



Australian Government  
Department of Agriculture,  
Water and the Environment

# Compliance classifications for broker class approved arrangements

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# Biosecurity industry participant responsibilities

Biosecurity industry participants are responsible for complying with their broker class approved arrangements.

Broker class approved arrangements are:

- Class 19.1 – non-commodity for containerised cargo clearance (NCCC)
- Class 19.2 – automatic entry processing for commodities (AEPCOMM).

If the biosecurity industry participant does not comply, the department:

- will use the compliance classifications to determine the department's response
- may take action against individual associates, including accredited persons.

Compliance actions relating to accredited persons may be found in [Training and accreditation for broker approved arrangements \(class 19.1 and class 19.2\)](#).

## Prerequisites for broker class arrangements

Section 79 of Biosecurity Regulation 2016 stipulates the requirements that the Director of Biosecurity must be satisfied a proposed arrangement meets – both at the time of application and during the life of the arrangement. To demonstrate the biosecurity industry participant has the capability, equipment and facilities necessary to carry out the biosecurity activities covered by the arrangement. There are specific prerequisite requirements that must be evident at the time of application to demonstrate a biosecurity industry participant's capability to operate an approved arrangement class 19.1 – non-commodity for containerised cargo clearance (NCCC) and approved arrangement class 19.2 – automatic entry processing for commodities (AEPCOMM). For details of these requirements refer to the [Requirements for operating a class 19 approved arrangement](#).

## How to comply with conditions

Use these tables as a guide on how to comply with the individual conditions and to understand the associated compliance classifications and enforcement actions for non-compliance:

- Approved arrangement class 19.1 – non-commodity for containerised cargo clearance (NCCC)
- Approved arrangement class 19.2 – automatic entry processing for commodities (AEPCOMM).

The compliance classification against each condition will be rated in accordance with the Approved arrangements general policies. Non-compliance against conditions that are relevant to the document assessment verification will be rated as minor, major or critical in the compliance classification table. Where non-compliance is detected against multiple conditions on the same import declaration, the biosecurity industry participant will be notified of all non-compliances

on the non-compliance advice notice and the response will be against the highest level classification.

Conditions that are not directly related to the document assessment verification will not be classified in the table. However, the department may take non-compliance action in accordance with the Approved arrangement general policies, which will be recorded in the table as 'Managed under Approved arrangement general policies'. This could include, written advice, a corrective action request or show cause process to suspend or revoke the approved arrangement.

These tables are not exhaustive. They do not replace any other regulatory or enforcement actions available to the department under the *Biosecurity Act 2015*.

Terms we have used are defined in:

- the [approved arrangements glossary](#)
- the Biosecurity Act.

This document refers to AQIS only where the term AQIS is used in IT systems.

