





Australian
BORDER FORCE

Customs Compliance

Continuing Professional Development 2017



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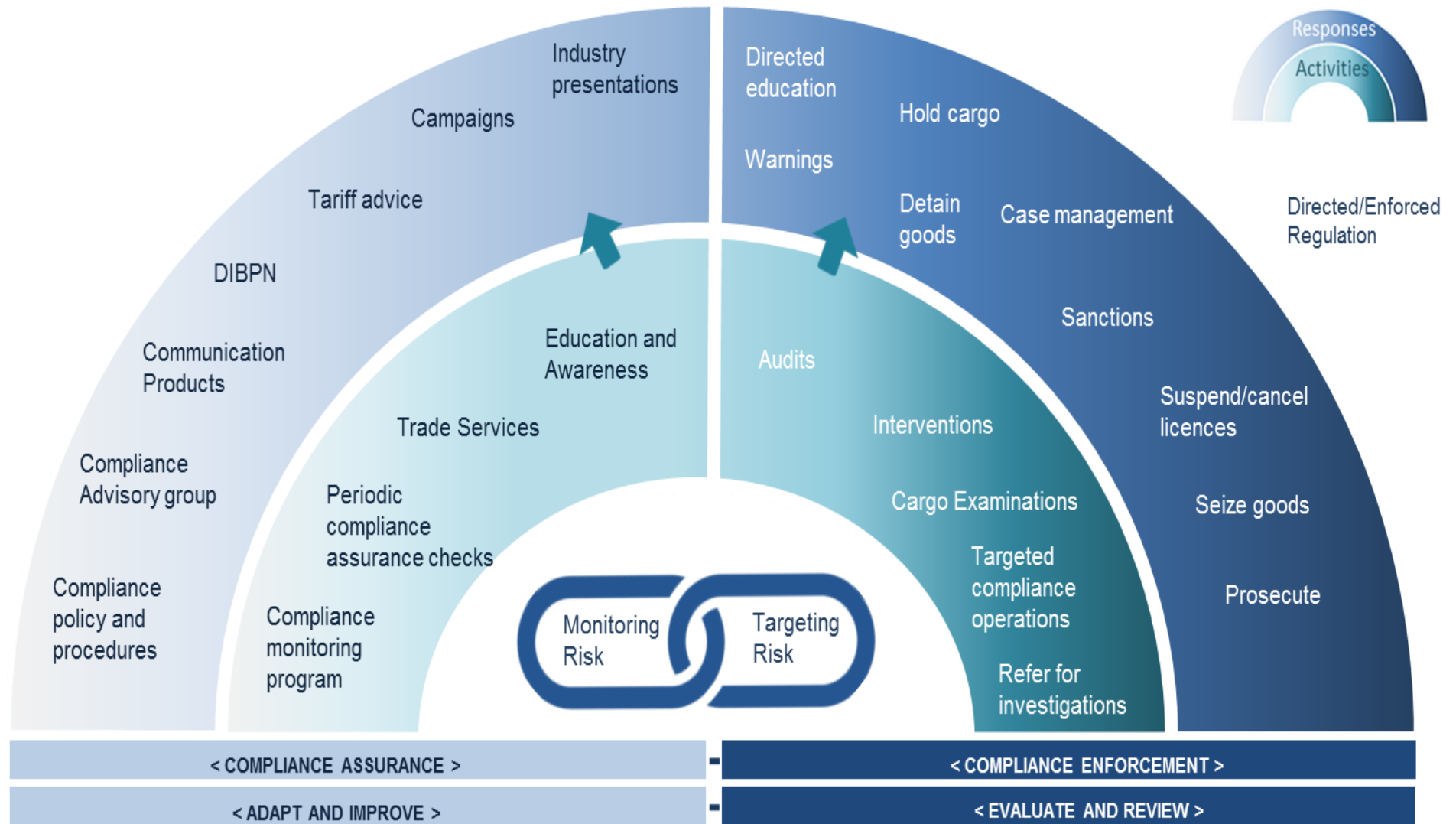
- Customs Compliance Update
- Asbestos management at the border
- China-Australia Free Trade Agreement (ChAFTA)
- Depot and warehouse licence regulatory obligations

Customs Compliance Branch Update



- 1 July 2017 will mark the second anniversary since the stand up of the Australian Border Force (ABF).
- Customs Compliance Branch within the ABF is responsible for delivering a nationally consistent, intelligence informed risk-based approach to trade and goods compliance for the Department.
- We ensure trade and supply chain participants are complying with Customs-related law and regulatory obligations.

