

INDUSTRY REFERRALS

The Australian Customs Service system for resolving complaints and answering questions about business practices is enhancing industry's understanding of trade laws and helping to improve import and export efficiency. MARK HARRISON, Customs National Manager, Commercial Compliance, explains how industry referrals work.

In November 1997, Commercial Compliance Branch introduced improved procedures for handling complaints from businesses about other businesses.

As well as resolving issues of real or imagined damage to a business - for example, through an importer wrongly classifying goods and paying a lower rate of duty - the Branch is helping to raise the understanding of customs requirements and increasing levels of compliance.

An 'industry referral' means Customs receiving an allegation of an unfair commercial advantage being gained by any party for any reason.

Even if claims cannot be proved at the outset, as is often the case, Customs wants to hear about them. If problems exist, it is likely that the effects will become apparent to business sooner than Customs.

Customs takes very seriously its obligation to administer customs laws and regulations fairly and accurately. The industry referrals system provides a comprehensive process that helps Customs to uncover any wrongdoing and correct any mistakes.

In promoting industry referrals, Commercial Compliance wants Customs to be recognised as an organisation open and responsive to public and business concerns. The Branch was also keen to signal to people and organisations breaching the law and receiving unfair advantages, or even just thinking about it, that they will be subject to more scrutiny than they might have realised.

Industry Referrals were formerly known as Industry Complaints. This conveyed the impression of an organisation failing to fulfil its obligations, rather than what it really was - a facility to resolve problems and misunderstandings. Industry

Referrals has proved to be a better name, reflecting more accurately the relationship between Customs and the businesses using its services.

Many referrals are a result of complainants' mistaken beliefs about specific importing situations or misunderstandings about Customs functions and responsibilities. In such cases clients would receive correspondence or an educational visit from Customs to explain the situation. In cases where the referral is substantiated, Customs will take the appropriate remedial action. This could range from an educational visit to the business the subject of the referral, through to recovery action for duty shortpaid and even to penalty duty or prosecution.

Customs intends to keep quality management and best practice at the forefront of its dealings with businesses that need to deal with us. To that end it has used the *Australian Standard for Complaints Handling (AS4269-1995)* as a guide in formulating its procedures.

For example, all contact with people making referrals will be conducted by the Customs office in the state or territory to which the referral was addressed. This applies even when the subject of the referral and related research and examinations are located in another region. This way, any perception of a "public service merry-go-round" between regions can be avoided. Time frames for reporting to the client have also been established.

Businesses with concerns about competitors receiving any unfair advantage through dealing with Customs should write to the Manager, Research and Analysis Section, Australian Customs Service, at the Customs House in their capital city. They can also call the Customs House and ask for the Research and Analysis Section. All dealings with Research and Analysis are treated confidentially.