Compliance classifications for broker class approved arrangements

**Table 1 General conditions**

<b>Classes 19.1 and 19.2 conditions</b>	<b>Non-compliance action</b>	<b>Compliance classification</b>	<b>How to comply</b>
Condition 1	The accredited person has not maintained their continued biosecurity competency training.	Managed under <i>Approved arrangement general policies</i>	The accredited person must maintain their training and accreditation by undertaking annual continued biosecurity competency training as stipulated by the <i>Training and accreditation for approved arrangements class 19.1 NCCC and 19.2 AEPCOMM policy</i> .
Condition 2	The accredited person lodging the full import declaration was not accredited for approved arrangement class 19.1 and/or approved arrangement class 19.2 at time of lodgement.	Critical	The biosecurity industry participant must ensure that all employed or contracted persons lodging full import declarations are fully accredited at the time of lodgement.
Condition 3	The biosecurity industry participant has not notified the department when they cease to have at least one accredited person employed or contracted to them and continued to lodge consignments under approved arrangement class 19.1 and/or approved arrangement class 19.2.  The biosecurity industry participant has not notified the department when the contact details of the approved arrangement manager has changed, or the approved arrangement manager has been replaced.	Managed under <i>Approved arrangement general policies</i>	The biosecurity industry participant must notify the department in writing within 15 days when there is a change to contact details or the approved arrangement manager, accredited persons join or depart the approved arrangement and when it ceases to employ or contract at least one accredited person.
Condition 4	The biosecurity industry participant has not notified the department when they became aware of a change in status or to the status of their associates including accredited persons due to conviction of an offence or order to pay a pecuniary penalty or debt to the Commonwealth that is more than 28 days overdue and/or refusal, involuntary suspension, involuntary revocation, cancellation or involuntary variation of an import permit, approved arrangement site, or approved arrangement under the <i>Biosecurity Act 2015</i> .	Managed under <i>Approved arrangement general policies</i>	The department must be notified within 15 working days when a biosecurity industry participant becomes aware of any of changes to their status or their associates due to conviction of an offence or order to pay pecuniary penalty under the <i>Biosecurity Act 2015</i> , <i>Customs Act 1901</i> , <i>Criminal Code</i> or <i>Crimes Act 1914</i> and/or debt to the Commonwealth that is more than 28 days overdue and/or refusal, involuntary suspension, involuntary revocation or cancellation or involuntary variation of an import permit, approved arrangement site, or approved arrangement under the <i>Biosecurity Act 2015</i> .
Condition 5	The biosecurity industry participant and/or accredited person(s) have failed to notify department of a reportable biosecurity incident as soon as practicable resulting in goods	Managed under <i>Approved arrangement general policies</i>	The biosecurity industry participant must notify the department of any reportable biosecurity incident as soon as practicable, in accordance with the determination made by the Director of Biosecurity.

Compliance classifications for broker class approved arrangements

Classes 19.1 and 19.2 conditions	Non-compliance action	Compliance classification	How to comply
	<p>being released from biosecurity control without biosecurity intervention.</p> <p>The biosecurity industry participant and/or accredited person(s) have failed to notify department of a reportable biosecurity incident as soon as practicable. However, the goods remain under biosecurity control.</p>		
Condition 6	<p>The biosecurity industry participant refuses site access to biosecurity officers, biosecurity enforcement officers and department- approved auditors to perform the functions and exercise the powers conferred on them by the <i>Biosecurity Act 2015</i> or another law of the Commonwealth.</p>	<p>Managed using powers under Chapter 7 of the <i>Biosecurity Act 2015</i></p>	<p>In accordance with the conditions of the approved arrangement, the biosecurity industry participant has agreed to provide access to biosecurity officers, biosecurity enforcement officers and department- approved auditors to perform the functions and exercise the powers conferred on them by the <i>Biosecurity Act 2015</i> or another law of the Commonwealth.</p>
Condition 7	<p>The biosecurity industry participant has not provided reasonable facilities and assistance as requested by biosecurity officers, biosecurity enforcement officers and department- approved auditors.</p>	<p>Managed under <i>Approved arrangement general policies</i></p>	<p>In accordance with the conditions of the approved arrangement, the biosecurity industry participant has agreed to provide access to departmental or department approved auditors with facilities and assistance as requested and any required documents (including electronic documents), records or items relevant to the audit.</p>
Condition 8	<p>The biosecurity industry participant has not allowed department- approved auditors to collect evidence of compliance and non-compliance with approved arrangement conditions.</p>	<p>Managed using powers under Chapter 7 of the <i>Biosecurity Act 2015</i></p>	<p>In accordance with the conditions of the approved arrangement, the biosecurity industry participant has agreed to provide access to approved auditors to examine documents (including electronic documents) and collect information on compliance and non-compliance with approved arrangement conditions by performing actions such as copying documents and taking photographs.</p>

The department conducts compliance checks using the documentation assessment verification process. The department will conduct verification on the initial documentation provided. Biosecurity industry participants are responsible for ensuring documentation required for the verification are presented with the initial lodgement.

