



Special Reporter – Mail Order Consignments APPLICATION FOR REGISTRATION

Approved Form for the purpose of Section 67EC
of the *Customs Act 1901*

About This Application Form

- This application form is for registration as a special reporter for mail-order consignment only. If you are applying to become a special reporter for low value mail-order consignments for more than one mail-order house, a separate application is required for each mail-order house.
- We require the requested information under section 67EC of the *Customs Act 1901* in order to assess your application for registration as a special reporter. The information you give may be disclosed to other Commonwealth agencies in accordance with section 16 of the *Customs Administration Act 1985*.
- This form is to be used as a cover sheet for your application. Attach your answers to the questions, together with attachments (*if any*), to this form and sign as indicated.
- Address your application to:
National Manager
Cargo Branch
Australian Customs Service
5 Constitution Avenue
Canberra, ACT 2600
- This application form can be submitted to Australian Customs Service by facsimile. The fax number to be used is (02) 6275 5745.

Certificate

I hereby apply for registration as a special reporter (*mail-order consignments*) in accordance with section 67EC of the *Customs Act 1901*. I certify that the information contained in this application, which consists of the following attachments:

- Attachment A: answers to questions 1 to 4,
- Attachment B: copy of documentation requested at question 1.3,
- Attachment C: consent letters of personnel referred to at question 1.4,
- Attachment D: copy of documentation requested at question 1.6,
- Attachment E: company search details requested at question 1.7,
- Attachment F: copy of agreement with mail-order house (*see question 2.4*),
- Attachment G: list of mail-order goods and their prices (*see question 2.6*);

is true and correct

.....
(Signed in accordance with your business's Partnership
Agreement or company's Constitution)

Date/...../.....

Date of Lodgement

Date application received by a designated officer

1. ABOUT THE APPLICANT

This section asks you to answer some questions about your company/business.

Please provide the following details:

- 1.1 **Full name, address and ACN and/or ABN number of the applicant.**
- 1.2 **The name and phone number of a senior company official who may be contacted in relation to this application.**
- 1.3 **If the applicant is a company, a copy of the applicant's Certificate of Registration of a Company or Certificate of Registration of a Foreign Company or if the applicant is a partnership, a copy of the Partnership Agreement.**
- 1.4 **The name, address (residential and business), and date of birth of the following persons:**
 - if the applicant is a natural person, that person;
 - if the applicant is a partnership, the partners;
 - if the applicant is a company, any director, officer or shareholder of the company who will participate in the management of the affairs of the applicant;
 - employees who will participate in the management of the applicant's dedicated computer facilities.

The applicant should be aware that persons nominated in response to this question will be the subject of a police records check. The information is used to satisfy the requirement that the nominees are "fit and proper" persons for the purposes of section 67EB of the *Customs Act 1901*. In accordance with privacy legislation each person nominated will be required to complete a consent form as attached.

If a person chooses not to submit a consent form through you, he/she may return it directly to the Australian Customs Service (ACS) at the address on the front of this application.

Should a consent form not be forthcoming from a person nominated by you, the ACS must take this into account when assessing your application. The failure of an individual to give consent may result in the rejection of your application because the ACS cannot determine whether that individual is a "fit and proper" person.

In such circumstances the ACS cannot disclose to you the identity of the person concerned.

- 1.5 **If the applicant is a company, the street address and postal address of:**
 - the registered office of the applicant company in the State or Territory from which the application will be made; and
 - the head office of the applicant company if the application is not made in the State or Territory where it is located.
- 1.6 **If the applicant is a company, an outline of the shareholding in the applicant company.** If other companies hold shares in the applicant company, please provide details of their shareholding structure. The shareholding structure is to be extended to a public company or a natural person. The information is to be presented by means of a genealogical chart.
- 1.7 **Formal company search details of the applicant company** (as provided by the Australian Securities and Investments Commission - www.asic.gov.au).
- 1.8 Where complex company group structures are involved, the Australian Customs Service may require search documents on members of the group other than the applicant. You will be notified if such information is required. Lodgement of an application need not be delayed while search material is being obtained. This information may be lodged separately.
- 1.9 Do you have a Customs licensed depot (*i.e. licensed under section 77G of the Customs Act 1901*)? If your answer is 'yes', list the name of the depot, its establishment code and licence number.

2. LOW VALUE MAIL-ORDER CONSIGNMENTS

To be able to report mail-order consignments you are required to have a written agreement with an overseas mail-order house. Section 63A of the *Customs Act 1901* provides that an agreement must include provisions:

- **providing that all consignments must be consolidated by the mail-order house at a single place of export (*the place must be nominated*);**
- **setting our arrangements for the shipment and handling of consignments on arrival in Australia; and**
- **providing that the mail-order house will electronically transmit the full particulars of each consignment to the special reporter.**

Low value mail-order consignments that a person in Australia has ordered from the mail order house from a catalogue must be assessed and approved by Customs before they can be reported on an abbreviated cargo report (i.e. items in the catalogue comply with import requirements). Such consignments must have a value not exceeding \$1000.

