Australian Government

Department of Agriculture and Water Resources

Biosecurity Compliance Plan 2016–17

Our plan for managing compliance

Biosecurity

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Biosecurity Compliance Plan 2016–17

Foreword

Lyn O'Connell
Deputy Secretary

Welcome to the *Biosecurity Compliance Plan 2016–17*.

The Department of Agriculture and Water Resources is responsible for implementing the *Biosecurity Act 2015* (Act). The tools and approaches the department uses to manage compliance with the biosecurity requirements across the biosecurity continuum are set out in the *Biosecurity Compliance Statement 2016*.

This document outlines our plan for managing biosecurity risks at the border in 2016–17.

We view compliance as a responsibility shared with industry participants and importers. With the introduction of the Act, the department has a wider range of legislative tools to reward compliant importers and industry participants and to appropriately respond to those who choose not to comply.

The *Biosecurity Compliance Plan 2016–17* presents our focus and scale of compliance activities planned for this year.

I trust you will find this plan useful to better understand the risks we encounter to Australia's biosecurity and what we are doing at the border to manage them.

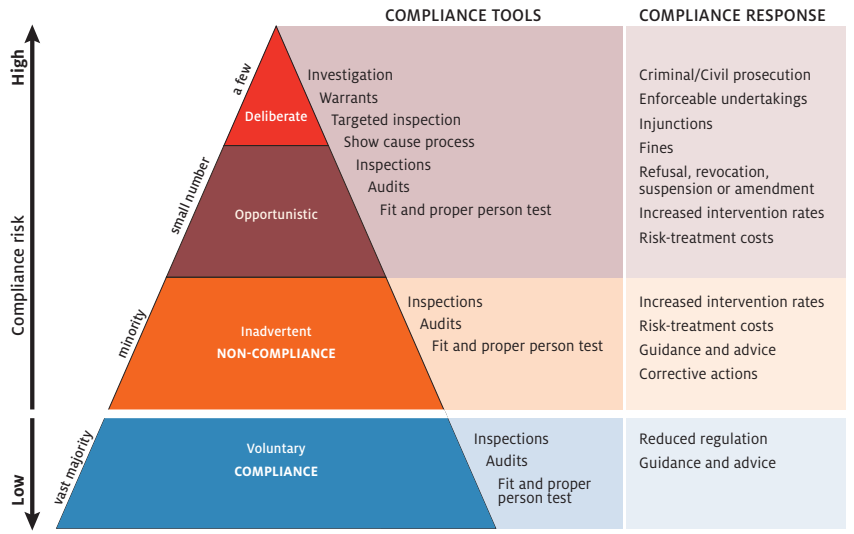
Our compliance plan

Our compliance plan is based on our compliance model shown in Figure 1. The model helps us adapt our regulatory response by better understanding the attitudes and behaviours of different regulated clients. Based on that understanding, we apply differentiated approaches to manage the risks to Australia's biosecurity at the border and beyond.

Our objective is to move as many regulated clients as possible into the voluntary compliance area of the pyramid. This results in improved biosecurity outcomes and allows us to use our resources more efficiently and effectively. We can then focus on the regulated clients that require more specialised management.

We encourage our clients to be compliant and we try to make it as simple as possible for everyone to comply.

FIGURE 1 The department's differentiated approach to biosecurity compliance management



We use a range of approaches to identify and detect non-compliance concerning incoming goods, travellers, conveyances and mail at the border (see Figure 1). We use the findings of these approaches together with gathered intelligence and shared information to constantly improve the focus and effectiveness of our interventions. By doing this we aim to reduce unnecessary intervention and more effectively manage biosecurity risk.

Increasingly we draw on information owned or managed by partner border, law enforcement and intelligence organisations to inform how we target biosecurity risks. For example, we have a permanent presence at the Border Intelligence Fusion Centre which was created specifically to better protect Australia at the border through sharing data, intelligence and profiling skills between its member organisations.

