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Trade and Goods Compliance Advisory Group (CAG) Meeting Minutes

CAG Chair:	Paul Barfoot, A/g Commander, Trusted Trader and Trade Compliance Branch		
Meeting Date:	27 March 2024	Meeting Time:	10:00 am – 12:00 pm
Venue:	Level 4, Room 90, 3 Molonglo Drive, Canberra / Microsoft Teams		
Attendees:	Attachment A		
Action Items:	Attachment B		

Agenda Item 1: Introduction and Welcome

The Chair welcomed members and opened the meeting, noting Commander Asha Rajah-Clarke's apologies.

Minutes from the meeting on 20 September 2023 were endorsed, contingent on the inclusion of updates to content within Agenda Item 8, pertaining to Self-Assessed Clearances.

Members endorsed the Terms of Reference (ToR).

Members agreed to close five (5) action items from the last meeting. Action items CAG20092023-06 and CAG20092023-07 will remain open.

Action Items

CAG27032024-1	Secretariat to engage with Chair re: inclusion of Self-Assessed Clearances at agenda item 8 within the minutes of 20 September 2023.
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Agenda Item 2: Customs Licensing Update

Mr Auneesh Kishore, Superintendent, Customs Licensing, Trusted Trader and Trade Compliance, provided a Customs Licensing update.

Superintendent Kishore noted and thanked members for valuable operational and business views, providing the ABF understanding of scope and utility of business impacts, at the two out of session meetings in November 2023 and February 2024. Conversations on Customs Broker Licensing Conditions remain open in relation to minor feedback.

Proposed conditions were discussed, noting that the conditions will be finalised in time for the licence renewal period. A number of changes are underway to ensure consistency and clarity of information, including the addition of an appropriate email address to report changes to the Comptroller-General, ahead of the next reiteration. Feedback from members will be incorporated and undergo a final legal review prior to finalisation.

Members sought clarification and or tighter wording on a number of points, including but not limited to:

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- Auditable records to include electronic
- Location
- Malfeasance – clarity on what is meant by the use of this term
- Inclusion of amendments to the definition of participating in the operations of a brokerage
- Definition required for ‘Located offshore’
- Self-reporting importers

To assist in testing the proposed definition of *participating in the operations of a brokerage*, members are invited to provide offshore business operation scenarios to Customs Licensing.

A copy of the finalised conditions will be provided to members in due course.

Action Items	
CAG27032024-2	CAG members to provide offshore business operations scenarios for Customs Licensing’s usage to gauge effectiveness and identify where further amendments to the conditions may be required.
CAG27032024-3	Customs Licensing to provide members with a final copy of the new Customs Broker Licensing Conditions.

Agenda Item 3: Australian Trusted Trader (ATT) 2.0

Mr Andy Wheatley, Acting Inspector, Trusted Trader and Trade Compliance, provided an overview of the current state of development of the Australian Trusted Trader (ATT) 2.0 construct. ATT 2.0 is Australia’s Authorised Economic Operator model supporting supply chain security.

Acting Inspector Wheatley provided to members that ATT 2.0 is an evolution of the current ATT program and the work is not a redesign of the existing program, but rather builds upon the current program’s success.

Currently, there are 923 accredited Trusted Traders with an additional 191 businesses being assessed, supporting continued modest growth of the program. Work is being undertaken to identify co-design opportunities and information sharing across government and industry, driving evolution of the program to meet the security and trade facilitation challenges of the future.

Next steps will occur through consultation with Industry members who are registered Trusted Traders to ensure lessons learnt from the current program are taken into consideration moving forward. Additional information will be provided to Trusted Traders to ensure they are consulted in the development of the program, consultation processes and timeframes are currently being developed.

A separate update on the future of Green Customs initiatives was provided to members, with details relating to a plan to build operational guidance for the validation of green trade practices within industry, with the intention of recognising a traders efforts to reduce environmental impacts. This body of work aligns with the ABFs Green Customs Framework, WCO’s Green Customs agenda and the Green Customs Action Plan. The intent is that this will be an “opt in” activity for those seeking to have their existing sustainability efforts recognised.

Members queried certification and verification regarding green work, seeking to understand the benefits and or opportunities for exporters under ATT 2.0, including how the Simplified Trading System fits in moving forward.

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Action Items

CAG27032024-4	Trusted Trader and Trade Compliance to provide members with additional information on the consultation process and timeframes of ATT 2.0.
CAG27032024-5	Trusted Trader and Trade Compliance to continue providing updates on ATT 2.0 as the consultation with Trusted Traders progresses. Potential opportunities for exporters under ATT 2.0 will be explored in the consultation process.

