



AUSTRALIAN CUSTOMS AND BORDER PROTECTION NOTICE NO. 2011/58

Movement of goods under Customs control that has not been fully reported – revised 5 December 2011¹

Purpose:

The purpose of this notice is to:

- increase awareness and emphasise the importance of timely and accurate reporting; and
- advise that Customs and Border Protection will be undertaking additional activities to closely monitor cargo that has not been reported within legislated timeframes.

Background

Customs and Border Protection applies an intelligence-led, risk based approach to protect Australia's border. This means that we facilitate legitimate trade and travel and reduce risk to the border by focusing our resources where they are needed most. Our approach draws on early and accurate reporting by industry, strategic and operational intelligence and assurance programs and campaigns designed to detect, deter and disrupt illicit activity.

Accurate and timely lodgement of cargo reports and import declarations - or other relevant declarations such as the Self Assessed Clearance (SAC), are critical in enabling Customs and Border Protection to complete risk assessment and intervention activities before cargo moves into the Australian community.

Legislated cargo reporting and declaration lodgement timeframes (set out at Attachment A) are designed to provide Customs and Border Protection with the information needed to promptly undertake risk assessment and to identify requirements for further intervention once the goods have arrived into Australia.

Key elements of this information include:

- all related cargo reports for each consignment; so that the details of participants in the supply chain and ultimate consignor and consignees are available prior to the arrival of goods at the first Australian Port; and
- all import declarations; providing advice about the identity of the importer, suppliers, and commodities, lodged by the end of the next working day of Customs, following the day on which the goods were imported into Australia.

Timely and accurate reporting of cargo facilitates risk assessment to be undertaken:

- in the case of sea cargo, prior to the goods moving from the port of destination (either to licensed premises or into home consumption); and
- in the case of air cargo, shortly after arrival at the intended place of deconsolidation.

¹ This ACN was first published on 2 December 2011. It was revised on 5 December 2011 to include a column of legislative references in Attachment A.

Why is the early lodgement of accurate cargo reports and import declarations important?

Early and accurate reporting enables Customs and Border Protection to promptly determine any risk response actions (such as intervention) that will need to be undertaken following the arrival of goods into Australia and also facilitates early release of legitimate cargo. Reporting within the prescribed timeframes is also a statutory requirement.

This has benefits across industry including certainty of status for early logistics planning by importers and their service providers. It also enables goods of low risk to move under Customs permission pending completion of a range of procedural formalities (such as payment of revenue and deconsolidation), once any potentially serious breaches of border control have been ruled out.

Most traders and cargo reporters complete reporting and import entry formalities within the prescribed timeframes, however a small proportion of cargo remains unreported (either declaration or lowest level cargo report not lodged) at the time of movement.

Movement of cargo that has not been fully and accurately reported represents a vulnerability within the supply chain, creates the requirement for additional handling and storage at licensed premises and delays clearance of cargo and certainty of availability for logistics service providers and traders alike.

In 2011-2012, Customs and Border Protection will commence increased scrutiny of consignments where there has been no declaration lodged within the statutory timeframe. This may mean that in some cases, cargo that had been granted permission to move underbond prior to lodgement of the import declaration may be subject to intervention activities.

As part of the focus on lodgement within statutory timeframes, traders and cargo reporters are encouraged to review the legislated cargo reporting and declaration lodgement timeframes at Attachment A, to ensure familiarity with reporting requirements.

Facilitation benefits of early and accurate reporting (including cargo reports and import declarations)

Annual time release studies (TRS)² undertaken by Customs and Border Protection show an improvement in early lodgement across 2007, 2008 and 2009, with corresponding improvement in the timing of cargo release. However in 2010, a reduction in reporting performance has contributed to a slip in clearance performance.

The 2010 TRS can be found at <http://www.customs.gov.au/site/page6067.asp>

Impediments to early reporting

Customs and Border Protection will continue to engage with industry through key industry forums to understand impediments that prevent further improvement in cargo reporting and import entry lodgement timing and will address them where possible.