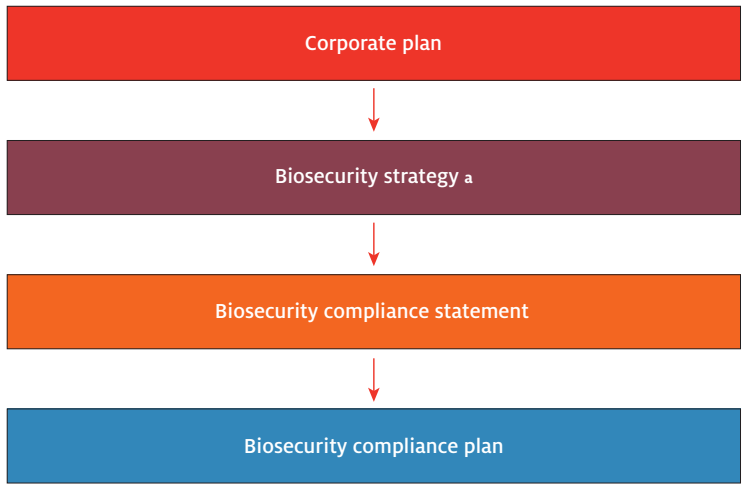
We encourage our clients to be compliant and we try to make it as simple as possible for everyone to comply. While most non-compliance is inadvertent, deliberate and opportunistic non-compliance is a constant challenge for the department and represents a very real risk to Australia's biosecurity. We use the full force of the law to detect, deter and prevent deliberate and opportunistic non-compliance.

This plan in context

The *Biosecurity Compliance Plan 2016–17* should be read in conjunction with the department's *Corporate Plan 2016–17*, the biosecurity strategy (in development) and the *Biosecurity Compliance Statement 2016*.

The Corporate Plan sets out our approach for continued modernisation of our biosecurity import regulation and export services. The biosecurity strategy will outline the broader strategic plan for biosecurity management, while the Biosecurity Compliance Statement outlines the tools and approaches the department uses to manage compliance with biosecurity requirements.

FIGURE 2 Relationship between the Biosecurity Compliance Plan and associated documents suggesting how they should be considered together



a indicates document is in development

This plan describes the compliance activities that the department will focus on during the 2016–17 year.

Supporting compliance

Recent years have seen several important changes to our business systems that make it easier to engage with the department and to understand the requirements placed on travellers, goods, packaging and conveyances (vessels and aircraft) entering Australia.

The on-line BICON system in particular involved a complete redesign and build of the department's import conditions database. This database informs people of the requirements for importing goods to meet biosecurity conditions. BICON has an improved interface and uses simpler language to make the system easier to use.

For brokers and commercial importers, the Cargo Online Lodgement System (COLS) makes submitting information to the department more efficient by allowing industry participants to lodge their documentation online instead of presenting them over the counter at one of our offices. COLS also provides live data and status updates allowing brokers and importers to track their consignment as it moves through the clearance process.

This year will see the release of the Maritime Arrivals Reporting System (MARS). This new system will simplify and modernise pre-arrival reporting for commercial maritime vessels, making it easier to meet regulatory requirements.

We will be releasing a new Maritime Vessel Compliance Scheme that reduces unnecessary inspections and simplifies instruction on biosecurity requirements for vessel operators.

We will continue to work with industry offshore to expand the Sea Container Hygiene System which supports the cleaning of sea containers at source before they are loaded on conveyances bound for Australia.

We will continue to improve BICON and COLS.

Working with industry

The department recognises that Australia's import industry plays an essential role in helping to manage biosecurity. We have a long track record of working closely with industry and consulting with trade bodies to make sure that compliance activity is understood and managed with as little impost on trade as possible.

The Departmental Cargo Consultative Committee (DCCC) is the peak consultative body for the department for incoming trade. For more than 20 years, representatives from the department and international trade and logistics service provider industries have addressed strategic and operational biosecurity related trade and logistic issues through the DCCC. Biosecurity legislation, COLS, BICON, approved arrangements and other initiatives such as MARS and eCert have all been developed in collaboration with the DCCC.

The department works with biosecurity industry participants to share the management of biosecurity risk at the border. We continue to identify how to expand and support the existing approved arrangements.

For example, for arriving sea vessels, the department has designed the Vessel Compliance Scheme (VCS) to make it easier for vessel operators and shipping agents to comply. The scheme has been developed to improve the transparency of biosecurity risks on which our officers will focus as part of inspections and the associated demerit points. VCS is expected to assist vessel masters and crew to better prepare the vessel and reduce the likelihood of non-compliance, assisting

them to qualify as 'compliant entities'. This results in reduced intervention and better management of biosecurity risk. Commercial vessel operators must meet the following requirements to be eligible for the VCS and qualify for reduced intervention:

- a minimum of three voyages to Australia in 12 months
- below the individual inspection threshold of 10 points for a voyage
- below the collective threshold of 20 points over three voyages.

