

Senate Standing Committee on Rural and Regional Affairs and Transport

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2008

Agriculture, Fisheries and Forestry

Question: AQIS 01

Division/Agency: Australian Quarantine and Inspection Service

Topic: **ICON Redevelopment Project.**

Hansard Page: 11-12 (26/05/08)

Senator McGauran asked:

Senator McGAURAN—Is the minister aware of this project? [the AQIS IT project]

Senator Sherry—I will take that on notice. But it would be very unusual if the department had not provided a brief to the minister on the project. I will take that on notice and see if a brief was provided.

Answer:

A brief on the ICON Redevelopment Project was provided to the Minister on 4 June 2008.

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Question: AQIS 02

Division/Agency: Australian Quarantine and Inspection Service

Topic: ICON Redevelopment Project.

Hansard Page: 82 (26/05/08)

Senator McGauran asked:

Mr Chapman—The briefing that goes to the minister will outline the benefits at a high level. This is in many ways a subjective analysis. It is identifying the problems with the existing IT system and the benefits on a day-to-day basis that apply with a more sophisticated decision support system that we are envisaging building. What I was talking about a moment ago is how we can provide objective measures to be able to more precisely define actual time benefits for industry, cost benefits for industry, and identify that we are in fact ensuring that imported goods meet the quarantine conditions applied to them, and that is quite a complex process.

Senator McGAURAN—Is this committee able to obtain that sort of outline, the problems with the existing system and the benefits with the new?

Dr O'Connell—I could provide you with suitable detail of that on notice.

Answer:

In 2004 a 'Strategic Information Management Plan' for the Australian Quarantine and Inspection Service (AQIS) identified the need to improve

- the quality and effectiveness of information provided by ICON (the import conditions knowledge base) to field staff and industry;
- the systems for managing and administering the conditions on ICON; and
- integration of Government and industry supply chain information systems and business processes.

It concluded that these problems impose significant financial and management costs on both industry and AQIS and negatively impact on service delivery.

The redeveloped ICON system has been designed to establish a 'rules base' of import conditions that will support further automation of related systems. It will provide clear directions and support for AQIS decision makers which should improve the consistency, transparency and defensibility of decisions as well as support improved quarantine outcomes. Industry should benefit through improved clarity and transparency of import conditions and better integration of quarantine requirements with commercial systems.

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Question: AQIS 03

Division/Agency: Australian Quarantine and Inspection Service

Topic: Chinese Honey

Hansard Page: 84 (26/05/08)/ (or Written question)

Senator Milne asked:

Senator MILNE—In 2001-02 or thereabouts 125 shipping containers of honey coming from China to avoid the US anti-doping laws were sent to Australia and the honey was contaminated with chloramphenicol, which is an illegal antibiotic. They sent the honey to Australia to be relabelled 'Product of Australia', and sent it to the US. That was detected. As I understand it, AQIS pursued it legally earlier this year, and a couple of people were found guilty of bringing that honey from China via Australia. They were fined in the vicinity of \$580,200—and that is all—for 1.7 million litres of honey which went to the US. I am just interested to know who had to foot the bill for prosecution and preparing the case over those years. The point I am getting to is whether AQIS has reviewed the adequacy of the fines in the light of the likelihood that we will be used in that way in the future.

Mr S Hunter—We are not aware of the case that you are mentioning. It may be that it is a matter that Customs was handling. We will need to take that on notice to give what advice we can on the issue. Mr Read may know something.

Mr Read—We do not have any specific knowledge on that. We are aware that it is probably a FSANZ/ACCC issue. They would be the agencies involved in this.

Answer:

The incident referred to took place in August 2002. It was investigated by the Australian Customs Service (ACS) and prosecution action was initiated against a number of persons. Australian Quarantine and Inspection Service has no further information on the outcomes of the legal action or the costs involved in the ACS prosecution.

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Question: AQIS 04

Division/Agency: Australian Quarantine and Inspection Service

Topic: Search Powers

Hansard Page: 90 (26/05/08)

Senator Heffernan asked:

Senator HEFFERNAN—When they went out there, as I recall, the person there said, ‘Oh, we haven’t got the key to the door,’ where the cuttings were stored, or whatever, in the teachests. Surely, we would not accept that as an answer in the future. You would just get a hammer and knock the door in? Are you going to have that capacity? Do you know what I am talking about?