Approach to Trade and Goods Compliance



To foster and enable a high level of voluntary compliance while dealing effectively with those who do not comply with the law.

Compliance activities and responses

	Self regulation	Assisted self regulation	Direct regulation	Enforced regulation												
Risk level	<div style="display: flex; justify-content: space-between; align-items: center;"> LOW HIGH </div>															
Responses	Compliance policy and procedures	Compliance Advisory Group	Communication products	DIBPN	Tariff advice	Campaigns	Industry presentations	Directed education	Warnings	Hold cargo	Detain goods	Case management	Sanctions	Suspend/cancel licence	Seize goods	Prosecute
Activities	Compliance Monitoring Program	Periodic compliance assurance checks	Trade services	Education and awareness	Audit	Interventions	Cargo examinations	Targeted compliance operations	Refer for investigations							
	Compliance assurance Adapt and improve						Compliance enforcement Evaluate and review									
	Monitoring risk						Targeting risk									

Goods Compliance Update

- Asbestos
- Trade and Goods Compliance Advisory Group
- Approach to Trade and Goods Compliance
- Secrecy and disclosure provisions
- Refunds
- Free Trade Agreements
- INS Statistics
- Email suggestions to:
goodscompliance@border.gov.au



Compliance areas of focus

- Tariff Concession Orders
- Continuing to support the domestic ban of asbestos
- Evasion of duty through misclassification and undervaluation
- Evasion of dumping and countervailing



Asbestos



1 – **Chrysotile**: also known as **white asbestos** and the most common type of asbestos – was most commonly used in vehicle brake pads, linings and blocks, clutch plates and gaskets

2 – **Amosite**: also known as **brown asbestos** is the second most dangerous type of asbestos – was most commonly used as a fire retardant in thermal insulation products

3 – **Actinolite**: also known as **brown asbestos** and has the tiniest fibres that can easily embed themselves in human tissue – was most commonly used in insulation materials

4 – **Anthophyllite**: also known as **blue asbestos** and has been used to stop rashes and other skin problems

Not generally used due to its rarity however could potentially be found in cement products and insulating material

5 – **Crocidolite**: also known as **blue asbestos** is the least common type of asbestos however is the most dangerous – was most commonly used as a reinforcement material for plastics

6 – **Tremolite**: causes severe breathing problems – was most commonly used in home insulation products

Goods considered a high risk of containing asbestos

- Asbestos bitumen products used to damp proof
- Asbestos rope
- Asbestos tape
- Brake linings or blocks
- Cement flat sheeting or panels
- Cement pipes, tubes or fittings
- Cement shingles or tiles (external or ceiling)
- Clutch linings or brake disc pads
- Crayons
- Diaphragms
- Ducts
- Electrical cloth and tapes
- Electrical panel partitioning
- Fire blankets
- Fire curtains
- Fire resistant building materials
- Furnaces
- Gaskets or seals
- Gloves
- Heat resistant sealing or caulking compounds
- Heating equipment
- Products containing certain types of talc
- Lagging and jointing materials
- Mastics, sealants, putties or adhesives
- Mineral samples for display or therapeutic purposes
- Mixtures containing phenol formaldehyde resin or cresylic formaldehyde resin
- Friction materials for, or within, internal combustion and electric motor vehicles (for example, clutch linings, brake pads and shoes and gaskets)
- Pipe spools
- Raw materials from mining activities
- Sheet vinyl backing
- Sheeting
- Textured paints or coatings
- Tiles
- Yarn and thread, cords and string, whether or not plaited

Note: This list is non-exhaustive and subject to change and should be used as a guide only.

