Australian Customs Notice 2002 01

**Rate of exchange for the entry of goods**

This Australian Customs Notice (ACN) outlines the procedures to be followed in establishing the "day of exportation" for exchange rate purposes. It replaces ACN No. 90/41.

# Legislation

Subsection 161J(1) of the *Customs Act 1901* (Customs Act) requires that, when ascertaining the value of any imported goods, an amount in a foreign currency be expressed in Australian currency according to the rate of exchange on the day of exportation.

Subsection 161J(4) states that the "day of exportation" means:

1. where the goods were exported by post from the place of export and a Collector is satisfied as to the day of posting-that day;
2. where the goods departed or were transported from their place of export in any other way and a Collector is satisfied as to the day of their departure or transportation-that day; and
3. in any other case-a day determined by the Collector.

Section 154 of the Customs Act defines the place of export. Put simply, the place of export for imported goods, in hierarchical order, is:

1. the place where the goods were posted to Australia;
2. the place where the goods were packed in a container;
3. for self-transported goods exported from a country by sea or air, the place, or last place, in that country from which the goods departed for Australia;
4. for goods exported from a country by sea or air, the place, or first place, in that country where the goods were placed on board a ship or aircraft for export from that country;
5. for goods exported from a country by land, or by river, canal or other inland waterway, the place at which the goods finally crossed the border from that country into another country in the course of their transportation to Australia; or
6. in any other case, a place determined by a Collector. **Evidence**

It is the responsibility of the owner of the imported goods to obtain sufficient reliable evidence of the day of exportation.

For goods packed in a container, the rate of exchange to be used is the rate applying on the day that the goods leave the place where the goods were packed in the container. Where such information is not known, the rate of exchange that can be used may be determined in the same manner as for non-containerised goods exported by air or sea, outlined below.

*Goods exported from a country by air*

The rate of exchange to be used is the rate applying on the day that the aircraft departs the country of export.

The departure date and the aircraft flight number are normally shown on the Air Waybill when it is issued. If these details are altered after the Air Waybill is issued, the Air Waybill will be manually amended to show the departure date and the new flight number. These details are available for checking on Cargo Automation Systems or from Cargo Manifests.

*Goods exported from a country by sea*

The rate of exchange to be used is the rate applying on the day that the vessel departs from the loading port. This date can be obtained from the 'on board' date endorsed on the Bill of Lading or the Sea Waybill. If this date is unavailable, the date of departure of the vessel should be obtained from the shipping company.

# Published rates of exchange

Customs issues rates of exchange for selected currencies for each day. Those rates are published in the *Commonwealth of AustraliaGazette* each week.

For a currency where a rate of exchange is not issued, the owner of the goods should obtain documentary evidence of the commercial rates of exchange for that currency, on or about the day of exportation, from a leading bank in Australia.

# Goods exported and entered on the same day

Where goods are exported to Australia and are entered on the same day, and the rate of exchange for that day is not yet available, the owner of the imported goods may apply the rate of exchange for the previous day. When the rate of exchange for the day of exportation becomes available, the owner of the imported goods may need to amend the entry, quoting the correct rate of exchange.

# Subsequent information

If **after** the time of entry, information becomes available to the owner that the date or the exchange rate used was incorrect, the owner should voluntarily tender to Customs any short paid customs duty, Goods and Services Tax, luxury car tax and wine equalisation tax. This action will protect the owner from a potential Customs penalty under section 243T of the Customs Act.

Any questions in relation to this ACN should be directed to Mr Wayne Baldwin, Valuation and Origin Section, on (02) 6275 5821.

TOM MARSHALL

National Manager Tariff

for

Chief Executive Officer