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- **Australian Government**

### Australian Customs and Border Protection Service

**AUSTRALIAN CUSTOMS AND BORDER PROTECTION NOTICE NO. 2012/35**

**New Conditions for Depot and Warehouse Licence Holders** -

**Revised 25 June 20121**

The purpose of this Notice is to inform existing Customs depot and warehouse licence holders of the new conditions of their licence that will come into effect on **1** July 2012.

As a delegate of the Chief Executive Officer, I am imposing additional conditions to all depot licenses under section 770 of the *Customs Act 1901* (the Act) and to all warehouse (including duty free)licence holders under section 84 *of* the Act. The new conditions will not appl y to Excise Equivalent Goods warehouses administered by the Australian Taxation Office.

I have attached the new condi tions to thi s Notice. All licence holders will receive a copy of the conditions in due course.

Failure to meet any conditions(s) of the licence is very seri ous and constitutes a breach under section 77R or section 82C of the Act (depots and warehouses respectively). Breaching these sections of the Act can result in an infringement notice being issued, a prosecution in court, further conditions being placed on the licence or the cancellation of the licence.

I am of the **view** that the imposition of these conditions is necessary for the protection of the revenue and to ensure compliance with the Customs Acts.

Attachment A - Depot Licence Conditions Attachment B - Warehouse Licence Conditions Attachment C - Duty Free Shop Licence Conditions

Inquiries concerning this Notice may be directed to Supervisor. Licensing on (02) 8339 6347 or [Iicensing@customs.gov.au](mailto:Iicensing@customs.gov.au)

Brendan Tegg

Director, Compliance Policy and Development Compliance Assurance Branch

CANBERRA ACT

June 2012

' This ACN was first publishedon 19 June 2012. It was revised on 25 June to d arify that the condi tions were not being imposed on Australian Taxation Office Administered Warehouses (EEGs)

Australian Government

### Australian Customs and Border Protection Service

**ATTACHMENT A**

# DEPOT LICENCE CONDITIONS

The holder of the licence must comply with the following conditions:

# Statutory Conditions

This licence is subject to the statutory conditions set out in the *Customs Act 1901* as amended from time to time. The statutory conditions as at the date of issue/renewal of this licence are:

##### Section 77N - Conditions of a depot licence - General

1. A depot licence is subject to the conditions set out in subsections (2) to (10).
2. The holder of a licence must, within 30 days after the occurrence of an event referred to in any of the following paragraphs, give the CEO particulars in writing of that event:
   1. a person not described in the application for the licence as participating in the management or control of the depot commences so to participate;
   2. in the case of a licence held by a partnership- there is a change in the membership of the partnership;
   3. in the case of a licence held by a company:
      1. the company is convicted of an offence of a kind referred to in paragrap h 77K(3)(a) or (b); or
      2. a receiverof the property, or part of the property, of the company is appointed; or
      3. an administrator of the company is appointed under

section 436A, 436B or 436C of the *Corporations Act 2001;* or

* + 1. the company executes a deed of company arrangement under Part 5.3A of that Act;
  1. a person who participates in the management or control of the depot, the holder of the licence or, if a licence is held by a partnership, a member of the partnersh ip, is convicted of an offence referred to in paragraph 77K(2)(a) or (b) or becomes an insolvent under administration.

(2A) The holder of a licence must not cause or permit a substantial change to be made in:

1. a matter affecting the physical secunty or the depot' ; or
2. the keeping or records in relation to the depot;

unless the holder has given to the CEO 30 days' notice of the proposed change.

1. The holder or the licence must pay to Customs any prescribed travelling expenses payable by the holder under the regulations in relation to travelling to and from the depot by a Collector for the purposes of the Customs Acts. For that purpose, the regulations may prescribe particular rates or travelling expenses in relation to particular circumstances concerning travelling to and from a depot by a Collector for the purposes of the Customs Acts.
2. The holder of the licence must stack and arrange goods in the depot so that authorised officers have reasonable access to, and are able to examine, the goods.
3. The holders of the licence must provide authorised officers with:
   1. adequate space and facilities for the examination of goods in the depot' ; and
   2. secure storage space for holding those goods.
4. The holder of the licence must, when requested to do so, allow an authorised officer to enter and remain in the depot to examine goods:
   1. which are subject to the control of the Customs; or
   2. which an authorised officer has reasonable grounds to believe are subject to the control of the Customs.
5. The holder of the licence must, when requested to do so, provide an authorised officer with information, which is in the holder's possession or within the holder's knowledge, in relation to detennining whether or not goods in the depot are subject to the control of the Customs.
6. The holder of the licence must retain all commercial records and records created in accordance with the Customs Acts that:
   1. relate to goods received into a depot; and
   2. come into the possession or control of the holder of the licence;

for 5 years beginning on the day on which the goods were received into the depot.

