



Australian Government

Department of Agriculture, Fisheries and Forestry
Australian Quarantine and Inspection Service

**Senate Rural Affairs and Transport Committee
Inquiry into Biosecurity and Quarantine Arrangements
Sydney Inspection/Site Visits – 27 and 28 June 2011
Questions and Responses**

1. Debt Recovery

During the tour of the AQIS offices at Rosebery, the committee discussed the issue of debt recovery with AQIS officers. The committee requested a written brief on the legislative barriers to pursuing the collection of debts.

A brief on legislative barriers to the pursual of debt is provided as Attachment A.

2. Information Technology Systems

The committee is interested in the work being undertaken to streamline and integrate the IT systems currently used by AQIS. The committee would appreciate further information regarding the current systems and their limitations and the program of reforms being undertaken to address these.

The Government has announced that it is progressing reforms to Australia's system of managing Biosecurity risk, which includes the business operations within AQIS. The Department is currently preparing an Implementation Plan for this reform program. Associated with the new business model is an ICT Business Case in line with the Department of Finance and Deregulation's Two Pass process, to be submitted for consideration in the 2011-2012 budget cycle. The majority of issues associated with the current AQIS systems relate to the age and fundamental design of the software platforms being used. The age and design of the software platforms inhibit the use of contemporary communications techniques and make streamlining processes through integration with related systems prohibitively expensive. The current AQIS ICT issues and ICT enablement of the reformed AQIS business processes will be addressed by the ICT Second Pass Business Case.

3. Re-location of Eastern Creek Facility

The committee would appreciate an update on the progress of the AQIS Post Entry Quarantine Working Group to identify sites for the establishment of post entry quarantine facilities post 2015.

The Government has made funding available to the Department of Finance and Deregulation (DOFD) in the 2011-12 budget for the acquisition of land for future post entry quarantine facilities. Australia's future post entry quarantine arrangements are expected to be located at a single site in Victoria. DOFD is currently undertaking due diligence on a number of sites and subject to the outcomes of their checks and subsequent negotiations with vendors, expect to acquire a site by mid 2012.

4. Asian Honey Bees

The Committee is interested in AQIS' efforts to monitor the Asian honey bee, and would appreciate further information regarding:

- **vector monitoring programs; and**
- **the location of sentinel hives and who is responsible for monitoring them.**

The department performs vector monitoring and surveillance activities within a 400 metre precinct of international first ports (both airports and seaports) within Australia and primarily focuses on the introduction of exotic mosquitoes and minimising the export of endemic species to other countries.

We work with State and Territory agriculture authorities to monitor air and sea ports around Australia for feral bees that could arrive on cargo ships or planes. The National Sentinel Hive Program also maintains hives at 35 seaports and 9 log traps around Australia (Attachment B).

Hives and traps are regularly monitored and inspected by the relevant state/territory government bee expert, or in a few cases, volunteer beekeepers. Laboratory examinations are undertaken by either state laboratories or Denis Anderson from the Commonwealth Scientific and Industrial Research Organisation (CSIRO).

5. Plant Material – Fire Blight - Melbourne Botanic Gardens

The Committee is interested in a statement by Dr David Nehl that the detection of *Erwinia amylovora* in the Melbourne Botanic Gardens in 1997 was in fact found to be *Erwinia tasmaniensis*. The committee would be interested to clarify if this was the advice that Dr Nehl gave, and would be interested in gaining access to the paper Dr Nehl referred to in this context.

Dr Nehl advised the committee that it was his understanding that there has been no evidence of an incursion of the fire blight disease to apples and pears in Australia. The 1997 incident in Melbourne represented a very low-level infection of cotoneaster by the fire blight bacterium, which was eradicated without spread to the apple and pear industry in Australia.

Dr Nehl advises that no single paper provides a synopsis of fire blight in Australia however the following references are provided for the committee's reference:

- A report on the characterisation of bacteria isolated from affected Cotoneaster plants at the Royal Botanic Gardens of Melbourne, and the resulting surveys of apple and pear around Australia ([Jock et al. \(2000\)](#))
- A survey of key Australian pome fruit growing districts for exotic and endemic pathogens has not detected fire blight in Australia ([Constable et al. 2007](#))
- 'The specificity of PCR-based protocols for detection of *Erwinia amylovora*' ([Powney et al. 2011](#))
- 'National surveys did not detect *Erwinia amylovora* on host plants in Australia' ([Rodoni et al. 2002](#)).