Information is available on our website: <http://www.border.gov.au/asbestos>

Preventing Import/Export of Goods Containing Asbestos

To ensure that goods do not contain asbestos, importers are encouraged to investigate, and where appropriate implement:

- Contractual obligations with their suppliers that specify nil asbestos content
- Sampling and testing for asbestos content prior to shipping the goods to Australia
- Regular risk assessment and quality assurance processes, that take into account:
 - What raw materials are used in the manufacture of the goods.
 - Where manufacturers outside Australia source their raw materials.
 - Identifying and subsequently minimising asbestos-risk activities at the point of manufacture.

Accredited laboratories

- In Australia – a testing laboratory that is accredited by the National Association of Testing Authorities (NATA).
- Overseas – a laboratory must be accredited by the equivalent accreditation authority in that overseas economy that has a Mutual Recognition Agreement (MRA) with NATA.
- This information can be obtained from the Asia Pacific Laboratory Accreditation Cooperation (APLAC) & the International Laboratory Accreditation Cooperation (ILAC) websites. Information on where these accreditation bodies are located and their MRA status is available at www.aplac.org & www.ilac.org.

Testing Reports

Testing reports provided by Australian & overseas labs as prescribed by NATA

- Test method used
- Date & origin of sample
- Description of sample (& sub-sample if applicable) including weight, size, colour
- If fibres are detected under Polarizing Light Microscope (PLM)/ Dispersion Staining (DS) at the detection limit
- Type of fibre detected i.e. asbestos fibre type, organic fibre, synthetic mineral fibres, mineral fibres of unknown type (may require confirmation by another technique)
- Name of analyst undertaking the testing

www.nata.com.au/nata/

Misclassification, undervaluation and misuse

- Misclassification of goods continues to be a common compliance issue both in the import and export environment.
- Brokers must ensure they are aware of all the goods within the consignment and provide classifications for the entirety.
- There have been instances of goods valued over \$1000 being reported on a Self Assessed Clearance Declaration
- Those making SAC declarations on behalf of others have an obligation to ensure that the cargo being reported meets the requirements for a SAC declaration

ChAFTA – Certificates of Origin

CERTIFICATE OF ORIGIN

1. Exporter's name, address and country:			Certificate No.: _____			
2. Producer's name and address (if known):			CERTIFICATE OF ORIGIN			
3. Importer's name, address and country (if known):			Form for China-Australia Free Trade Agreement			
4. Means of transport and route (if known): Departure date: _____ Vessel/Flight/Train/Vehicle No.: _____ Port of loading: _____ Port of discharge: _____			5. Remarks:			
6. Item number (max.20)	7. Marks and numbers on packages (optional)	8. Number and kind of packages; description of goods	9. HS code (8-digit code)	10. Origin criterion	11. Gross or net weight or other quantity (e.g. Quantity Unit, litres, m ³ .)	12. Invoice number and date
13. Declaration by the exporter or producer The undersigned hereby declares that the above-stated information is correct and that the goods exported to AUSTRALIA (Importing Party) comply with the origin requirements specified in the China-Australia Free Trade Agreement. Place, date and signature of authorised person			14. Certification On the basis of the control carried out, it is hereby certified that the information herein is correct and that the described goods comply with the origin requirements of the China-Australia Free Trade Agreement. Place, date, and signature and stamp of the Authorised Body Tel: _____ Fax: _____ Address: _____			

AQSIQ150000001

CHAFTA@border.gov.au

Depot and Warehouse Licence Obligations

- A depot or warehouse licence holder is subject to a number of conditions.
- For example, a licence holder must not change the location of the depot or warehouse, without having prior written approval in the form of a licence variation.
- In recent years, our compliance activities have identified instances where the location of a depot or warehouse has been amended without prior written approval. This is a breach of a licence condition.

see our website - border.gov.au

Licensing Review

- The review received 37 submissions from a range of individual customs brokers, industry associations and government departments with interests and involvement in licensing.
- Some submissions proposed:
 - Compliance measures for transportation companies regarding the movement of goods under customs control.
 - Potential for mandatory training (or continuing professional development schemes) as part of ongoing licensing arrangements.
 - Standardisation of the licensing renewal timeframes across all Australian Government border and biosecurity agencies.



Thank you

For further information:

www.border.gov.au

email Goods Compliance:

goodscompliance@border.gov.au