1. The holder of the licence must keep the records referred to in subsection (8) at:
   1. the depot; or
   2. i f the holder has notified Customs in writing or the location or any other places occupied and controlled by the holder where the records are to be kept-those other places.
2. At any reasonable lime within the 5 **years** refer red to in subsec tion **(8),** the holder of the licence must, when requested to do so:
   1. permit an authorised officer:
      1. to enter and remain in a place that is occupied and controlled by lhe holder and which the officer has reasonable grounds to believe lo be a place where records referred to in subsection (8) are kept: and
      2. to have full and free access to any such records in that place: and
      3. to inspect, examine, make copies of, or lake extracts from any such records in that place: and
   2. provide the officer wi th all reasonable facilities and assistance for the purpose of doing all of the things referred to in subparagraphs (aXi) to

(iii) (including providing access to any electronic equipment in the place for those purposes).

1. The holder of the licence is not obliged lo comply with a request referred to in subsec tion (6), (7) or (10) unless the request is made by a person who produces written evidence of the fact that the person is an authorised officer.

##### Section 77P - Conditions of a depot licence - Importedgoods

1. If imported goods **were** received into a depot during a particular month, it is a condition of the licence that the holder of the licence must:
   1. if paragraph (b) does not apply-ca use the removal of those goods into a warehouse before the end of the following month; or
   2. if the CEO, on written request by the holder made before the end of that following month, grants an extension under this section-cause the removal of the goods into a warehouse within 30 days after the end of that following month.
2. In this section:

*month* means month of a year.

NOTES:

1. A substantial change in a matter affecting the physical secuirty of the depot indudes a change to the approved site plan.
2. Adequate facilitiesfor the examination of goods in the depot includes designated car park space(s) for the exdusive use of Customs and Border Protection.

# Additional Conditions

This licence is also subject to the following additional conditions pursuant to section

770 of the Customs *Act 1901:*

1. The holder of the licence must not attempt to transfer the licence to any other person or corporate body. The holder of the licence must surrender their licence if they cease to occupy or control the place covered by the licence.
2. The holder of the licence must, when requested by Customs and Border Protection, ensure that the holder of the licence and all staff in positions of management or control complete a Customs and Border Protection *Consent to Obtain Personal Information* form to allow Customs and Border Protection to undertake and make a fit and proper person determination for each relevant person.
3. The holder of the licence must, when requested by Customs and Border Protection and subject to privacy legislation or other law, provide a comprehensive staff list containing full name, gender, date of birth, position in the depot and the details of a valid form of identification including, but not limited to, ASIC/MSIC card, drivers licence, passport, or proof of age card.
4. A holder of the licence must not allow for any person to enter the licensed depot without the holder of the licence making a record of their entry to the licensed depot. The record shall include full name, address. driver's licence number (if applicable) and the name of person being visited. The holder of the licence must ensure that the person whose personal information is being collected has provided sufficient acknowledgment on consent to allow the release of the information to Customs and Border Protection under Commonwealth privacy laws. This condition does not apply to Commonwealth, State or Territory officials.
5. In the event of the holder of the licence becoming aware of an event causing theft, loss, breakage, damage and/or pillage of goods, including break-ins and attempted break-ins, the holder of the licence must provide written particulars of the incident to the CEO of Customs as soon as practicable.
6. The holder of the licence must not remove or move any Customs and Border Protection signage without prior written approval from Customs and Border Protection.
7. If directed by Customs and Border Protection, the holder of the licence must

ins tall and maintain CCTV coverage of the licensed area, including all entry and exit points and keep the footage for a period of 30 days. The holder of the licence will provide the footage to Customs and Border Protection when requested.

1. The holder of the licence must install and maintain monitored alarm systems.
2. The holder of the licence musl inform Customs and Border Protection of any suspected breaches or offences of Customs related laws, by any persons, related to the licenced premises.
3. The holder of the licence must inform Customs and Border Protection of any breaches of security at the premises, whether or not it is related to the licensed area.

