



**Australian
BORDER FORCE**

(For Official Use Only)

File Number: _____

**Notice of Goods Impounded
and Duty (Penalty) Assessment**

To Section 209 Customs Act 1901

Importer Name:	Importer ID - ABN/CCID:
Address:	Postcode:
Email Address:	Phone Number: (in Australia)

The Consignment

Vessel Name/Lloyds Number or Flight Number:	Voyage Number or Flight Arrival Date:
OBL/MAWB:	HBOL/HAWB:

The Schedule

Goods Description	Quantity	Tariff Item	Declared				(e) SUB-TOTALS
			(a) CVAL	(a) CVAL	(c) GST	(d) WET/LCT	
			Adjusted				
			(f) CVAL	(g) DUTY	(h) GST	(i) WET/LCT	(j) DUTY PENALTY
			SUB-TOTALS				(k)
			Declared				
			(a) CVAL	(a) CVAL	(c) GST	(d) WET/LCT	
			Adjusted				
			(f) CVAL	(g) DUTY	(h) GST	(i) WET/LCT	(j) DUTY PENALTY
			SUB-TOTALS				(k)
			Declared				
			(a) CVAL	(a) CVAL	(c) GST	(d) WET/LCT	
			Adjusted				
			(f) CVAL	(g) DUTY	(h) GST	(i) WET/LCT	(j) DUTY PENALTY
			SUB-TOTALS				(k)

TOTAL AMOUNT PAYABLE: _____

The following action has been applied to the goods specified in the schedule above.
 The goods specified in the Schedule above are impounded pursuant to subsection 209(2) of the *Customs Act 1901* being goods that are forfeited by virtue of paragraph 229(1)(.....) of that Act.
 The relevant legislative provisions are set out on the reverse side of this notice.

Take Notice:

- That the goods listed in the above schedule remain under Customs control until payment of the specified total of the sums listed in Columns (g), (h), (i) and (j) are received by the Collector.
- Where the owner of the goods identified in this notice does not make payment at the end of 21 days after the notice is served, the goods are taken to have been seized under a seizure warrant.
- That we require the above information to administer our functions under the *Customs Act 1901* in relation to the impounding and withholding of delivery of imported goods in respect of which the correct duty and/or tax has not been paid.

Name of Officer of Customs Impounding the Goods:	Signature of Officer of Customs impounding the Goods:	Date of Impoundment: / /20
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For Official Use:

DGMS Reference Number:	Finalised Declaration Number:	Receipt Details for Penalty Component:
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<input type="checkbox"/> Goods Released: <input type="checkbox"/> Goods taken to be seized as per section 209(7) of the Customs Act:	Signature of Officer of Customs Releasing: <div style="text-align: right;">/ /20</div>
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Impoundment of Goods

Section 209 of the *Customs Act 1901* (the Act) provides that an officer may, in certain circumstances, impound goods (other than prohibited goods) that are forfeited under subsections 229(1)(a), (g), (o), (p), (q) and (qa) of the Act (including forfeited by virtue of the operation of any of those paragraphs and section 230), in lieu of seizing such goods.

Subsections 229(1)(a), (g), (o), (p), (q) and (qa) of the Act provide:

- (a) Goods smuggled, or unlawfully imported, exported, or conveyed;
- (g) Goods under the control of Customs that are moved, altered or interfered with except as authorised by the Act;
- (o) Dutiable goods concealed in any manner;
- (p) Any package containing concealed goods not listed in the entry or packed in a way to deceive an officer;
- (q) Dutiable goods found in the possession of or in the baggage of a person who has got out of, landed from or gone on board any ship, boat, or aircraft, who has denied he or she has any dutiable goods in his or her possession, or has not fully disclosed that such goods are in his or her possession or baggage when questioned;
- (qa) Dutiable goods found amongst unaccompanied personal or household effects imported into Australia, where the person has denied that there are any dutiable goods among the effects, or has not fully disclosed that such goods are among the effects.

