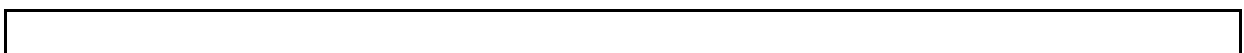




Australian Government
Australian Customs Service

INSTRUCTIONS AND GUIDELINES
FILE NO: 2008/004155-01

Programmed Cargo Examinations
Conducting Commerce Marks Examinations



THIS INSTRUCTION AND GUIDELINE REFERS TO:

PRACTICE STATEMENT NO: {S2008/28 Programmed Cargo Examinations (Imports)}

PUBLISHED DATE: 14 August 2008

AVAILABILITY: Internal and External

SUBJECT: Cargo Examinations Conducting Commerce Marks Examinations

PURPOSE: To set out procedures for conducting an examination for commerce Markings

OWNER: National Director Cargo Division

CATEGORY: Operational Procedure Statement System

CONTACT: Director Sea Cargo Operations (Vic)

The electronic version published on the intranet is the current Practice Statement.

SUMMARY OF MAIN POINTS

- All goods imported into Australia are subject to Commerce (Import) Regulations.
- Cargo Examinations examine selected incoming cargo consignments to ensure compliance with Commerce (Import) Regulations
- Report the examination findings to the appropriate issuing officer and Programmer
- Prompt recording of the examination into the EXAMS II database

INTRODUCTION

All goods imported into Australia are subject to Commerce (Import) Regulations. These goods must be clearly marked with the country of origin, and in some cases, a trade description. All goods packaged for retail sale are required to have their origin clearly marked so that the consumer can make an informed decision on their purchase based on where the item was made. The enforcement of Commerce (Import) Regulations is part of Customs' community protection function.

Where imported goods have been examined by Cargo Examinations and found to infringe commerce regulations, Cargo Examinations issues a Notification of Commerce Infringement to the owner and/or their representative together with documents setting out the necessary changes to be made for the goods to become compliant. This may involve the addition or modification of labels, or the removal of misleading information.

The goods may or may not be authorised by Cargo Examinations to be moved to the owner's premises for re-marking. The owner or their representative submits an S71E movement application to Cargo Exams for approval to move the goods to enable re-marking to be undertaken. When the goods have been appropriately re-marked, the owner or their representative contacts the Programmer, Cargo Exams to arrange an examination.

1. The owner or owner's representative/broker has the right to be present at the examination (unless the examination is covert in nature) and is responsible for making the goods available and the opening and re-sealing of packages.
2. Goods must be made available in a manner that enables the officers to safely examine the goods. This includes sufficient floor space for the full unpack, examination and storage of goods. If, in conducting the examination, officer safety is compromised at any time the examination should be terminated.

INSTRUCTIONS AND GUIDELINES

Initial examination

Prior to the examination

- Review Job Sheet, relevant Query Memorandum (QM) and importation documents, especially the instructions on acceptable markings and which line(s) are to be examined.
- Be clear what the purpose of the inspection is.

Examination

- Check goods for:
 - Composition markings where required and
 - Country of Origin marks.
- Examine samples from a number of randomly selected packages to ensure consistency of marks, until satisfied that goods are compliant.
- Check labels or packages for any information on items that may mislead a consumer about the origin of the product.
- While undertaking examinations it is important to maintain an overall Customs perspective. Be alert for anything of interest to Customs. Officers should undertake a secondary risk assessment of all goods based on visual observation of the goods. Where irregularities or risks are identified an upgrading of the examination may be appropriate. In these cases, advise the Programmer of the change of status immediately.

If goods are compliant:

- Notate and sign the QM and give to the Issuing Officer on return to office.
- Enter details of examination into EXAMS2.

If good are not compliant:

- Contact Issuing Officer or Programmer for further advice.
- Take photographs showing infringement.
- Complete the 'Notification of Commerce Infringement' and forward to broker/owner on return to office. Owner then has 10 days to complete "re-mark" of goods and arrange re-mark examination.

Re-mark examination

Prior to the examination

- Once re-marking of the infringing goods is complete, the owner/broker contacts the Programmer to arrange an inspection time.
- Examining Officer forwards the related infringement file to the Programmer.
- The Programmer:
 - Enters the booking information into the Exams II database and prepares a job sheet to attach to the file and
 - Allocates the examination to appropriate officer(s) at a specific time and place.
- Examining Officer:
 - Reviews Job Sheet, relevant QM and file, especially the re-mark instructions and which line(s) are affected.
 - Ensure clarity of what to he/she is looking for at the inspection. If unclear, contact the officer in Cargo Examinations who issued the Infringement notice.

Examination

- The owner/broker or their representative must be present at the examination.
- Examine samples from a number of randomly selected packages to ensure consistency of marks, until satisfied that goods have been re-marked.
- After the examination, determine next action.

If no further action is required:

- Complete and sign the Commerce Mark re-check page on file. Arrange release of goods with the Issuing Officer
- Enter notes into EXAMS II
- Put Away File

If further action is required

(eg. Goods not marked as requested on Infringement Notice, or not all goods re-marked):

- If goods are still not compliant, contact the issuing officer in Cargo Examinations to determine further action and if they require a further sample to be drawn. If yes, draw sample(s) of infringed goods.
- Inform Owner/Broker or their representative that goods are still being held and why.
- Endorse the Invoice 'sample drawn' and 'goods held'. Sign, date and port stamp the document. This gives the owner/broker or their representative a record of what has occurred.
- If applicable, complete a B390 Receipt for Goods and give the white copy to the owner / broker or their representative.

RELATED POLICIES AND REFERENCES

PRACTICE STATEMENTS

- Programmed Cargo Examinations (Imports)

OTHER INSTRUCTIONS AND GUIDELINES

- Conducting a General Cargo Examination.

KEY ROLES AND RESPONSIBILITIES

Examination Officer (EO) – Is responsible for:

- Completing examination in accordance with the process steps;
- Reporting back to the Programmer with findings;
- Prompt recording of the examination into the EXAMS II database; and
- Reporting the examination findings to the issuing officer.

Programmer – Is responsible for:

- Booking and scheduling examination jobs and
- Responding to queries from the Examining Officer

Issuing Officer (officer who issued the examination task) – Is responsible for:

- Releasing of the consignment when appropriate and
- Receiving examination reports with any findings from EO or
- Advising how to complete the exam.

CONSULTATION

INTERNAL

The following internal stakeholders have been consulted in the development of these Instructions and Guidelines.

- Air Cargo Operations
- Sea Cargo Operations
- Compliance.

PARTNER AGENCIES

APPROVAL

Approved on 11 August 2008 by:

ND Cargo