6. International Mail Program

The committee was interested to note the number of articles that are seized as a result of screening international mail. The committee would appreciate receiving further detail of the number of articles seized as a proportion of the number of articles passing through the International Mail Program. The committee would also appreciate receiving further detail on procedures relating to the storage and disposal of seized articles, and the proportion of seized articles that are claimed or returned to the sender as compared to the number of articles destroyed each year.

AQIS assessed around 140 million mail items in 2010 at four international mail centres (Brisbane, Melbourne, Perth and Sydney). Mail suspected of containing quarantine risk material is opened by Australia Post and then inspected by an AQIS officer. If no quarantine risk material is present, or if the mail items are cleared, the mail item is returned to Australia Post for resealing, after which it re-enters the mail system.

If quarantine risk material is found there are a range of options available:

- If the item is prohibited under the Quarantine Act 1908 or the Quarantine Proclamations 1998 it may be seized and destroyed immediately (with Ministerial approval required for items valued over \$1000). However, longstanding operational practice is that goods are held pending advice from a consignee. This practice was introduced in recognition that some detained goods have a high monetary and/or personal or cultural value.
- If the item requires mandatory treatment the item is ordered into quarantine and the consignee given the option to have the treatment provided or the item exported (both at their cost) or destroyed.
- If additional information is required about the item before a decision can be made, the item is held and the consignee advised they have 30 days to provide such information (or elect that the item to be exported or destroyed).

Detained items are assigned an individual record number and placed in a secure storage area until the consignee advises AQIS what action they would like to take (destruction, treatment or export). AQIS holds items for 30 days however, in order to allow for delays in the consignee receiving a notice, items are normally held for up to 45 days. This results in a large quantity of mail items being held awaiting advice from the consignee.

AQIS seized or ordered into quarantine around 112,000 mail items nationally in 2010 (0.08 per cent of all assessed items). Of these items, around 8,000 (7 per cent) were claimed and either treated or exported and the remaining items destroyed either immediately or as a result of no response from the consignee.



Legislative Barriers to the Pursual of Debt

During the tour of the AQIS offices at Rosebery on 27 and 28 June 2011, the Senate Rural Affairs and Transport References Committee discussed the issue of debt recovery with AQIS officers. The committee requested a written brief on the legislative barriers to pursuing the collection of debts.

DAFF is governed by the Australian Government's financial framework (administered through the Department of Finance and Deregulation) which is established and supported by the *Financial Management and Accountability Act 1997* (FMA Act). The FMA Act outlines the financial management, accountability and audit obligations for all Australian government agencies that are financially part of the Commonwealth.

In addition to the FMA Act, other legislative barriers to pursuing debt is based on the following legislation:

- *Quarantine Act 1908*
- *Quarantine Service Fees Determination 2005*
- *Export Control (Fees) Orders 2001*
- *Export Control (Meat and Meat Products) Orders 2005*
- *Export Control (Poultry Meat and Poultry Meat Products) Orders 2010*
- *Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010*
- *Export Control (Prescribed Goods – General) Order 2005*

The department can perform several actions to aid and enforce the recovery of debts owing. These include:

- Agreements to allow repayment of debt by installments (Repayment Arrangements)
- Refusal to issue documentation
- Refusal or withdrawal of inspection services
- Suspension and revocation of establishment registration
- Refusal to register establishments
- Delay release or withhold goods and items until debts are paid
- Sale of goods and items to recover debts owing
- Legal action
- Debt waivers
- Remit debt
- Debt write off

Legislative Barriers

Legislation does not discriminate which programs these actions do or do not apply to. However, the ramifications of withdrawal of service from QANTAS, for example, or from Maersk Shipping, means that such action is unlikely to be used.

The legislation may include process matters that the department must adhere to, for example issue of a notice 14 days in advance of refusal to issue documentation.

Further information on each action is outlined below.

Agreements to allow repayment of debt by installments (Repayment Arrangements)

Relevant legislation – *Quarantine Act 1908*

Financial Management and Accountability Act 1997

Clients can request that the overdue debt be paid by installment, instead of in full. There is no set rule surrounding the length of these agreements or minimum payment amounts required. Provided the client's financial situation warrants this action, a repayment schedule is negotiated with the client by the Debt Recovery team. The delegate must also agree to and sign off the agreement before it comes into effect. In the event that a client defaults on their legally binding agreement, the debt immediately becomes recoverable in full and other actions (such as withdrawal of service) can be undertaken.