**Table 2 Document assessment compliance (operating conditions)**

Class 19.1 conditions	Class 19.2 conditions	Non-compliance action	Compliance classification	How to comply
n/a	Condition 9 and Condition 10	The Biosecurity Industry Participant does not have a BICON multi-user account that is registered for AEPCOMM user access or did not add their employed accredited person(s) to their BICON multi- user AEPCOMM account.	Managed under <i>Approved arrangement general policies</i>	The biosecurity industry participant must have a BICON multiple user account that is registered for AEPCOMM user access and provide access to their employed accredited persons.
Condition 11 and Condition 13	Condition 14 and Condition 16	The accredited person assessed the consignment utilising approved arrangement class 19.1 and/or approved arrangement class 19.2 without one or more mandatory documents required as per BICON conditions and/or minimum documentary and import declarations requirements policy and/or the accredited person did not provide evidence that they were in possession of all documents required to lodge the full import declaration and the goods were released from biosecurity control without the appropriate level of intervention, or the goods would have been released from biosecurity control if that had not been referred for random verification.	Critical	The accredited person must: <ul style="list-style-type: none"> <li>ensure they have all required mandatory documentation to correctly answer import declaration requirement questions prior to entering an AEP NCCC or AEPCOMM code into the Integrated Cargo System (ICS) to generate a biosecurity direction</li> <li>present all the documentation used to assess their full import declaration to the department upon request</li> <li>comply with this condition by ensuring all documentation required to verify the assessment is presented to the department (including lodgement in Cargo Online Lodgement System (COLS)) upon initial request without the need for additional documentation requests.</li> </ul>
		The accredited person assessed the consignment utilising approved arrangement class 19.1 and/or approved arrangement class 19.2 without one or more mandatory documents required as per BICON conditions and/or minimum documentary and import declarations requirements policy and/or the accredited person did not provide evidence that they were in possession of all documents required to lodge the full import declaration and the goods remain under biosecurity control for further biosecurity intervention (consignment is going for inspection).	Major	
Condition 12	Condition 15	The accredited person has accepted a document that does not meet department policies and/or BICON. For example: <ul style="list-style-type: none"> <li>missing a required statement and the goods were released from biosecurity control or would have been released from biosecurity control if they had not been referred for random verification</li> </ul>	Critical	The accredited person must ensure: <ul style="list-style-type: none"> <li>they have obtained all relevant statements required to support an assessment (in accordance with BICON conditions)</li> </ul>



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Class 19.1 conditions	Class 19.2 conditions	Non-compliance action	Compliance classification	How to comply
		<ul style="list-style-type: none"> <li>missing overarching minimum documentary and import declaration requirements (endorsement, consignment specific link, letterhead) and the goods were released from biosecurity control or would have been released from biosecurity control had they not been referred for random document verification.</li> </ul>		<ul style="list-style-type: none"> <li>documentation meets documentary requirements utilising the most current versions of relevant policies (Minimum documentary and import declarations requirements policy and Non-commodity information requirements policy).</li> </ul>
		<p>The accredited person has accepted a document that does not meet department policies and/or BICON, for example:</p> <ul style="list-style-type: none"> <li>missing a required statement and the goods remain under biosecurity control for further biosecurity intervention (such as consignment is going for inspection)</li> <li>missing overarching minimum documentary and import declaration requirements (endorsement, consignment specific link, letterhead) and the goods remain under biosecurity control for further biosecurity intervention (such as consignment is going for inspection), or</li> <li>an incorrectly worded statement and the goods were released from biosecurity control or would have been released from biosecurity control had they not been referred for random verification.</li> </ul>	Major	
		<p>The accredited person has accepted a document that does not meet department policies and/or BICON. For example, an incorrectly worded statement and the goods remain under biosecurity control.</p>	Minor	

**Table 3 Import declaration compliance (operating conditions)**

Class 19.1 conditions	Class 19.2 conditions	Non-compliance action	Compliance classification	How to comply
Condition 9	Condition 12	A non-accredited person assessed and lodged import declarations on behalf of a biosecurity industry participant.	Managed under <i>Approved arrangement general policies</i>	The biosecurity industry participant must ensure only the accredited person assess documentation and lodge import declarations under the approved arrangement.