{11) The holder of the licence must ensure that the deadhouse is locked.

1. The holder of the licence must not dispose of any goods subject to the control of Customs without prior written permission from Customs and Border Protection.
2. The holder of the licence must monitor the secunty of the premises, notify Customs and Border Protection on becoming aware of a substantial change affecting the physical seourity of the depot and take such remedial action as directed by Customs and Border Protection.
3. The holder or the licence must not handle types or goods that are not specified in the licence unless prior written authorisation is obtained from Customs and Border Protection.
4. The holder of the licence must not:
   1. change the location of the depot; or
   2. make substantial changes to or within the current licensed area unless they have the written approval and variation or licence from the CEO of Customs.
5. The holder of the licence must not unpack, move or store any goods subject to the control of customs outside the licensed area unless prior written authorisation is obtained from Customs and Border Protection.
6. The holder of the licence must allow authorised officers to take into the depot any equipment or material reasonablynecessary to assist any Customs related activities (including the examination of any goods subject to the control of Customs). The holder of the licence must provide the officers with all reasonable assistance to carry out their duties.
7. The holder of the licence must implement and maintain an effective accounting system for all goods within the holder of the licence's control and subject to the control of Customs at all times.
8. The holder of the licence must use the ICS for communication with Customs unless alternative arrangements have been documented and approved by Customs. This includes the communication of information from the holder of the licence to Customs relating lo the receipt and acquittal of all goods under Customs control at the depot, and commun1cat 10n of info rmation from Customs to the holder of the licence in relation to the release of all goods under Customs control at the depot.
9. The holder of the licence must not allow Customs and Border Protection systems or information provided by Customs and Border Protection to be used for an unauthorised purpose or to assist, aid, facilitate or participate in any unlawful or illegal activity.

**NOTE:** Examples of unauthorised activities will be publishedand placed on the Customs and Border Protectionwebsite.

1. The holder of the licence must not move, alter or interfere with goods unless the requirements of the Customs Acts have been complied with.
2. The holder of the licence must ensure that cargo outtum reports are lodged electronically to Customs and Border Protection in the timeframes set out in s64ABAB(4) of the Act. If there is a declared outage of the Integrated Cargo System (ICS), a Cargo Outtum Report must be oommunicated electronically lo Customs and Border Protection within 24 hours after notice is given that the system is operative again. The cargo Outturn Report must include details of all surplus, shortlanded and pillaged cargo.
3. The holder of the licence must supply to the cargo reporter, or the person responsible for adjusting the report of cargo in respect of s64AB of the Act, the details of goods surplus to or shortlanded from expected receipts that are needed in order to report the cargo fully. Those de tails must be supplied no later than 1 working day after the check-in or unpack of the goods at the premises.
4. When Prescribed Warehoused Goods are received at a depot the holder of the licence must communicate to Customs and Border Protection a Depot Receival Notice within 3 hours of receipt of that cargo. (Note: Prescribed Warehouse Goods cannot be consolidated unless the holder of the licence is In possession of an appropria te movement s tatus.) When Prescribed Warehouse Goods are delivered from a depot the holder of the licence must communicate a Depot Release Notice to Customs and Border Protection within 3 hours of the cargo being released from the depot.
5. Goods not subject to the control or Customs must be kept in a separate and distinct area rrom goods subject to Customs control.
6. The holder or the licence must ensure that any high risk items (such as firearms, prohibited imports, damaged cargo or packages which have become opened during transport, surplus goods, or high value goods) are stored in a deadhouse.
7. The holder of the licence must not facilitate transhipment or export of goods where there is a held status on the import declaration or cargo report that the goods are subject to.
8. The holder of the licence must provide adequate training to make staff aware of their obligations in dealing with goods subject to the control of Customs and must demonstrate ongoing quality assurance processes in place when requested by Customs and Border Protection.

# Specific Conditions

This licence is also subject to the following additional conditions pursuant to section 770 of the *Customs Act 1901:*

1. The holder of the licence must not allow the unpacking of FCL containers in container parks.
2. ) The holder of the licence must ensure that goods stored in FCL containers are stacked door-to-door.
3. The holder of the licence must ensure that all international mail is presented to Customs for screening.
4. The holder of the licence must ensure that International mail is not delivered into home consumption until it has been screened and approved for delivery by Customs and Border Pro tection.