Section 34 (1)(c) of the FMA Act states that the Finance Minister may allow the payment by installments of an amount owing to the Commonwealth, noting that "amount owing to the Commonwealth" includes an amount that is owing but not yet due for payment.

Refusal to issue documentation

Relevant legislation - *Export Control (Fees) Orders 2001*

Where debt is owed for the issue of export certification and documentation, further documentation can be refused. By law, the department must give notice of 14 days to allow the client to pay the related overdue debt before the refusal to issue further documentation can take effect. Additionally, the department must contact the client to confirm the address details of where the notification is to be sent. This notification is issued by the Debt Recovery team.

Refusal or Withdrawal of inspection services

Relevant legislation - *Quarantine Service Fees Determination 2005*

Quarantine Act 1908

Where debt is owed for inspection services, further services can be refused. By law, the department must give notice of 14 days to allow the client to pay the related overdue debt before the withdrawal of inspection services can take effect. Additionally, the department must contact the client to confirm the address details of where the notification is to be sent. This notification is issued by the Debt Recovery team.

Suspension and revocation of establishment registration

Relevant legislation – *Export Control (Meat and Meat Products) Orders 2005*

Export Control (Poultry Meat and Poultry Meat Products) Orders 2010

Export Control (Wild Game Meat and Wild Game Meat Products) Orders

2010

Export Control (Prescribed Goods – General) Order 2005

Where debt is owed from an export establishment, the registration of the establishment can be suspended or revoked. Depending on the establishment and the legislation it falls under, the department must give at least 11 days notice for the client to pay the debt before suspension of registration of the establishment can take effect. Again, depending on the establishment and relevant legislation, the registration can then be revoked after at least 90 days have passed since the date of suspension and the relevant debt still remains unpaid. Additionally, the department must contact the client to confirm the address details of where the notification is to be sent. These notifications are sent by the Debt Recovery team.

Refusal to register establishments

Relevant legislation – *Export Control (Meat and Meat Products) Orders 2005*

Export Control (Poultry Meat and Poultry Meat Products) Orders 2010

Export Control (Wild Game Meat and Wild Game Meat Products) Orders

2010

Export Control (Prescribed Goods – General) Order 2005

Upon application to register an export establishment, the Debt Recovery team undertake a debt check to ascertain whether any previous debt remains unpaid. Before the establishment is approved for registration, the applicant must pay all outstanding debts relevant to the establishment, regardless of whether they incurred the debt or not.

Delay release or withhold goods and items until debts paid

Relevant legislation - *Quarantine Service Fees Determination 2005*

Quarantine Act 1908

The department may, in writing, direct that goods and items are not to be released from quarantine until debts owing are paid. This power is not exercised by the Debt Recovery team as the withdrawal of inspection services has the same effect, as the goods and items cannot be released from quarantine before they are cleared of bio-security risks.

Debt Waiver

Relevant legislation - *Financial Management and Accountability Act 1997*

Section 34 (1)(a) of the FMA Act states that the Finance Minister may waive the Commonwealth's right to payment of an amount owing to the Commonwealth, noting that **amount owing to the Commonwealth** includes an amount that is owing but not yet due for payment.

When a debt is waived, the debt is completely forgiven. This means the debtor is no longer obligated to pay the debt, and the department cannot pursue the debt at a later date.

The decision to waive a debt is at the discretion of the Finance Minister and not an automatic entitlement for the client. Applications to waive debt are considered and approved when recovery of

the debt would be inequitable or cause ongoing financial hardship. All requests to waive debt received by the department are forwarded to the Finance Minister for approval.

Remit Debt

Relevant legislation - *Quarantine Act 1908*

Export Control (Fees) Orders 2001

Export Inspection and Meat Charges Collection Regulations 1985

Export Inspection Charges Collection Act 1985.

Similar to debt waivers, when a debt is remitted, the debt is extinguished and any obligation to pursue recovery of the debt is also extinguished. The process of remitting a debt does not require approval from the Finance Minister, however, a debt can only be remitted where there is a legislative power to remit the particular type of debt in question.

