



## ABF EXPECTATIONS WHEN ANSWERING COMMUNITY PROTECTION/LODGEMENT QUESTIONS

When you lodge a declaration with the ABF about your goods you may be asked what are known as lodgement questions. These questions seek additional responses from you or your licensed customs broker regarding community protection concerns, restrictions and permits, or other information. Your answers will assist us by providing more information to be able assess the relevant goods in your declaration.

There are two categories of lodgements questions stored in the reference file of the Integrated Cargo System (ICS) as follows;

- (1) Lodgement questions, which relate to sending a declaration to the Australian Border Force (ABF); and
- (2) Community protection questions that relate to risk assessing the goods being imported.

There are also two types of lodgement questions;

- (1) Lodgement declarations, which must be acknowledged by a response in the check box; and
- (2) Lodgement questions, which always require the user to provide a yes or no answer.

The requirement to make lodgement declarations and answer lodgement questions (including community protection questions) is a mandatory part of making a Customs declaration. These questions must be answered otherwise you will not be able to successfully submit your declaration to the ABF.

Lodgement questions are asked on most declarations, including self-assessed clearance declarations, import declarations, drawback claims and unaccompanied personal effects statements. Users may be required to make a statement about their authority to lodge an import declaration. The Department of Agriculture, Water and the Environment (Agriculture) may ask questions about how the goods are being imported to enable them to risk assess the goods properly, and information may be required about an importer's tax status in relation to Goods and Services Tax, Luxury Car Tax or Wine Equalisation Tax. Lodgement questions or declarations are also required when a declaration is being withdrawn or amended.

ABF, Agriculture and other government agencies also may ask the user to answer community protection questions about the goods being imported. Community

protection questions are asked when there is insufficient detail within the tariff classification as to the exact nature of the goods, and to address certain Permit Issuing Authority (PIAs) or ABF/Agriculture community protection requirements. Answers to community protection questions enables ABF and Agriculture to further risk assess the goods and determine what actions (if any) are required before the goods are cleared from Customs control.

## INDUSTRY REQUIREMENTS

When it comes to imported goods, licensed customs brokers (brokers) and importers have an obligation to ensure declarations made to the ABF are accurate. Brokers should exercise due diligence by seeking information from importers to be assured, prior to making an import declaration and answering the relevant community protection questions that the information they are communicating is correct.

If a broker is unsure of the answer to a community protection question they should conduct further enquires to satisfy themselves and ensure that they are not making a false or misleading statement. These enquiries could be asking the importer or other entities involved in the importation of the goods, including the supply chain and permit issuing agencies, for further information and documentation.

Where the ABF requests further information to support the answer/information provided to a community protection question it is expected that evidence can be provided to support this.

## EXAMPLE

For example when responding to question CP ID 302 “*Do these goods contain asbestos?*” the following due diligence is expected as published at:

<https://www.abf.gov.au/prohibited-goods-subsite/files/fs-asbestos-at-the-border.pdf>

Importers and customs brokers must be aware of Australia’s asbestos import prohibition.

To assist with this a list of goods that may contain asbestos and countries from which goods containing asbestos have been detected is available on our website at:

<https://www.abf.gov.au/importing-exporting-and-manufacturing/prohibited-goods/categories/asbestos>

Before goods are imported to Australia, importers must have adequate assurance that their goods, if at risk, do not contain asbestos. This can be achieved by engaging with their overseas suppliers early to gain documented assurance. Importers must not assume that goods contain no asbestos.

The ABF expects importers to be able to demonstrate that they have undertaken adequate risk assessment measures for their goods that are known to be at risk of containing asbestos.

The nature and level of information within the supporting documentation may provide adequate assurance depending on the risk of the goods containing asbestos. Several types of documentation may be necessary to demonstrate a sufficient level

of assurance. A non-exhaustive list of examples of supporting documentation is provided below:

- Declarations which state that the goods have nil asbestos content (supported by evidence);
- Documentation outlining the level of assurances taken throughout the supply chain;
- Documentation demonstrating the supplier and/or manufacturer of the goods;
- Information about the supply chain and possible quality assurance processes in place;
- Illustrative Descriptive Material;
- Ingredient lists;
- Test certificate or laboratory report;
- Material Safety Data sheets.
- Solely relying on a declaration that states the goods have nil asbestos content from an importer and/or supplier may not provide adequate assurance.

When a customs broker receives a declaration from an importer stating the goods have nil asbestos content, the customs broker should ensure they have an understanding of what assurances/supporting evidence the importer is able to provide to support the declaration, if requested by the ABF.

Identified risks of asbestos in a supply chain should be mitigated by testing of the goods through an accredited laboratory, prior to shipment to Australia. A laboratory certificate showing test results to Australian requirements, should be obtained. This may assist in expediting border clearance.