

# CUSTOMS BROKER FACT SHEET



## CARGO HOLDS AND FCL STORAGE CONCESSIONS

*Freight & Trade Alliance (FTA) provides the following commentary using practical efforts to ensure accuracy by generally using source intelligence, including advice from government departments and publicly available data.*

The Australian Border Force (ABF) and the Department of Agriculture, Fisheries and Forestry (DAFF) have regulatory provisions to HOLD cargo before release as free goods into Australian commerce.

The ABF use a series of profiles to target high risk consignments. A common occurrence of a HOLD relates to when an importer changes service provider (customs brokerage).

In circumstances where cargo is subject to a Border or Biosecurity HOLD, delays to cargo release may result in expensive storage and /or empty container dehire (return) detention penalties.

A level of financial relief exists in a **Full Container Load (FCL)** sea freight environment when cargo is subject to the ABF Container Examination Facility (CEF) processing. In prescribed circumstances, stevedores are obliged to waive storage charges.

While Freight & Trade Alliance (FTA) continues to advocate for fairer operational conditions for importers, it is important to note this same level of financial concession does NOT currently extend to:

- any consignment subject to a Biosecurity HOLD;
- air cargo consignment subject to a Border HOLD;
- Less than full Container Load (LCL) consignment subject to Border HOLD; or
- FCL container detention penalties for the late dehire (return of empty containers).

EXISTENCE OF FINANCIAL CONCESSION	FCL	LCL	AIR
STORAGE CAUSED BY A BORDER HOLD	YES	NO	NO
STORAGE CAUSED BY A BIOSECURITY HOLD	NO	NO	NO
CONTAINER DETENTION CAUSED BY BORDER OR BIOSECURITY HOLD	NO	N/A	N/A

Further detail is outlined in Australian Customs Notice [\(ACN\) 2023/01](#)

### FCL BORDER HOLDS

The following advice outlines Container Examination Facility (CEF) related processes and statutory reporting obligations.

The CEF utilises scanning technology to enable the ABF to fulfil its border protection role.



The ABF has stated approximately 90% of FCL containers selected for examination are x-rayed, released within 30 minutes and immediately returned to the stevedore. The remaining 10% may incur some form of delay as they are selected for more detailed physical examination.

To minimise associated costs incurred for delayed release of cargo, it is essential that importers supply timely and accurate import data, permits and documentation to customs brokers in order to meet statutory requirements.

## **LEGISLATIVE REQUIREMENT FOR TIMELY DECLARATIONS**

The ABF require cargo report data from shipping lines and freight forwarders to be provided 48 hours prior to arrival at the first Australian port (Sec 64AB Customs Act).

Post the October 2005 Integrated Cargo System (ICS) implementation, Customs and Border Protection, now ABF, have increasingly focussed on import declarations as an important source of data to complete their border risk assessment in identifying illegal activity. This resulted in the release of Australian Customs Notice ([ACN\) 2011/58](#) highlighting the importance of early lodgement of import declarations.

## **STORAGE**

Commercial penalties apply in the form of stevedore storage charges in circumstances when "late" import declarations or cargo reports are lodged and consignments have been selected for CEF assessment. If a container is subject to further ABF CEF assessment, storage fees are administered by stevedores despite the fact the container may not be physically unavailable for collection.

To be eligible for the extended storage arrangements, two criteria must exist:

1. the cargo report must be provided to the ABF in line with statutory provisions outlined above; AND
2. in accordance with recommendations outlined in Australian Customs Notice No 2022/38, the Import Declaration has to be lodged at least 24 hours prior to the vessel arrival at the port of discharge.

### **ADELAIDE, DARWIN, LAUNCESTON, TOWNSVILLE AND NEWCASTLE**

Assuming the above reporting / declaration requirements have been satisfied, containers selected for CEF intervention will receive existing storage arrangements (a minimum of three days) from when they are returned from the CEF.

### **MELBOURNE, BRISBANE AND FREMANTLE**

Assuming the above reporting / declaration requirements have been satisfied, containers selected for CEF intervention will receive 24 hours free storage from when they are returned from the CEF.

### **SYDNEY**

Clause 17 of the Port Botany Landside Improvement Strategy (PBLIS) Mandatory Standards states that stevedores must provide free storage for the day the container is returned from the CEF and for the next two days after that.

Again, these extended storage arrangements are contingent on the above reporting / declaration requirements being satisfied.

## LATE TARGETING BY THE ABF

On occasions and no matter whether statutory reporting requirements have been met, the ABF may change the status of a container after it has received a “clear” status.

Please note, in these circumstances ABF will not compensate the importer for storage charges or container detention charges administered by stevedores and shipping lines.

To best assist in the logistics process and where the late change of status occurs 24 hours or more after the lodgement of all required risk assessment documentation, arrangements are in place to contact the customs broker.

## CONTACTING THE ABF

Any queries about the status of your cargo should be directed to Cargo Systems Support using the [online enquiry form](#).

For urgent clearance matters concerning Special Clearance Goods as defined in [section 70 of the Customs Act](#), please call the Cargo System Support team on 02 6275 6100.

## AUSTRALIAN TRUSTED TRADERS

Licensed customs brokerages, that are accredited Australian Trusted Traders, are permitted to contact their account manager if cargo is unreasonably delayed.

The ABF Account Manager will investigate the nature of the HOLD, and where appropriate provide an email confirming *“the cargo is undergoing border processing and there is no further action that the service provider can undertake to expedite the release of the cargo.”*

This email can then be shared with the client importer to confirm the delays are not the fault of the service provider.

Before approaching your Account Manager, you should confirm that all statutory cargo reporting is accurate and all obligations have been met.

It is likely that your Account Manager will request copies of documentation and due diligence before they will investigate the matter.

## IMPORTANT NOTE:

**Due to the sensitive nature of these processes, FTA staff cannot make enquiries to the ABF on your behalf in terms of the status of your cargo.**

## COMPLAINTS, ENQUIRIES AND FEEDBACK

Under section 34 of the Customs Act, the ABF is not liable for any loss or damage to any goods which are subject to customs control except by the neglect or wilful act of some officer.

Complaints, enquiries, and feedback can be referred to the Department of Home Affairs Global Feedback Unit.

The ABF welcomes compliments, complaints and suggestions from our clients and industry. Feedback informs business improvement opportunities and further enhances the quality of our services.

You can provide feedback through the Department of Home Affairs Global Feedback Unit by:

- **Post** – Send us your feedback by post to:

Department of Home Affairs  
GPO Box 241  
MELBOURNE VIC 3001  
AUSTRALIA

- **Online** – Give feedback using the online form located at:

<https://www.homeaffairs.gov.au/help-and-support/departmental-forms/online-forms/complaints-compliments-and-suggestions>

When providing feedback related to sea cargo, all available shipping and cargo information should be included.

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