AUSTRALIAN CUSTOMS NOTICE NO. 2008/37

**Amendments to the *Customs Act 1901* – Customs brokers**

The *Customs Act 1901* (Customs Act) has been amended to update the brokers licensing provisions to recognise the changing nature of employment in the broker community. These amendments are included in the *Customs Legislation Amendment (Modernising) Act 2008* and commenced on 13 July 2008.

The amendments repeal the conditions in section 183CD of the Customs Act that a nominee of a customs broker:

* cannot be the nominee of another customs broker (paragraph 183CD(1)(f)); and
* cannot be a customs broker at a place other than a place where the first-mentioned customs broker is a customs broker (paragraph 183CD(1)(j)).

The repeal of these conditions means that a freelance or locum customs broker may be a nominee of more than one corporate customs broker at any one time.

The amendments to the broker licensing provisions do not change the responsibility of a corporate customs broker to:

* always have at least one nominee broker associated with the brokerage; and
* advise Customs in writing within 30 days of any change in circumstances including (but not limited to) changes in the nominees employed by the brokerage (either commencing or ceasing). Customs must also be advised by the nominee, in writing, of the commencement of employment with a corporate customs brokerage.

The lodgement of import or warehouse declarations in the Integrated Cargo System (ICS) by a nominee of a corporate customs broker is subject to a check that the nominee is recorded as being employed by the corporate brokerage. Failure to advise Customs of any changes in the nominees employed by the corporate customs broker will result in the nominee being unable to lodge the declaration.

Inquiries concerning this notice may be directed to Broker Licensing on telephone number (02) 6275 5088 or fax number (02) 6275 6601.

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