



GEODIS
wilson

26th March 2008

Quarantine and Biosecurity Review Secretariat
Department of Agriculture, Fisheries and Forestry
GPO Box 858
CANBERRA ACT 2601

Dear Sir,

On behalf of a number of our Cruise Vessel client's who have been affected by the recent AQIS Notice to Industry 21/2007-08, titled "Transshipment of Ship Stores Containing Food and other Quarantinable Material" and the issues raised under this notice appear to come within the terms of reference for this independent enquiry and therefore we wish to make the following submission.

The attached Notice was implemented as a result of a recent reference to Biosecurity Australia and raises a number of concerns in regard to animal risk assessments, and why other countries (which also operate under the World Trade Organisation - SPS Agreements) can manage this process without the same restriction to trade.

Transshipment of imported cargo essentially refers to any cargo which has a discharge port in Australia, however has a final destination in another country, an example would include goods imported from the USA to Port Botany for final destination in Noumea. In these circumstances the cargo always remain under AQIS and Customs control from the time of arrival in Australia to departure for a place outside Australia.

In respect to the Cruise ship industry, this is an essential process to re-stock vessels with imported ships stores.

Prior to October last year, transhipped cargo was managed under strict customs control with AQIS intervention where necessary to manage any perceived risk. This management process ensured the cargo did not enter the commerce of Australia and was always held at a Customs Depot prior to delivery to the cruise ship.

The above AQIS Notice requires that an application for an Import Permit be made and implements a number of security procedures regarding notification and compliance regarding any movements from the time of arrival in Australia to delivery to the cruise ship.

In respect to any perceived risks associated with security, we have limited any movements of the container from one Customs depot to another Customs depot within the same port while maintaining a 24 hour security guarantee.

We do not object to the adequate pre-border/border/post-border requirements, however the import permit has limited the type of goods which may arrive as ship stores for transshipment purposes, which essentially means that those excluded goods cannot arrive in this country and therefore alternative ports of call are required, such as New Zealand.

From a cruise ship's logistical point of view this can become very impractical but necessary. MAF (Ministry of Agriculture and Forestry) New Zealand have reviewed the risk and security aspects of allowing the movement of ship stores as transshipment cargo.


The Import Permit provides a list of foods that are not permitted entry into Australia (ie meat, poultry, eggs, fruit, vegetables) however they can be imported as ships stores throughout most regions of the world. When a cruise vessel arrives in one of our Australia ports, the very food which AQIS will prohibit are already onboard the vessel being consumed. One of our client's produce up to 20000 meals a day which may include these Australian prohibited foodstuffs.

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We naturally rely on Biosecurity Australia to implement policies that prevent or control the spread of diseases within Australia, however when ship stores arrive into our country for transhipment purposes only a consistent approach with the World Trade Organisation's Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the application of an "appropriate level of protection", may have resulted in the implementation of a number of security and management practices to reduce any perceived risk with the arrival of these frozen and chilled foodstuffs which are now considered as prohibited for the cruise ship industry coming to Australia.

For any further enquires regarding this submission, please contact Michael Hudson on 0283474080.

Yours faithfully,



Michael Hudson
NSW Customs Manager



Australian Government

Australian Quarantine and Inspection Service

Notice to Industry

21/2007-08

TRANSHIPMENT OF SHIP STORES CONTAINING FOOD AND OTHER QUARANTINABLE MATERIAL

The purpose of this notice is to advise industry that AQIS has reviewed the quarantine management requirements for transhipped ship stores containing food and other goods of quarantine concern that are imported by air or sea for use on board international vessels.

The review has considered legislative requirements, security of the goods while in Australia and existing arrangements for managing the quarantine risk associated with ship stores.

Under Quarantine legislation, an Import Permit is required for ship stores containing certain foods and other quarantinable material that are landed in Australia for the purpose of being transhipped on board international vessels.

Note: Ship stores are exempt from the requirements of the *Imported Food Control Act 1992*.

Interim arrangements up until 30 April 2008

These arrangements require the importer/owner (or their agent) to provide advance notification of the proposed importation for transhipment of ship stores to the Sea Cargo Unit, AQIS Canberra. Consignments may only be imported as:

- FCL/X or ULD;
- must not contain prohibited goods;
- must remain "seals intact"; and
- may only be deconsolidated at the wharf at the time of export.

Full details of these interim arrangements are available in AQIS's Import Conditions (ICON) database case for *Ship stores containing food and other quarantinable material – for transhipment*.

Arrangements as of 1 May 2008

Consignments of transhipped ship stores containing food and other goods of quarantine concern must be accompanied by a valid Import Permit. Rather than listing individual permitted items, Import Permits will simply permit the importation of "*Ship stores containing food and other quarantinable material – for transhipment*", provided that they do not contain prohibited items. Specifically prohibited items will be identified within the Permit Conditions.

