



CUSTOMS BROKERS RESPONSIBILITIES

IT IS THE RESPONSIBILITY OF ALL LICENSED CUSTOMS BROKERS TO COMPLY WITH THE CONDITIONS OF THEIR LICENCE, AS OUTLINED IN THE *CUSTOMS ACT 1901* (THE ACT).

ALL LICENSED CUSTOMS BROKERS

The Act requires all licensees to inform Customs in writing within 30 days if any of the following events occur:

- any conviction of the licensee or person participating in the work of the brokerage of an offence under the Act
- any conviction of the licensee or person participating in the work of the brokerage of an offence under any Commonwealth, State or Territory law punishable by imprisonment for one year or longer
- a licensed individual becoming bankrupt.

RESPONSIBILITIES SPECIFIC TO LICENSED CORPORATE BROKERS

A corporate customs broker must:

- do everything necessary to ensure that all persons who participate in the work of the brokerage are persons of integrity
- always have at least one nominee broker associated with the brokerage
- 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)

- Where there is a change in nominee broker employment, Customs must be advised by both the nominee broker and the corporate licence holder. It should be noted that lodgement of declarations by nominees in the Integrated Cargo System (ICS) are subject to a check that the nominee is recorded as being employed by the brokerage. Failure to advise Customs of nominee changes will result in nominee brokers being unable to lodge declarations.

Changes in the directors of a company

- Where there is a change of directors of a company, Customs will require integrity checks to be carried out on new directors.

Changes in the partners of a partnership

- Where there is a change of membership of a partnership, Customs will require integrity checks to be carried out on new partners.

Changes in the company structure

- A customs brokers licence is not transferable. When the structure of a company changes and a new company registration is made, the licence issued to the original company cannot be used. As a guide, this would apply to situations where a new Australian Business Number (ABN) is required.

Changes in the financial status of the company or partnership

- Licensees must inform Customs of a change in financial status affecting the ability to hold a licence. This covers bankruptcy, receivership, administration or winding up of companies or dissolution of partnerships or of any persons in authority at any of these.

FAILURE TO MEET RESPONSIBILITIES

Failure to meet any of the conditions associated with a customs brokers licence, and the responsibilities imparted by them, may result in referral of the matter to the National Customs Brokers Licensing Advisory Committee for consideration and recommendation to the Chief Executive Officer of Customs on possible suspension or cancellation of the licence.

For more information on any Customs matter, contact the Customs Information and Support Centre on 1300 363 263 or email information@customs.gov.au or browse the website www.customs.gov.au