



Notice to Industry

15/2010

Enhancements to the AQIS Import Management System (AIMS) in relation to legislated quarantine directions

The purpose of this Notice is to advise industry of enhancements to AIMS.

NOTE: There will be an AIMS outage on Saturday, 12 June 2010 from 1 pm to 9 pm EST while the system is being updated.

Why were enhancements made?

The electronic enhancements were developed to assist quarantine officers in meeting their legal obligation under the *Quarantine Act 1908* in relation to ordering goods into quarantine and issuing treatment and destruction directions.

What are the benefits to Industry?

National consistency in decision making and process

AQIS has been developing systems and processes to assist in ensuring decisions are applied consistently across all regions, and in accordance with our regulatory and legislative requirements. The latest Customs Broker and Forwarders Council of Australia (CBFCA) survey on AQIS service conducted in March 2010 again highlighted this as an issue of industry concern.

Electronic form issuing capability

When fully implemented AIMS will have the capability to issue electronic Order Into Quarantine (OIQ) directions, as well as electronic Agreement To Treat (ATT) and Destruction forms.

What changes will industry see?

Most enhancements will be invisible to industry with the following exceptions:

1. Electronic Agreement to Treat process

Section 48AA(4) of the *Quarantine Act 1908* states: if a quarantine officer believes on reasonable grounds that the goods cannot be effectively treated without damaging them, the quarantine officer must, by notice in writing given to the owner of the goods or the agent of the owner, tell the owner or agent that the treatment is likely to damage the goods and request the owner or agent to agree to the goods being treated.

Industry has highlighted the national inconsistency in application of this legal requirement. As a result a national training package and systems enhancements have been made to improve this. They are as follows:

- If an owner or their authorised agent is aware that a good requires treatment on arrival, they may request permission for the goods to be treated in writing as part of the document assessment process. Enhancements to the electronic documentation lodgement coversheet have been made to assist with this process.

- If a quarantine officer during document assessment (if goods not volunteered) or following inspection identifies that a treatment is required, the goods will be OIQ and the quarantine officer will determine if the goods are likely to be damaged by the treatment. Work Instructions and training have been developed to coincide with the systems upgrade to assist with this decision process.
- If the quarantine officer determines that the goods are unlikely to be damaged by the treatment, a treatment direction will be issued immediately.
- If the quarantine officer believes that there is a possibility that the goods may be damaged by the treatment an ATT form will be issued electronically rather than the treatment direction (see Attachment A). Once the ATT form has been signed by the owner or their authorised agent and returned, the treatment direction will be issued.

The changes in AIMS will ensure that the process is a consistent and automated process. The ATT can be faxed, e-mailed or printed for the importer/agent and can be faxed or e-mailed back to the regions.

REMINDER: The owner/agent may request permission for treatment by using the [Documentation Lodgement Cover sheet](#) and nominating treatment as the required action. To facilitate processing, it is recommended that importers/agents use the coversheet to volunteer goods for treatment if their understanding of AQIS's [Import Conditions](#) (including Import Permit conditions) and [Policy requirements](#) indicates treatment is required.

2. Changes to format of Quarantine Directions

Clients may have noticed that the templates for emailed directions, faxed directions and Automatic Entry Processing (AEP) directions are all in different formats. AQIS will be merging the various formats to produce a single template for Quarantine directions. Additionally the relevant section/s of the *Quarantine Act 1908* under which the consignment is directed for action will be published on the direction, to ensure importers are aware of the legislation that applies to their consignments. Directions will also include a timeframe for compliance.

When will the changes be implemented?

The ATT capability will be implemented as part of the first AIMS enhancement scheduled for 12 June 2010. The format change in directions and is scheduled for August 2010 at this stage. The destruction form capability will be implemented at a later date to be advised.

Further information

For further information on this issue please contact the AQIS Entry Management Program by email at entrymanagement@aqis.gov.au or phone 02 6272 3390.

ATTACHMENT 1 – Agreement to Treat Goods form



Agreement to Treat Goods

A10000012

Notice to the owner/agent under Subsection 48AA(4) of the *Quarantine Act 1908*

To: As Per Importer (manual Entry) Fax:
Importer: Mandy
Required Treatment: H.T. - 74 C. for 8 hrs

Lines:	Quantity	Package	Country
2 Other Articles Of Wood - I	1.00 PK	Pckge	CHINA

This Notice is given by: Date of Initial Issue: 26 Mar 2010
Quarantine Officer appointed under subsection 9AA(3) or 9A(1) of the *Quarantine Act 1908*

I believe on reasonable grounds that the above mentioned Goods ("the Goods") may not be effectively treated without damaging them. In accordance with subsection 48AA(4) of the *Quarantine Act 1908*, I hereby notify you that the treatment may damage the Goods, and request that you agree to the Goods being treated.

If you do not, before the end of 30 days after the day on which you received this notice, give written notice to a Director of Quarantine stating that you agree to the Goods being treated, the Goods may be forfeited to the Commonwealth and may be sold, destroyed, exported from Australia or otherwise disposed of (subsection 48AA(5) of the *Quarantine Act 1908*).

You may give such a notice by completing the following section of this form and: giving the form to an AQIS employee at a regional AQIS office; or sending the form by pre-paid post to a regional AQIS office; or sending the form by email (aqis@aqis.gov.au) or fax (02 7777 7777)

A separate treatment direction will be issued once this Agreement is returned to AQIS

Agreement to Treat Goods

Notice to a Director of Quarantine

I, (Printed Name), am the owner of the Goods / the agent of the Owner of the Goods (~~strike out the statement that is not applicable~~); and have authority to agree to the Goods being treated, or to request permission for the Goods to be exported, destroyed or otherwise dealt with.

- I agree to the Goods being treated as stated above and agree that I am aware that the treatment may cause damage to the Goods. I also understand that the Goods may have plastic wrapping cut or removed if the treatment so requires, and I agree to such action taking place; or
- I request permission, under Section 44B of the *Quarantine Act 1908*, to arrange for the Goods to be exported from (port of export) and will provide the Outward Bill following export; or
- I request permission, under Section 44B of the *Quarantine Act 1908*, to arrange for the Goods to be destroyed. The destruction will be as per the QAP's waste disposal agreement / will require AQIS supervision (~~strike out the statement that is not applicable~~); or
- I have contacted AQIS to discuss other options for these goods, and request permission, under section 44B of the *Quarantine Act 1908*, to arrange for the goods to be treated by (type of treatment)

Owner/Agent preferred quarantine approved premise treatment location

Signature Printed Name

Company name Date

Additional Information: The importer and/or owner of animals, plants or goods subject to quarantine are liable to pay any expenses connected with the examination, transportation, detention, maintenance, treatment, movement, removal, disposal or destruction of the animals, plants or goods (section 64). A person is guilty of a criminal offence if he or she contravenes a quarantine officer's direction under section 48 (section 48(5)). If goods are moved or otherwise interfered with in contravention of the *Quarantine Act 1908* they may be seized and forfeited to the Commonwealth (section 68). The Commonwealth does not accept liability for damage which may occur as a result of any necessary treatment. If the owner or agent of goods has been notified that treatment may damage the goods, and the owner or agent does not before the end of 30 days after the day on which the owner or agent receives the notice give written notice to a Director of Quarantine stating that they agree to the treatment, the goods may be forfeited to the Commonwealth [section 48AA(5)]. Any expenses of charges payable to the Commonwealth may be recovered by action in a court of competent jurisdiction as a debt due to the Commonwealth [section 66].