Mr S Hunter—Could I take that on notice?

Senator HEFFERNAN—I would have thought it would be a comfort to the horticultural industry to think that we have demonstrated that we have learnt from what went wrong.

Mr S Hunter—I would like to answer the specifics of your question on notice, if I may—

Senator HEFFERNAN—Thank you very much.

Answer:

The *Quarantine Act 1908* (the Act) currently provides for a range of entry, search and seizure powers:

- Section 66AB – Emergency powers. Provides emergency powers to stop, detain, enter and search premises, a vehicle or vessel.
- Section 66AC – Monitoring Warrant. Provides a power of entry (with as much assistance and force as necessary) with a warrant to search premises to determine if the provisions of the Act have been complied with.
- Section 66AF – Search Warrant. Provides power (with as much assistance and force as necessary) to enter, and search premises, a vehicle or vessel.
- Section 66AH – provides for warrant applications to be made by telephone or other electronic means in urgent cases.

No changes to the current powers Australian Quarantine Inspection Service has to enter premises are planned at this stage.

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Question: AQIS 05

Division/Agency: Australian Quarantine and Inspection Service

Topic: Quarantine Infringement Notices

Hansard Page: 99-100 (26/05/08)

Senator McGauran asked:

Senator McGAURAN—For not filling in the card correctly admitting that you have been to a farm, that you have a chicken stuffed in your bag, and an egg and other food has been found—am I able to obtain the penalty regime for those sorts of things?

Ms Gordon—To give you a full explanation of the penalty regime that AQIS has available to it from warning discussions with people through to on-the-spot fines effectively through to formal prosecution where we would take somebody to court, I might take that on notice.

.....

Senator McGAURAN—Quite frequently on the show people are caught bringing in food—chickens and eggs.

Ms Gordon—It would very much depend on the assessment of the nature of the offence and whether or not people understood.

Senator McGAURAN—If they did, is that \$1,000?

Ms Gordon—I would take on notice the actual amount of the on-the-spot fine that we can give them.

Answer:

The *Quarantine Act 1908* (the Act) provides a range of sanctions for breaches of the Act, including false or misleading declarations on the Incoming Passenger Card (IPC).

Quarantine officers have discretion in determining how to respond to potential breaches of quarantine legislation, including a failure to declare quarantineable material and false or misleading declarations on the IPC. Sanctions available include verbal warnings, written warnings, on the spot fines (Quarantine Infringement Notice (QIN)), or formal prosecutions under relevant Commonwealth Legislation (including the *Quarantine Act 1908*, the *Customs Act 1901* or the *Crimes Act 1914*).

Section 70A of the Act sets out the circumstances in which a quarantine officer may search and examine goods and ask questions of persons owning, carrying or associated with certain goods.

The infringement notice system is supported by Section 70A of the Act and Regulations 58 to 69 of the *Quarantine Regulations 2000*. Under these provisions, quarantine officers have discretion to determine whether to issue a QIN, and if so which type to issue. Relevant considerations include:

- the answers given on the IPC;

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- whether the passenger appears to have understood the questions on the IPC;
- whether there has been an attempt to conceal the goods; and
- the quantity and level of quarantine risk associated with the undeclared goods.

Regulation 58 provides for an infringement notice to be given to a person who gives a false or misleading answer to a question about a quarantine matter on an IPC or Master and Crew Declaration Card. The prescribed penalty is 10 penalty units. Currently, 1 penalty unit is equivalent to \$110.00, meaning the prescribed penalty for a breach of Regulation 58 is \$1,100.

Regulation 59 provides that:

- infringement notices of 2 penalty units (\$220) may be issued where prohibited material is unlawfully imported in breach of section 68 of the Act; and
- other infringement notice offences (such as failing to answer a quarantine officers questions under section 70A of the Act) attract a 1 unit penalty (\$110).

Number of QINs issued

In 2007, 12,257,475 passengers arrived at Australia's major international airports, 12,966 were issued with formal written warnings and a further 4,271 were issued with QINs. Of the QINs issued 1,078 were 1-unit and 3,193 were 2-unit.

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Question: AQIS 06

Division/Agency: Australian Quarantine and Inspection Service

Topic: Size of Eastern Creek

Hansard Page: 101 (26/05/08)

Senator Heffernan asked:

Senator HEFFERNAN—How many hectares is the Eastern Creek site?