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#### Border Protection Service

**ATTAC HMENT B**

# WAREHOUSE LICENCE CONDITIONS

The holder of the licence must comply with the following conditions:

## Statutory Conditions

This licence is subject lo the statutory conditions set out in Part V of the *Customs Act 1901* as amended from time to time. The statutory conditions as at the dale of issue/renewal of this licence are:

Section 82 - Conditions of warehouse licences

* 1. A warehouse licence is subject to the condition that, if:
     1. a person not described in the application for the licence as participating in the management or control of the warehouse commences so to participate;
     2. in the case of a licence held by a partnership- there is a change in the membership of the partnership;

(ba) in the case of a licence held by a company- any of the following events occurs:

* + - 1. the company is convicted of an offence of a kind referred to in paragraph 81(3Xa) or (b);
      2. a receiver of the property, or part of the property, of the company is appointed;
      3. an administrator of the company is appointed under section 436A, 436B or 436C of the *Corporations Act 2001;*
      4. the company executes a deed of company arrangement under Part 5.3A of that Act;
      5. the company begins to be wound up;

(c} a person who participates in the management or control of the warehouse, the holder of the licence or, in the case of *a* licence held by a partnership, a member of the partnership, is convicted of an offence referred to in parag raph 81(2)(a) or {b} or becomes bankrupt;

1. there is a substantial change in a matter affecting the physical security of the warehouse;
2. there is a substantial change in plant or equipment used in relation to goods in the warehouse; or
3. there is a substantial change in the keeping of accounts or records kept in relation to the warehouse:

the holder of the licence shall, within 30 days after the occurrence of the event, change, conviction, bankruptcy or appointment, as the case requires, give the CEO particulars in writing of that event, change, conviction, bankruptcy or appointment, as the case requires.

1. A warehouse licence is subject to such other conditions (if any) as are specified in the licence that the CEO considers to be necessary or desirab le:
   1. for the protection of the revenue: or
   2. for ensuring compliance with the Customs Acts, any other law of the Commonwealth prescribed by the regulations or a law of a Stale or Territory prescribed by the regulations: or
   3. for any other purpose.
2. The conditions specified in a warehouse licence may include:
   1. conditions specifying the persons or classes of persons whose goods may be warehoused in the warehouse; and
   2. conditions limiting the operations that may be performed upon, or in relation lo, goods in the warehouse.
3. The CEO may, upon application by the holder of a warehouse licence and production of the licence, vary the conditions specified in the licence by making an alteration to, or an endorsement on, the licence.
4. Subsection (5) does not limit section 826 .

**NOTE:** A substanital change in a matteraffecting the physical security of the warehouse includes a change to the appwved site **plan.**

## Additional Conditions

1. The holder of the licence must not attempt to transfer the licence to any other person or corporate bod y. The holder of the licence must surrender their licence if they cease to occupy or control the place covered by the licence.
2. The holder of the licence must, when requested by Customs and Border Protection, ensure that the holder of the licence and all staff in positions of management or control complete a Customs and Border Protection *Consent to Obtain Personal Information* form to allow Customs and Border Protection to undertake and make a fit and proper person determination for each relevant person.
3. The holder of the licence must, when requested by Customs and Border Protection and subject *to* privacy legislation or other **law,** provide a

comprehensive staff list containing full name, gender, date of birth, position in the warehouse and the details of a valid form of identification including, but not limited to, ASIC/MSIC card, drivers licence, passport, or proof of age card.

