

ATTACHMENT B



Australian Government
Australian Customs Service

Customs House
5 Constitution Ave
Canberra ACT 2601

25 June 2007

Stephen Ly
DHL International (Aust) Pty Ltd
Level 5, 15 Bourke Road
Mascot NSW 2020

Dear Mr Ly

Draft Australian Customs Notice - Owners of Goods and Authorised Agents: Authorities to Act

I refer to your request for advice on whether the terms and conditions of carriage as stated on the DHL Express Shipment Air Waybill meets the requirements of the draft Australian Customs Notice (ACN) on authorities to act.

Relevantly, clause 1 of the terms and conditions states:

1. Customs, Exports and Imports

DHL may perform any of the following activities on Shipper's behalf in order to provide its services to Shipper:

- (1) complete any documents, amend product or service codes, and pay any duties or taxes required under applicable laws and regulations,
- (2) act as Shipper's forwarding agent for customs and export control purpose of designating a customs broker to perform customs clearance and entry, and
- (3) redirect the Shipment to Receiver's import broker or other address upon request by any person who DHL believes in its reasonable opinion to be authorised.

If the Shipper is a person who can be considered to be the owner of the goods (as defined in section 4 of the *Customs Act 1901* (Customs Act)), then the shipper's agreement to subclause 1(1) could be considered sufficient as an authority for DHL to act as the agent of the owner.

If you have any questions in relation to this matter, please contact Ms Alison Neil, A/g Director Compliance Policy and Licensing

Yours sincerely

Sharon Nyakuengama
A/g National Director
Compliance



Australian Government
Australian Customs Service

Customs House
5 Constitution Ave
Canberra ACT 2601

1 August 2007

Mr Robert Battistel
FedEx Australia Pty Ltd
215-225 Euston Rd
Alexandria NSW 2020

Dear Mr Battistel

**Draft Australian Customs Notice - Owners of Goods and Authorised Agents:
Authorities to Act**

I refer to your request for advice on whether the "Conditions of contract" and "Standard conditions of carriage – South Pacific" meets the requirements of the draft Australian Customs Notice (ACN) on authorities to act.

Relevantly, the "Conditions of contract" states:

"Customs Clearance By giving us this shipment, you hereby appoint us as your agent solely for the performance of customs clearance and certify us as the nominal consignee for the purpose of designating a customs broker to perform customs clearance (unless you specify a customs broker on the front of this AirWaybill) (where available). In some instances, local authorities may require additional documentation confirming our appointment. It is your responsibility to provide proper documentation and confirmation when required."

In addition, paragraph B under "Customs Clearance" in the document titled "Standard Conditions of Carriage – South Pacific" states:

B. Except as provided in provided in paragraph F below or where you where you specify a broker other than FedEx, FedEx will submit FedEx International Priority shipments to customs and other relevant regulatory agencies for clearance and may advance duties and taxes, processing and clearance fees on behalf of the sender and recipient provided appropriate credit arrangements have been made.

It is noted that the term "You" means the shipper and its employees, principles and agents. If that person is a person who can be considered to be the owner of the goods (as defined in section 4 of the *Customs Act 1901* (Customs Act)), then the agreement to the conditions of contract or the Standard Conditions of Carriage – South Pacific

could be considered sufficient as an authority for Fedex to act as the agent of the owner.

If you have any questions in relation to this matter, please contact Ms Alison Neil, A/g Director Compliance Policy and Licensing

Yours sincerely

Sharon Nyakuengama
A/g National Director
Compliance



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5 Constitution Ave
Canberra ACT 2601

1 August 2007

Mr Geoff Clark
T.N.T
General Manager, International Operations
201 Coward Street
Mascot NSW 2020

Dear Mr Clark

Draft Australian Customs Notice - Owners of Goods and Authorised Agents: Authorities to Act

I refer to your request for advice on whether the TNT Express Terms and Conditions of Carriage – Long Form Version (12-05) meets the requirements of the draft Australian Customs Notice (ACN) on authorities to act.

Relevantly, subclause 7.1 of the terms and conditions state:

"You hereby appoint us as your agent solely for the performance of clearing and entering the shipment through customs and you hereby certify that we are the consignee for the purpose of designating a customs broker to perform customs clearances and entries if we subcontract this work. If any customs authority requires additional documentation for the purpose of confirming our customs clearance status it is your responsibility to provide the required documentation at your expense."

If the person identified by the term "you" is a person who can be considered to be the owner of the goods (as defined in section 4 of the *Customs Act 1901* (Customs Act)), then the agreement to subclause 7.1 could be considered sufficient as an authority for TNT to act as the agent of the owner.

If you have any questions in relation to this matter, please contact Ms Alison Neil, A/g Director Compliance Policy and Licensing

Yours sincerely

Sharon Nyakuengama
A/g National Director
Compliance



Australian Government
Australian Customs Service

Customs House
5 Constitution Ave
Canberra ACT 2601

2 August 2007

Ms Jackie Lekic
UPS Pty Ltd
247 King Street
Mascot NSW 2020

Dear Ms Lekic

**Draft Australian Customs Notice - Owners of Goods and Authorised Agents:
Authorities to Act**

I refer to your request for advice on whether the UPS Terms and Conditions of Carriage/Service found on the manual air waybill and internet air waybill meets the requirements of the draft Australian Customs Notice (ACN) on authorities to act.

Relevantly, the UPS Terms and Conditions of Carriage/Service found the manual air waybill states:

"Customs Clearance Where applicable, the shipper must provide documentation for customs clearance. By providing required documentation, the shipper certifies that all statements and information relation to exportation and importation are true and correct. Furthermore, the shipper understands that civil and criminal penalties, including forfeiture and sale, may be imposed for making false or fraudulent statements. When a shipment is tendered to the Carrier, the Carrier is thereby appointed as the agent for performance of customs clearance, where applicable. The Carrier is specified as the nominal consignee for the purpose of designating a customs broker to perform customs clearance."

In addition, the UPS Terms and Conditions of Carriage/Service found on the internet air waybill states:

"Where allowed by law, the shipper authorises UPS to act as forwarding agent for export control and customs purposes".

If the shipper is a person who can be considered to be the owner of the goods (as defined in section 4 of the *Customs Act 1901* (Customs Act)), then the agreement to terms and conditions specified on the manual or internet air waybill could be considered sufficient as an authority for UPS to act as the agent of the owner.

If you have any questions in relation to this matter, please contact Ms Alison Neil, A/g
Director Compliance Policy and Licensing

Yours sincerely

Sharon Nyakuengama
A/g National Director
Compliance
