

Customs Brokers: Managing Risks

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Transport and Logistics Operators

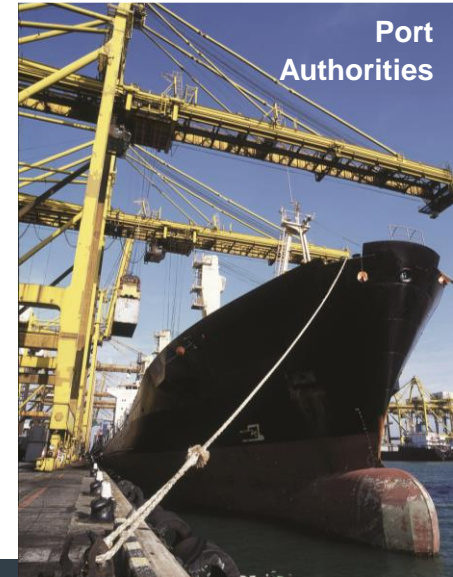
Container Insurance



Cargo Handling Facilities



**Bulk
Terminals**



**Port
Authorities**

Global business – local service



Key:
 Regional Headquarters
 Regional Offices
 Network Partners

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Introduction



Challenges

Balancing act

- Licence holder duties
- Your clients

Increased liability exposure

- Professional indemnity
- Fines
- Legal/expert costs
- Fraud



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Managing risk

I N S U R A N C E

Role of the Insurance Broker vs. Underwriter

Who and what is insured?

- Individual Broker vs the Business
- Scope of cover
- Exclusions

Liability Insurance

- Cargo Liabilities
- Errors & Omissions
- Third Party Liabilities
- Fines & Duty
- Costs



Recent claims

Tariff Classification – Errors & Omissions



Tariff Concession Order – Errors & Omissions



Over Paid Duty – Errors & Omissions







You should remember...

Where to start ?

Copy of insurance certificate

- Claims made or claims occurring?
- Services covered
- Heads of cover
- Excess and limits
- Expert costs covered ?

Discuss with your insurance broker

Now time for Q&A...

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Legislation

- Customs Act 1901: <https://www.border.gov.au/Importingandbuyinggoodsfromoverseas/Documents/customsact1901.pdf>
- Customs Regulations 2015: <https://www.legislation.gov.au/Details/F2015L00375>
- Crimes Act 1914: <https://www.legislation.gov.au/Details/C2016C00121>

Tariff Concession Orders / Tariff Classification

- Tariff Concession System: <https://www.border.gov.au/Factsheets/Documents/TariffConcessionSystemWEBNov2011.pdf>
- Commentary on strict application of TCOs in the case of *J M Gillies Agencies Pty Ltd v CEO of Customs*: <http://www.gadens.com/publications/Pages/AAT-reels-in-use-of-TCOs-once-again.aspx>
- Interpretation of wording of TCOs: <https://www.border.gov.au/about/reports-publications/discussion-papers-submissions/interpretation-tariff-concession-orders>
- When you can and cannot claim a TC: <http://www.hunthunt.com.au/news-and-publications/cgt/tariff-concessions>
- Case of *Voxson Sales v Controller of Customs*: <https://jade.io/#!/article/212575>
- Current Tariff Classifications: <https://www.border.gov.au/Busi/Tari/Curr>
- Case of *Brand Developers*: https://www.cbfa.com.au/documents/e-bulletins/aata_2015_215.pdf

Duty

- Refund of Import Duty: <https://www.border.gov.au/Busi/Duty/Refu>
- Owner of goods: http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s4.html

Warehouses and Depots

- <https://www.border.gov.au/Busi/Lice/Ware>
- s.35A Customs Act: http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s35a.html
- Under Bond Movement Requests: https://www.border.gov.au/Cargosupport/Documents/helpful_hints_underbond.pdf
- UBMR (Air): https://www.border.gov.au/Cargosupport/Documents/qrg_air_underbond_movement.pdf
- UBMR (Sea): https://www.border.gov.au/Cargosupport/Documents/qrg_sea_ubmr.pdf
- s.33A Customs Act: http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s33.html

Infringement Notice Scheme

- s.243 Customs Act – False or Misleading Statement: http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s243t.html
- Infringement Notice Scheme Guide: <https://www.border.gov.au/border-news/Documents/insguide014.pdf>
- Strict Liability: <http://legal-dictionary.thefreedictionary.com/strict+liability>

Insurance

- TT Club cover: <http://www.ttclub.com/our-cover/transport-operators/>
- Underwriter vs Broker: <https://www.linkedin.com/pulse/what-difference-between-insurance-broker-underwriter-terry-miller>
- Piggybacking: <https://www.border.gov.au/Customsnotices/Documents/acbpnguidancetobrokers-preventingidentitytheft.pdf>