1. A holder of lhe licence musl not allow for any person to enter the licensed warehouse without the holder of the licence making a record of their entry to the licensed warehouse. The record shall include full name, address. driver's licence number(if applicable) and the name of person being visited. The holder of lhe licence musl ensure that the person whose personal information is being collected has provided sufficienl acknowledgment on consent to allow the release of the information to Customs and Border Pro tection under Commonwealth privacy laws. This condition does not apply lo Commonwealth, State or Territory officials.
2. The holder of the licence must, when requesled to do so, provide an authorised officer with information, which is in the holder's possession or within the holder's knowledge, in relalion lo determining whelher or not goods in lhe warehouse are subjecl to the control of Customs.
3. In the event of the holder of the licence becoming aware of an event causing theft, **loss,** breakag e, damage and/or pillage of goods, including break-ins and attempted break-ins, the holder of the licence must provide written particulars of the incident to the CEO of Customs and Border Protection as soon as practicable.
4. The holder of the licence musl not remove or move any Customs and Border Protection signage without prior written approval from Customs and Border Protection.
5. If directed by Customs and Border Protection, lhe holder of the licence must install and maintain CCTV coverage of the licensed area, including all entry and exil points and keep the footage for a period of 30 days. The holder of lhe licence will provide the footage to Customs and Border Protection when requesled.
6. The holder of lhe licence must install and maintain monilored alarm systems.
7. The holder of the licence must inform Cusloms **and** Border Protection of any suspecled breaches or offences of the Customs Acts, by any persons, related to the licensed premises.
8. The holder of the licence must inform Customs and Border Protection of any breaches of security al the premises. whelher or nol ii is relaled lo lhe licensed area.
9. The holder of the licence must not dispose of any goods subject to the control of Customs without prior written permission from Customs and Border Protection.
10. The holder cf the licence must monitor the security of the premises, notify Cusloms and Border Protection on becoming aware of a substantial change affecting the physical security of the warehouse and take such remedial action as directed by Customs and Border Protection.
11. The holder of the licence must not handle lypes of goods that are not specdied in lhe licence unless prior written authorisation 1s obtained from Customs and Border Protection.
12. The holder of the licence must not:

(a} change the location of the warehouse: or

(b) make substantial changes to or within the current licensed area unless they have the written approval and variation of licence From the CEO of Customs and Border Protection.

1. The holder of the licence must not move or store any goods subject to the control of Customs outside the licensed area unless prior written authonsation is obtained from Customs and Border Protect10n.
2. The holder of the licence must stack and arrange goods in the warehouse so that authorised officers have reasonable access to, and are able to examine, the goods.
3. The holder of the licence must provide authorised officers with adequate space, office accommodation, car parking and facilities for use by authorised officers while undertaking their duties (including the examination of g oods) at the licensed premises.
4. The holder of the licence must, when requested to do so, allow an authorised officer to enter and remain in the warehouse to conduct Customs and Border Protection related activities (including the examination of goods which are

subject to the control or Customs or which an authorised officer has reasonable grounds to believe are subject to the control of Customs).

1. The holder of the licence must allow authorised officers to take into the warehouse any equipment or material reasonably necessary to assist any Customs and Border Protection related activities (including the examination of any goods subject to the controlof Customs). The holder of the licence must provide the officers with all reasonable assistance to carry out their duties.
2. The holder of the licence must:
   1. retain all commercial records and records created in accordance with the Customs Acts that relate to goods received into a warehouse and come into the possession or controlof the holder of the licence for 5 years beginningon the day on which the goods were received into the warehouse;
   2. make and retain accountable and auditable records of the condition and quantity or cargo received, the movement and unpacking or the cargo; and
   3. keep the records referred to at the warehouse or if the holder has notified Customs and Border Protection in writing of the location or any other places occupied and controlled by the holder where the records are to be kept- those other places.
3. At any reasonable time within the 5 years referred to in the above condition, the holder of the licence must, when requested to do so:
   1. permit an authorised officer:
   2. to en ter and remain in a place that is occupied and controlled by the holder and which the authorised officer has reasonable grounds to believe to be a place where records referred to are kept;
   3. to have full and free access to any such records in that place; and

(d} to inspect, examine, make copies of, or take extracts from any such records in that place; and

(e) provide the officer with all reasonable facili ties and assistance for the purpose of doing all of the things referred to above (including providing access to any electronic equipment in the place for those purposes).

1. The holder of the licence must implement and maintain an effective accounting system for all goods within the control of the holder of the licence and subject to the control of Customs at all times.
2. The holder of the licence must not allow Customs and Border Pro tection systems or information provided by Customs and Border Protection to **be** used for an unauthorised purpose or to assist, aid, facilitate or participate in any unlawful or illegal activity.

NOTE: Examples of unauthorised activities will be published and placed on the Customs and Border Pro1ect1on website.