Mr Lihne—I am sorry, I could not give you the exact figure. I would have to take that on notice. I think it is about 18. It is quite a large site.

Answer:

The Australian Quarantine and Inspection Service lease at Eastern Creek Quarantine Station is 22.10 hectares.

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Question: AQIS 07

Division/Agency: Australian Quarantine and Inspection Service

Topic: Rapid Deployment Teams

Hansard Page: 104 (26/05/2008)

Senator Milne asked:

Senator MILNE—That requires that you have a relatively stable staff, and maintaining people in the places they currently are with that level of preparedness. Presumably each year you would need to do some kind of refresher and/or emergency procedure. Will that cost money? Or are you suggesting that people will just be able to do it as part of their day-to-day activities?

Ms Gordon—Yes, it is true that as staff move or as time passes, if there is no particular call on those skill sets, people lose their currency of those skills, and they will require upgrading training, as will new staff coming through. As Mr Hunter has indicated, we are still assessing which is going to be the best way to maintain those skill sets. We obviously train our airport officers in a whole range of skills and we are looking, among other options, at how we might integrate that into that sort of training as well.

Senator MILNE—Perhaps you might report some time later in the year. Could you take this on notice? When you do an assessment of what it is going to cost, I would be interested to know what you estimate will come from somewhere else in the department.

Answer:

As at 10 March 2008, AQIS had trained 150 staff in the Rapid Deployment Teams function, with approximately 200 staff expected to be trained by the end of June 2008.

From 1 July 2008, AQIS will incorporate this function into on-going staff training at airports with the first step being a train the trainer course. Costs will be funded from within existing AQIS resources.

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Question: AQIS 08

Division/Agency: Australian Quarantine and Inspection Service

Topic: Importation of Wheat

Hansard Page: 104-05 (26/05/08)/ (or Written question)

Senator Milne asked:

Senator MILNE—The other thing I want to ask you about is Ug99, wheat rust, which people are very concerned about coming out of Africa. Are we doing anything in terms of special surveillance in relation to that?

Ms Gordon—We might have to take that one on notice, unless Mr Lihne can help you.

Mr Lihne—I will take that on notice. The importation of wheat is highly restricted. We only allow wheat in from certain countries and under certain conditions. They normally go for processing in metropolitan areas. It is highly contained in that sense. We do import seed wheat for genetic purposes, but that has grown under quarantine conditions and it is the progeny of that which is released. In that period in quarantine it is tested for diseases such as rust, et cetera, to ensure that we do not bring in any material of that sort.

Senator MILNE—Are you confident that we can keep Ug99 out of Australia?

Mr Lihne—We have systems in place that are specifically designed to ensure that those sorts of diseases are not imported on seed that is brought into the country.

Senator MILNE—Presumably Uganda is one of the places we do not import it from?

Mr Lihne—I would need to take that on notice.

Answer:

Seed from plant species that are host to Ug99 is prohibited unless an import permit has been issued by the Director of Quarantine or delegate. The risk of introducing this rust is taken into consideration when assessing applications for a permit to import seed. No wheat is imported from Uganda.

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Question: AQIS 09

Division/Agency: Australian Quarantine and Inspection Service

Topic: Didymo

Hansard Page: 107 (26/05/08)

Senator Nash asked:

Senator NASH—Obviously in all the time we have been discussing this we have been focused on New Zealand. Are there any other countries that are a particular threat with this kind of work? If you are not able to answer that now I would appreciate if you could take it on notice.

Ms Gordon—I will take it on notice but my understanding is that a number of countries throughout the world do have the didymo but our particular concern with New Zealand is because of the number of Australians who would go there, or New Zealanders who might come to Australia as visitors, who go into those areas in New Zealand, into the rural areas particularly for fishing and other aquatic sports where didymo is in New Zealand and who are likely to bring it back on equipment, on their boots. It is about the nature of the algae itself and how long it can survive on the equipment.

Answer:

The Australian Quarantine and Inspection Service has been advised by Biosecurity Australia that the Didymo algae may be present in a further 68 countries in addition to New Zealand. These countries are listed in the **attachment**.

[AQIS 09 attachment]

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Question: AQIS 10

Division/Agency: Australian Quarantine and Inspection Service

Topic: Discovery of Mexican feather grass in Victoria

Hansard Page: 109 (26/05/08)

Senator Heffernan asked:

Can you tell me if the reports confirm that the Mexican feather grass plant, better known as Texas tussock, was sold at 18 Big W stores across Victoria recently.