Compliance classifications for broker class approved arrangements

Class 19.1 conditions	Class 19.2 conditions	Non-compliance action	Compliance classification	How to comply
n/a	Condition 11	The accredited person has lodged a commodity that is out of scope and ineligible for AEPCOMM according to the approved commodities and related information for approved arrangement class 19.2 AEPCOMM approved arrangement web page and AEPCOMM approved BICON pathway. A system generated direction has resulted in the goods being released from biosecurity control or would have been released from biosecurity control had they not been referred for random verification.	Critical	<p>Prior to directing goods using AEPCOMM the accredited person must ensure the commodity is in scope of the arrangement by referring to the:</p> <ul style="list-style-type: none"> <li>• <i>Requirements and conditions for approved arrangement class 19.2 – automatic entry processing for commodities</i></li> <li>• <i>Approved commodities and related information for class 19.2 AEPCOMM approved arrangement web page</i></li> <li>• applicable BICON pathway and obtaining the correct AEP code.</li> </ul> <p>Accredited persons must use their BICON AEPCOMM user account to view the relevant AEPCOMM information.</p>
		The accredited person has lodged a commodity that is out of scope and ineligible for AEPCOMM according to the approved commodities and related information for approved arrangement class 19.2 AEPCOMM approved arrangement web page and AEPCOMM approved BICON pathway. A system generated direction for the goods remain under biosecurity control has been generated (consignment is going for inspection).	Major	
Condition 10	Condition 13	The accredited person did not report all biosecurity concerns to the department through their import declaration lodgements resulting in goods being released from biosecurity control without correct intervention. (For example, downgrading Community Protection (CP) profile question for unfinished timber of pathogen risk species).	Critical	The accredited person must provide information in the declaration that accurately reflects the consignment and all necessary fields that are specific to biosecurity are completed. This includes ensuring community protection questions are answered correctly.
		The accredited person did not report all biosecurity concerns to the department through their import declaration lodgements. However, goods remain under biosecurity control.	Major	
Condition 14	n/a	The accredited person did not assess the unpack destination correctly, goods were delivered to a rural location and released from biosecurity control without intervention.	Critical	The accredited person correctly assesses the unpack destination postcodes for FCL and FCX sea freight in accordance with documents relevant to the approved arrangement class 19.1 as stated in Condition 9.
		The accredited person did not assess the unpack destination correctly, goods were delivered to a rural location and the goods remain under biosecurity control for further biosecurity intervention (such as the consignment going for inspection).	Major	
Condition 14	n/a	The accredited person did not report any non-commodity concerns to the department through their import declaration and the consignment was released from biosecurity control or	Critical	The accredited person must correctly answer the department's general declaration questions

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Class 19.1 conditions	Class 19.2 conditions	Non-compliance action	Compliance classification	How to comply
		would have been released from biosecurity control had they not been referred for random verification.		and declare any and all non-commodity concerns in the ICS.
		The accredited person did not report any non- commodity concerns to the department through their import declaration. However, goods remain under biosecurity control.	Major	
		The accredited person did not report all non- commodity concerns to the department through their import declaration. However, the consignment was referred for biosecurity intervention. (For example, a consignment declared as being unpacked in a rural destination but had timber packing concerns that were not declared to the department.)	Minor	
n/a	Condition 17	The accredited person enters an AEPCOMM code or an AQIS Commodity Code (ACC) in the import declaration which does not match the code displayed on the onshore outcomes page of BICON for the relevant AEPCOMM pathway. A system generated direction has resulted in the goods being released from biosecurity control or they would have been released from biosecurity control had they not been referred for random verification.	Critical	The accredited person must enter AEPCOMM code or an ACC in accordance with the relevant commodity pathway in BICON. To access these codes the accredited person must utilise their BICON AEPCOMM user account.
		The accredited person enters an AEPCOMM code or an ACC for the goods in the import declaration which does not match the code displayed on the onshore outcomes page of BICON for the relevant AEPCOMM pathway. A system generated direction has resulted in the goods being treated or inspected at a lower level of biosecurity intervention than required or would have been directed for treatment or inspection at a lower rate than required had they not been referred for random verification.	Major	
		The accredited person enters an AEPCOMM code or an ACC in the import declaration which does not match the code displayed on the onshore outcomes page of BICON for the relevant AEPCOMM pathway. A system generated direction has resulted in the goods being treated or inspected at a higher level of biosecurity intervention than required or would have been directed for treatment or inspected at a higher rate than required had they not been referred for random verification.	Minor	