Once on the scheme, vessels will receive reduced physical inspections over a defined voyage cycle. The application of a demerit action does not replace any other enforcement actions available to the department under the *Biosecurity Act 2015*.

The department also undertakes significant communication with industry through numerous channels about how to comply with the import conditions and to consult and advise when conditions are changing.

Compliance focus for working with industry 2016–17

We will continue to consult through the DCCC.

We will continue to identify how to expand and support the arrangements with biosecurity industry participants.

We will consult and communicate about changes to import conditions relating to biosecurity risk.

Our response to non-compliance

The proportionate response to non-compliance shown in Figure 1 is used to discourage non-compliance and to protect Australia from biosecurity risk.

In 2015–16 the department issued more than 3 670 infringement notices to passengers who provided false statements about goods they were carrying amounting to more than $1.2 million in fines.

The *Biosecurity Act 2015* provides several new tools to help identify, manage and respond to non-compliance and biosecurity risk. These include:

- **Enforceable undertakings** – agreements between clients and the regulator which are enforceable by a court
- **Injunctions**—court orders
- **Civil penalties**—civil prosecutions and fines
- **Infringement notices**—now apply to traders and importers as well as to individuals
- **Biosecurity warrants**—used to identify and manage biosecurity risk
- **Monitoring warrants**—used to determine if requirements are being met
- **Investigation warrants**—used to gather evidence to support the application of a sanction such as a prosecution.

As a means for managing risk, goods may be directed for treatment, export or destruction at the importer's or passenger's expense. In 2015–16, the department oversaw the destruction of non-compliant goods from more than 4 280 consignments and the export of goods from more than 2 260 consignments.

For deliberate and serious non-compliance the department uses the full force of the law to prosecute those responsible. In 2015-16, the department successfully prosecuted numerous cases resulting in custodial jail sentences and more than $700 000 of fines. Examples include:

- In July 2015 a grain export company and its director were found guilty of dishonestly influencing a Commonwealth public official resulting in 18 months jail and a fine of $680 000. Both defendants were found to have colluded with a fumigation contractor to falsify treatment certificates. The fumigation contractor was also prosecuted.
- In May 2015 a business owner pleaded guilty to providing a false description of goods. The court sentenced the trader to substantial fines and a suspended jail sentence.
- Also in 2015 a company which illegally imported pork and chicken products by deliberately mislabelling the content of shipping containers was fined $100 000, and a three-year suspended sentence was handed down to the company's owner.
- The department successfully prosecuted an individual who illegally imported two pet dogs into Australia without undertaking pre-arrival requirements and declaring them upon entry.

Detections

Each year the department intercepts thousands of plant and animal products and contaminants that pose an immediate biosecurity risk.

For example, the 50 most common plants and organisms detected in 2015–16 were identified in cargo, passengers' baggage and on vessels.

TABLE 1 Common plants and organisms detected in 2015–16

Plant or organism (common name)	Detections by sea (no.)	Detections by air (no.)	Detections by mail (no.)
Thrips tiny, slender insects with fringed wings	163	4 273	3
Beetles and weevils	1 448	1 143	376
Diverse order of mites	460	2 390	23
Cicadas, aphids, plant hoppers, leafhoppers, shield bugs	406	1 108	24
True flies, mosquitoes, gnats, midges	618	570	15
Moths and butterflies	319	733	55
Spiders	528	538	18
Soil mites, oribatids, biting mites	418	538	83
Relatively large mites	240	743	6
Sawflies, wasps, bees and ants	442	469	35
Grasses, bromeliads, and sedges	661	77	6
Booklice, barklice or barkflies	351	322	61
Flowering plants	321	186	17
lettuces and sunflowers	300	172	4

