

# CEF processing and reporting obligations

**Freight & Trade Alliance (FTA), with input from the Department of Immigration and Border Protection and the Australian Border Force (ABF), has prepared the following advice outlining Container Examination Facility (CEF) related processes and statutory reporting obligations.**

The CEF utilises modern technology to enable the ABF to fulfil its border protection role. The ABF has stated approximately 90% of containers selected for examination are x-rayed, released within 30 minutes and immediately returned to the stevedore. The remaining 10% may incur some form of delay as they are selected for more detailed physical examination.

To minimise associated costs incurred for delayed release of cargo, it is essential that importers supply timely and accurate import data, permits and documentation to customs brokers in order to meet statutory requirements.

## **Legislative requirement for timely declarations**

The ABF require cargo report data from shipping lines and freight forwarders to be provided 48 hours prior to arrival at the first Australian port ([Sec 64AB Customs Act](#)).

Post the October 2005 Integrated Cargo system (ICS) implementation, Customs and Border Protection, now ABF, have increasingly focussed on import declarations as an important source of data to complete their border risk assessment in identifying illegal activity.

This resulted in the release of [Australian Customs Notice \(ACN\) 2011/58](#) highlighting the importance of early lodgement of import declarations.

## **So how does this affect industry?**

Commercial penalties apply in the form of stevedore storage charges in circumstances when "late" import declarations or cargo reports are lodged and consignments have been selected for Cargo Examination Facility (CEF) assessment.

In the event that a container is subject to further ABF CEF assessment, storage fees are administered by stevedores despite the fact the container may not be physically unavailable for collection.

To be eligible for the extended storage arrangements, two criteria must exist:

1. the cargo report has to be provided to the ABF in line with statutory provisions outlined above; AND
2. in accordance with *recommendations* outlined in [Australian Customs Cargo Advice \(ACCA\) 2012/18](#), the Import Declaration has to be lodged at least 24 hours prior to the vessel arrival at the port of discharge.

## **Adelaide, Darwin, Launceston, Townsville and Newcastle**

As outlined in ACCA 2009/05 and assuming the above reporting / declaration requirements have been satisfied, containers selected for CEF intervention will receive existing storage arrangements (a minimum of three days) from when they are returned from the CEF.

## **Melbourne, Brisbane and Fremantle**

As outlined in ACCA 2009/05 and assuming the above reporting / declaration requirements have been satisfied, containers selected for CEF intervention will receive 24 hours free storage from when they are returned from the CEF.

## **Sydney**

Clause 17 of the [Port Botany Landside Improvement Strategy \(PBLIS\) Mandatory Standards](#) states that stevedores must provide free storage for the day the container is returned from the CEF and for the next two days after that. Again, these extended storage arrangements are contingent on the above reporting / declaration requirements being satisfied.

## **What about detention fees for late container dehire?**

We are sorry to advise that importers have very little (if any) recourse.

While ABF has in place procedures with stevedores, to date there are no similar arrangements in place with shipping lines. Whether or not reporting has been completed within prescribed timelines, shipping lines commonly charge a fee if containers are not dehiped (returned) to an empty container park within agreed terms.

FTA has approached the ABF to assist our advocacy with individual shipping lines to challenge the rationale of starting the container detention clock from discharge instead of availability after CEF processing.

FTA will continue to advocate for fairer and more reasonable operational outcomes.

### **Late targeting by the ABF**

On occasions and no matter whether statutory reporting requirements have been met, the ABF may change the status of a container after it has received a “clear” status. Please note, in these circumstances ABF will not compensate the importer for storage charges or container detention charges administered by stevedores and shipping lines.

In order to best assist in the logistics process and where the late change of status occurs 24 hours or more after the lodgement of all required risk assessment documentation, arrangements are in place to contact the customs broker.

As outlined in [ACCA 2012/18](#), the ABF will provide the following services in relation to late status change:

1. ABF to contact Customs brokers by telephone advising details of late status changes to sea cargo. A confirmation email will also be sent to assist Customs brokers in advising their clients of delays in cargo release;
2. ABF to respond within twenty-four (24) hours to industry requests for updated information about the status of late change consignments. The focus of advice will be to confirm that clearance activities are in train and that there is no further work required by Industry to expedite clearance.

### **Looking for differential treatment benefits?**

Under the [Australian Trusted Trader \(ATT\)](#) programme, importers receive a differentiated treatment benefit at the border and will receive “a lighter touch”. Another benefit for ATT participants is a dedicated account manager. These two benefits will:

1. help facilitate customs clearance for ATT importers, and
2. provide a point of contact to ATT importers for further details and negate the need to contact Cargo Support.

### **Complaints, enquiries and feedback**

The [Maritime Border Command \(MBC\)](#) is responsible for dealing with complaints, enquiry and feedback in relation CEF processing.



Freight & Trade Alliance (FTA) is the leading industry advocate on border related activities representing a cross-section of international freight logistics and import / export trade entities.

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