Delivering biosecurity functions

Australia’s biosecurity system aims to anticipate, prevent, prepare, detect and respond to and recover from biosecurity risks. Biosecurity controls at Australia’s borders minimise the risk of exotic pests and diseases entering Australia and protect our $63 billion agriculture industries as well as our unique environment, native flora and fauna, tourism industries and lifestyle.

We use a risk-based approach across the biosecurity continuum—offshore, at the border and onshore. This is supported by research, science and intelligence gathering, helping us target what matters most. Surveillance and monitoring of risk areas is also critical, along with border control activities, which focus on assessing and managing potential biosecurity threats at Australia’s airports, seaports, and international mail centres. Figure 1 summarises our biosecurity activities in 2017–18.

**Figure 1 Biosecurity regulatory activities, 2017–18**

![Biosecurity regulatory activities, 2017–18](source: Department of Agriculture and Water Resources)

Our biosecurity system is underpinned by the *Biosecurity Act 2015*, which came into force on 16 June 2016. The legislation is designed to be flexible and responsive to changes in technology and future challenges. It promotes a shared responsibility between government and industry, provides a modern regulatory framework, reduces duplication and regulatory impacts, and allows for current and future trading environments. We are guided by our international obligations and our appropriate level of protection (ALOP). The ALOP is a high level of sanitary and phytosanitary protection aimed at reducing biosecurity risks to a very low level, but not to zero.

The *Biosecurity Act 2015* has been in force for two years, and in that time we have updated and strengthened our regulatory tools and administration. The initial implementation phase was...
completed in 2017–18, but we continue to explore how powers under the Act can be used to the best effect to help our industries comply while providing benefits through improved processes.

The increasing demand on resources to manage biosecurity is an ongoing challenge. During 2017–18 we addressed major border incidents and pest and disease incursions and strengthened our surveillance and biosecurity preparedness to prevent and respond to incursions. We continued to work with trading partners to reduce biosecurity risk material coming to Australia, and to manage the increasing workload of import permits, biosecurity screening and post-entry quarantine. We will continue to build capabilities to support our risk-based approach and to ensure we are able to anticipate and respond to the challenges of managing biosecurity into the future.

We use a risk-based and responsive regulatory model in managing biosecurity. This means we take a risk-based approach when setting and monitoring regulatory requirements, and respond proportionately to regulated people and businesses in the context of compliance risk (Figure 2). Our Biosecurity Compliance Statement sets out our approach to biosecurity compliance management and specifies how compliance management tools work.

**Figure 2 Approach to biosecurity compliance management**

![Figure 2](source.png)

Source: Department of Agriculture and Water Resources

We know that the majority of those we regulate will choose to comply with biosecurity requirements or try to comply. To support these, and all regulated entities, we provide education, guidance and advice to facilitate voluntary compliance and by minimising the regulatory intervention where possible.

We assess documentary evidence and applications, undertake targeted and verification inspections, send material for diagnostic tests, and conduct routine and random audits. We use regulatory and
BIOSECURITY

trade intelligence, and work with industry and border and enforcement agencies to constantly improve the focus and effectiveness of our interventions.

We continuously look for innovative opportunities and invest in business improvements so that, by working smarter, we are better placed to fulfil our regulatory function to manage changing biosecurity risks that comes with the increasing volumes of goods and people entering Australia. For example, through the Biosecurity Innovation Program, we are investing in accelerating the identification, development and implementation of innovative technologies and approaches that can enhance the capacity of the national biosecurity system to manage biosecurity.
### KPI 1—We do not unnecessarily impede the efficient operations of regulated entities

