



Australian Government  
Department of Home Affairs

# Trade and Goods Compliance Advisory Group – Terms of Reference

**Terms of Reference**

The Department of Home Affairs (the Department) and the Australian Border Force (ABF) are committed to working with industry to achieve our shared objectives of a strong economy and ensuring the safety of the Australian public.

This Terms of Reference sets out the structure and guidelines for the operation of the Trade and Goods Compliance Advisory Group (CAG).

## Purpose

The CAG is a collaborative forum for industry, the Department and the ABF to recommend solutions to trade and goods compliance issues.

The integration of functions previously delivered by the Department of Immigration and Border Protection, and the Australian Customs and Border Protection Service under the ABF, provided the opportunity to review controls, mechanisms and treatments for trade and goods compliance.

In line with the *Industry Engagement Strategy 2020*, the approach to trade and goods compliance for the Department and the ABF will be focussed on maximising voluntary compliance and working with industry to co-design solutions to existing and emerging issues.

The CAG is not a decision-making body but will make recommendations to senior management of the ABF and the Department to enhance the trade and goods compliance framework and affect positive compliance behaviours. The CAG is an advisory group to the National Committee on Trade Facilitation (NCTF).

The NCTF may delegate issues to CAG for resolution, and where relevant the CAG may propose issues for NCTF consideration.

The CAG will also provide an effective channel for communication between the Department, the ABF and industry, as part of a wider communications system.

## Principles

The CAG will operate under the following principles:

- Open and transparent dialogue during and between meetings
- Remain issue and solution focussed and contribute and listen constructively
- Externally communicate CAG outcomes consistent with the intent of the advisory group
- The content of the CAG should not be disclosed prior to the publication of the minutes of the meeting, unless otherwise advised by the Chair
- Documents which are distributed to CAG members for consultation are not for use in presentations or, unless otherwise stated, for wider circulation.

## Scope

The intent of the CAG is to provide a forum for industry, the Department and the ABF to co-design solutions to trade and goods compliance issues.

The CAG is not a forum for discussing issues that have greater relevancy to existing forums such as the NCTF, or its sub-committees, or the Australian Trusted Trader Industry Advisory Group (ATTIAG). Current operational matters and matters pertaining to individual entities will not be discussed.

## Membership

The CAG is chaired by the Assistant Secretary Customs and Border Revenue Branch or their nominated representative. The ABF's Superintendent Trade and Goods Operational Policy will be standing member to the CAG. Secretariat duties are provided by the Industry Engagement Section within the Trade Modernisation and Industry Engagement Branch. The CAG membership will represent the following stakeholder groups:

## 1. Industry

The collective representatives from industry will need to, as a whole, be able to adequately reflect the views and opinions of all entities involved in the movement of goods across the border. As per Industry Engagement 2020 (Trade, Customs and Traveller), industry membership must be able to speak on behalf of the following industry groups:

- Importers and exporters
- Customs Brokers
- Cargo and logistics service providers
- Carriers
- Consultants and Lawyers
- Port infrastructure services
- Duty free operators
- Manufacturers.

Industry membership will consist of association and non-association memberships.

**Association memberships** are for recognised industry bodies / associations who by formal arrangement collectively represent individual industry entities – these bodies / associations maintain an ongoing membership with the CAG.

**Non-association memberships** are for individual industry entities who are not formally represented by a relevant industry body or association. Non-association memberships of the CAG will not exceed more than ten representatives, and have a non-ongoing membership period of two years.

Attendance and participation at CAG meetings is limited to one representative from each association / non-association. Attendance of additional representatives in an observer role is at the discretion of the Chair.

Membership of the CAG is voluntary and will be achieved by the calling of nominations. A notification will be placed on the Department's website. Nominations must be submitted to the secretariat by the published due date. Specific industry stakeholders may be invited to nominate at the discretion of the Chair.

All membership nominees must be able to demonstrate:

- An ability to represent a broad range of views that reflect the diversity of the industry
- A willingness to contribute positively to meetings in a fair and unbiased manner
- An ability to look beyond personal interests, 'To protect Australia's border and manage the movement of people and goods across it'
- A capacity to commit to the CAG for the required duration
- Endorsement from the organisation (entity) which is being represented
- A commitment to actively support the work of the CAG and the successful achievement of the CAG's objectives.

Should vacancies arise, due to resignation or inability to attend CAG, nominations will be sought for a replacement as per the membership selection process. Nominations will be provided to the Department for final determination. Should a CAG member no longer be employed by the organisation which endorsed the nomination, the CAG member will resign their membership.

Non-association memberships will be appointed for a period of two years. As a general rule, non-association members will not be eligible to serve consecutive terms unless the Chair agrees to a further term in the interests of the CAG. Should there be a need for a non-association member to continue beyond their initial two year term, a reappointment will be undertaken in accordance with the membership selection process.

The term for any non-association member appointed partway through the life of the CAG shall expire in line with the relevant membership terms.

All CAG memberships are at the discretion of the Chair.

## 2. The Department of Home Affairs

Departmental representatives will need to have a sound understanding of policy relating to the *Customs Act 1901* and other legislation related to the movement of goods across the border.

Representatives from the Department should also have coverage of the NCTF and the ATTIAG to mitigate the risk of duplication and overlap.

Membership from the Department will not exceed more than three representatives. There may, however, be occasions where additional representatives from the Department will be required where subject matter expertise is required.

## 3. The Australian Border Force

Representatives from the Australian Border Force will need to have an understanding of the current and emerging compliance environment and be able to effectively communicate the current approach in place for trade and goods compliance.

Membership from the ABF will not exceed more than five representatives. There may be occasions however where additional representatives from the ABF will be required where subject matter expertise is required.

## 4. Partner agencies

Where relevant, there may be circumstances where representatives from partner agencies, such as the Department of Agriculture and Water Resources, will be invited to participate in a meeting of the CAG to discuss issues relevant to their portfolios.

## Frequency of Meetings

- Formal CAG meetings will be conducted twice a year in line with bi-annual NCTF meetings. Where possible, these meetings are to be held in advance to allow outcomes to be reported to the NCTF.
- Additional meetings may be held at other times of the year, as required.
- Out of session papers may be produced for comment for the CAG.

## Administration

- Meetings will be held predominantly in Canberra
- A member may send an appropriate proxy if they are unable to attend the meeting
- Costs for attending meetings will be borne by participants
- Meeting papers, if required, will aim to be provided to participants at least one week prior to the meeting
- Draft meeting minutes will aim to be distributed within ten working days following the meeting
- The CAG Terms of Reference will be published on the Department's website.

## Governance

The CAG will report to the National Committee on Trade Facilitation.

## Amendments to the Terms of Reference

The CAG Chair may amend, vary or modify the Terms of Reference in writing after consultation with CAG members.

## Related forums

**National Committee on Trade Facilitation (NCTF)** – The NCTF is a strategic level whole-of-government forum to oversee the implementation of Australia’s obligations under the World Trade Organization’s Agreement on Trade Facilitation.

NCTF sub-committees - Trade Facilitation Initiatives Working Group (TFIWG)  
- Legislative Working Group (LWG)  
- Regulatory Reform Working Group (RRWG)

**Australian Trusted Trader Industry Advisory Group (ATTIAG)** – The ATTIAG works closely with the Department to co-design key elements of the Australian Trusted Trader program.

Other forums as advised by Trade and Customs Division.