Agenda Item 4: Customs Tariff Act 1995, Schedule 4 Item 45

Ms Susan Danks, Head of Customs and Regulatory Compliance, Freight & Trade Alliance (FTA), opened discussions on the changing patterns of importing large manufactured products requiring split consignments to enable transit. To better facilitate trade, consideration is sought to potential expansion of Schedule 4, item 45 of the Customs Tariff Act 1995 to include Chapters 94, 95 and 97.

Mr Andrew Jacenko, Assistant Secretary, Goods and Market Access Branch, Department of Foreign Affairs and Trade (DFAT) and Mr Jason Feddersen, A/g Assistant Director, Trade and Tariff Policy both agreed to consult with Department of Industry Science and Resources (DISER) on expansion of Schedule 4, item 45 to include Chapters 94, 95 and 97.

Action Items

CAG27032024-6	Trade and Tariff Policy in collaboration with DFAT to consult DISR about the potential expansion of Schedule 4, item 45 to include Chapters 94, 95 and 97.
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Agenda Item 5 : Goods Compliance Update

Ms Narelle Ontivero, Supervisor, Strategic Capability, ABF, sought members' opinion on the current format of the Goods Compliance Update (GCU) Industry newsletter.

Members noted that the GCU is valuable to industry and is regularly shared within the broader industry sectors. Elements of the GCU are used within training packages and learning material across industry for operational and client facing staff. Members requested further inclusion of infringement notices statistics, trade and policy updates, compliance data and information on common ICS reporting errors.

Members recommended expansion of the GCU to include news and updates from other border agencies, including the Department of Agriculture, Fisheries and Forestry (DAFF), would be of benefit and a quarterly publication would be ideal.

Members were encouraged to provide ongoing suggestions to GoodsCompliance@abf.gov.au.

Agenda Item 6: ABS Confidentiality Procedures

Mr Matt Condon, Manufacturing Trade Alliance, opened discussions regarding increased transparency of Trade Statistics, published by Australian Bureau of Statistics (ABS). The relative ease for importers/exporters to trade flow data made confidential, makes it harder for industry to identify potential misclassification and duty evasion.

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Ms Grace Kim, Acting Program Manager, International Statistics and Mr Simon Chadwick, Assistant Director, International Services and Microdata Support, ABS, discussed confidentiality procedures from an ABS perspective.

The Chair noted that statistical data on trade compliance and enforcement is available within the GCU. Industry can also request this data directly from the ABF, however provided information is still bound by privacy laws.

Members raised Australian Harmonized Export Commodity Classification (AHECC) accessibility and presentation issues. The Chair acknowledged that access to the AHECC is important for industry, agreeing to address the presentation and accessibility of information to ensure a more user friendly format.

Action Items

CAG27032024-07

Trusted Trader and Trade Compliance to identify and address the presentation and accessibility of AHECC.

Agenda Item 7: Other Business

Members raised the matter of the World Trade Organization (WTO) dispute decision DS603, Anti-Dumping and Countervailing Duty Measures on Certain Products from China (DS603 refers), circulated on 26 March 2024.

Noting a number of commodities have been identified within DS603, members are seeking further advice to determine the potential effect on industry could occur. Members requested an update from DFAT on this matter and Australia's investigations into non-compliance. Mr Jacenko acknowledged the discussion and advised that the DFAT disputes team are aware of the issue. An update will be sought from the DFAT Disputes Team, noting further advice may be provided in due course.

The Chair acknowledged that WTO decisions have significant effects on industry and recommended inclusion of Anti-Dumping and Countervailing Duty Measures as an agenda item for the next CAG meeting.

Action Items

CAG27032024-08

DFAT Disputes Team to provide members with an update on World Trade Organization decision DS603, regarding potential effects on industry.

Meeting Close

The Chair thanked members for their engagement and closed the meeting at 12:00pm 27 March 2024.

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A - attended in person: V- virtually

Industry Members		
David Ware	Partner, Law Council of Australia	A
Julia Armstrong	Oceania Execution Manager, Maersk Logistic and Services	A
Paul Bagnall	Committee Member, Conference of Asia Pacific Express Carriers	A
Sal Milici	General Manager, Freight & Trade Alliance	A
Gary Brasher	National Customs Manager, Axima Pty Ltd	A
Andrew Hudson	Committee Member, Food and Beverage Importers Association	V
Prof. David Widdowson AM	Chief Executive Officer, Centre for Customs and Excise Studies	V
Susan Danks	Head of Customs and Regulatory Compliance, Freight and Trade Alliance	V
James Lofgren-Madigan	Lead Trade Control Specialist, The Boeing Company	V
Cason Lin	National Customs Manager, Kuehne & Nagel	V
Matt Condon	Manager, Market and Technical Research, InfraBuild	V
Frank Liang	Customs Product Specialist, Expedient Software	V
Marko Vuksanovic	Principal, Tradewin	V
Ryan Owens	National Customs Compliance & Systems Manager, DHL Global Forwarding	V
Melwyn Noronha	Chief Executive Officer, Shipping Australia Limited	V
Suheil Kamar	Licensed Customs Broker, Customs Agency Services Pty Ltd	V
Scott Carson	Chief Executive Officer IFCBAA	V
Brad Leonard	Manager, IFCBAA	V
Dianne Tipping	Chair, Export Council of Australia	V
Lachlan Smith	Policy Adviser – Trade and International Affairs, Australian Chamber of Commerce and Industry	V

