

EXPLANATORY STATEMENT

Issued by the authority of the Comptroller-General of Customs

Customs Act 1901

Customs (Information Technology Requirements) Amendment (API Project and Other Measures) Determination 2025

Background

Subsection 126DA(1) of the *Customs Act 1901* (the Customs Act) provides that, after consulting with persons likely to be affected, the Comptroller-General of Customs (the Comptroller-General) must determine and cause to be published in the *Gazette* (effectively the Federal Register of Legislation):

- the information technology requirements that have to be met by persons who wish to communicate with the Department of Home Affairs electronically; and
- the information technology requirements that have to be met to satisfy a requirement that a person's signature be given to the Department of Home Affairs in connection with information when the information is communicated electronically; and
- the information technology requirements that have to be met to satisfy a requirement that a document be produced to the Department of Home Affairs when the document is produced electronically.

Subsection 126DA(2) allows the Comptroller-General to determine alternative information technology requirements that may be used, including different information technology requirements that may be used in different circumstances or by different classes of persons.

Purpose of the Instrument

The *Customs (Information Technology Requirements) Amendment (API Project and Other Measures) Determination 2025* (the Amendment Determination) amends the *Customs (Information Technology Requirements) Determination 2021* (IT Determination) to implement the following:

- minor amendments to Part 2A of the IT Determination to reflect the renaming of 'MyGovID' to 'myID' and update definitions;
- minor amendments to Part 2 of the IT Determination which enable claims for the return of goods seized under section 205B(2) the Customs Act to be lodged electronically through the Claim for the Return of Seized Goods web form;
- amendments to Part 3 of the IT Determination to incorporate Application Programming Interfaces (APIs) as an alternative method of communicating with the Department.

Trade Application Programming Interfaces

The whole-of-government Simplified Trade System (STS) reforms aim to make importing and exporting cheaper, faster and simpler. As part of these reforms, in the financial year

2024/25 budget, the Government announced the Digital Trade Accelerator Program (DTAP). The DTAP is an Australian Border Force (ABF) led initiative to deliver digital improvements to the cross-border trade environment.

DTAP Connect is an ABF led project utilising Trade Data Sharing APIs to improve the digital environment used by Australian traders and third parties in cross-border trade. As a contemporary technology standard for electronic communication, APIs act as a software intermediary to allow industry and Departmental trade systems, such as the Integrated Cargo System (ICS), to communicate with each other with greater flexibility and efficiency. The introduction of APIs is supported by industry as a contemporary method to connect directly to government systems that will enable industry to enhance their own trade systems and develop innovative digital solutions.

DTAP Connect makes select trade data and services available to appropriately authenticated and authorised industry organisations via API as an incremental step in trade system modernisation. Access to API services will be managed in the new Home Affairs Access Manager.

This amendment to the IT Determination is required to enable the lawful use of API as a method of communicating electronically with the Department.

The first service made available will be a Cargo Status API. A portion of the current ICS users only use the ICS web interface (Cargo Interactive) to check cargo status. This first service allows the use of APIs to enable users to request and receive the latest cargo status. In the future, industry will have the option to subscribe to push notifications where cargo status changes occur and additional trade API services.

The API capability does not replace existing provisions within the IT Determination enabling use of the current Electronic Data Interchange (EDI) protocol. The EDI protocol will remain in production and accounts for more than 90% of trade transactions electronically. The API method is a supplement to the EDI regime.

Claim for the Return of Seized Goods web form

The *Customs Amendment (Strengthening and Modernising Licensing and Other Measures) Act 2024* amended the Customs Act to modernise and strengthen the customs licensing regime and made amendments to streamline administrative processes including digitisation of forms. Part 13 of Schedule 1 to that Act enabled digitised forms relating to claims for the return of seized goods.

The amendments provide that a claim under subsection 205B(1) for the return of goods seized under the Customs Act may be made either by document or electronically. New subsection 205B(2A) of the Customs Act provides for the electronic lodgement of applications for claims for the return of seized goods.

Processes related to claims for the return of seized goods are currently paper based and are submitted by email or post. These manual processes are out of touch with the evolving trade environment and impose additional costs on businesses to trade, and for government to administer. The introduction of a digital process will significantly reduce the manual

administrative workload of Australian Border Force (ABF) officers, provide efficiencies and cost reduction for industry.

The ABF is establishing an online web form titled the ‘Claim for the Return of Seized Goods’ to facilitate electronic claims.

This electronic claims portal will be in addition to the existing method of making a documentary claim using the approved form titled: *Form B144 Claim for return of seized goods*.

The amendments to the IT Determination have the effect of setting out the information technology requirements specific to making an electronic claim under subsection 205B(2A) of the Customs Act. Electronic claims for goods seized would be made through the web form known as the Claim for the Return of Seized Goods web form.