1. The holder of the licence must communicate to Customs and Border Pro tection any substantial change in the type of goods or the amount of goods to be stored within the warehouse as soon as practicable.
2. The holder of the licence must report to Customs and Border Protection any unentered goods held for more than 6 months. The reports must include the date the goods were received, a description of the goods and any other relevant information. Unentered goods must not be unpacked or repacked.
3. The holder of the licence shall report to Customs and Border Protection on a monthly basis:
   1. any goods or property not belonging to the Holder of the licence, other than unclaimed passenger or crew baggage, where rent or charges have been in arrears for more than 6 months; and
   2. any unclaimed passenger or crew baggage where rent or charges have been in arrears for 30 days or more.
4. The reports shall include the date the goods were received, a description of the goods, and information on whether an application to Customs and Border Protection to sell the goods has been made.
5. The holder of the licence must conduct a stocktake at lea st once per financial year or when requested by Customs and Border Protection. Any discrepancies must be reported to Customs and Border Protect10n as soon as practicable.
6. The holder of the licence must not move, alter or interfere with goods unless the requirements of the Customs Acts have been complied with.
7. The holder of the licence must not allow the unpacking of goods unless prior approval has been obtained from Customs and Border Protection. Note: Approval may be given on a single or continuing basis.
8. Goods subject to the control of Customs must be **kepi** in a separate and distinct area within the licensed **area.**
9. For warehouses that have approval to move goods on a Continuing Permission, the holder of the licence must comply with the conditions of the Continuing Permission.
10. The holder of the licence must not facilitate lranshipment or export of goods where there is a held status on the import declaration or cargo report that the goods are subject to.
11. The holder of the licence must provide adequate training to make staff aware of their obligations in dealing with goods subject to the control of Customs and mus t demonstrate ongoing quality assurance processes in place when requested by Customs and Border Protection.

# Specific Conditions

1. The holder *of* the licence must ensure that goods stored in FCL containers are stacked door-to-door.

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**ATTAC HMENT** C

**DUTY FREE SHOP LICENCE CONDITIONS**

The holder of the licence must comply with the following conditions:

## Statutory Conditions

This licence is subject to the statutory conditions set out in Part V of the *Customs Act 1901* as amended from time to time. The statutory conditions as at the date of issue/renewal of this licence are:

Section 82 - Conditions of warehouse licences

* 1. A warehouse licence is subject to the condition that, if:
     1. a person not described in the application for the licence as partic1pat 1ng in the management or controlof the warehouse commences so to participate;
     2. in the case of a licence held by a partnership- there is a change in the membership of the partnership;

(ba) in the case of a licence held by a company- any of the following events occurs:

* + - 1. the company is convicted of an offence of a kind referred to in paragraph 81(3Xa) or (b );
      2. ) a rece iver of the p roperty , or part of the property, of the company is appointed;
      3. an adminisrtator of the company is appointed under section 436A, 4368 or 436C of the *Corporations Act 2001;*
      4. the company execu tes a deed of company arrangement under Part 5.3A of that Act;
      5. the company begins to be wound up;
    1. a person who participates in the management or control of the warehouse, the holder of the licence or, in the case of a licence held by a partnership, a member of the partnership, is convicted of an offence referred to in paragraph 81(2Xa) or (b) or becomes bankrupt;
    2. there is a substantial change in a matter affecting the physical security of the warehouse;
    3. there is a substantial change in plant or equipment used in relation to goods in the warehouse; or
    4. there is a substantial change in the keeping of accounts or records kept in relation to the warehouse;

the holder of the licence shall, within JO days after the occurrence of the event, change. conviction, bankruptcy or appointment. as the case requires, give the CEO particulars in writing of that event, change. conviction, bankruptcy or appointment, as the case requires.

1. A warehouse licence is subject to such other conditions (if any) as are specified in the licence that the CEO considers to be necessary or desirable:
   1. for the protection of the revenue; or
   2. for ensuring compliance with the Customs Acts, any other law of the Commonwealth prescribed by the regulations or a law of a State or Territory prescribed by the regulations; or
   3. for any other purpose.
2. The conditions specified in a warehouse licence may include:
   1. conditions specifying the persons or classes of persons whose goods may be warehoused in the warehouse; and
   2. conditions limiting the operations that may be performed upon, or in relation to, goods in the warehouse.
3. The CEO may, upon application by the holder of a warehouse licence and production of the licence, vary the conditions specified in the licence by making an alteration to, or an endorsement on. the licence.
4. Subsection (5) does not limit section 828.

