

AQIS ARRANGEMENTS FOR AIRCRAFT INVOKING SOVEREIGN IMMUNITY
(8 May 2008)

Under international law, foreign governments are entitled to invoke sovereign immunity on aircraft arriving into Australia for government business. The act of invoking sovereign immunity prevents Australian officials from boarding the aircraft to conduct inspection activities. When servicing these flights, AQIS staff are to acknowledge the rights of the foreign government and carry out their functions ensuring adherence to the regulatory requirements of the *Quarantine Act 1908* and this policy.

Under no circumstances are AQIS officers to board any aircraft subject to 'sovereign immunity'.

The following procedures outline how AQIS officers will process international aircraft that invoke 'sovereign immunity' under international law.

General AQIS Airports Program 'Sovereign Immunity' Policy

The AQIS officer must ensure that disinsection of arriving aircraft (hold and cabin) is undertaken in accordance with AQIS requirements. The commander of the aircraft is to arrange for used disinsection cans and relevant certificates to be presented to the AQIS officer on arrival for verification.

- Where disinsection requirements have not been complied with, the AQIS officer will direct that the aircraft be re-sprayed. The AQIS officer must wait by the aircraft until the used disinsection cans and relevant certificates are provided.

Quarantine waste must be secured in double plastic-bags and surrendered to the AQIS officer upon arrival.

- All quarantine waste is to be disposed of in accordance with AQIS requirements.

The inspection of passenger and crew baggage and cargo must be undertaken after the goods have been removed from the aircraft.

As AQIS cannot verify that the aircraft is free from items of quarantine concern (due to not being able to board the aircraft), the commander of the aircraft must be advised that the aircraft will remain subject to quarantine until it departs from Australia.

Foreign governments are required to provide a detailed itinerary of proposed aircraft movements and details of when and where the aircraft will be opened during its stay in Australia.

- If a detailed itinerary has not been provided prior to arrival, the AQIS officer must obtain this information from the commander of the aircraft.
- The commander is to be advised that AQIS must be notified immediately of any amendment to the itinerary.

Upon closing of the aircraft doors and holds, AQIS will direct the commander (either orally or in writing) that the aircraft must remain closed until an AQIS officer is present and AQIS authorisation has been granted. This applies to both cabin doors and holds and 'seals' the aircraft.

AQIS will charge the ground handling agent for relevant services associated with the clearance of the aircraft. Charges will not apply to aircraft participating in combined military exercises.

The foreign government is required to:

- Obtain permission to land at a place other than a first point of entry listed in Table 2 in section 9 of *Quarantine Proclamation 1998* (refer to section 20AA of the *Quarantine Act 1908*);
 - Such requests must be assessed by the AQIS Airports Program in Canberra and require a five working day processing period;
- Obtain permission to land goods at a place other than an airport listed in Table 6A in section 13A of *Quarantine Proclamation 1998* (refer to section 20D of the *Quarantine Act 1908*);
 - Such requests must be assessed by AQIS Import Clearance in Canberra and require a ten working day processing period;
- Make arrangements for AQIS staff to be present before opening an aircraft at any airport.

Conditions may be imposed by AQIS as part of any approval.

Aircraft Remains At First Arrival Airport

If the aircraft is remaining at the airport of first arrival prior to departing from Australia, the AQIS officer must:

- 'seal' the aircraft after the initial clearance process has been completed; and
- implement surveillance measures to prevent the removal of goods of quarantine concern from the aircraft.

AQIS must be present for at least the period that the aircraft remains open.

Aircraft Intends To Travel To A Subsequent Airport(s)

If the aircraft is scheduled to land at a subsequent airport(s), prior to departing Australia, the AQIS officer must:

- Obtain the intended itinerary of the aircraft movement(s); and
- Advise the commander of the aircraft that:
 - The aircraft will remain subject to quarantine until the aircraft departs Australia;
 - Cargo not cleared at the first airport must be cleared on arrival at subsequent airports (only at ports that have appropriate AQIS inspection facilities);
 - If the aircraft is travelling to an airport that does not have appropriate AQIS inspection facilities, only cargo pre-cleared at an AQIS proclaimed airport and clearly identifiable with an AQIS stamp or mark (e.g. Quarantine passed tape) may be removed from the aircraft at that airport;
 - AQIS will implement surveillance measures at all subsequent airports;
 - All passenger and/or crew baggage and goods being offloaded from the aircraft will be subject to quarantine; and
- Liaise with AQIS at the next port of arrival, prior to departure from its current port, to ensure surveillance measures are implemented for the aircraft's arrival and for the duration of its stay at that airport.

On arrival at a subsequent airport(s) all quarantine waste must be secured in double plastic-bags and surrendered to the AQIS officer, or retained onboard the aircraft for re-export (as directed by AQIS).

The inspection of hold luggage and cargo, or the verification of pre-cleared goods, must be undertaken immediately after the goods have been offloaded.

The AQIS officer must 'seal' the aircraft after the initial clearance process has been completed.