AUSTRALIAN CUSTOMS NOTICE NO. 2005/20

Customs broker initiated contingency print release

The purpose of this notice is to advise of important changes concerning Broker Initiated Contingency Releases.

Background

In October 1997, Customs provided in the COMPILE system the ability for Customs Brokers to initiate the release of cargo, known as "print contingency release", in specific circumstances.

These arrangements were intended for use under the following circumstances:

* when there were significant delays or a complete failure to transmit the SCA release to container terminals and container depot operators; or
* when technical problems experienced by container terminals and container depot operators prevented or significantly delayed the receipt of the SCA release.

The contingency release print-out can only be generated by COMPILE:

* if at least 2 hours has elapsed since the original advice authorising release of the cargo was transmitted to the container terminal or depot operator; and
* If an authority to deal in the goods has been granted under the provisions of s.71B of the Customs Act 1901.

Despite the limitations noted above, the use of Broker initiated contingency releases has become extremely common in some locations. The result is that it has created an opportunity for fraudulent usage in a small number of cases.

Increased emphasis on border security and the potential risk to revenue posed by the continued use of Broker initiated contingency release printouts has resulted in Customs reviewing the manual COMPILE mechanism for the release of cargo. The danger to the community through the risk of illegal imports of prohibited goods and breaches of counter terrorism measures that could occur as a result of the unauthorised release of cargo is unacceptable.

New Arrangements

Effective from 1 June 2005, Customs Brokers, Container Terminal Operators (CTO) and Depot Operators are advised that the COMPILE created “print contingency release” printout has no authority by Customs for the release of cargo. Furthermore, Customs will disable the feature in COMPILE that provides for “print contingency release” to be created.

Moving goods without Customs authority is an offence under section 33 of the *Customs Act 1901*. The Infringement Notice Scheme (INS) applies to offences against section 33, with a maximum penalty of twelve penalty units. A penalty unit is defined by subsection 4AA(1) *Crimes Act 1901.*

Detailed below are procedures to be followed by clients where status advice is required outside of that provided through Customs cargo systems.



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*General status enquiries*

Under the new arrangements, requests for status advice may be sought when clients are aware that goods are cleared but the status advice to Depots/CTOs has been delayed. To facilitate priority treatment, clients are advised to use the email pro-forma, which will be distributed nationally and will be available through the Customs website. In the subject text field, wording must include “Import status advice request.”

Requests for status advice should be directed to the national cargo support framework by email to [cargosupport@customs.gov.au](mailto:cargosupport@customs.gov.au) (Email preferred) or phone 1300 558 099 or by fax (see list below).

Fax numbers are:

* 0800 – 1800 – Monday to Friday (Sydney time) – 02 8339 6712 or 02 8339 6713; and
* Other times (see below) – 02 6122 5534.

Generally, Customs will respond to these requests for status advice as a priority. This service will be available between the hours of 0500 to 2300 (Sydney time) Monday to Friday and between the hours of 0600 to 1400 (Sydney time) Saturdays and Sundays.

*Urgent status enquiries*

Customs will allocate higher priority to requests made for urgent status advice. In the subject text field, wording must include “URGENT Import status advice request.”

Customs will only action requests for urgent status advice when the goods fall into the following categories: perishable, medical goods, livestock, ship/aircraft spares. Such requests must include a justification for the urgency.

Requests for urgent status advice should be directed to the national cargo support framework by email to [cargosupport@customs.gov.au](mailto:cargosupport@customs.gov.au) (Email preferred), fax (02) 61225534 or phone (02) 62756100. This service will be available between the hours of 0500 to 2300 (Sydney time) Monday to Friday and between the hours of 0600 to 1400 (Sydney time) Saturdays and Sundays.

In response to all requests for status advice (general and urgent) Customs will provide either an email (preferred) or fax to the client making the request and copied to the relevant depot or CTO where the goods are located. Customs will closely monitor and review the procedures, as necessary and in consultation with industry, to ensure appropriate application and standards are applied. The procedure as outlined is consistent with Australian Customs Notice No. 2005/11 titled “*User support service for Customs cargo systems*”.

The contact officer on this matter is Glenn Thornton, Director User Support and Administration Section, Cargo Systems Branch on (02) 62756586 or Tony King, Customs Information and Support Centre on (02) 8339 6317.

Philomena Carnell National Manager Cargo Branch

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