Consultation

Subsection 126DA(1) of the Customs Act required the Comptroller-General to consult with persons likely to be affected by a determination of information technology requirements to electronically communicate with the Department.

The proposed amendments to the Determination were made available for public consultation through the Australian Customs Notice No 25-11. No submissions were received during the consultation period.

Details

Details of the instrument are set out in Attachment A.

Other

The requirement to publish in the *Commonwealth of Australia Gazette* under section 126DA(1) of the Customs Act is satisfied by registration of the instrument on the Federal Register of Legislation as a result of section 56 of the Legislation Act.

The combination of section 44 of the Legislation Act and table item 12 of regulation 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015* has the effect that section 42 of the Legislation Act (disallowance of legislative instruments) does not apply to an instrument made under section 126DA of the Customs Act.

The Amendment Determination is an instrument made under section 126DA of the Customs Act, and as such, is a non-disallowable legislative instrument.

As the Amendment Determination is not disallowable, a Statement of Compatibility with Human Rights is not required in accordance with paragraph 15J(2)(f) of the Legislation Act and subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Section 48A of the Legislation Act automatically repeals a legislative instrument whose only legal effect is to amend or repeal one or more other legislative instruments. The only legal effect of the Amendment Determination is to amend the ITR Determination. The Amendment

Determination will be repealed automatically by operation of section 48A of the Legislation Act, and as such, will not engage sunseting under Part 4 of the Legislation Act.

Section 1 – Name

This section provides that the title of the instrument is the *Customs (Information Technology Requirements) Amendment (API Project and Other Measures) Determination 2025*.

Section 2 – Commencement

This section sets out, in a table, the date on which each of the provisions contained in the instrument commences. Item 1 of the table provides that sections 1 to 4 and anything in this instrument not elsewhere covered by the table commence on the day after the instrument is registered.

Item 2 of the table provides that items 1-5 of Schedule 1 to the instrument commence on the day after the instrument is registered. These items provide for amendments to definitions and the Claim for the Return of Seized Goods web form.

Item 3 of the table provides that items 6-9 of Schedule 1 to the instrument commence on the later of the day after the instrument is registered and 1 July 2025. 1 July 2025 is the start date for the use of API communications. This ensures that items 6-9, which are related to the use of API, are aligned with its start date.

Section 3 – Authority

This section sets out the authority under which the instrument is to be made, which is section 126DA of the *Customs Act 1901* (the Customs Act).

Section 4 – Schedule

This section is the formal enabling provision for the Schedule to the Instrument, and provides that each instrument that is specified in a Schedule to the Regulations is amended or repealed as set out in the applicable items in the Schedule concerned, and that any other item in a Schedule to this instrument has effect according to its terms.

The *Customs (Information Technology Requirements) Determination 2021* is amended by this instrument.

Schedule 1—Amendments

Items 1 – 3– Section 4 Definitions

This item inserts five new definitions into section 4.

API

Section 4 defines ‘API’ to mean Application Programming Interface, which acts as an intermediary that enables software applications to communicate with a server to access data and functions. This is a general ICT term.

ATT Portal

Section 4 defines ‘ATT Portal’ to mean the Australian Trusted Trader Portal, which is the website operated by the Department to receive nominations by entities to join the Australian Trusted Trader program. This term was not defined in the *Customs (Information Technology Requirements) Determination 2021*. Inserting this definition rectifies a minor drafting error.

Claim for the Return of Seized Goods web form

Section 4 defines ‘*Claim for the Return of Seized Goods web form*’ to mean the website operated by the Department to process electronic applications for claims under s 205B of the Act for the return of seized goods.

Endpoint

Section 4 defines ‘Endpoint’ to mean a digital location where an API receives API calls, also known as API requests, for resources on its server. This is a general ICT term.

Home Affairs Access Manager

‘Home Affairs Access Manager’ is defined to mean the website that is used to manage access and permissions for external organisations to Departmental systems at <https://am.homeaffairs.gov.au/>.

Home Affairs Access Manager functions similarly to the ATO Relationship Authorisation Manager (RAM) by managing who can act on behalf of business when interacting with the Department’s digital services. By including the direct link to the Home Affairs Access Manager, this item aims to enhance transparency and enable stakeholders to easily identify and access the platform referenced in the Determination.

Item 4 – After Section 8A

This item inserts new section 8B to provide the information technology requirements for making an electronic claim for the return of goods seized under subsection 205B(2A) of the Customs Act.

Section 8B provides for the electronic alternative to the existing method of making a documentary claim using the approved Form B144 Claim for return of seized goods. Documentary claims will still be available using the existing form titled: *Form B144 Claim for return of seized goods*.

