

AUSTRALIAN CUSTOMS AND BORDER PROTECTION NOTICE NO. 2013/62

New legislative measures commence to strengthen the supply chain against criminal infiltration

The *Customs and AusCheck Legislation Amendment (Organised Crime and Other Measures) Act 2013* (the Organised Crime Act) received Royal Assent on 28 May 2013. It amends the *Customs Act 1901* (Customs Act) and the *AusCheck Act 2007* (AusCheck Act) to mitigate vulnerabilities at Australia’s borders. The Organised Crime Act is part of a package of measures to deter and prevent infiltration by serious and organised crime into Australia’s seaports, airports and cargo supply chain (ACBPNs [2013/12](http://www.customs.gov.au/webdata/resources/files/ACBPNBillintroducedtoParliament20130320a.pdf) and [2013/25](http://www.customs.gov.au/webdata/resources/files/ReceivedRoyalAssent.pdf) refer).

# Commencement of the measures in the Organised Crime Act

Most measures in the Organised Crime Act commence on 28 November 2013. The new offences for misusing information held by Customs commenced on

29 May 2013 and we expect the changes to the infringement notice scheme to commence on 1 February 2014, subject to the approval of the associated regulation. Please see the table at the end of this notice, which sets out the key legislative changes and their respective commencement dates.

# Supporting Regulations

As part of implementing the Organised Crime Act, it is necessary to prescribe certain matters in regulations. On 3 October 2013, ACBPS released an exposure draft of the *Customs Amendment (Record Keeping Requirements and Other Measures) Regulation 2013* for industry comment. On 18 October 2013, ACBPS released an exposure draft of the *Customs Amendment (Infringement Notices) Regulation 2013*. The exposure period for these regulations has concluded. The Record Keeping Regulation came into effect on 28 November 2013 and incorporated industry feedback. The Record Keeping Regulation is available on the COMLAW website here <http://www.comlaw.gov.au/Details/F2013L01968>.

ACBPS is finalising the Infringement Notice Regulation for Executive Council consideration.

# Timetable for commencement of Organised Crime Act measures

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| **Legislative measure** | **Commencement** |
| New offences for misusing restricted information | 29 May 2013 |
| Placing statutory obligations on CTOs and cargo handlers | 28 November 2013 |
| ASIC or MSIC consideration in relation to ‘fit and proper’ | 28 November 2013 |
| Strengthening the customs broker licensing scheme | 28 November 2013 |
| Standardising the record keeping to 5 years | 28 November 2013 |
| Increasing penalties for certain offences and making a number of existing fault based offences, strict liability  offences | 28 November 2013 |
| New permission regime for section 100 i.e. ‘constructive  warehousing’ | 28 November 2013 |
| Amending section 243T | 28 November 2013 |
| New Infringement Notice Scheme | Start of February 2014 – subject to approval of  Regulation |

**Further Information**

Further details about these changes are contained in ACBPS fact sheets:

1. *Changes to the Customs Act offences;*
2. *Changes to the record keeping obligations;*
3. *Notification of changes to the warehouse licensing regime*;
4. *Notification of changes to the depot licensing regime;*
5. *Changes to the Customs Broker Licensing Regime;*
6. *The introduction of new statutory obligations on CTOs and cargo handlers;*
7. *Statutory obligations on CTO and cargo handlers*

These fact sheets and further explanatory material is available on the ACBPS website at <http://www.customs.gov.au/site/page4271.asp>

If you have any queries about this Notice, please direct them to [Compliance1@customs.gov.au](mailto:Compliance1@customs.gov.au).

[signed]

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Compliance Assurance Branch 28 November 2013