**Objective:** We understand the operating environment of our regulated entities and stakeholders.

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Targets</th>
<th>Results</th>
</tr>
</thead>
</table>
| Our regulatory practices minimise the impact of regulation on stakeholders and regulated entities. | ➢ New and amended regulations are supported by regulatory impact analysis. | **Rating:** Managed  
➢ We consider the regulatory burden for individuals, businesses and community organisations before we amend or make new regulations. This work is overseen by the Office of Best Practice Regulation (OBPR).  
➢ Where the regulatory impacts are deemed significant by OBPR we prepare regulation impact statements (RISs) and consult with stakeholders and regulated entities on the impacts of proposed changes.  
➢ We routinely consult stakeholders and regulated entities on a range of regulatory and related matters, even where a RIS is not required. This takes account of the impact of regulations on our regulated entities. |
| We engage with our stakeholders on implementation and compliance approaches. | | **Rating:** Managed  
➢ We adopt a risk and evidence-based approach to setting biosecurity requirements as part of implementing the legislation. We undertake significant stakeholder consultation when establishing and advising on new or revised requirements. We work with regulated entities and related industries to ensure that the requirements can effectively and efficiently manage the risks in different operating environments.  
➢ We support shared compliance responsibility with Biosecurity Industry Participants whose commercial systems meet biosecurity requirements under an approved arrangement. These arrangements allow operators to conditionally manage biosecurity risks and/or perform the documentary assessment of goods in accordance with departmental requirements, using their own premises, facilities, equipment and people.  
➢ We advise our stakeholders of our approach to compliance so that they are aware of the consequences of breaching biosecurity requirements, and provide avenues for industry and the community to report suspected breaches and risks. |
KPI 2 & 5—Our communication with regulated entities is clear, concise and targeted; we are effective, accountable and transparent.

Objective: Our communication with regulated entities and stakeholders is effective.

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Targets</th>
<th>Results</th>
</tr>
</thead>
</table>
| Our guidance and information is tailored to the needs of regulated entities and accessible. | Risk-based frameworks, strategies and service standards are available on our website and the information is regularly reviewed to ensure currency. | Rating: Managed
  ➢ All relevant legislation is publicly available on the Federal Register of Legislation. Our sunsetting program ensures periodic review of our regulation to ensure that it remains relevant and appropriate.
  ➢ Stakeholders can access legislation, guidance, import risk analysis framework, import conditions, approved arrangement requirements, standards, industry advice notices, compliance advice notices and the service charter on the departmental website. From January to October 2018 the department issued 144 advice notices, many of which related to biosecurity. We also provide subscribers with regular e-updates.
  ➢ We periodically review and update biosecurity requirements and compliance plans and strategies, which are available on our website. |
| We engage with regulated entities on potential changes to regulatory policies, practices or services. | Advice notices and guidance material are up to date, accurate, accessible and in plain English. | Rating: Managed
  ➢ We maintain up to date advice on biosecurity import requirements and processes through online platforms, including social media, to advise regulated entities ahead of change implementation wherever possible.
  ➢ The department also continued to maintain a number of phone and email help lines for technical and operational information, including a translation and interpreter service and a national relay service.
  ➢ Our website includes the Biosecurity Matters webpage that promotes biosecurity information to a range of travellers. In 2017–18, we rolled out the Don’t be a Jeff, Dirt girl and in-flight videos to educate the public on their responsibilities. We delivered biosecurity education campaigns with TV personalities (Costa and Dirt Girl) to promote appropriate behaviours to manage risk.
  ➢ Information relating to importing goods is made available through a range of platforms such as the Biosecurity Import Conditions System (BICON), public awareness campaigns, through industry and other stakeholder engagement groups, information roadshows, the Australian Biosecurity Facebook and industry advice notices.
  ➢ We continue to collaborate with other border agencies on the Border Security TV show that educates the community about requirements of incoming travellers. |
| We routinely consult with stakeholders on administration of regulation, and seek their advice on significant | | Rating: Managed
  ➢ We maintain close contact with industry stakeholders through Industry consultative committees (ICCs). ICCs are a vehicle for operational responses to government policy for our programs. We also meet with other stakeholders, including international trading partners, global logistics and offshore treatment providers, on changes to regulation and delivery arrangements and on significant regulatory changes. We consult with and advise trading partners of significant sanitary and phytosanitary measures through the International Plant Protection Convention, the World Organisation for Animal Health and the Codex Alimentarius Commission. |
Objective: We make decisions in a manner that is timely, consistent and supports predictable outcomes.

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Targets</th>
<th>Results</th>
</tr>
</thead>
</table>
|                       | changes and explain our decisions. | ➢ We regularly participate in industry forums across our regulatory responsibilities. We also conduct targeted consultations and engage experts and industry representatives as appropriate.  
➢ We used the department’s online ‘Have Your Say’ platform to consult a broad range of stakeholders and the general public on amendments to the Biosecurity Act 2015 made by the Biosecurity Legislation Amendment (Miscellaneous Measures) Act 2018. Feedback was considered and incorporated where appropriate. |

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Targets</th>
<th>Results</th>
</tr>
</thead>
</table>
| When we make decisions we provide reasons and our advice is timely and consistent. | ❖ Our advice to regulated entities explains the reasons for decisions and provides information about avenues for review or complaint (as provided for in relevant legislation). | Rating: Managed  
➢ The Biosecurity Act 2015 determines the information that authorised officers provide regarding decisions and their basis that will impact individual regulated entities. The law sets out which decisions are reviewable and we have established processes in place for these reviews.  
➢ As part of our Client service charter, all other concerns or complaints can be raised through our Suggestions, Compliments and Complaints contact lines, and responded to in accordance with our Service standard that sets out the response timeframes and standards of advice that can be expected. |
# Objective

Our performance measurement results are published in a timely manner to ensure accountability to the public.

