



AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE PRACTICE STATEMENT

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Title:	Clearance of Cargo - Exports
Purpose:	To outline the policy and processes relating to exportation of goods from Australia.
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Category:	Operational Procedures (OP)
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Summary of main points

Customs and Border Protection Practice Statements are endorsed policy and must be followed by all Customs and Border Protection employees. This Practice Statement outlines:

- the process of reporting and declaring goods intended to be exported from Australia;
- Customs and Border Protection's administration of export prohibitions, restrictions and permissions; and
- the responsibilities of parties reporting export cargo.

The electronic version published on the intranet is the current Practice Statement.

Introduction Statement

The Australian Customs and Border Protection Service (Customs and Border Protection)'s role in the exportation of goods is to:

- ensure all goods being exported from Australia are reported as required;
- administer controls on behalf of permit issuing agencies on the export of restricted or prohibited goods;
- gather accurate information about the nature and volume of exports to assist government and industry in policy development and decision-making; and
- verify that exported goods are not fraudulently diverted to avoid the payment of duties and/or taxes, and other charges.

The export of goods from Australia is controlled by laws and Government policies to:

- prohibit the export of certain goods either absolutely or conditionally; and
- enable the accurate recording of Australia's international trade.

The intended policy outcomes of this Practice Statement are to:

- provide policy guidance on the exportation of goods from Australia;
- ensure responsible parties involved in the exportation of goods understand their obligations to report in a manner consistent with the legislative requirements;
- outline Customs and Border Protection's responsibilities to the Government and other Government Departments/Agencies in administering export prohibitions and authorisations; and
- establish and implement nationally consistent Instructions and Guidelines relating to Customs and Border Protection's treatment of export cargo.

Context and Scope

For Customs and Border Protection purposes, an export is the removal of goods by ship or aircraft from Australia to a place outside Australia. In this context the exportation of cargo is regarded as having occurred when:

- goods situated within the Commonwealth of Australia are placed on board a ship or aircraft for consignment to a place beyond the Commonwealth;
- the international voyage from the final port or airport within Australia to that place has actually commenced; and
- the goods are intended to be landed at a place outside Australia.

The "Commonwealth of Australia" includes:

- Australia's States and mainland Territories;
- Australia's coastal islands;
- Australia's offshore islands (Lord Howe and Macquarie Islands);
- offshore islands that are legally "Internal Territories" of Australia (Ashmore and Cartier Islands); and
- offshore "installations" deemed part of Australia under the *Sea Installations Act 1987*.

This however, does not include Australia's "External Territories¹". Goods intended for export to one of Australia's external territories are subject to export requirements outlined in Part VI of the *Customs Act 1901* (the Customs Act).

For goods exported from Australia, this practice statement covers:

- The reporting of goods for export;
- The reporting of the movement of goods for export;
- The responsibilities and obligations of identified parties involved.

This practice statement does not cover:

- Customs and Border Protection's Cargo Risk Assessment process
- Customs and Border Protection's Compliance activities

¹ Section 17 of Acts Interpretation Act 1901 refers

Policy Statement

1. Overview – Export Requirements

All goods being delivered for export from Australia are subject to Customs control and must be reported to Customs and Border Protection.

Goods may not be exported or loaded on a ship or aircraft for export until they have been entered for export and Customs and Border Protection has given approval for the exportation to occur (although certain exemptions may apply). Goods are entered for export in the Integrated Cargo System (ICS) using either an export declaration or an 'exemption code' on the export manifest.

Ships or aircraft may not depart from Australia unless Customs and Border Protection has issued a Certificate of Clearance. Such a certificate will only be issued when all Australian Government requirements relating to the ship or aircraft and its cargo have been met.

2. Export Declaration Requirements

An export declaration is a statement made to Customs and Border Protection providing information concerning the goods and the export transaction. The export declaration provides details about goods intended for export and can be lodged by the owner of the goods, or by an agent on their behalf.

Export declarations may be lodged either:

- electronically by a registered user of the ICS, either as an agent acting on behalf of an owner, or by the owner directly; or
- manually by completion of a documentary declaration, which may be prepared by the owner or an agent acting on behalf of the owner. A documentary export declaration must be lodged in person at a Customs and Border Protection counter.

Goods that are exempt from requiring an export declaration are still required to be reported on export manifests and sub-manifests using the appropriate exemption code.

3. Collection of Export Information

Information on goods intended to be exported from Australia is required to be provided to Customs and Border Protection by cargo reporters (ship or airline operators, slot charterers, freight forwarders and express couriers), container/cargo terminal operators, stevedores, depot operators, warehouse operators, licensed Customs brokers and owners of goods in accordance with the requirements of the Customs Act.

Customs and Border Protection uses the information provided to:

- ensure all risks are identified and dealt with, to facilitate the legitimate movement of goods across the border;
- administer controls on behalf of permit issuing agencies on the export of restricted or prohibited goods; and
- collect accurate statistical data.