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Class 19.1 conditions	Class 19.2 conditions	Non-compliance action	Compliance classification	How to comply
Condition 15	Condition 17	Where BICON requires goods to be managed at a specific class approved arrangement site and the accredited person has directed the goods to another class of approved arrangement site.	Minor	The accredited persons must enter a correct site location to undertake appropriate biosecurity intervention. For non-commodity concerns this site must be an appropriate approved arrangement class 1 site. For commodity concerns, it must be as per BICON import conditions.
Condition 16	Condition 18	The accredited person has failed to enter the AQIS Entity Identifier (AEI) number in ICS and the treatment provider was: <ul style="list-style-type: none"> <li>• withdrawn, suspended or under investigation and the goods were released from biosecurity control, or</li> <li>• withdrawn/suspended/under investigation and the goods would have been released from biosecurity control had the consignment not been referred for random document verification.</li> </ul>	Critical	The accredited person must ensure the AEI is entered into ICS for offshore treatment providers as per the requirements of the minimum documentary and import declarations requirements policy. AEI numbers must be entered in accordance with <a href="#">Entity identifier</a> webpage.
		The accredited person has failed to enter the AEI number in ICS and the treatment provider was withdrawn/suspended/under investigation and the goods are still under biosecurity control for further biosecurity intervention (consignment is going for inspection).	Major	
		The accredited person has failed to enter the AEI number in ICS and the treatment provider was an acceptable offshore treatment provider.	Minor	
n/a	Condition 19	The accredited person has failed to declare their electronic certificate (eCert) number in ICS and the goods required the eCert to be entered to be in scope of the approved arrangement and were released from biosecurity control, or the goods required the eCert to be entered to be in scope of the arrangement and would have been released from biosecurity control had the consignment not been referred for random document verification.	Major	It is a requirement of the minimum documentary and import declarations requirements policy that the accredited person must enter foreign government electronic certificate numbers in the AQIS document number field and document type in the AQIS document type field in ICS where the department has an agreed eCert exchange with a foreign government.
		The accredited person has failed to declare their eCert number in ICS and the goods required the eCert to be entered to be in scope of the approved arrangement. However, the goods are still under	Minor	

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Class 19.1 conditions	Class 19.2 conditions	Non-compliance action	Compliance classification	How to comply
		biosecurity control for further biosecurity intervention (consignment is going for inspection).		
n/a	Condition 20	The accredited person has failed to apply overarching administrative import declaration requirements approved arrangement class 19.2 by failing to include government certificate number on the line description (such as a phytosanitary certificate number).	Minor	If BICON stipulates a government certificate is required for clearance of a commodity (such as a phytosanitary certificate), then the number must be recorded against the goods description field in ICS.
n/a	Condition 21	The accredited person has failed to apply overarching administrative import declaration requirements of approved arrangement class 19.2 by not including the vehicle identification number (VIN) number(s) as required.	Minor	The accredited person must record the unique identifiers against the VIN field for each line in the import declaration of new and used vehicles
		The accredited person has not included the VIN number in the VIN field in ICS. However, they have included the VIN number in the goods description field in ICS.	Nil non-compliance	
Condition 17	Condition 22	The biosecurity industry participant has not complied with one or more biosecurity directions resulting in goods bypassing biosecurity controls without correct intervention.	Critical	The biosecurity industry participant must ensure that biosecurity directions generated by Agriculture Import Management System (AIMS) are carried out or arranged to be carried out within the designated AIMS direction timeframe. If a biosecurity industry participant becomes aware that a third party is not carrying out biosecurity directions, they are to inform the department as per Condition 5.
		The biosecurity industry participant has not complied with one or more biosecurity directions. However, the goods remain under biosecurity control.	Major	
Condition 18	Condition 23	Goods have bypassed biosecurity controls and the biosecurity industry participant has no evidence recorded of passing on any and/or all relevant directions to third parties within the designated AIMS direction timeframe.	Managed under <i>Approved arrangement general policies</i>	The biosecurity industry participant must provide third parties with biosecurity directions to be carried out in accordance with their approved arrangement within the designated direction timeframe (that allows the biosecurity risk to be managed). If a biosecurity industry participant becomes aware that a third party is not carrying out biosecurity directions, they are to inform the department as per Condition 5
		Goods have bypassed one or more biosecurity controls but some intervention has taken place (Inspection or treatment) and the biosecurity industry participant has no evidence recorded of providing any and/or all of the relevant directions to third parties so that the direction can be carried out within the designated AIMS direction time frame.	Managed under <i>Approved arrangement general policies</i>	
Condition 20	Condition 25	Documentation was amended at the accredited persons request which did not relate to the factual condition of the consignment	Critical	If the accredited person requests amendments to documentation, they must document the