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Targets</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reports on regulator performance are published in the</td>
<td>❖ We publish an annual self-assessment of our performance by the required timeframes.</td>
<td><strong>Rating: Managed</strong>&lt;br&gt;➢ Our Regulator Performance Framework report provides a high level assessment of our performance as a regulator. The Department's annual report also provides significant performance information on biosecurity operations and related activities.</td>
</tr>
<tr>
<td>required timeframes.</td>
<td>❖ Our regulators publish performance information specific to their regulatory frameworks.</td>
<td><strong>Rating: Managed</strong>&lt;br&gt;➢ As a regulator we publish a range of material on our regulatory activities and related programs. This is available in multiple formats, and discussed in other performance measures. Where feasible we provide targeted information that supports specific regulated entities. We have published the review of the biosecurity system and the role of jurisdictions in delivery.</td>
</tr>
</tbody>
</table>
**KPI 3—Our actions are proportionate to the regulatory risk being managed.**

**Objective:** We apply a risk-based, proportionate approach to compliance, engagement and enforcement activities.

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Targets</th>
<th>Results</th>
</tr>
</thead>
</table>
| Our regulatory frameworks are supported by best practice compliance strategies that are risk based. | We employ intelligence-based approaches to determine risk, and consider the circumstances of regulated entities. | **Rating: Managed**
| ✓ | ➢ We apply a risk-based and responsive regulatory model in managing biosecurity. This means we take a risk-based approach when setting and monitoring regulatory requirements, and respond proportionately to regulated entities and businesses depending on the seriousness of the risks involved.  
➢ Under the risk based approach, we place more stringent requirements and intervention rates on goods, conveyances and people that pose a higher biosecurity risk. These requirements are based on scientific evidence and practicality of implementation. To support best practice, we engage international experts and financially invest in systems and process improvements to enhance risk surveillance and foresighting.  
➢ We use regulatory and intelligence processes to determine risks and vulnerabilities, the circumstances in which they may occur, and the associated regulated entities. These activities are audited and continuously enhanced to support best practice. |

| Our regulators appropriately employ a range of graduated compliance and enforcement tools. | Our staff are provided with appropriate training and guidance materials to support their compliance roles. | **Rating: Managed**
| ✓ | ➢ We offer a range of online and on-the-job training courses to staff, including introduction to risk management, biosecurity risk, and specific training on related legislation and regulations. Detailed work instructions and guidelines are available to all staff and these are reviewed periodically to ensure currency.  
➢ We recruit staff with relevant expertise and qualifications, and ensure training needs are identified.  
➢ We conduct annual internal surveys to ensure staff understand their duties under the Biosecurity Act 2015. We use survey results to identify gaps in training or the need for changes to tools and work instructions. |

| Eligible regulated entities receive tailored approaches based on an understanding of their operating environment and risk profile. | We apply a graduated approach to compliance activities that provides for earned autonomy, within legislative parameters. | **Rating: Managed**
| ✓ | ➢ We apply a proportionate and targeted approach to our regulatory interventions that takes into account the nature of the risks and how they may arrive.  
➢ When an entity, whether as an importer, traveller or Biosecurity Industry Participant, has a high level of compliance they are more likely to have the least regulatory intervention, minimising their administrative costs. Only compliant regulated businesses, that are fit and proper, can apply to enter into an approved arrangement to operate a business in this restricted market. |
**BIOSECURITY**

**KPI 4—Our compliance and monitoring approaches are streamlined and coordinated**

**Objective:** We base our monitoring and inspection approaches on assessed risk and where possible, we take into account the operating context

