AUSTRALIAN CUSTOMS NOTICE NO. 2005/52

Authorized Agents - Declaration of Places

Section 181 of the *Customs Act 1901* (the Act) deals with the authorization of agents who may act on behalf of the owner of goods for the purposes of the Customs Act. An authorized agent may act on behalf of the owner in relation to many requirements of the Act. The most common of these is in relation to making import declarations for imported goods. However, under section 181(2) of the Act at certain places declared by the CEO of Customs, only an employee of the owner or a licensed customs broker can be an authorized agent for the purposes of the Customs Act at that place.

In 1981, Notice No. 80 was published in the Australian Government *Gazette* declaring the places in Australia for the purposes of subsection 181(2) of the Act. These places were generally the capital cities of the States and Territories of Australia. Outside of those places there was no restriction on who may act as an agent.

Since that notice was published in the *Gazette*, there have been a number of changes to business practice and information technology, such as widespread use of the internet, electronic lodgment and Electronic Funds Transfer, which have reduced the need for importers to employ a wide range of agents.

The Australian Customs Service has now registered on the Federal Register of Legislative Instruments a new notice declaring all places in Australia as places for the purposes of subsection 181(2) of the Act. Once the new declaration takes effect, at all places in Australia only a licensed customs broker or an employee of the owner of the goods will be able to be authorized as an agent of the owner, for example, for the purposes of making import declarations. This does not restrict the arrangements for the making of export declarations or the ability of owners of goods to act in their own right.

In May 2005, Customs advised those it could identify as affected of the intention to make this declaration.

This notice will take effect from the import cut-over time, as defined in section 4 of the *Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Act 2004*, which is expected to be 12 October 2005.

Inquiries concerning this notice may be directed to Supervisor, Brokers Licensing at [brokers.licensing@customs.gov.au](mailto:brokers.licensing@customs.gov.au) or on 02 6275 5088

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