Debt Write Off

Relevant legislation - *Financial Management and Accountability Act 1997*

Subsection 47 of the FMA Act states that a Chief Executive (and delegates) must pursue recovery of each debt for which the Chief Executive is responsible unless satisfied that the debt is not legally recoverable or that it is not economical to pursue.

The write off of a debt owing to the department allows the department to recover the debt at a later date, should the client's financial circumstances improve.

Sale of goods and items to recover debts owing

Relevant legislation - *Quarantine Act 1908*

Where debt is owed in respect to goods held for quarantine, the department may sell the goods to recover any unpaid expenses. By law, the department must give 30 days notice to allow the client to pay the debt before the goods are sold. If the goods are sold, the proceeds are to be applied directly to the debt owing and any surplus is to be returned to the client.

Commence legal action

Relevant legislation - *Quarantine Act 1908*

Export Control (Meat and Meat Products) Orders 2005

Export Control (Poultry Meat and Poultry Meat Products) Orders 2010

Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010

Export Control (Prescribed Goods – General) Order 2005

The department may recover any unpaid debts through a court as a debt to the Commonwealth. Legal advice should be sought by the relative program in regards to the appropriate action and notification to be taken. The Debt Recovery team should also be informed of these actions and will maintain a central file on the client's account in the department's financial system.



Australian Government

Department of Agriculture, Fisheries and Forestry
Australian Quarantine and Inspection Service

Attachment B

AQIS Vector Monitoring Program

AQIS performs vector monitoring activities within a 400 metre precinct at nominated proclaimed first ports around Australia. These first ports comprise international airports and seaports with the exception of those ports where AQIS does not have a permanent presence. In these locations third parties (e.g. Customs, state government officials and/or port operators) perform these functions wherever possible.

Vector Monitoring activities at international defence ports are performed by defence personnel with the exception of military bases, in most cases Royal Australian Navy (RAN) bases, that are co-located within commercial proclaimed first ports. In this instance AQIS typically performs vector monitoring activities at these locations.

Vector monitoring activities are performed on behalf of the Department of Health and Ageing (DoHA) in line with World Health Organisation (WHO) International Health Regulations (IHR) 2005 (specifically Annex 5, Paragraph 4). DAFF and DoHA have entered into a Memorandum of Understanding (MoU) for the delivery of human quarantine services at the Australian border. This MoU states that AQIS will deliver specified, non clinical human quarantine services at the border including vector monitoring. AQIS is not directly funded by DoHA to perform vector monitoring and these activities are not cost recovered.

The AQIS vector monitoring program performs two main tasks, vector monitoring and port surveillance. Specific activities depend on the risk category of the port as determined by the review performed by Richard Russell (1998) – AQIS First Port Vector Monitoring Program. Higher risk ports involve greater monitoring and surveillance activities.

Vector monitoring involves setting various mosquito monitoring traps and identifying the species of mosquitoes collected. There are five primary methods of collecting/trapping mosquitoes used by the vector monitoring program. These are:

- **CO₂ Light Trapping** (Adult trapping)
- **BG Sentinel Traps** (Adult trapping)
- **Sentinel Tyre Traps** (Larval trapping)
- **Dipping** of holding water (Larval collection)
- **Ovi Traps** (Mosquito egg collection)

Port surveillance is performed up to three times a year depending on the risk category of the port and involves searching the 400 metre port precinct for active and potential mosquito breeding sites. Identified sites are reported to the port authority/land holder for action/remediation. Those sites that cannot be rectified are included in vector monitoring and monitored through dipping.

The role of AQIS is to notify stakeholders of the results of vector monitoring and surveillance (e.g. detection of an exotic species, notifying land holder of mosquito breeding site, etc.) AQIS does not perform physical or chemical treatments with the exception of the application of a growth inhibiting hormone (S-methoprene) in identified receptacles holding water containing larvae, including the addition of this hormone in AQIS vector traps. Chemical treatments and physical removal of breeding sites is the responsibility of the land holder and the local council and/or State/Territory Health Department.

There are two categories of mosquitoes that are of interest; Exotic mosquitoes and Target Export mosquito species. The detection of an Exotic species requires AQIS to initiate a notification process and informing the Department of Health and Ageing (DoHA) of the detection immediately. Target Export species are mosquitoes that are endemic to Australia and are regularly detected via trapping. A summary of detected Target Export mosquito species is forwarded to DoHA on a quarterly basis. The following is a table of Target mosquitoes and the diseases they carry.