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Class 19.1 conditions	Class 19.2 conditions	Non-compliance action	Compliance classification	How to comply
		and/or the accredited person did not retain the necessary evidence to support the request for amendment and the consignment was released from biosecurity control.  Documentation was amended at the accredited persons request which did not relate to the factual condition of the consignment and/or the accredited person did not retain the necessary evidence to support the request for amendment but the consignment remains under biosecurity control.	Major	request and response and retain these as part of the clearance documentation for the consignment. The biosecurity industry participant must ensure that an accredited person only request amendments to a document if these relate to the factual condition of the consignment.
Condition 19	Condition 24	Accredited person has made ICS amendments to import declaration(s) to avoid biosecurity goods management outcomes or has manipulated biosecurity goods management to gain a favourable and preferred outcome.  Note: Accredited persons found to make amendments to deliberately circumvent biosecurity management will result in the individual's accreditation being revoked.	Managed under <i>Approved arrangement general policies</i>	The biosecurity industry participant must adhere to biosecurity directions and outcomes of lodgement. Any amendments made must be documented and records maintained per approved arrangement class 19.1 Condition 21 and 23 and/or approved arrangement class 19.2 Condition 26 and Condition 28.

**Table 4 Administration and management conditions**

Class 19.1 conditions	Class 19.2 conditions	Non-compliance action	Compliance classification	How to comply
Condition 21	Condition 26	Failure to create and/or maintain lodgement records and documents.	Managed under <i>Approved arrangement general policies</i>	The biosecurity industry participant must ensure that records and documents for each lodgement are maintained for a minimum period of 5 years from the date of assessment.
Condition 22	Condition 27	Accredited person(s) has not maintained records of their training and accreditation (maintaining accreditation and up-to-date training is Condition 1 of both approved arrangement class 19.1 and approved arrangement class 19.2 requirements and conditions). Failure to be able to verify training will result in accreditation of the individual being suspended or cancelled.	Managed under <i>Approved arrangement general policies</i>	The biosecurity industry participant must retain records of accredited persons maintaining up to date relevant training and accreditation, including continued biosecurity competency completion records.
Condition 23	Condition 28	The biosecurity industry participant did not provide the department with records and/or documents within one business day or a timeframe specified by the department.	Major	The biosecurity industry participant must provide the department with records or documents within one business day or a timeframe specified by the department.

## Further reading

Ensure you understand your obligations and comply with the requirements and conditions for your approved arrangement. See:

- [Approved arrangements general policies](#) (including Appendix 2, which outlines how the department responds to non-compliance)
- [Requirements and conditions for approved arrangement class 19.1](#) – non-commodity for containerised cargo clearance
- [Requirements and conditions for approved arrangement class 19.2](#) – automatic entry processing for commodities
- [Approved commodities and related information for class 19.2 AEPCOMM approved arrangement](#) – Minimum documentary and import declaration requirements policy
- [Non-commodity information requirements policy](#)
- [Training and accreditation for broker approved arrangements \(class 19.1 and class 19.2\)](#)
- [Entity Identifier](#) web page.