



Australian
BORDER FORCE

Cargo handler obligations under the Customs Act 1901

Fact sheet for industry on the obligations of cargo handlers under
Part VAAA of the Customs Act 1901

Cargo handlers working at cargo terminals on wharves and at airports handling international cargo have obligations under Part VAAA of the *Customs Act 1901* (Customs Act) to ensure the security of goods under Customs control. These obligations strengthen the cargo supply chain against organised crime and criminal infiltration.

They are statutory obligations and non-compliance is a strict liability offence under the Customs Act.

Cargo terminal operators also have obligations under the Customs Act and may share some of the same obligations as cargo handlers (refer to Factsheet: *Cargo terminal operator obligations under the Customs Act 1901*).

What are your obligations?

Notify the Australian Border Force (ABF) of events relating to goods

Cargo handlers have reporting obligations related to goods under Customs control. Reports are to be made to the local ABF office in writing no later than five days after the event.

Reportable events are:

- unauthorised access to or movement of goods under Customs control
- unauthorised access to an information system relating to goods under Customs control
- an enquiry from a person with no commercial connection to goods under Customs control
- theft, loss or damage of goods subject to Customs control
- break in and entry, or attempted break in, of the cargo terminal
- a change that may adversely affect the physical security of the cargo terminal
- a suspected breach of a Customs-related law in the cargo terminal
- unclaimed goods in the cargo terminal for over 30 days.

Ensure executive officers are fit and proper

The cargo handler must take all reasonable steps to ensure that both permanent and contracted employees, who work as executive officers for the cargo handler, are fit and proper. The cargo handler is not required to assess all of its employees, or workers employed by the cargo terminal operator. The ABF or the Department of Home Affairs does not conduct fit and proper assessments on behalf of cargo handlers.

Section 102BA of the Customs Act details a range of competence and character aspects the cargo handler must consider in assessing whether a person is fit and proper. A critical consideration is a person's criminal conviction history in the past 10 years.

A current Aviation Security Identification Card or Maritime Security Identification Card can be factored into an assessment, but it is not sufficient on its own to determine whether a person is fit and proper.

The ABF may ask the cargo handler to provide information that supports a fit and proper assessment.

Ensure adequate training of staff on cargo handler obligations

People who work for the cargo handler or are involved in the business of the cargo handler need to be aware of the cargo handler's responsibilities and obligations in relation to goods subject to Customs control. The cargo handler must take all reasonable steps to educate and train these people on its obligations.

Unpacking of goods in containers at a cargo terminal

Goods in a container at a cargo terminal must not be unpacked unless the cargo handler has written approval from an ABF officer. A cargo handler can request the local ABF office for approval to unpack the container. This approval is intended for exceptional circumstances, for example, where cargo has been damaged in transit and requires repacking. Approvals to unpack are conditional and granted for a specified time, location and container.

Gain approval to facilitate transshipment or export of goods

If goods are imported into Australia and are subject to Customs control, a cargo handler must not facilitate the transshipment or export of the goods without the written approval of an ABF officer. A cargo handler can request approval from their local ABF office.

Use an establishment identification when communicating electronically

A cargo handler must use their correct establishment identification when reporting on goods through the Integrated Cargo System (ICS). An establishment identifier is a unique alphanumeric reference, which links a cargo handler to a specific cargo terminal site.

Where to get more information

Further detail can be obtained from your local ABF Office. Find your nearest ABF office at www.abf.gov.au/help-and-support/contact-us/offices/.