Import Permit applications must be applied for prior to importation and must be sent to the Biologicals Program, AQIS Canberra for assessment. Application and Assessment fees will apply as per the AQIS Fees and Charging Guidelines. Import Permits will be valid for 12 months.

Consistent with the interim arrangements, consignments imported from 1 May 2008 may only be imported as:

- FCL/X or ULD;
- must not contain prohibited goods;
- must remain seals intact; and
- may only be deconsolidated at the wharf at the time of export.

Attachment 1 lists the Import Permit conditions which will apply from 1 May 2008.

Further Information:

Should you require more information about this Notice, please contact the Sea Cargo Unit, AQIS Canberra on (02) 6272 3390.

Attachment 1: Import Permit Conditions

DOCUMENTATION REQUIREMENTS

1. All consignments must be accompanied by a valid Import Permit, or by a means to allow the identification of the Import Permit (such as quoting the Import Permit number).

2. Each consignment must be accompanied by a declaration from the importer stating that:

a) The consignment will not be for consumption, distribution or sale in Australia;

b) The consignment does not contain any goods that are referenced in AQIS's Import Conditions search database (www.aqis.gov.au/icon, click on "ICON Search") as not being permitted entry into Australia. This includes, but may not be limited to:

The following animal products:

- Uncanned poultry meat or poultry meat product;
- Uncanned pig meat or pig meat product (with the exception of deboned pig meat from Canada, Denmark, Finland, Sweden and United States of America; Iberian and Serrano hams from Spain; and Parma hams from Italy);
- Uncanned red meat or red meat product (with the exception of red meat from New Zealand or Vanuatu);
- Live seafood;
- Oysters in half shell;
- Uncooked, whole or partially peeled prawns;
- Dairy products from Foot and Mouth Disease affected countries (with the exception of highly processed hard cheeses; and canned/retorted dairy products);
- Eggs and egg products containing greater than 10% egg ingredient;
- Whole (uneviscerated, head-on) fish of any species;
- Uncanned Salmon and Trout products from any country (with the exception of products from Canada, Denmark, Ireland (Northern), Ireland (Republic of), New Zealand, Norway, United Kingdom and United States of America);

And the following plant products:

- Fresh, chilled, dried or frozen fruit, with the exception of (AQIS will insert products identified at assessment as permitted);
- Fresh or dried vegetables, with the exception of (AQIS will insert products identified at assessment as permitted).

PRE-ENTRY REQUIREMENTS

3. Each consignment must be imported as a Full Container Load (FCL/X) or Unit Loading Device (ULD), and must be free of Quarantine Risk Material prior to arrival in Australia. This includes, but is not limited to, snails, live insects, soil, mud, clay, animal faeces, animal material and plant material such as seeds, straw, twigs, leaves, roots, bark and other debris.

4. A manual Quarantine Entry must be lodged for each consignment: The importer/owner (or their agent) must notify a regional AQIS office prior to the consignment arriving in Australia.

Notification must include:

a) Consignment arrival port and estimated date of arrival;

b) A full description of the contents of each FCL/X or ULD, including:

- a list describing each commodity; and
- packing/cleanliness declarations as required by the AQIS publication 'Cargo Containers: Quarantine aspects and procedures'.

c) All documentation required by this Import Permit (i.e. a copy of this Import Permit and an Importer's Declaration);

d) The location of the Customs 77G Bond Store within the metropolitan area of the port of arrival; alternatively the consignment must remain on wharf (sea consignments) or at the Cargo Terminal Operator (CTO) premises (air consignments);

e) The date of loading and loading schedule times from the Customs 77G Bond Store or wharf/CTO to the vessel.

ENTRY REQUIREMENTS

5. Consignments must remain at the wharf/CTO or be directed seals intact to a nominated Customs 77G Bond Store within the Port Precinct, where they may be subject to AQIS surveillance inspections. Deconsolidation or part movement of goods will not be permitted.

6. Any proposed variation to the movement, storage, etc must have prior approval from AQIS. Any unplanned variations (including theft, fire or damage) must be reported to AQIS immediately.

EXIT REQUIREMENTS

7. The consignment must be exported from the greater port in which it originally arrived, e.g. consignments may be imported into Port Botany container terminal and exported from Port Jackson cruise terminal as these ports are within the metropolitan area of Sydney and part of the greater port of Sydney.

8. Consignments must be directed "seals intact" to the vessel at its berth for loading of the ship stores onto the vessel at the terminal.

9. Where conditions of the Import Permit have not been met (e.g. an acceptable packing declaration has not been provided), AQIS may supervise the deconsolidation and loading of stores onto the vessel. AQIS service fees will apply.

10. Importers/owners/agents must be aware that penalties exist for contravening the *Quarantine Act 1908*, including the contravention of the Import Permit conditions. Breaches may result in the revocation of the Import Permit.