

## AUTHORITY AND ACKNOWLEDGEMENT OF TRADING CONDITIONS

### 1. AUTHORITY FOR PURPOSES OF THE CUSTOMS ACT 1901

In accordance with section 181 of the Customs Act 1901,

I / we, by requesting or registering for the use of JTM Cargo Management and its services, hereby authorise JTM Cargo Management ABN 83 612 276 703, its nominee, and its subagents, to act as my / our Customs Broker for the purposes of the Customs Act (as amended from time to time), at all places in the Commonwealth.

### 2. AUTHORITY FOR GST PURPOSES

In addition to the authorisation pursuant to clause 1 of this Authority, the Customer further authorises the Company to quote our Australian Business Number (ABN) as may be required by the Australian Taxation Office and A New Tax System (Goods and Service Tax) Act 1999 and any other related legislation in respect of imported goods at the time of making the entry for home consumption via an Import Declaration to the Australian Customs and Border Protection Service.

### 3. AUTHORITY FOR ALL OTHER LEGISLATIVE PURPOSES

Without limiting the generality of the authorisation and appointment pursuant to clauses 1 and 2 of this Authority, the Customer appoints the Company to act on behalf of the Customer for all purposes contemplated by any Customs Related Law (as that term is defined in the Customs Act) and for any purpose required to assist with import, export or transportation of the goods of the Customer.

### 4. AUTHORITY FOR RELATED PURPOSES

The authorisations and appointments in clauses 1, 2 and 3 of this Authority extend to authority to the Company to attend to all other actions requested by Customs related to the clearance, carriage and delivery of any goods.

### 5. ACCEPTANCE OF TRADING CONDITIONS

5.1 The Customer agrees that all transactions undertaken by the Company and its nominees are done so subject to the Trading Terms and Conditions of the Company and receipt of which is hereby acknowledged.

5.2 The Customer agrees that it accepts to be bound by this Authority and the Trading Conditions.

5.3 The person/s for whom has requested or registered for utilisation of SmartClear and its services warrants that it is authorised to enter into this Authority on behalf of the Customer.

### 6. INCONSISTENCY

Where there is an inconsistency between the Trading Terms and Conditions, any Customer Credit Application, any fee quotation estimate or agreement and the terms and conditions of this Authority, the relevant documents shall be construed in the following order of priority:

- (a) the Trading Terms and Conditions;
- (b) this Authority;
- (c) any customer credit application with the Company;
- (d) any fee quotation estimates or agreement.

## 7. TERM OF AUTHORISATION

The Company and the Customer agree that this Authority will apply from the date of this Authority until properly terminated by either party in writing.

## 8. ACKNOWLEDGEMENT OF CUSTOMS BROKER OBLIGATIONS

The Customs Act provides that only the owner of goods or a customs broker licensed by the Chief Executive Officer (CEO) of Customs can submit an import declaration to import those goods.

Because of the complexity of the laws governing the importation of goods into Australia (similarly to those of most other countries) and the potential financial and other implications of lodging an incorrect entry, most importers of goods choose to engage a customs broker to act on their behalf.

The Customs Act deems a declaration made by a customs broker on behalf of an owner of goods as made with the knowledge and consent of the owner. The Customs Act can operate to deem a customs broker the owner of the goods but this does not relieve the owner of the goods from liability.

Customs and Border Protection issues licences subject to a number of mandatory obligations specified in the Customs Act, and the CEO or his delegate may impose other obligations or conditions. Licences are issued for a period of (up to) three years, which can also be renewed upon payment of a prescribed fee.

A summary of key customs broker obligations follows:

- The licence holder must perform the duties of a customs broker in a satisfactory and responsible manner and they must not abuse the rights and privileges arising from the licence.
- The licence holder must advise Customs and Border Protection if they are convicted of a prescribed offence.
- The licence holder must advise Customs and Border Protection if in the case of a natural person, they become bankrupt, or in the case of a company, they are being wound up or had an administrator appointed.
- The licence holder must do all things necessary to ensure that persons that participate in the work of the customs broker are persons of integrity.
- If the licence holder becomes aware that information that has been provided to Customs and Border Protection by or on behalf of a client of the broker is false, misleading or incomplete, the broker must, as soon as practicable after becoming aware of the error or omission provide written particulars of the incident to the CEO.
- The licence holder must not allow Customs and Border Protection systems, or information provided by Customs and Border Protection to be used for an unauthorised purpose or to assist, aid, facilitate or participate in any unlawful or illegal activity.

- A natural person who holds a licence must undertake accredited Continuing Professional Development.

The statutory scheme for the licensing of customs brokers has two distinct but complementary purposes.

- Protection of the Commonwealth Revenue – because it is simply impossible for Customs and Border Protection to conduct a 100% check of every entry, it is essential that Customs and Border Protection has a high degree of confidence that customs brokers will exercise their function in a professional, correct and ethical manner in order to ensure that the duty and tax properly payable on goods is in fact paid – no more, but no less – and that import and export data is entered accurately for statistical purposes.

- Protection of the community – over and above the public interest in the correct revenue being collected on any importation of goods, the public has other significant interests in the performance of licensed customs brokers, such as:

- government agencies should be able to establish the true identity of parties undertaking international trade in goods and in a self-assessment context customs brokers should take responsible steps to establish the identity of their clients for the purpose of the Customs Act,

- clients who engage customs brokers should be able to rely upon their expertise to provide the services they offer in a professional and ethical manner, and

- consumers of imported goods and others affected by their use should be able to rely on customs brokers to ensure, for example, that potentially dangerous goods are not imported if prohibited or are properly identified and labelled if allowed to be imported.

Dated: / /

Company or Individual Name .....

Full Name of Authorised Signatory .....

Position .....

Signature .....