Answer:

On 22 May 2008, Biosecurity Victoria advised Australian Quarantine and Inspection Service (AQIS) that Mexican feather grass plants were on sale in 18 Big W stores across Victoria. The plants had been positively identified by the Royal Botanic Gardens Melbourne as the Mexican feather grass (*Nassella tenuissima*).

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Question: AQIS 11

Division/Agency: Australian Quarantine and Inspection Service

Topic: Discovery of Mexican feather grass in Victoria

Hansard Page: 110 (26/05/08)

Senator McGauran asked:

Dr Roberts—We are getting a little mixed up with distribution and distribution, to put it bluntly. What we are talking about is that clearly it has been introduced and released in Australia at some time.

Senator McGAURAN—Illegally?

Dr Roberts—No, not necessarily. It was almost certainly brought in, probably as a garden ornamental or something, at some stage. We can probably check when. It may well have been introduced 100 years ago, for example, as some of these plants have. But I do not know that. We will take that on notice. What has happened is that it is growing in certain states but it is not throughout those states.

Answer:

Prior to 1999 Mexican feather grass could legally be imported into Australia. The Australian Quarantine and Inspection Service has no information on when Mexican feather grass was first imported into Australia.

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Question: AQIS 12

Division/Agency: Australian Quarantine and Inspection Service

Topic: Performance Indicators for the NAQS Program

Hansard Page: 125 (26/05/08)

Senator Scullion asked:

Ms Gordon— I will just refer back to the Ernst and Young report and recommendation 10. The reason for the comment there, as you would probably well understand, is that the government did not mandate particular performance indicators, but what we have done within the program is set up indicators for ourselves to monitor the work that we are doing and how effective we are at the work we are doing. NAQS has got two broad categories of activity. One is interventions in movements down through the Torres Strait, and some of that is airline passengers coming down from the Torres Strait onto the mainland. We have set up indicators so that we are actually monitoring the number of passengers that we intervene and the amount of non-permitted product that we pick up, so we would be able to provide you with data on those interventions. We would also be able to provide you with data on what surveys have been done domestically and surveys that have been done in countries to our near north where NAQS also undertakes work, and give you indications of the test on the samples that have been taken and the outcomes of those surveys.

Senator SCULLION—That would be very interesting and I am more than happy for you to provide that on notice as a lump.

Answer:

During 2007-2008, the Australian Quarantine and Inspection Service (AQIS), through the Northern Australia Quarantine Strategy (NAQS) Program, undertook the following activities:

Torres Strait Clearances 1 July 2007-30 April 2008

Pathway	Inspections	Seizures	Approach Rate*
Traditional Vessels	1957	142	25%
Vessels over 7m	599	181	**
Flights	7823	393	20%
Cargo	5122	374	4%

*1. Approach rate is calculated by Number of Seizures / No of Inspections x 100 during the targeted assessment period in November 2007.

**2. No vessels over 7 metres were recorded during the targeted assessment period.

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Pest and Disease Surveillance 1 July 2007-12 June 2008

Between 1 July 2007 and 12 June 2008, the NAQS Program undertook 44 pest and disease surveys in coastal northern Australia and the Torres Strait, four surveys in Papua New Guinea and one survey in Indonesia.

During the surveys within Australia, AQIS examined and sampled animals and plants in the region for all NAQS target list organisms. The current NAQS target list of pest and diseases is **attached**.

For surveys undertaken in Indonesia and Papua New Guinea, the list of pests and diseases to be surveyed is agreed prior to the survey with the relevant overseas authority in order to include the major pests and diseases of concern to both Australia and the host country. The pests and diseases incorporated in the surveillance include the NAQS target list pests and diseases and other diseases that are not known to be present in the relevant host country.

The exotic pests and diseases detected by AQIS in 2007-2008 as a result of surveillance activity were Citrus Bacterial Spot in Western Australia, Mango Gall Midge in the Torres Strait and Cape York Peninsular and a pig parasite (*Setaria thomasi*) on Gabba Island in the Torres Strait. These detections were all promptly referred to the Office of the Chief Veterinary Officer, Office of the Chief Plant Protection Officer and the relevant State or Territory authority.