Plant or organism (common name)	Detections by sea (no.)	Detections by air (no.)	Detections by mail (no.)
Fungi	106	272	48
Snails and slugs	253	48	7
Green and blue mould	104	135	54
Sac fungi	33	173	18
Springtails (type of bug)	99	115	2
Geraniums	4	204	
Cockroaches	66	98	2
Trees – birch, beech, she-oak, walnut	88	5	3
Lizards and snakes	45	24	2
Grasshoppers, crickets and locusts	57	9	1
Citrus, maples, horse-chestnuts	31	24	8
Earwigs	22	33	1
Ascomycete fungi, powdery mildew		43	2
Hibiscus	40	25	9
Net-winged insects, includes the lacewings, mantidflies, antlions	9	26	
Roundworm	4	62	
Roses	6	19	4
False scorpion or book scorpion	8	19	2
Silverfish and firebrats	7	20	1
Soil-dwelling or phytoparasitic nematodes	1	26	
Blue-green cup fungi	14	12	
Zygomycete fungi pin mould	6	9	8
Webspinners	4	17	
Conifers	15	1	3
Myrtle	12	7	
Ticks	1	17	
Lichenous fungi	3	7	8
Wild carrot, ginseng	6	10	
Millipedes	15	1	
Frogs and toads	8	8	
Gilled mushroom fungi	14		
Periwinkle	9	4	
Woodlice and pill bugs	9	3	

The numbers in the table are counts of incidents associated with each organism. Each incident may involve many organisms of that type.

Pathways

Biosecurity risk can enter Australia via a number of routes. We call these routes pathways and we organise many of our compliance activities around these pathways. The most important pathways are shown in Table 2.

TABLE 2 Biosecurity import pathway groups

Pathway group	Pathway
Cargo	Containerised sea cargo
	Air cargo
	Break-bulk cargo
	Bulk cargo
	Sea cargo containers
Conveyances	Sea vessels
	Aircraft
Travellers	Air travellers
	Sea travellers
Mail	Letter class mail
	Non-letter class mail

The term break-bulk describes cargo that is transported in a specialised but non-containerised format, for example new cars shipped on a roll-on-roll-off vessel. Bulk cargo is not containerised and typically shipped as a single commodity, fuel oil in a tanker for example.

Approved arrangements across pathways

While not a pathway, approved arrangements are a regulated part of the biosecurity system, and are intimately linked with goods passing through the border. For example, approved laboratories or nurseries are often used for cargo which remains subject to biosecurity control for longer periods of time.

Cargo pathway

Containerised sea cargo

This is a large and varied pathway. Shipping containers carry a range of goods covering a spectrum of high-value commercial cargo to low-value non-commercial consignments.

Around 1.6 million consignments landed in Australia in 2015–16, and 336 744 were screened for biosecurity risks.

Typical detections include hitchhiker pests such as tramp ants and stink bugs found both within the goods and their packaging. The most commonly detected hitchhiker pests for this pathway are flour beetles, booklice and mites.

Air cargo

Commercial air cargo is a fast-growing pathway for imports to Australia. In 2015–16 around 2 million consignments arrived. Commercial air cargo consignments are typically high-value perishable goods, or goods with tight market deadlines like computer equipment and seasonal retail items. Detections of interest during 2015–16 included smuggled hatching bird eggs and, very commonly, mites, thrips and aphids.

Non-commercial air cargo is a high volume, time critical pathway made up of consignments valued below $1 000. Around 30 million non-commercial consignments arrived during 2015–16, mostly in Sydney. Non-commercial air cargo items are courier-expedited internet purchases. This pathway also includes unaccompanied personal effects and carnets (carnets are temporary imports like international musicians' equipment while on tour).

Bulk and break-bulk cargo

There are around 190 000 bulk cargo consignments per year of commodities such as fuel oil. Generally this is a well-managed pathway and accordingly has a very low intervention rate. However, some bulk commodities like grain and fertilisers do carry high-risk. Common finds in bulk and break-bulk cargo include worms, moths, beetles and plant material.

Around 130 000 break-bulk consignments arrive through the related break-bulk pathway in a typical year. Break-bulk cargo is seaborne but is not containerised or shipped as bulk. Usually it is made up of individually loaded pieces including vehicles, large industrial machinery, oversized tyres and timber.

Sea cargo containers

Around 2.6 million containers entered Australia in 2015–16, of which 306 000 of these were inspected by the department.

While we are interested in the contents of containers, we also have an interest in containers themselves. The exterior of seaborne containers can often carry high-risk hitchhiker pests and other contaminants, including soil. The risk and response for this pathway is driven by the port of loading and any transit ports the container may have travelled through recently, in particular we inspect for:

- giant African snails
- bees
- tramp ants
- weeds
- soil and seed contamination.