Further Information

Any queries about matters addressed in this ACN should be directed to the Cargo Support Team within the Customs Information and Support Centre (CI&SC) by:

- telephone on 1300 558 099
- email at cargosupport@customs.gov.au

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2 December 2011

² TRS measures the average time from the arrival of goods at a port until their release by Customs and Border Protection and other border agencies.

ATTACHMENT A

Cargo Reporting Timeframes for Sea Cargo

Report	Lodgement timeframe	Legislative reference All refer to the <i>Customs Act 1901</i> unless otherwise stated
<i>Impending Arrival Report</i>	Not more than 10 days and not less than 96 hours before the Estimated Time of Arrival (ETA) at the first Australian port	Section 64(5) and Regulations 26 and 27 of the <i>Customs Regulations 1926</i>
<i>Cargo Report</i>	Not less than 48 hours before the ETA at the first Australian port	Section 64AB(8) and Regulations 28 and 29 of the <i>Customs Regulations 1926</i>
<i>Cargo List Report</i>	Not less than 48 hours before the ETA at the first Australian port. Must be amended not less than 48 hours before the ETA at the first Australian port	Section 64AB
<i>Actual Arrival Report</i>	Within 24 hours of arrival at each Australian port, or before a Certificate of Clearance from that port is issued, whichever occurs first	Section 64AA(3)
<i>Outturn Report</i> (Non-containerised cargo at the port of discharge)	Within five days following the discharge	Section 64ABAB(3)
<i>Progressive Discharge Report</i>	Within three hours of the commencement of discharge of containerised cargo and then at intervals of up to three hours until discharge is complete	Section 64ABAB(2)
<i>Outturn Report</i> (containerised cargo)	If unpacked, within 24 hours of completion of unpacking If not unpacked, within 24 hours of receipt at the Customs place	Section 64ABAB(4)(a)(ii) Section 64ABAB(4)(a)(i)
<i>Outturn Report</i> (Non-Containerised cargo moved from one Customs place to another after initial discharge)	The day after the day on which the cargo was received into the Customs place	Section 64ABAB(4)(b)(i)

Cargo Reporting Timeframes for Air Cargo

Report	Lodgement timeframe	Legislative reference All refer to the <i>Customs Act 1901</i> unless otherwise stated
<i>Impending Arrival Report</i>	Not more than 10 days and not less than three hours before the ETA at the first Australian port.	Section 64(7) and 64(8)
<i>Cargo Report</i>	Not less than two hours before the ETA at the first Australian port	Section 64AB(8)
<i>Actual Arrival Report</i>	Within three hours of arrival at each Australian port, or before a Certificate of Clearance from that port is issued, whichever occurs first	Section 64AA(3)
<i>Outturn Report</i>	Within 24 hours of the arrival of the aircraft	Section 64ABAB(1)
<i>Outturn Report</i>	If unpacked, within 24 hours of completion of unpacking. If not unpacked, within 24 hours of receipt at the Customs place	Section 64ABAB(4)(a)(ii) Section 64ABAB(4)(a)(i)

Declaration and Statement Timeframes

Report	Lodgement timeframe	Legislative reference All refer to the <i>Customs Act 1901</i> unless otherwise stated
<i>Import Entries (Import and Warehouse Declarations)</i>	Lodged by the end of the next working day of Customs, following the day on which the goods were imported.	Regulation 43 of the <i>Customs Regulations 1926</i>
<i>Self Assessed Clearance Declaration</i>	If a SAC is being submitted at the same time as the Cargo Report via the SAC indicator, timelines for Cargo Reports apply. If a SAC is not being submitted at the same time as the Cargo Report via the SAC indicator, no timeframe applies.	Section 71AAAF(3) - in reference to a SAC may be communicated with a cargo report. See previous tables for cargo report timeframes.
<i>Unaccompanied Personal Effects Statement (UPE is statement, not a declaration)</i>	No timeframe applies.	

Note: This does not include clearance arrangements for special clearance goods or excise equivalent goods.