

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/039) PROGRAMME – Australian Customs and Border Protection Service

Senator Bilyk (L&CA 100) asked:

Senator BILYK: Can you tell me how much duty Ausfreight collected before it was realised that the duties were not being passed on?

Mr Quaedvlieg: I can but I will not answer that question.

[...]

Senator Cash: Perhaps we could take the question on notice and, to the extent that we can provide information to Senator Bilyk, we can; to the extent that we are unable to—

[...]

Senator Cash: No, I said we will take it on notice.

Answer:

The Australian Customs and Border Protection Service (ACBPS) found that Ausfreight Global Logistics Pty Ltd had delivered goods into home consumption on multiple occasions without ACBPS's authority in breach of section 33 of the Customs Act 1901. There was no authority to release the goods to importers because there were outstanding customs duty and GST liabilities connected to them. The unpaid liabilities relate to 7 importers and total approximately \$149,000 in customs duty and GST.

ACBPS took action to ensure that there were no more goods entered into home consumption without authority and it cancelled the company's depot licence. The company has ceased trading, however a number of the debts to the Commonwealth remain outstanding. ACBPS can hold each party fitting the definition of "owner" in the Customs Act liable for the outstanding duty and GST, until someone pays the debt to the Commonwealth. The definition of "owner" includes the importer. Some of the importers claim they paid the duty and GST to the company to pass on to the Commonwealth. ACBPS is not responsible for the defaults of Ausfreight, which acted as the agent of the importers, under contract to the importers.

To date, some of the seven importers have paid their debts to the Commonwealth and some have not.