements for sea cargo reporting and inspection arrangements.

Background

The Australian Border Force (**ABF**) plays an important role at airports and seaports, protecting Australia's border and enabling legitimate trade and travel. The Australian Border Force looks for items that could put Australia's security, economy, environment or health at risk.

Mandatory reporting timeframes

When it is intended for cargo to arrive in Australia it must be reported electronically to the ABF under section 64AB of the *Customs Act 1901* (Cth) (**Customs Act**). A report under this section of the Customs Act for goods arriving by sea is called a sea cargo report, and is primarily made through the Integrated Cargo System (ICS).

The ABF assess all incoming sea cargo before cargo is released into the Australian community.

The sea cargo report must be lodged at least **48 hours before the estimated time of arrival** at the first port of arrival in Australia. It is recommended that all remaining documentation is provided at least **24 hours prior** to the arrival of the vessel at the port of discharge.

Failure to meet a reporting requirement may result in an infringement notice being issued, and/or prosecution.

Selection of cargo for further inspection or examination

Compliance with the timeframes referred to above should enable the ABF to complete its intelligence informed and risk based approach to advise whether cargo:

- a) is cleared on arrival; or
- b) will be held on arrival for further inspection or examination. This may involve physical examination either at the terminal or at a Cargo Examination Facility (**CEF**).

In addition, there may be legitimate operational reasons requiring the ABF to place a late hold on cargo (that may otherwise have been pre-cleared) even if the sea cargo report and other documentation is provided in accordance with the timeframes above.

Importers and exporters must make provisions in their reporting and logistics arrangements for the possibility of their cargo being selected by the ABF for inspection or examination. The ABF has arrangements in place with stevedores and logistics providers to facilitate the efficient inspection and examination of containers.

The ABF is not responsible for any costs incurred in relation to a held container.

Costs and Charges

Storage

At the major ports, Container Terminal Operators (**CTOs**) generally provide importers with three days free storage at a terminal upon initial arrival. CTOs generally allocate containers removed for inspection by the ABF an additional 24 hours free storage upon return to the terminal so long as the ABF received the import declaration 24 hours before the first port of arrival.

At the smaller ports, CTOs also generally provide importers with three days free storage at a terminal upon initial arrival and an additional three days storage upon return from examination for containers removed for inspection by the ABF.

While the ABF endeavours to complete inspection and clearance of containers as soon as possible, it should be noted that any free days of storage provided by CTOs are not service level standards to which the ABF adheres. Clearance may take longer than three days and is likely to take longer than three days if the mandatory reporting timeframes have not been met.

For advice on any free storage arrangements that your stevedore applies to sea cargo containers selected for ABF intervention, please contact your service provider.

Examination at a CEF

The Customs Act provides the ABF with power to examine any goods subject to customs control and the expense of this examination, including the cost of removal to a place of examination, will be borne by the goods owner (section 186).

The ABF generally recovers the cost of presenting cargo for examination through the Import Processing Charge.

Details of the Import Processing Charge for sea cargo is available on the ABF website at: www.abf.gov.au/importing-exporting-and-manufacturing/importing/cost-of-importing-goods/charges.

Damage to Goods

Insurance of cargo is a matter for importers.

Under section 34 of the Customs Act, the ABF is not liable for any loss or damage to any goods which are subject to customs control except by the neglect or wilful act of some officer.

Contacting the ABF

Any queries about the status of your cargo should be directed to Cargo Systems Support using the online enquiry form located at <https://www.abf.gov.au/help-and-support/ics/cargo-support-enquiry>.

For urgent clearance matters concerning Special Clearance Goods as defined in section 70 of the Customs Act, please call 02 6275 6100.

The ABF is unable to provide information about specific consignments unless there are special circumstances, for example time-critical or hazardous goods.

[Signed]

Leo Lahey
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South, East and Workforce Group
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