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Government Attendees		
Josephine Laduzko	Assistant Secretary, Department of Agriculture, Fisheries and Forestry	V
Andrew Jacenko	Assistant Secretary, Department of Foreign Affairs and Trade	V
Megan Scott	Assistant Secretary, Department of Infrastructure, Transport, Regional Development, Communications and the Arts	V
Chris Biesaga	Director, Department of Infrastructure, Transport, Regional Development, Communications and the Arts	V
Rick Miles	Manager, Department of Industry, Science and Resources	V
Grace Kim	A/g Program Manager, International Trade, Australian Bureau of Statistics	V
Rebecca Farrow	Director, International Services and Microdata Support, Australian Bureau of Statistics	V
Simon Chadwick	Assistant Director, International Services and Microdata Support, ABS	V
ABF Attendees		
Paul Barfoot	A/g Commander, Trusted Trader and Trade Compliance	V
Jada Abbey	A/g Senior Director, Industry and Border Systems Program Coordination	V
Auneesh Kishore	Superintendent, Customs Licensing, Trusted Trader and Trade Compliance	V
Andy Wheatley	A/g Inspector, Strategic Capability, Trusted Trader and Trade Compliance	V
Narelle Ontivero	Supervisor, Strategic Capability, Trusted Trader and Trade Compliance	V
Jason Feddersen	A/g Assistant Director, Trade and Tariff Policy, Customs & Trade Policy	V
Renee Ciszewski	A/g Director, Industry Engagement, Industry and Border Systems Program Coordination	A
ABF Secretariat		
Samatha Abbaraju	Assistant Director, Industry Engagement, Industry and Border Systems Program Coordination	A
Wayne Fan	Industry Engagement, Industry and Border Systems Program Coordination	V
Georgia Hahn	Industry Engagement, Industry and Border Systems Program Coordination	V

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Apologies	
Asha Rajah-Clarke	Commander, Trusted Trader and Trade Compliance
Michelle Kowalik	Director, Strategic Capability
Michael Gallacher	Chief Executive Officer, Ports Australia
Lina Wong	Senior Policy Adviser, Business Council of Australia
Dylan Harrington	Senior Advisor, Trade Policy, AusTrade
Martin Moseley	Superintendent, Trusted Trader and Trade Compliance, ABF

Action Items from 27 March 2024

Action Item	Topic	Responsible Party
CAG27032024-1	Secretariat to ensure inclusion of Self-Assessed Clearances at agenda item 8 within the minutes of 20 September 2023.	Secretariat
CAG27032024-2	CAG members to provide offshore business operations scenarios for Customs Licensing's usage to gauge effectiveness and identify where further amendments to the conditions may be required.	Members
CAG27032024-3	Customs Licensing to provide members with a final copy of the new Customs Broker Licensing Conditions.	Trusted Trader and Trade Compliance
CAG27032024-4	Trusted Trader and Trade Compliance to provide members with additional information on the consultation process and timeframes of ATT 2.0.	Trusted Trader and Trade Compliance
CAG27032024-5	Trusted Trader and Trade Compliance to continue providing updates on ATT 2.0 as the consultation with Trusted Traders progresses. Potential opportunities for exporters under ATT 2.0 will be explored in the consultation process.	Trusted Trader and Trade Compliance
CAG27032024-6	Trade and Tariff Policy in collaboration with DFAT to consult DISR about the potential expansion of Schedule 4, item 45 to include Chapters 94, 95 and 97.	Customs and Trade Policy
CAG27032024-07	Trusted Trader and Trade Compliance to identify and address the presentation and accessibility of AHECC.	Trusted Trader and Trade Compliance
CAG27032024-08	DFAT Disputes Team to provide members with an update on World Trade Organization decision DS603, regarding potential effects on industry.	DFAT

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Action Items from 20 September 2023

Action Item	Topic	Responsible Party
CAG20092023-06	ABF to provide an out-of-session response to Mr Hudson's submission " <i>The case to review the application of the "corporate multiplier"</i> " for Infringement Notices.	Trusted Trader and Trade Compliance
CAG20092023-07	The Chair to arrange a meeting with Ms Susan Danks, Freight and Trade Alliance, to further discuss the issues raised regarding legitimate tobacco/taro leaf imports being deemed illicit goods.	Trusted Trader and Trade Compliance

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