The Australian importer's short list of TCO and FTA facts that actually matter

In 2024–25 the Australian Border Force (ABF) and Home Affairs processed about 6.0 million customs declarations. Most importers still treat Tariff Concession Orders (TCOs) and Free Trade Agreements (FTAs) as the broker's problem. They aren't. Here are the facts that matter, with sources at the end.

1 Why your customs broker cannot check every TCO and FTA

4.5m + 1.5m
import and export declarations processed in 2024–25

1,563
licensed individual customs brokers at 1 Sep 2025 (1,551 nominee + 12 sole trader)

17,618
TCOs on the ABF list at 11 Oct 2026 (the ABF overview page says "approximately 15,000")

Spread evenly, 4.5 million import declarations across 1,563 licensed individuals is about 2,900 each a year, or roughly 11 every working day. That is our own arithmetic, not an ABF figure, and it is only a guide: importers can lodge their own declarations, and not every licensed broker lodges. The point is scale. A broker lodges the entry on the information they are given. The ABF says that to claim a TCO, goods must first be classifiable to the tariff classification the TCO is keyed to *and precisely meet* its description, and that penalties may apply if they do not. FTA claims rest on origin rules in separate instruments.

2 What the ABF is actually targeting on TCO and FTA claims

32%
error rate on 6,434 import lines sampled (2,061 lines with errors), 2024–25

444
tariff classification errors, up from 117 in 2023–24; 15.8% of errors

57
errors on a tariff concession or other concession (42 in 2023–24)

10
unused TCOs listed for revocation in TC 26/39 (14 Oct 2026)

These come from the ABF Compliance Monitoring Program (CMP), a statistical sample of import lines. The ABF estimates revenue leakage from the sample at under 5%, so the error rate shows how often declarations contain a mistake, not how much duty is lost. Classification is the biggest single error type, and because a TCO is keyed to a tariff classification, it is the first thing a TCO claim depends on. A different material, feature or dimension from the TCO wording can put goods outside the order. TCOs also change: a local manufacturer can ask for one to be revoked (Form B441), and the ABF lists unused TCOs for revocation in the Tariff Concessions Gazette.

3 Why TCOs and FTAs sit on different government websites but still land in one entry

Tariff Concession Order (TCO)

- Made under the *Customs Act 1901*, administered by the ABF and published in the Tariff Concessions Gazette.
- Test: are there known Australian manufacturers of substitutable goods?
- Your side: classification and wording must precisely match the order.

Free Trade Agreement (FTA)

- Treaties led by the Department of Foreign Affairs and Trade (DFAT). 19 FTAs are in force, with 31 economies.
- Test: do the goods qualify as originating under that agreement's rules of origin?
- Your side: origin evidence that matches the product-specific rule.

Both can take duty to zero, but the tests differ and the information sits on different sites. They still meet on one declaration line. In the Integrated Cargo System the line carries the tariff classification, the preference rule (a TCO claim quotes the TCO number; an FTA claim quotes the scheme) and the country of origin. That is why the TCO and FTA comparison has to be made before the entry is lodged.

4 Hypothetical: what two years of the wrong TCO can cost

Constructed example. The company, goods and figures are invented to show how the rules can apply. They are not from any real case, and a real matter turns on its own facts.

A mid-sized importer of specialised centrifugal pumps claims a TCO whose wording the goods don't precisely match (for example, a slightly different seal specification). Over two years it imports about $8 million of pumps. The general rate of duty is 5% and the TCO reduces it to zero, so on paper the saving is $400,000.

1. **Review.** A post-clearance review finds the wording mismatch, so the concession is disallowed and the 5% rate applies.
2. **s165 demand.** The unpaid duty is a debt due to the Commonwealth. The Comptroller-General can demand it in writing, generally within 4 years of when it was payable (no time limit for fraud or evasion).
3. **s243T infringement notice.** For a false or misleading statement that causes a loss of duty, a body corporate's notice is the greater of 45 penalty units or 75% of the shortfall. Time limits apply.
4. **Voluntary disclosure.** Under s243T(4), the s243T offence doesn't apply if you give the ABF a written error notice and pay the correct duty in full before an infringement notice is served or proceedings begin. Under s243T(4A), it isn't voluntary once an officer has used a power to verify the statement. You still owe the duty.

Pumps imported over two years	**≈ $8,000,000**
General rate of duty TCO rate claimed: Free	**5%**
Duty saved on paper	**$400,000**
Duty demanded under s165 The same $400,000, now a debt to the Commonwealth	**$400,000**
s243T infringement notice Greater of 45 penalty units or 75% of the shortfall: 45 × $364 (from 1 July 2026) = $16,380 75% × $400,000 = $300,000	**≈ $300,000**
Illustrative total exposure	**≈ $700,000**

ILLUSTRATIVE ONLY. NOT A CALCULATION FOR ANY REAL MATTER.

How TCOandFTAcheck helps

- **17,618 TCOs** on the ABF list (11 Oct 2026), each with its number, tariff classification, status and wording.
- **Checked every week.** We read the ABF Tariff Concessions Gazette each Wednesday and reconcile it against the TCO list, so the number, status and wording we show stay right even where the ABF list can lag behind or differ from the latest gazette.
- **50 gazettes tracked**, TC 25/39 (8 Oct 2025) to TC 26/39 (14 Oct 2026). The first 49, to TC 26/38, hold **1,728 changes**: 686 TCOs made, 589 applications, 210 proposed revocations and 200 revoked, plus 43 other changes such as reissues, refusals and withdrawals.
- **12 months of gazette history** for every TCO you track, so you can see whether it has changed before you claim it again.

Our own data, built from the ABF gazettes and TCO list. Always confirm against the current ABF record before you lodge.

The broker lodges the entry. The importer owns the classification, the wording match, the Gazette status and the origin evidence that go into it.

Sources

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2. ABF, Goods Compliance Update, December 2025 (broker numbers at 1 Sep 2025; CMP Tables 6–7): abf.gov.au .../goods-compliance-update-december-2025.pdf
3. ABF, Tariff Concession Order (TCO) page: abf.gov.au .../tariff-concession-order · ABF TCO list and Tariff Concessions Gazettes: abf.gov.au .../gazette
4. DFAT, About free trade agreements (19 FTAs, 31 economies): dfat.gov.au/trade/about-ftas/about-free-trade-agreements
5. *Customs Act 1901* s165: austlii.edu.au .../s165.html · s243T incl. (4), (4A): austlii.edu.au .../s243t.html
6. ABF, Infringement Notice Scheme Guide (Nov 2024), Attachment A: abf.gov.au .../infringement-notice-scheme-guide.pdf · *Crimes (Amount of a Penalty Unit) Instrument 2026* ($364): legislation.gov.au/F2026N00424/asmade
7. ABF, ICS preference rule types and claiming preferences: abf.gov.au .../preference-rule-type