TARGET MOSQUITO	DISEASE CARRIED
Exotic Targets	
<i>Aedes aegypti</i> (present in FNQ*)	Dengue fever , Yellow fever
<i>Aedes albopictus</i> #	Dengue fever , West Nile virus
Exotic <i>Anopheles</i> spp.	Malaria , Filariasis
Any other exotic species	
Endemic Target Species for Export	
<i>Aedes vigilax</i>	Ross River virus
<i>Anopheles annulipes</i>	Malaria , Filariasis
<i>Anopheles farauti</i>	Malaria , Filariasis
<i>Culex annulirostris</i>	Japanese Encephalitis , Australian encephalitis, Ross River virus
<i>Culex gelidus</i>	Japanese Encephalitis
<i>Aedes camptorhynchus</i>	Ross River virus

* The Dengue Mosquito is present in Australia with populations spreading throughout Queensland (mostly in the North and are not know to be present in the South East of the state).

The Asian Tiger Mosquito is present on the external territories of Cocos (Keeling) Island and Christmas Island as well as throughout the Torres Strait however this species is not known to occur on mainland Australia.



Australian Government

Department of Agriculture, Fisheries and Forestry
Australian Quarantine and Inspection Service

Attachment C

Sentinel Bee Hive Locations

as at 28 July 2011

No.	State	Port Sitename	facility
1	NSW : New South Wales	Balmain	sentinel hive
2	NSW : New South Wales	Darling Harbour	sentinel hive
3	NSW : New South Wales	Port Botany	sentinel hive
4	NSW : New South Wales	Kurnell	sentinel hive
5	NSW : New South Wales	Mayfield	sentinel hive
6	NSW : New South Wales	Newcastle	sentinel hive
7	NSW : New South Wales	Port Kembla	sentinel hive
8	NSW : New South Wales	Richmond	sentinel hive
9	NSW : New South Wales	Goodward Is	sentinel hive
10	NT : Northern Territory	Berrimah Farm	sentinel hive
11	NT : Northern Territory	Cullen Bay	sentinel hive
12	Qld : Queensland	Bribie Island	sentinel hive
13	Qld : Queensland	Cairns (port)	sentinel hive
14	Qld : Queensland	Pinkenba Orient Ave	sentinel hive
15	Qld : Queensland	Pinkenba Serpentine Rd	sentinel hive
16	Qld : Queensland	Whyte Island	sentinel hive
17	Qld : Queensland	Townsville	sentinel hive
18	SA : South Australia	Port Adelaide	sentinel hive
19	SA : South Australia	Port Pirie	sentinel hive
20	SA : South Australia	Walleroo	sentinel hive
21	Tas : Tasmania	Bell Bay	sentinel hive
22	Tas : Tasmania	Burnie	sentinel hive
23	Tas : Tasmania	East Devonport	sentinel hive
24	Tas : Tasmania	Hobart	sentinel hive
25	Vic : Victoria	Geelong	sentinel hive
26	Vic : Victoria	Port Melbourne	sentinel hive
27	Vic : Victoria	Portland	sentinel hive
28	WA : Western Australia	Broome	sentinel hive
29	WA : Western Australia	Bunbury	sentinel hive
30	WA : Western Australia	Esperence	sentinel hive
31	WA : Western Australia	Fremantle 1	sentinel hive
32	WA : Western Australia	Fremantle 2	sentinel hive
33	WA : Western Australia	Kwinana	sentinel hive
34	WA : Western Australia	Geraldton	sentinel hive
35	WA : Western Australia	Perth Airport	sentinel hive
36	NT : Northern Territory	Gove	log trap
37	NT : Northern Territory	Darwin Airport	log trap
38	NT : Northern Territory	East Arm wharf	log trap
39	NT : Northern Territory	Fort Hill Wharf	log trap
40	NT : Northern Territory	Northern cement	log trap
41	NT : Northern Territory	Old Dinah Beach	log trap
42	NT : Northern Territory	Perkin's shipping	log trap
43	Qld : Queensland	Eagle Farm	log trap
44	Qld : Queensland	Fisherman Is	log trap