Maximum Duty Amount Subject to Impoundment

Subsection 209(3) of the Act provides that an officer must not exercise the power to impound goods, if in the opinion of the officer, the amount of duty sought to be evaded in respect of the goods exceeds \$5,000.

Objection to Duty Penalty

Subsection 209(6) of the Act does not provide importers with the opportunity to dispute the amount or rate of duty and duty penalty payable. Because the importer has undeclared or undervalued dutiable goods the only option open to the importer is either to pay the duty and duty penalty demanded within 21 days, after which the goods are released, or not pay which will lead to the eventual seizure of goods.

Payment Information

Payment can be made as outlined under 'payment options' on the invoice attached

How to Calculate the Duty Penalty

Duty penalty may only be applied to the amount of duty that an importer has attempted to evade. The amount of duty penalty that is imposed on an importer is 200% of the duty evaded.

Example A:

An importer declares the value of their goods to be \$1,200 and it is subsequently found to be worth \$2,000. The importer has misled an officer and the decision is made to apply duty penalties to the goods.

Customs Value for Duty Declared	\$1,200.00	Duty (e.g. 10%) =	\$120.00
Customs Value for Duty Adjusted	\$2,000.00	Duty (e.g. 10%) =	\$200.00
Duty Evaded		=	\$ 80.00
Duty Penalty	= \$ 80.00 (the amount of evaded duty) X 200%	=	\$160.00

Example B:

An importer declares the value of their goods to be \$500 making a Self Assessed Clearance (SAC) statement that the goods are valued at less than \$1,000 and do not contain goods requiring an import permit. The goods are subsequently found to be worth \$2,000. The importer has misled an officer and the decision is made to apply duty penalties to the goods.

Customs Value for Duty Declared	\$500.00	Duty (e.g. 10%) =	\$200.00
Customs Value for Duty Adjusted	\$2,000.00	Duty (e.g. 10%) =	\$200.00
Duty Penalty	= \$200.00 (the amount of evaded duty) X 200%	=	\$400.00

Release of Impounded Goods on Payment of Duty and Penalty

Subsection 209(6) of the Act provides that where the owner of an article or goods identified in a notice served under subsection (5) pays to the Collector, at the address for payment shown in the notice and within 21 days after the day on which the notice was served, the duty demanded in respect of the article or goods (not being a payment under protest in accordance with section 167) together with an amount of penalty equal to:

- (a) if the goods were found in the course of a search of the baggage of a person who has arrived in Australia from a place outside Australia—an amount specified in the notice, being an amount equal to the amount of that duty that, in the opinion of the officer issuing the notice, the owner has sought to evade; or
- (b) if paragraph (a) does not apply to the goods—an amount specified in the notice, being an amount equal to twice the amount of that duty that, in the opinion of the officer issuing the notice, the owner has sought to evade;

the following provisions apply:

- (c) the Collector shall authorize the delivery of the article or goods to the owner;
- (d) the article ceases, or the goods cease, to be forfeited; and
- (e) proceedings shall not be brought for an offence against this Act in relation to the importation of the article or goods.

Subsection 209(7) of the Act provides that where the owner of an article or goods identified in a notice served under subsection (5) does not pay duty and penalty in respect of the article or goods in accordance with subsection (6), the article or goods are taken:

- (a) to have been seized under a seizure warrant at the end of 21 days after the notice is served; and
- (b) to have been so seized by the officer who served the notice under subsection (5).

Payment of Tax

Section 33-15 of the *A New Tax System (Goods and Services Tax) Act 1999*, and section 23-5 of the *A New Tax System (Wine Equalisation Tax) Act 1999*, provide that GST and wine tax are to be paid at the same time, at the same place and in the same manner as Customs duty is payable on the goods (or would be payable if the goods were subject to customs duty) or as set out in the regulations.

An Officer of Customs from the Department of Immigration and Border Protection may refuse to deliver the goods concerned unless the relevant tax has been paid.