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Targets</th>
<th>Results</th>
</tr>
</thead>
</table>
| Demonstrated benefits to regulated entities from our efforts to streamline and coordinate our regulatory activities. | Rating: Managed  
- We regularly review our business processes with a view to streamlining where possible.  
- In 2017–18 we continued the development of modern technology to improve regulatory information and services as part of our ongoing modernisation program. We use surveys and consultation processes to gather feedback on proposed improvements. We find significant satisfaction from stakeholders and regulated entities with the biosecurity services provided. While there is high level of acceptance we know that our systems are still to fully mature and require ongoing development.  
- This included the upgrade of the Cargo Online Lodgement System (COLS) that enabled COLS to retrieve consignment and broker data from the Australian Import Management System (AIMS). This significantly reduced the effort required by clients to lodge and pay for their documentation assessment.  
- We expanded the range of products that can be processed through the Automatic Entry Processing for Commodities (AEPCOMM) by customs brokers, which reduced cargo clearance times and costs at the border, whilst continuing to maintain biosecurity integrity. | |
| Our published service standards are met or exceeded. | Rating: Managed  
- Our service charter outlines our service commitments and establishes benchmarks for delivering biosecurity related services. The quality of service we provide to our clients is measured against client service standards. In 2017-18 we expanded the range of client service standards beyond our client contact services to include our import services.  
- We are delivering most of our services within agreed timeframes:  
  - Client contact services—three of three met  
  - Import services—four of seven met  
- The inspection of goods at an approved premise, treatments, and inspection of non-commercial vessels standards were not met in two locations because of periods of significant short-term increases in unplanned inspection activity driven by external factors.  
- We are progressing a range of initiatives to create additional capacity to meet the forecast increase in demand for biosecurity regulatory services, including the integrated inspector model and trialling innovative technologies such as the real-time high-throughput CT scanning of crew and traveller baggage. | |
**Objective:** We share information and coordinate our compliance activities within the department and with other regulators as appropriate, to minimise duplication and increase efficiency.

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Targets</th>
<th>Results</th>
</tr>
</thead>
</table>
| Business processes and services are improved through the better use of modern technology, and agreed service standards. | We analyse complaints information and other feedback from our regulated entities to understand trends and make improvements where possible. | Rating: Managed
Ø As noted above, we have established consultative arrangements and processes for gaining feedback and performance information. We use this information to make business improvements. |
| We collaborate with other relevant regulators to reduce compliance costs and improve efficiency where possible. | Rating: Managed
Ø We work closely with other border and enforcement agencies and the Department of Health on our regulatory response approach and response actions, including amendments made to biosecurity legislation, to ensure that efficiencies across portfolio objectives and stakeholders are considered.  
Ø We collaborated with the border agencies on shared ICT platforms, passport readers and scanning equipment that will streamline the experience for regulated entities.  
Ø We collaborated with other border agencies to assist with special events, such as the Commonwealth Games, joint military exercises, and Guests of Government, to ensure that large or complex contingencies visiting Australia are best prepared to minimise introducing biosecurity risks to Australia and to be compliant with the rules and conditions.  
Ø We also work closely with agencies responsible for existing and new first ports of entry into Australia as they are being designed and built to ensure biosecurity risks can be managed efficiently. |
KPI 6—We actively contribute to the continuous improvement of our regulatory frameworks.

**Objective:** We establish cooperative and collaborative relationships with regulated entities and stakeholders to promote trust and improve the efficiency and effectiveness of our regulatory frameworks.

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Targets</th>
<th>Results</th>
</tr>
</thead>
</table>
| We take into account feedback from our regulated entities and performance information to improve operations of our regulatory frameworks. | Rating: Managed | ➢ As noted above, we maintain commodity-based ICCs as a key engagement process. We also use Have Your Say, an online platform to support engagement with external stakeholders. We used the platform to consult stakeholders about changes to policies, programs and regulations.  
➢ Consistent with the above, we worked with the forest and citrus industries to develop new national surveillance strategies. These were launched in March 2018. We have begun the next phase of work with the grains industry and temperate fruits industry.  
➢ In 2017–18, we continued to strengthen Australia’s surveillance systems to achieve early warning and early detection of high-risk pathways and pests, to delimit pest incursions and to support Australia’s pest-freedom claims to its trading partners. These activities are part of a new surveillance framework for plant pests, to provide a coordinated and consistent approach to data collection, analysis and decision-making. |
| ➢ We have a program of review for our regulatory frameworks and we suggest legislative change / implement operational change as appropriate, as a result of these reviews. | Rating: Managed | ➢ In 2017–18, we updated our legislative framework for biosecurity, to ensure that it enables appropriate management of biosecurity risk. For example, the Biosecurity Act 2015 was amended by the Biosecurity Legislation Amendment (Miscellaneous Measures) Act 2018, and the Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016 was also amended by a number of instruments to ensure that alternative conditions for importing goods without a permit remains appropriate for the level of biosecurity risk posed by the goods.  
➢ Our work to build the Biosecurity Integrated Information System and Analytics initiative is establishing an integrated, forward-looking system to help us identify and plan for risks, respond more quickly to incursions and more effectively target our compliance activities.  
➢ The Inspector-General of Biosecurity reviews the Director of Biosecurity’s performance of functions. The IGB makes recommendations for system improvements and provides an assurance framework for stakeholders. If requested by stakeholders, the IGB may also review the department’s process for preparing draft biosecurity import risk assessments.  
➢ In early 2017, the Australian National Audit Office released its report Implementation of the Biosecurity Legislative Framework. The audit found that we effectively engaged with stakeholders, including relevant government entities and key industry bodies on the introduction of the new framework legislation. |
| ➢ Our RPF self-assessment reports identify areas for | Rating: Managed | ➢ As a regulator we publish a range of material on our regulatory activities and related programs and provide targeted information that supports specific regulated entities. |
## Performance Measures

