



AUSTRALIAN CUSTOMS NOTICE NO. 2007/28

Revised procedures: Loading and Unloading of Goods (other than cargo) onto/off ships.

This notice details the reporting procedures required for loading and unloading ship's stores.

Commencing 12 June 2007 all applications to load ships stores and remove goods (other than cargo) from ships must be made to Customs using the following forms:

- Request to Load Goods (Other Than Cargo) onto Ship (FORM 43)
- Request to remove Goods (Other Than Cargo) from Ship (FORM 44)

Both forms are available from the media, publications and forms section of the Customs Internet located at www.customs.gov.au.

Request to Load Goods (Other than Cargo) onto Ship (FORM 43)

Section 129 of the *Customs Act 1901* (the Act) requires that before stores are loaded on board a ship an approval by Customs is obtained. The Request to Load Ships Stores (FORM 43) is the only form authorised by Customs as the means of gaining that approval.

Failure to gain an approval under section 129 of the Act may result in seizure of the stores as prohibited exports.

Application Procedures

Completed Form 43 applications should be forwarded to Customs in the port where the ship is berthed. Applications can only be signed by the master, owner or agent and must clearly show the name and signature of the person requesting the approval. Where an application is sent electronically and therefore unable to be signed, the name of the person requesting the approval should also be printed in the signature field. Electronic applications should also show a recognised E-mail address. Failure to provide the required details may result in the approval being delayed while clarification is obtained.

It is anticipated that approved applications will be returned within one working day of receipt and will be faxed back to the person who lodged the form. Should an application not be approved the applicant will be notified of the decision accordingly.

To assist in the approval process the information provided to Customs should be brief and concise. However where an Export Declaration Number (EDN) is required, for example when the individual value of each item exceeds \$2000, a detailed description of the goods should be made. Failure to fully describe these goods may result in approval being refused or delayed while clarification is obtained.

Loading Procedures

Prior to the review of procedures relating to the loading and unloading of ship stores, ship's spares, ship's equipment and goods required to service cargo such as fuel for generators were treated by Customs as general cargo and therefore had separate loading procedures. These cargo types will now be treated as ship's stores.

Non-Containerised Stores:

Where ship's stores arriving from a place outside Australia require loading on board a ship, the procedures required for Customs' approval prior to the stores being loaded on board the ship are as follows:

- an underbond movement request for transshipment purposes must be lodged in the Integrated Cargo System (ICS) for the stores to be moved from the port or airport of arrival to the port of loading; and
- the transshipment number generated quoted on the Form 43

Containerised Stores:

Containerised stores, spares and ships equipment should be included on the ship's outwards manifest quoting the exemption code for stores. A separate Form 43 application is not required

Repair and Return Goods:

Where stores are being returned to the ship or replaced as a result of repairs, a Form 43 application is not required. Completion of the section "Receipt of Returned Goods" on the Form 44 will be sufficient.

Other Goods:

The reporting requirements for other goods is:

- Goods that have been warehoused such as Prescribed Goods (Spirits, Tobacco, and Beer). Each commodity needs to be itemised and an EDN is required.
- Goods requiring a permit. Each commodity needs to be itemised and details of the permit quoted. e.g. Wine. 200litres, Permit 123456, \$2000.
- Goods with an individual value exceeding \$2000. Each commodity needs to be itemised, e.g. paint \$3000.
- Other goods not exceeding \$2000 per commodity. These goods are to be reported as a general item e.g. Victualling stores totalling \$6000 (e.g. 3 x \$2000), Stationary \$1500, and do not need to be itemised. These goods may also include ship's stores, per favour items and promotional material.

Request to Remove Goods (Other than Cargo) from Ship (FORM 44)

Section 128 of the Act and section 44 of *the Quarantine Act 1908* require that before ship's stores are removed from a ship an approval by Customs and the Australian Quarantine Inspection Service (AQIS) be obtained. Once the goods are removed they are required to be either warehoused or entered for home consumption. In some instances these goods will be returned to the ship or be exported.

To facilitate the movement of these goods Customs and AQIS have introduced a Request to Remove Goods (Other than Cargo) from Ship (Form 44) that is used to request permission from both agencies to land goods other than Cargo from the ship.

Application Procedures

Completed Form 44 applications should be forwarded individually to Customs and AQIS in the port where the ship is berthed. Applications must be signed by the master, owner or agent and must clearly show the name and signature of the person requesting the approval. Where an application is sent electronically and therefore unable to be signed, the name of the person requesting the approval should also be printed in the signature field. These applications should also show a recognised E-mail address. Failure to provide the required details may result in the approval being delayed while clarification is obtained.

It is anticipated that approved applications will be returned within one working day of receipt and will be faxed back to the person who lodged the form. Should an application not be approved, the applicant will be notified of the decision accordingly. Where Customs or AQIS refuse to grant approval the goods must remain on the ship.

Repair and Return Goods

Where goods are removed for repair and return, the master/owner/agent must advise Customs when they have been returned by updating the "Receipt of Returned Goods" section on the Form 44.

When goods are removed for repair and return and fail to make it back onboard prior to sailing, or work is to be undertaken aboard ship and the equipment to be removed is largely unknown, the master/owner/agent will be required to reconcile the original Form 44 and the final list of goods removed with Customs.

Goods that fail to be returned to the ship following repair may require an entry for home consumption, an entry for warehousing or to be exported. Where the goods are to be exported and exceed \$2000 in value, an export declaration will be required.

Where goods are removed for repair and fail to make it back onboard and are then taken onboard a 'sister ship' for return to the original ship at an overseas destination, a copy of the original Form 44 will be required to acquit the goods.

Where goods are being returned on board as a result of repairs, an EDN is not required as they are regarded as repair and return ships stores. An exception to this is when the goods require an export permit. The completion of the "Receipt of Returned Goods" section on the Form 44 will be sufficient to meet the requirements of section 129 of the Act. Should circumstances arise where the master, owner or agent does not provide details of goods being loaded on board the goods will be treated as prohibited exports.

Other Goods

Other goods that may be reported on the Form 44 may include oil samples; per favour goods and oversupplied ships stores such as foodstuffs. It should be noted that once foodstuffs have been loaded onto an internationally trading vessel they may only be landed ashore again with written approval from AQIS. (AQIS Advice to Agents-Seaports 10/04 refers).

Where the value of goods being removed is below \$1000 a brief description of the goods is sufficient. However where an individual item's value exceeds \$1000 the goods should be itemised separately and a detailed description be provided. In either instance the type of packaging is to be included.

Goods removed from the ship may also be required to be dealt with in accordance with other sections of the Customs and Quarantine Acts. These may include a Customs and/or Quarantine entry or completion of a Personal Effects Statement. Additionally, there may be a requirement to examine goods prior to unloading. Customs and Quarantine will advise of any further requirements at the time of approval.

Contact Details

Details of Customs offices can be obtained at www.customs.gov.au or by contacting the Customs Information Centre on 1300-558-099. Details of AQIS offices can be obtained at www.aqis.gov.au or by contacting 1800 020 504.

Inquiries concerning this notice may be directed to the Manager, Cargo Reporting on telephone number (02) 6275 8068 or fax number (02) 6275 5745.

Jane Bailey
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Cargo Division
CANBERRA ACT

5 June 2007