This electronic method will be through completing a web form to be known as the Claim for the Return of Seized Goods web form, which will be hosted on a website operated by the Department. Electronic claims can only be made through this web form. The web form will

be made available on the ABF website and accessible to the public. These amendments facilitate the implementation of changes made by the *Customs Amendment (Strengthening and Modernising Licensing and Other Measures) Act 2024*, to allow for the making of electronic applications for seized goods.

New subsection 8B(1) provides that subsection 8B(2) of the Determination applies to a person seeking to make a claim electronically under subsection 205B(2A) of the Act.

New subsection 8B(2) requires that such a claim must be made using the web form administered by the Department, identified as the “Claim for the Return of Seized Goods web form”.

The web form will only be available to Australian residents or claimants with a place of business in Australia. This is because paragraph 205B(2A)(c) of the Customs Act requires claims made by a person who does not reside or have a place of business in Australia to, among other things, be accompanied by the written consent of an agent signed by the agent, agreeing to act as agent. Claimants not eligible to make an online claim can still submit the documentary form B144 and include the relevant information relating to their agent as required under paragraph 205B(2)(c) of the Customs Act.

Similar to documentary form B144, the portal is not intended for claims relating to narcotic goods. This is because subsection 205B(3) of the Customs Act provides that claims in relation to narcotic-related goods are to be made to the Commissioner of Police or Deputy Commissioner of Police. If such a claim is intended to be made in respect of narcotic goods with the ABF, the claimant would be referred to the Australian Federal Police.

Item 5 – Section 9A

This item replaces references to “myGovID” with “myID.” This amendment is to reflect the renaming of the scheme implemented from 13 November 2024. There have been no changes to this service and therefore, this change does not alter the substantive effect of the instrument.

Item 6 – Section 9A

This item repeals the definition of “Home Affairs Access Manager” in section 9B. This amendment instrument incorporates the same definition of “Home Affairs Access Manager” into the primary definitions section, specifically in Section 4. This consolidation simplifies the legislative framework and ensures terms used throughout the Determination are located in a single and accessible section.

This item will not affect the practical application of the definition, as its content and meaning remain unchanged.

Item 7 – Section 9E

This item replaces references to “myGovID” with “myID.” This amendment is to reflect the renaming of the scheme implemented from 13 November 2024. There have been no changes

to this service and therefore, this change does not alter the substantive effect of the instrument.

Item 8 – Section 11

This item updates the general requirements for electronic communications between a person and the Department by incorporating APIs as a supplementary method of communicating with the Department. It inserts a new subparagraph 11(1)(d), which allows communication via an API to a nominated Departmental Endpoint.

Subsection 11(2) maintains the existing registration requirements for entities communicating via EDI or Cargo Interactive. There are no changes to these requirements.

Subsection 11(3) has been introduced for persons that communicate via an API. The subsection requires these individuals to be registered in Home Affairs Access Manager and use an authenticated and authorised digital machine certificate linked to the organisation's Australian Business Number.

The introduction of APIs as a method of electronic communication with the Department requires a secure authentication frameworks to ensure that only authorised entities can access Departmental systems. This is to be managed through the Home Affairs Access Manager, which controls API access using machine certificates. The registration process follows a structured approach, leveraging RAM for initial credentialing and issuing a machine certificate when can then be extracted and registered in Home Affairs Access Manager. This adds an extra layer of security and aligns with how other government agencies manage business authorisations.

Item 9 – After section 12

Item 7 inserts new section 12A. Section 12A requires that any person who communicates with the Department by an API must comply with the API specifications as hosted on the Department's API Developer Portal. Section 12A ensures that all API communications with the Department are conducted according to a standardised, secure and transparent set of technical requirements. The Department's API Developer Portal Guidelines could in 2025 be viewed on the Australian Government Department of Home Affairs website (<https://homeaffairs.gov.au>).

Item 10 – Section 13

Item 8 inserts new subsection (3) into section 13. Subsection (3) establishes a clear requirement for digital authentication of communications by an API. It mandates that any communication by an API must be digitally authenticated using a machine credential that is registered in Home Affairs Access Manager, in alignment with the Commonwealth's Gatekeeper® Strategy. By requiring machine credentials to be registered in Home Affairs Access Manager, subsection (3) ensure that only authorised entities, with appropriate digital identification, can engage in API communications.

Item 11 – After section 14

This item inserts a new section 14A into the Determination. Section 14A sets out requirements for how persons must authenticate themselves in Home Affairs Access Manager for the purposes of communicating with the Department via an API. Section 14A requires

these persons to verify their identity using myID and then be linked to the Australian Business Number of the relevant organisation they represent. Section 14A incorporates by reference the Trusted Digital Identity Framework as published at the time this instrument commences. The Trusted Digital Identity Framework can be found on the Digital ID website: <https://www.digitalidsystem.gov.au/>.