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Targets</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>improvement in our systems and processes</td>
<td>We are seeking to make continuous improvement in biosecurity regulation, for example, through the legislative amendments as set out above. This self-assessment provides an overarching assessment of progress.</td>
</tr>
</tbody>
</table>
CASE STUDY

Automatic Entry Processing for Commodity (AEPCOMM) enhancement

We consulted industry about how we could reform biosecurity approved arrangements to increase efficiency for regulated businesses and for the department as the regulator.

The biosecurity AEPCOMM approved arrangement enables Customs Brokers to perform assessments on import documentation and self-direct specified goods through the border clearance processes without requiring direct departmental regulatory intervention.

AEPCOMM is a well-established voluntary arrangement that has delivered considerable time and cost savings to both industry and the department, however, a number of technical limitations were identified as preventing or discouraging increased uptake by industry.

The changes implemented for AEPCOMM provides the following outcomes/benefits:

- reduced systems complexity to make it easier for industry participants to comply
- greater flexibility to enable more use of the system
- expanded commodities available for the arrangement (phase 1)
- increased capacity for the department to expand the arrangement by adding further commodities onto the arrangement (phase 2)
- greater assurance for commodity programs around entities compliance with performing the approved activities for a particular commodity.
- greater decision-making support and guidance for industry participants
- recorded compliance history of industry participants
- quicker response time to non-compliance
- a more measured and transparent approach to managing non-compliance.

Based on the system’s enhancement and additional flexibility, the project conducted modelling on the expected uptake over three years post-implementation. It estimated in the first year of the reform (2018/19) there will be 132,091 AEPCOMM lodgements, or an increase of 36,830 entries (31 percent) from the previous year. This will provide significant time and cost savings to both industry and the department. With increased industry uptake, driven through active marketing and positive industry endorsement, and further commodity expansion planned over the next 12 months, there is potential to drive AEPCOMM documentary clearances to above 40 percent of all biosecurity document clearances.

AEPCOMM Phase 2 went live on 22 June 2018, delivering on all planned objectives.

This work has reduced the complexity of the system while providing greater flexibility for both regulated entities and regulatory staff. It has increased our ability to more effectively monitor compliance and has been designed so that we can continue to expand the type and number of goods that can processed under the AEPCOMM arrangement, providing further efficiencies for industry.

Based on data modelling it is expected the reforms will save industry a minimum of $334K in the first year post implementation of AEP phase 2 (FY19). These savings are only on assessment fees, faster clearance of goods will provide more savings.

The AEPCOMM reform project has contributed strongly to the government’s regulatory reform
agenda by promoting greater participation of industry and delivering time and cost savings. The changes allow for continuous improvement and help to position the department to face the challenges of increasing cargo volumes.

Paul Zalai, director of the Freight and Trade Alliance (FTA), a key industry stakeholder described the AEPCOMM project in the following terms in the August 2018 edition of the Across Borders publication:

“The NCCC and AEPCOMM have delivered significant benefits to importers and customs brokers moving selected low risk biosecurity tasks from the department to an Approved Arrangement self-assessment program. The expansion of the program to new commodities will no doubt increase uptake and save industry processing times and costs. We applaud the department for their industry engagement, not just with peak industry bodies, but also involving respected industry professionals in the co-design of the program. The associated Continued Biosecurity Competency (CBC) training program has been an effective means of keeping participants up to date with changes and to assist in maintaining compliance. The department co-ordinates CBC activities through a truly collaborative working relationship including Freight & Trade Alliance (FTA) and other recognised training entities.”