[AQIS 12 attachment]

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Question: AQIS 13

Division/Agency: Australian Quarantine and Inspection Service

Topic: Benchmarking for pest and disease surveillance

Hansard Page: 125 (26/05/08)

Senator Scullion asked:

Senator SCULLION—In each of those areas do we have some sort of benchmark? For example in the Kimberley area where we have the Kalumbaroo sentinel herd, we shot 20 animals there including 14 donkeys. Plant pathology is consistently taken in Emu Bay, Double Island Bay and Bat Bay. Do we know that those same sentinel plants of interest to us have actually been taken? Do we have a level of confidence that we have covered those herds? As Senator Heffernan was indicating, you should be able to say: ‘We have tested them. We test them every six months. Just because they are wild does not mean we do not have the capacity to test them. We do test them. This is where the results are. This is where they can be found.’ It does not appear to me that I can find that information. I must say that I have not worked that hard to find it, but it is not evident. I do understand that much of that work is out there but I am wondering if you are moving to some specific benchmarking?

Ms Gordon— We would be able to provide that information. We have sentinel herds in various places around Northern Australia. We monitor fruit fly trappings on a regular basis. The people based across Northern Australia are engaged in consultative arrangements with their state and territory colleagues and with community groups there to identify the particular survey requirements year on year. We have specific target pests and diseases that we survey for. We also have particular requirements to survey and monitor incursions from illegal foreign fishing vessels as well as specific surveys for avian influenza. All of that data is available and we would be able to put together a fairly neat summary that might be of help to you.

Answer:

The Australian Quarantine and Inspection Service Northern Australia Quarantine Strategy (NAQS) Program formally reviews the relative quarantine risks of each area within the NAQS region on an annual basis to ensure all current pest and disease risks are accurately reflected. Surveys are undertaken using documented surveillance methodology to ensure activities are designed and samples are collected by the means most likely to detect the relevant pests and diseases of concern. NAQS surveillance activities are biased to increase the likelihood of detecting a pest or disease. For example, where possible, the program targets plants and animals that appear weak or diseased.

The NAQS Program currently operates one sentinel pig herd on Cape York Peninsular and bleeds cattle from four sentinel herds across the region. The majority of animal surveillance undertaken by the program on mainland Australia involves sampling from feral animals.

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Question: AQIS 14

Division/Agency: Australian Quarantine and Inspection Service

Topic: Benchmarking for pest and disease surveillance

Hansard Page: 126 (26/05/08)

Senator Scullion asked:

Senator SCULLION— I bet your bottom dollar you do not take fins, goggles and a snorkel. I have not seen quarantine officers ever dive underneath and grovel around in these places underwater. It is just a culture and it is not a bad thing. I know of a number of sightings and I have read the reports of most of the sightings. There is a sighting where someone has been ashore and scraped the vessel; they go ashore and look, drive or helicopter around; they do all those sorts of things. But is there any move to have some sort of a sentinel place? We do it generally with marine pests and establishing marine pests. Down south we have little artificial reefs where you hang on a buoy midwater, so if there are any things they will quickly adhere to them and it can be sampled regularly. Even before coming to this place I talked with the department about it. In terms of the marine biosphere and the quarantine impacts, are we thinking about moving seriously into that space?

Ms Gordon—I have to take that on notice and come back to you with some further comment on it. By and large we do not employ people and ask them dive. When there are foreign fishing vessels, we work closely with our colleagues in other departments including Customs, and dives are taken on the boats to identify whether there are marine pests that we need to be concerned about. I think that what you are identifying, however, is where there are wrecks or wreckage and there might still be pests adhering to the wrecks.

Answer:

Under the Intergovernmental Agreement on a National System for the Prevention and Management of Marine Pest Incursions, the States and the Northern Territory have responsibility for implementing surveillance systems at Australia's seaports with respect to marine pests.

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Question: AQIS 15

Division/Agency: Australian Quarantine and Inspection Service

Topic: Importation of products via New Zealand

Hansard Page: 127 (26/05/08)

Senator Nash asked:

Senator NASH—On average, how many queen bees come in in a year?

Dr Martin—Not very many. There have not been any to my knowledge for quite some time. We can find that out. I can talk to AQIS and find that out.

Senator NASH—Thank you.

Answer:

In the past five years eight import permits have been granted for queen bees (four in 2004; two in 2005; and two in 2006). The average number of bees on each permit is six.