Compliance focus for the cargo pathway 2016–17

We will use analysis, gathered intelligence and shared information to inform our decisions about where and when to intervene with sea and air cargo. We undertake data matching and pattern analysis to determine a sampling programme that targets biosecurity risk.

This year we will focus on:

- specific risky entities or types of entity for example supplement resellers or online pharmaceutical shops
- entities with a history of non-compliance
- serums, cultures, reagents and pharmaceuticals
- wood or plant materials, for example raffia craftwork
- biological risk materials, for example live animals, fish and certain fresh produce
- animal products, for example shark fins, shells
- animal based foodstuffs, for example sausages
- fruit and vegetables
- plant based foodstuffs, for example dried fruit
- seeds
- certain processed foods, for example polenta
- general goods considered risky, for example brooms.
- non-plant/animal commodities such as machinery and vehicles

We will also be focussing on packaging material to ensure it conforms to ISPM 15, an international agreement on phytosanitary measures requiring timber pallets to be treated.

We will work with importers to tighten controls more than imported fertilisers that pose higher levels of biosecurity risk.

For sea containers, we plan to perform over 350 000 external sea container inspections. We will continue our differentiated approach for external container inspections from particular high-risk countries. We will use our data matching capability to ensure that containers arriving from high-risk countries receive more rigorous checks. The high-risk Country Action List of is available on our website agriculture.gov.au.

International sea vessels pathway

This pathway is concerned with the risks carried by all sea vessels (conveyances). The nature of vessels arriving is understandably broad and covers:

- commercial vessels—defined as barges, bulk carriers, container conveyances, cruise conveyances, dredges, fishing conveyances, livestock carriers, military conveyances and tankers
- non-commercial vessels are generally yachts and pleasure craft
- offshore installations, such as oil rigs.

There were around 17 600 vessels arrivals in 2015–16, the majority of which are physically inspected before being allowed to dock and go about their business.

The largest risks for sea vessels are hitchhiker pests, the health of passengers and crew, ballast water, biofouling and any commodity and packaging material being transported.

Other frequent causes of failure are poor practices of rodent management and rubbish handling and removal. Overall around 1 700 inspections resulted in a non-compliant outcome in 2015–16.

Compliance focus for the sea vessels pathway 2016–17

To counter these risks we plan to perform more than 13 800 on-board vessel inspections in 2016–17.

This will involve targeted surveillance focussed on seasonal high-risk pests such as Asian gypsy moths, bees, burnt pine longicorn beetles and brown marmorated stink bugs.

Aircraft arrivals

This pathway addresses the risks carried by all international aircraft landing in Australia. It does not include passengers or crew which are included in the air travellers pathway.

The main risks for this pathway are hitchhiker pests such as mosquitoes. To manage this risk, all aircraft entering Australia must be appropriately disinsected.

Disinsection is the procedure where health measures are taken to control or kill the insect vectors of human diseases present in baggage, cargo, containers, conveyances, goods and postal parcels.

Compliance focus for the aircraft pathway 2016–17

Our focus for 2016–17 is to monitor aircraft operators' compliance against their pre-arrival reporting obligations, specifically targeting disinsection activity and the accuracy of pre-arrival reporting.

Travellers pathway

Air travellers

This large pathway addresses the risks borne by passengers and crew arriving into Australia by air, specifically the biosecurity risks carried by their baggage and on their person.

In 2015-2016, 19 million air travellers arrived in Australia.

The most common finds from inspecting air travellers and their personal effects include fruit, smallgoods and contaminated (dirty) shoes.

Sea travellers

This relatively small but fast-growing pathway concerns seaborne passengers and crew. Most of the approximate 640 000 annual travellers in this group are cruise line day-trippers.

Common finds on sea travellers include basket ware, banana leaves and contaminated shoes.

Compliance focus for the travellers pathway 2016–17

We will continue data sharing with other border agencies to identify passengers who are likely to illegally import high-risk biosecurity material. Improved processing of this information will help us target:

- passengers likely to be carrying non-compliant goods
- arrivals from regions known to have high-risk endemic diseases.

We plan to screen more than 2.4 million travellers and physically inspect the luggage and personal effects of more than 320 000 travellers in 2016–17.

Mail pathway

This pathway group is concerned with international mail—letters and parcels from overseas.

Letter class mail

This pathway comprises smaller international mail items such as letters, postcards, brochures, books and magazines. The volume of letter class mail was around 82 million items in 2015–16. Despite the high volume, letter class mail poses a lower risk and is managed by a randomised screening processes.