**NOTE:** A substantial change ma matter affecting the physical security of the warehouse includes a change to the approved Me plan.

# Additional Conditions

1. The holder of the licence must not attempt to transfer the licence to any other person or corporate body. The holder of the lioence mus t surrender their licence if they cease to occupy or control the place covered by the licence.
2. The holder of the licence must. when requested by Customs and Border Protection, ensure that the holder of the licence and all staff in positions of management or control complete a Customs and Border Protection *Consent to Obtain Personal Information* form to allow Customs and Border Protection to undertake and make a fit and proper person determination for each relevant person.
3. The holder of the licence must. when requested by Customs and Border Protection and subject to privacy legislation or other law. provide a comprehensive staff list containing full name, gender. date of birth, position in the warehouse and the details of a valid form of identification including, but not limited to, ASIC/MSIC card, drivers licence. passport, or proof of age card.
4. The holder of the licence must, when requested to do so, provide an authorised officer with information, which is in the holder's possession or within the holder's knowledge, in relation to determining whether or not goods in the warehouse are subject to the control of Customs.
5. In the event of the holder of the licence becoming **aware** of an event causing theft, loss, breakage, damage and/or pillage of goods, including break-ins and altempted break-ms, the holder of the licence must provide wrilten particulars of the incident to the CEO of Customs and Border Protection as soon as practicable.
6. The holder of the licence must not remove or move any Customs and Border Protection signage without prior written approval from Customs and Border Protection.
7. If directed by Customs and Border Protection, the holder of the licence must install and maintain CCTV coverage of the licensed area, including all entry and exit points and keep the footage for a period of 30 days. The holder of the licence will provide the footage to Customs and Border Protection when requested.
8. The holder of the licence must install and maintain monitored alarm systems.
9. The holder of the licence must inform Customs and Border Protection of any suspected breaches or offences of the Customs Acts, by any persons, related to the licensed premises.
10. The holder of the licence must inform Customs and Border Protection of any breaches of security al the licensed premises.
11. The holder of the licence must not dispose of any goods subject lo the control of Customs without prior written permission from Customs and Border Protection.
12. ) The holder of the licence must monitor the security or the premises, notify Customs and Border Protection on becoming aware of a substantial change affecting the physical security of the warehouse and take such remedial action as directed by Customs and Border Protection.
13. The holder of the licence must not handle types of goods that are not specified in the licence unless prior written authorisation is obtained from Customs and Border Protection.
14. The holder of the licence must not:
    1. change the location of the warehouse; or
    2. make substantial changes to or within the current licensed area unless they have the written approval and variation of licence from the CEO or Customs and Border Protection.
15. The holder of the licence must not move or store any goods subject to the control of Customs outside the licensed area unless prior written authorisation is obtained from Customs and Border Protection.
16. The holder of the licence must stack and arrange goods in the warehouse so that authorised officers have reasonable access lo, and are able lo examine, the goods.
17. The holder of the licence must provide authorised officers with adequate space, office accommodation, car parking and facilities for use by authorised officers while undertaking their duties (including the examinationof goods) at the licensed premises.
18. The holder of the licence must, when requested to do so. allow an authorised officer to enter and remain in the warehouseto conduct Customs and Border Protection related activities (including the examination of goods which are subject to the control of Customs or which an authorised officer has reasonable grounds to believe are subject to the control of Customs).
19. The holder of the licence must allow authorisedofficers to take into the warehouse *any* equipment or material reasonablynecessary to assist *any* Customs and Border Protection related activities (including the examination of *any* goods subject to the control of Customs). The holder of the licence must provide the officers with all reasonable assistance to carry out their du ties.
20. The holder of the licence must:
    1. retain all commercial records and records created in accordance with the Customs Acts that relate to goods received into a warehouse and come into the possession or control of the holder of the licence for 5 years beginning on the day on which the goods were received into the warehouse:
    2. make and retain accountable and auditable recordsof the condition and quantity of cargo received, the movement and unpacking of the cargo: and
    3. keep the records referred to at the warehouse or if the holder has notified Customs and Border Protection in writing of the location of any other places occupied and controlled by the holder where the records are to be kept- tho se other places.
21. At any reasonable time within the 5 years referred to in the above condition, the holder of the licencemust, when requested lo do so:
    1. permit an authorised officer:
    2. to enter and remain in a place that is occupied and controlled by the holder and which the authorised officer has reasonable grounds to believe to be a place where records referred to are kept:
    3. to have full and free access to any such records in that place: and
    4. to inspect, examine, make copies of, or takeextracts from any such records in that place: and
    5. provide the officer with all reasonable facilities and assistance for the purpose of doing all of the things referred to above (including providing access to any electronic equipment in the place for those purposes).
22. The holder or the licence must implement and maintain an effective accounting system for all goods within the control of the holder of the licence and subject to the control of Customs at all times.
23. The holder of the licence must not allow Customs and Border Protection systems or information provided by Customs and Border Protection to be used