Foreign trade statistics measure Australia's exports and imports of goods and associated shipping and air cargo movements. These trade statistics are compiled from information submitted to Customs and Border Protection by Australian importers and exporters. The Australian Bureau of Statistics is the main source of comprehensive and up-to date statistics on Australia's foreign trade. International merchandise trade statistics provide essential information about Australia's trading role within the international environment. They are some of the most valuable decision-making tools available to businesses competing in the import and export fields and are vital to governments in formulating and monitoring policy initiatives and international trade negotiations.

4. Export Prohibitions, Restrictions and Permissions

The exportation of goods may be prohibited absolutely, prohibited in specified circumstances, prohibited to specified places, or prohibited unless prescribed conditions are complied with.

Total prohibition applies to the export of protected wildlife, some heritage items, selected weapons and other dangerous goods. Goods that are conditionally prohibited from export may not be exported unless all necessary export permits are obtained from the relevant permit issuing agency.

Where goods are subject to export controls under *the Customs (Prohibited Exports) Regulations 1958* or any other Commonwealth legislation, the exporter must apply to the appropriate government agency for an export permit regardless of the value of the consignment or any other export entry requirements. Any export subject to an export permission or other control must have an export declaration lodged quoting the relevant permit.

Some exporters may not accurately know information such as values, weights and quantities until after the goods have been delivered or offloaded onto the ship or aircraft for export. Those exporters who do not know the relevant details at the time of export may be accorded 'Confirming Exporter' status by applying under section 114B of the Customs Act.

The movement of certain export goods may also need to be reported in the ICS as they are received and/or removed from Cargo Terminals, Warehouses and Depots.

Procedural Statement

Customs and Border Protection provides information to all persons and organisations involved in the movement and processing of goods exported from Australia. In this respect, Customs and Border Protection's expectations are that:

- Cargo reporters report the best information available to them prior to the export of the goods, based on the commercial documentation associated with the cargo. Cargo reporters should ensure that they use the functionality provided by the ICS to provide required information to Customs and Border Protection Service. This would assist in facilitating the processing of export cargo.
- Depot operators, Stevedores, Cargo/Container Terminal Operators report the arrival and removal of certain export goods when those goods actually arrive or are removed from their premises.
- Warehouses report the release and return of certain export goods based on the actual arrival or removal of goods into or out of their premises.
- All parties involved in the reporting and movement of export cargo have certainty of Customs and Border Protection providing export status based on the information reported to Customs and Border Protection.

Related Instructions and Guidelines

- Documentary EDN process – July 2009
- Exempt Goods - July 2009
- Confirming Exporter approval process – July 2009
- Documentary CRN process - TBA

Related policies and references

- Volume 12 Export Control Manual

Key roles and responsibilities

National Manager Trade Policy and Regulation

- Overall provision of strategic, directional and operational policy development relating to cargo clearance and the exportation of goods.
- Authorisation of the release of information relating to exports in accordance with section 16 of the *Customs Administration Act 1985*.
- Policy outcomes required by Government, Customs and Border Protection and other Government Agencies for the clearance of cargo.

Director Import / Export Policy

- Provision of strategic, directional and operational policy advice on matters relating to exportation of goods from Australia including the development of Practice Statements and Instructions and Guidelines, to achieve required outcomes.

Regional Directors

- Assisting in the development, revision and maintenance of Instructions and Guidelines related to this practice statement.
- Ensuring that managers are provided with the resources to ensure staff have access to the Practice Statements, Instructions and Guidelines and are trained accordingly.
- Ensuring that at all levels the outcomes driven by the Practice Statement are achieved by adherence to approved Instructions and Guidelines.
- Ensuring breaches of the Practice Statement are dealt with in a timely and appropriate manner.
- Ensuring that errors or potential improvements identified in Instructions and Guidelines are reported to the Director Import/Export Policy.

Managers

- Providing training to supervisors and officers, ensuring they have a sound understanding of the Practice Statement and understand how to follow related Instructions and Guidelines to achieve nationally consistent outcomes.
- Assisting in the development and maintenance of Instructions and Guidelines.
- Ensuring that Practice Statements and associated Instructions and Guidelines are complied with.

Supervisors and Officers

- Ensuring they are familiar with this Practice Statement and undertake appropriate training.
- Knowing and understanding the application of Instructions and Guidelines related to this Practice Statement when doing duty in respect of clearance of cargo for export.
- Complying with the Instructions and Guidelines.

Consultation

External Consultation

- Not Required – This practice statement articulates well established existing practices.

Internal Consultation

The following internal stakeholders have been consulted in the development of this Practice Statement:

- Client Engagement and Cargo Systems
- Compliance

Approval

Approved on	14 July 2009	(signature)
By	Sue Pitman ND Trade and Compliance	
Endorsed on	20 July 2009	(signature)
By	Neil Mann DCEO Passenger and Trade Facilitation	