Non-letter class mail

This pathway concerns all international mail items that are not considered to be letter class. The pathway is further split into parcels, express mail and other articles totalling more than 57 million items in 2015–16.

The most commonly intercepted items for mail include smallgoods, stone fruit and seeds.

Compliance focus for the mail pathway 2016–17

We will continue to work closely with the Department of Immigration and Border Protection and Australia Post to continuously review national profiles, improve screening techniques and introduce more effective sampling techniques to better focus on hidden risk materials and detection of high-risk materials.

We will also continue to work closely with a range of internet trading sites and foreign countries to prevent, monitor, identify and intercept biosecurity risk mail items.

We plan to screen more than 12.5 million items of international mail and physically inspect more than 153 000 of these.

Approved arrangements across pathways

The department manages around 3 100 approved arrangements with biosecurity industry participants.

These arrangements include physical premises that handle high-risk biosecurity goods or regulated clients who conduct biosecurity related activities on our behalf, and which do not require a set physical location.

Approved arrangement holders enter into a legal contract with the department that ensures appropriate biosecurity standards and protocols are maintained. Where an arrangement holder handles goods that are subject to biosecurity control, standards include requirements for physical containment facilities.

With the implementation of the *Biosecurity Act 2015* we also conduct a Fitness and Proprietary test (FPP) on all approved arrangement holders and key staff within those arrangements. The department is able to reject or revoke an arrangement where we believe the biosecurity risk cannot be effectively managed.

Scheduled and targeted audits, on-site inspections and targeted interventions are used to monitor compliance with biosecurity requirements delivered under approved arrangements.

The department also conducts reviews of procedures being performed and qualifications held by arrangement holders.

For arrangement holders with a serious or continued record of non-compliance, the department will terminate the arrangement. In 2015–16 the department terminated one existing arrangement and refused to establish another.

Compliance focus for approved arrangements 2016–17

This year we plan to perform over 4 110 audits of approved arrangements including increased audit frequency for arrangement holders who have a track record of non-compliance.

Summary of targeted activities for audits, inspections and screenings

Pathway group	Compliance activity	Total screenings, audits or inspections in 2016–17	NSW	VIC	QLD	SA	WA	TAS	NT
Containerised sea cargo	Inspections	101 000	30 300	35 100	18 000	5 660	10 100	1 470	575
	Audits	5 700	1 930	2 130	910	225	462	26	22
Commercial air cargo	Inspections	41 100	18 400	11 900	5 360	790	4 560	27	72
	Audits	1 980	1 000	530	400	n/a	50	n/a	n/a
Non-commercial air cargo	Inspections	162 000	97 700	32 800	12 100	2 770	16 200	n/a	498
Containers	High-risk country inspections	57 400	8 490	12 500	34 500	169	986	624	132
	Wharf-gate inspections	234 000	64 700	77 000	52 000	27 200	10 700	n/a	2 750
Sea vessels	Physical inspections	13 800	2 380	659	4 030	246	5 460	143	867
Aircraft	Assessments (commercial)	95 200	35 600	22 100	20 200	2 470	11 700	n/a	3 170
Travellers	Air traveller screenings	2 410 000	985 000	362 000	557 000	86 900	411 000	n/a	11 300
	Air traveller inspections	269 000	112 000	39 800	48 800	27 400	33 900	n/a	6 590
	Sea traveller screenings	104 000	59 900	1 010	17 000	n/a	1 660	23 400	551
	Sea traveller inspections	51 200	3 140	228	18 200	n/a	40	28 900	674
Mail	Letter class screenings	2 580	859	1 690	24	n/a	6	n/a	n/a
	Letter class inspections	1 130	857	220	20	n/a	37	n/a	n/a
	Non-letter screenings	12 500 000	9 180 000	1 630 000	1 160 000	n/a	512 000	n/a	n/a
	Non-letter inspections	152 000	120 000	23 700	7 700	n/a	1 240	n/a	n/a
Approved arrangements	Scheduled audits	4 110	1 070	1 210	762	379	505	108	84

Note: State totals may not balance with the annual total due to rounding.

The 'Biosphere' Graphic Element
The biosphere is a key part of the department's visual identity. Individual biospheres are used to visually describe the diverse nature of the work we do as a department, in Australia and internationally.

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