for an unauthorised purpose or to assis t, aid, facilitate or participate in any unlawful or Illegal activity.

NOTE: Examples of unauthorised activities w,11 be published and placed on the Customs and Border Protection website.

1. ) The holder of the licence must communicate to Customs and Border Protection any substantial change in the type of goods or the amount of good s to be stored within the warehouse as soon as practicable.
2. The holder of the licence must report to Customs and Border Protection any unentered goods held for more than 6 months. The reports must include the date the goods were received, a description of the goods and any other relevant information. Unentered goods must not be unpacked or repacked.
3. The holder of the licence shall report to Customs and Border Protection on a monthly basis:
   1. any goods or property not belonging to the Holder of the licence, other than unclaimedpassenger or crew baggage, where rent or charges have been in arrears for more than 6 months: and
   2. any unclaimed passenger or crew baggage where rent or charges have been in arrears for 30 days or more.
4. The reports shall include the date the goods were received, a description of lhe goods, and information on whether an application to Customs and Border Protection lo sell the goods has been made.
5. The holder of lhe licence musl conduct a stocklake al least once per financial year or when requested by Customs and Border Protection. Any discrepancies must be reported to Customs and Border Protection as soon as practicable.
6. The holder of the licence must not move, alter or interfere with goods unless the requirements of lhe Customs Acls have been complied wilh.
7. The holder of the licence must not allow the unpacking of goods unless prior approval has been obtained from Customs and Border Protection. Note: Approval may be given on a single or continuing basis.
8. Goods subject to the control of Customs must be kepi in a separate and distinct area within lhe licensed area.
9. For warehouses tha t have approval to move goods on a Continuing Permission, the holder of the licence must comply with the conditions of lhe Continuing Permission.
10. The holder of the licence must not facilitate transhipment or export of goods where there is a held status on the import declaration or cargo report lhal the goods **are** subject to.
11. The holder of the licence must provide adequate training to make staff aware of their obligations in dealing with goods subject to the control of Customs and must demonstrate ongoing quality assurance processes in place when requested by Customs and Border Protection.

# Specific Conditions

1. The holder of the lioence must ensure that duty free items are only displayed and demonstrated on the licensed premises. Demonstration of consumables **is** not permitted.
2. Duty free items must be exported in a transparent bag so the goods can be easily identified.
3. The holder of the licence must ensure that the duty free shop lodges a return to Customs and Border Protection within 21 days of the end of the month, outlining the duty payable lo Customs and Border Protection. This return must include the name of the duty free shop. the invoice number of each invoice and a cheque equal to the duty payable on the return.
4. The holder of the licence must inform relevant travellers of their concession allowances. Signs must be displayed in the duty free store, as per the Duty Free Operators Guide.
5. This licence constitutes permission under section g5A, The permission relates to all goods specified in this licence. The permission may be revoked, suspended, varied, cancelled or suspended from time to time in accordance with section 33 of the *Acts Interpretation Act 1901* or section 96A. The holder of the licence must comply with the conditions of the permission.
6. The licenceconstitutes permission under section 968. The permission may be revoked, suspended, varied, cancelled or suspended from time to time in accordance with section 33 of the *Acts Interpretation Act 1901* or section 968. The holder of the licence must comply with the conditions of the permission.
7. The holder of the licence must not enter into, allow or facilitate an anrangement that would infringe the Act or any other law of the Commonwealth of Australia.
8. The holder of the licence must not enter in to, allow or facilitate an arrangement that would facilitate the avoidance of duty. For example, the holder of the licence must not enter into an arrangement with a relevant traveller to deliver goods to a relevant traveller with the intent that the goods would be exported then returned to the holder of the licence where such an anrange ment would mean that duty is avoided.