- 2.1 What is the full name and address of the overseas mail-order house with whom you have an agreement?
- 2.2 Does the agreement contain the information required by the definition of 'house agreement' in section 63A of the *Customs Act 1901* (see above)?
- 2.3 When does the agreement expire?
- 2.4 Please attach a copy of the agreement.
- 2.5 What kind of goods does the mail-order house send to Australia?
- 2.6 Please attach three (3) copies of the description of all goods (*catalogues are acceptable*) which are proposed to be reported in an abbreviated cargo report.

- 2.7 Do you understand that the consignments reported under the Scheme must comply with the definition of 'low cargo value' in section 63A of the *Customs Act 1901*?
- 2.8 Regulation 31AA of the *Customs Regulations 1926* requires a person who proposes to make an abbreviated report covering an item of goods that the person has not previously informed Customs to be goods sold by the mail-order house, to give Customs a description of the goods in writing at least 30 days before making the report. The description may include a print or photograph of the item. Do you understand and agree to comply with this regulation?

3. REPORTING LOW VALUE MAIL-ORDER CONSIGNMENTS

Cargo arriving on a ship or aircraft to be landed in Australia must be reported to Customs in accordance with section 64AB of the *Customs Act 1901*.

- 3.1 If you propose to report mail-order consignments electronically, can you meet the information technology requirements determined by the Chief Executive Officer of Customs under section 126DA of the *Customs Act 1901* (available at www.customs.gov.au).
- 3.2 Do you currently report low value mail-order cargo?

State, and provide documentary evidence of, the number of consignments of low value mail-order goods that you have reported, as part of the cargo report to Customs, for each of the three months prior to the making of this application.

To become a special reporter, Customs must be satisfied that the applicant is likely to make cargo reports covering at least 1,000 such consignments per month from the mail-order house during the period of registration.

4. THE DEDICATED COMPUTER FACILITIES AND OTHER RECORDS

As a special reporter you will be required to keep the details of consignments at the lowest level of specificity for each cargo report made at the master or sub-master air waybill or ocean bill of lading level in an electronic form from the time the abbreviated cargo report is made to Customs or documents relating to those details.

The electronic system on which the details are kept is known as the dedicated computer facilities. The dedicated computer facilities must meet specifications determined by the Chief Executive Officer (CEO). The specifications relate to Customs access to the facilities and control by you of the information held by the facilities (paragraph 67EB(1)(d) of the *Customs Act 1901*).

Subsections 67EF(4) and (5) of the *Customs Act 1901* require a special reporter to provide Customs with online access to the information stored and retained under subsection 67EF(1) of the *Customs Act 1901* and with the capacity to download that information, or part of that information as required by Customs.

A special reporter is required to tell Customs where the dedicated computer facilities are and where any documents required to be stored are located, known as the notified premises.

If Customs needs to enter your notified premises to exercise monitoring powers, your consent will be sought by an authorised Customs officer to enter the premises during your working hours to exercise those powers. If you do not give consent, the authorised officer may apply to a magistrate for a warrant to exercise these powers. In exercising the monitoring powers, the officer may require access to any documentary or other records (eg. *documents of carriage*), which may assist the officer in verifying compliance with Customs-related laws, including requirements relating to making abbreviated cargo reports.

The Customs Cargo Management Re-engineering (CMR) project is introducing significant changes to import cargo reporting which coincide with the introduction of new business rules, legislation and the import component of the Integrated Cargo System (ICS). The CEO Specifications relating to the reporting of low value mail-order consignments have been amended to reflect these changes.

- 4.1 Do you understand that you must comply with the CEO specifications by providing Customs with electronic access to your dedicated computer facilities as follows:
- By providing direct on-line (*point to point*) access to your dedicated computer facilities by way of a dial-up arrangement; and
 - Electronically downloading consignment details to the Customs as required?
- 4.2 Besides the dedicated computer facilities, will you keep any other documentary records, which relate to consignments intended to reported on an abbreviated cargo report?
- If you answer 'yes' please specify.
- 4.3 Where will the dedicated computer facilities and any other records be located (*full address*)?
- 4.4 What are your normal business hours and working hours (*if they vary*)?
- 4.5 Do you understand that you must advise Customs of any change of location of the dedicated computer facilities or any other records?
- 4.6 Do you understand that you must keep such records for two (2) years from the date of making the cargo report?
- 4.7 Do you understand that an authorised Customs officer must obtain your consent to enter your nominated premises to access the dedicated computer facilities and any other records for the purpose of screening and conducting audits of consignment details reported under the Scheme? If you do not provide the officer with consent, the officer may apply to the magistrate for a warrant.
- 4.8 Do you agree to provide initial and ongoing training to authorised Customs officers in the use of your dedicated computer facilities for the purpose of screening and conducting audits of consignment details reported under the Scheme?