



Australian Government

Australian Quarantine and Inspection Service

SCHEDULE

Containerised Cargo Clearance for FCL/X Scheme

Reference No. 0001

1. PURPOSE

The purpose of this Schedule is to set out the requirements to be met by an Other Party when performing and reporting on non-commodity documentary and delivery postcode assessments for FCL and FCX sea-freight consignments.

Non-commodity assessments includes:

- packing declarations,
- cleanliness declarations,
- treatment certification, and
- delivery postcodes.

2. SCOPE

This Schedule is limited to the assessment of non-commodity documentation and delivery postcodes for FCL and FCX sea-freight consignments, and the reporting of non-commodity concerns to AQIS.

3. DEFINITIONS

This Schedule is to be read in conjunction with the Generic Glossary that may contain words and/or phrases that have particular meaning within the context of the Scheme or the Compliance Agreement of which it forms part. Further Scheme specific terms are defined below.

<i>Term</i>	<i>Meaning</i>
Accredited Person	A person employed or contracted by the Other Party who has successfully completed the AQIS Containerised Cargo Clearance for FCL/X Scheme training course.
Assessment	For the purposes of this Scheme assessment means the examination of non-commodity documentation for the presence of non-commodity concerns.

4. APPLICABLE LEGISLATION

- 4.1 Persons and goods subject to Quarantine: section 18 of the *Quarantine Act 1908 (Cth)*
- 4.2 Compliance agreements: section 66B of the *Quarantine Act 1908 (Cth)* and Quarantine Regulations 72-74
- 4.3 Penalties for certain acts performed in contravention of the Act: section 67 of the *Quarantine Act 1908 (Cth)*
- 4.4 Direction to move goods: section 70D of the *Quarantine Act 1908 (Cth)*.

5. PREREQUISITES

- 5.1 The Other Party must employ or utilise Accredited Persons to carry out the activities specifically designated to an Accredited Person within the *Containerised Cargo Clearance for FCL/X Scheme Operational Procedures Statements (OPS)*.

6. REQUIREMENTS

6.1 *Mandatory Requirements*

The Other Party under this Schedule must comply with the following requirements:

- (i) Following assessment of non-commodity documentation and delivery postcodes, the Other Party must provide AQIS with an assurance (as per Section 7.2) that the outcomes and requirements of the *Containerised Cargo Clearance for FCL/X Scheme* have been met.

6.2 *Outcomes*

The Other Party must exercise care, skill and diligence in ensuring that any action taken in respect of the procedures as outlined in the OPS are in accordance with AQIS requirements.

6.3 *Compliance with Operational Procedures Statements*

The Other Party must implement and operate the system of procedures described in the OPS relating to this Schedule (which are listed in the Table of Schedules) to ensure that the specified outcomes are achieved.

6.4 *Specific critical procedural requirements*

- (i) The Other Party must co-operate with AQIS and provide relevant information as requested.
- (ii) The Other Party must ensure that only Accredited Persons undertake tasks within the OPS specifically designated to Accredited Persons.

6.5 *Record keeping*

- (i) The Other Party must ensure that the following categories of records and documents, relating to the procedures for goods covered by this Schedule, are created where necessary, maintained and kept up-to-date:
- (a) The Schedule; and
 - (b) The Operational Procedures Statements (as listed in the Table of Schedules).

- (ii) The Other Party must ensure that the following categories of records and documents, relating to supervising, monitoring and testing compliance with the procedures for goods covered by this Schedule, are created, maintained and kept up-to-date:
 - (a) Register of Accredited Persons
 - (b) Records of as prescribed in Section 6 of the *Containerised Cargo Clearance for FCL/X Scheme Processes and Outcomes Document*.
- (iii) The Other Party shall keep the records and documents stated in sub-paragraphs (i) and (ii) above at the premises where the procedures authorised by the agreement are conducted. If the Other Party chooses to keep the above-mentioned documents in a place other than at the premises where the procedures authorised by the agreement are conducted, the Other Party must provide the records and documents to a Quarantine Officer on request by the Officer within 24 hours of such request.
- (iv) The Other Party must keep the records and documents mentioned in sub-paragraphs (i) and (ii) above for a minimum period of 18 months from the date of assessment of the documentation.

6.6 *Examinations or services conducted by the Commonwealth for which a fee will be charged*

- (i) The Other Party acknowledges that failure to comply with the requirements of this Schedule may compromise quarantine integrity. AQIS will monitor the Other Party's compliance with the agreement and performance against the OPS using a specified audit regime and random surveillance activities. The types of audit that will be applicable to the *Containerised Cargo Clearance for FCL/X Scheme* and for which AQIS will charge fees under section 86E of the Act are:
 - (a) Announced audits
 - (b) Unannounced audits
 - (c) Reinstatement audits.

For an explanation of each audit type, refer to Section 2 of the General Policies.

- (ii) The audit regime for this Scheme is based on review levels between which the Other Party will move in accordance with their performance against the OPS. The Other Party will commence at review level 1 and will move between review levels in accordance with Section 4 of the General Policies. Each review level prescribes the percentage of audits, and the period during which these audits will be conducted.

For further guidance on review levels, refer to Section 4 of the General Policies.

- (iii) If a non-conformity occurs, the audit regime will ensure that additional action is taken to monitor performance, assist the Other Party to address matters of quarantine concern, and re-establish compliance. The three types of non-conformities are:
- (a) Critical non-conformity
 - (b) Major non-conformity
 - (c) Minor non-conformity.

For guidance on non-conformities, refer to Section 5 of the General Policies.

Note: The inclusion of the above requirements in relation to record keeping and examinations or services is in accordance with regulation 72(1) of the *Quarantine Regulations 2000*.

7. PERSON AUTHORISED TO GIVE CERTIFICATION OR ASSURANCE

7.1 Persons holding or occupying the following positions with the Other Party are authorised to provide a Quarantine Officer with a certificate or assurance that all the procedures to which this Schedule refers have been complied with in respect of the goods covered by this Schedule:

- (a) Accredited Persons.

7.2 In relation to section 66B(6) of the Act, a certificate or assurance for this Schedule will be deemed to be given by the Other Party:

- (a) When 'Yes' answers are provided to both AQIS Non-commodity Declaration Questions in the Integrated Cargo System (ICS).

8. REVIEW DATE

The review date for the Schedule for the *Containerised Cargo Clearance for FCL/X Scheme* is **31 July 2009**, or such earlier period as determined by AQIS subject to the giving of two weeks notice to the Other Party.

9. EXECUTION

I am a director, manager, or senior executive of
ABN/ACN ('the Other Party') who:

- (a) has responsibility for the business operations of the Other Party; and
- (b) is authorised to enter into contracts for the Other Party.

Note: "Giving false or misleading information is a serious offence."

SIGNED for and on behalf of)

.....)

ABN/ACN on:)

.....)

Date

by:)

.....)

Signature

.....)

Name of signatory

.....)

Position of signatory