



AUSTRALIAN CUSTOMS AND BORDER PROTECTION NOTICE 2013/21

Application for a Customs Broker Licence – Integrity, Approved Course of Study and Acquired Experience

This purpose of this Notice is to provide guidance to applicants applying for a customs broker licence as a natural person.

This Notice supersedes Australian Customs Notices 1998/44, 2004/20, 2008/49, 2010/48 and 2011/48 on these matters.

In assessing an application made by a natural person for a customs broker licence, section 183CC of the *Customs Act 1901* requires the Chief Executive Officer of Customs (the CEO) to consider whether the applicant:

- is a person of integrity
- has completed a course of study approved by the CEO, and
- has acquired experience that, in the opinion of the CEO, fits the applicant to be a customs broker.

PERSON OF INTEGRITY

In deciding whether a natural person is a person of integrity, the CEO considers the matters set out in section 183CC(4) of the Customs Act. The CEO may consider other matters such as advice provided by employers and other referees.

Applicants are required to authorise the CEO to obtain information from Australian police forces and other law enforcement agencies to assist with the person of integrity assessment.

COURSE OF STUDY

The course of study comprises units from the Transport and Logistics Training Package TLI10. The current approved units are:

- TLIA2009A Complete and Check Import-Export Documentation
- TLIA2048A Carry out Border Clearance Functions
- TLIA2049A Apply Specialist Permit Requirements as Part of Customs Broking Activities
- TLIA3050A Apply GST Regulations as Part of Customs Broking Activities
- TLIA4051A Carry Out Quarantine Procedures
- TLIA4052A Carry Out Customs Clearance Practices
- TLIA3053A Carry Out Customs Valuation
- TLIA3054A Classify Commodities for the Import and Export of Goods through Customs
- TLIA4055A Classify Complex Commodities for the Import and Export of Goods through Customs
- TLIA4056A Carry Out Complex Customs Valuation
- TLIA4057A Analyse, Advise On and Carry Out Integrated Border Clearance Transactions

The Registered Training Organisations (RTO), which deliver the course of study are:

- Sydney Institute of TAFE (NSW)
- Kangan Institute of TAFE (VIC)
- Holmesglen Institute of TAFE (VIC)
- Customs Brokers and Forwarders Council of Australia Inc (CBFCA)
- myfreightcareer Ltd

Applicants seeking Recognition of Prior Learning (RPL) or Recognition of Current Competencies (RCC) should contact their intended training organisation for details. An applicant for a customs broker licence who has not completed the approved course of study (directly or through formal RPL/RCC) may seek an exemption from that course of study by applying in writing to the CEO. An exemption will only be granted where the CEO is satisfied that the applicant has experience or training that equips the applicant with relevant knowledge and understanding that is reasonably equivalent to that which would be acquired through successful completion of the approved course of study.

ACQUIRED EXPERIENCE

Applicants can demonstrate that they have the requisite acquired experience by providing a written account of their employment history in the customs broking industry. Such an account should detail the nature and length of their employment. It should also include the broad range of duties performed and responsibilities undertaken that the applicant believes would fit them to be a licensed customs broker.

The customs broker licensing application package includes guidance for applicants and their referees as to the information that the applicant should provide in order to demonstrate the requisite acquired experience.

A number of organisations may conduct an examination that assists applicants who have completed (or been exempted from) the approved course of study in demonstrating that they have the knowledge required of a customs broker. The CEO may take into account the successful completion of such an examination when assessing whether an applicant has acquired experience that fits them to be a customs broker. The weight afforded to successful completion of any particular examination from time to time will depend upon a number of factors including:

- how well it is perceived to test practical experience and not simply academic knowledge
- the breadth of the range of practical issues that it tests and the depth of experience that it requires to resolve this issues, and
- the rigour with which the examination is conducted.

The most important element of demonstrating acquired experience is nevertheless the applicant's employment history as detailed in the documentation supporting their application. While successfully completing an examination can be an additional element in demonstrating acquired experience, it is not a mandatory requirement nor is it sufficient by itself.

NCBLAC INTERVIEW

The Customs Act provides that the CEO shall refer applications to the National Customs Brokers Licensing Advisory Committee (NCBLAC) for investigation before deciding whether to grant or not grant a customs broker licence.

NCBLAC will convene an interview with the applicant where:

- there are any unresolved issues concerning an applicant's integrity
- an exemption from completing the approved course of study is sought, or
- the information provided by the applicant is not considered sufficient in itself to demonstrate acquired experience.

At the interview, NCBLAC will ask the applicant a range of questions, which cover a broad range of topics relevant to their experience in and knowledge of the day-to-day activities and responsibilities of being a licensed customs broker and the applicable legislation.

NCBLAC reports to the CEO on the results of the investigation and interview where relevant, outlining the accuracy of the applicant's responses and the degree of knowledge and acquired experience demonstrated. The CEO will consider the NCBLAC recommendation when deciding to grant or not grant a customs broker licence.

Licence application packages are available on the Customs website at:
<http://www.customs.gov.au/site/page6093.asp>

Applicants should forward the completed forms and supporting documentation to:

Broker Licensing
Australian Customs and Border Protection Service
5 Constitution Avenue
CANBERRA ACT 2600

If you have any questions about this Notice or the application process, please contact Broker Licensing on (02) 6275 5784 or email brokers.licensing@customs.gov.au

[Signed]

Anthony Seebach
National Manager
Compliance Assurance

23 April 2013