



Australian Government

Department of Agriculture, Fisheries and Forestry
Biosecurity

Guidelines for Post Border Recovery Operations



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Purpose:

The purpose of this document is to provide guidance to DAFF staff on the recovery of non compliant goods detected after arrival in Australia.

Definitions

A post border recovery operation is when DAFF Biosecurity actively enters known premises with the intent to search for and remove imported goods which are not compliant with import conditions. A post border recovery operation cannot commence prior to SES approval.

A routine post border follow up is where DAFF Biosecurity directs the importer to recall or withdraw the goods from sale and consolidate these for treatment, export or destruction to manage the identified biosecurity risk.

Scope:

The scope of this document is limited to the recovery of imported goods that have been identified as non-complaint and are not under quarantine control. Non compliant goods may be identified through targeted campaigns, surveillance, intelligence by the Departments Investigations and Enforcement (I&E) Program, through a routine follow up of a Post Quarantine Detection (PQD) report or other means.

Post border recovery operations can extend to the removal of non compliant goods from Quarantine Approved Premises (QAPs), retail stores, cold stores, restaurants, cafes, private premises etc.

Approval for Post Border Recovery Operations:

The Assistant Secretary - Industry Arrangements and Performance in consultation with the Assistant Secretary - Cargo and Shipping, the Assistant Secretary - Business Assurance & Risk and Regional Managers is responsible for approving a post border recovery operation.

In determining whether to approve a post border recovery operation the Assistant Secretary will take into account:

- The biosecurity risk
- The anticipated type and quantity of goods involved
- The distribution of the goods (single or multiple regions)
- Whether a single commencement date or a phased approach across regions (where applicable) is the most appropriate course of action
- The anticipated timeframe to conduct the post border recovery operation
- Whether the goods recovered in the post border recovery operation will be used as evidence in the event of a prosecution.

Once approval has been given and communicated to all affected regions the overall co-ordination of the operation will be the responsibility of the Performance, Targeting and Effectiveness Program (PTEP) Canberra based staff.

Central Co-ordination:

The co-ordination of a post border recovery operation will be managed by the PTEP. The PTEP will:

- Establish and maintain a group email and contact list for use throughout the recovery operation.
- Liaise with regional staff and senior management to set a commencement date,
- Identify the number of premises involved.
- In consultation with Communications Branch, develop an information flyer for distribution to all affected parties. The purpose of this flyer will be to convey the reason and purpose of the operation. The flyer will outline the biosecurity risks and will seek the parties' assistance and cooperation. The flyer will be made available in both English and the most applicable language(s) for that operation).
- Where needed provide information about relevant cultural sensitivities.
- Provide a frequently asked questions guide for use by DAFF Biosecurity staff.
- Create a centralised electronic data storage location for collating information (photos of the goods, scanned copies of OIQ's and/or seizures, analytical test results, import documents etc.). Where applicable organise IT access to this centralised storage area.
- Produce and update translation guides as needed.
- Produce and update information material about the types of goods being recovered. This guide may include details such as product photos, analytical test results, importer details etc.
- In consultation with regional staff and management, coordinate secondments to ensure that the required staffing resources are available without compromising other areas of operation. Provide a centralised contact point for technical and operational support to handle queries such as ICON and import permit conditions on request.
- Liaise with I&E and regional staff to arrange appropriate transport and storage requirements for imported non compliant goods.

Commencement of a Post Border Recovery Operation:

An operation briefing will be undertaken prior to commencement. All staff and their supervisors who are involved in the post border recovery operation should attend the briefing. This briefing may be presented by Investigation and Enforcement program (I&E), senior management or a representative from the PTEP.

The briefing will cover:

- the scope of the recovery operation
- Regulatory powers under the *Quarantine Act 1908* to be used

- lines of communication
- anticipated treatment options (or scenarios)
- decision making
- whether there is I&E involvement or not
- involvement of the Industry Arrangement Management and their reporting needs,
- data collection
- how and where goods can be stored
- traceability and security of goods,
- security of goods during transport and storage
- transport requirements
- OH&S concerns
- Actions if permission to enter a premise is refused

Where applicable I&E will present their operational orders and any other specific requirements.

Costs

The cost code to use for monies spent on the transport, storage and destruction of seized goods is 123397 1100. This will also apply to goods that have been ordered into quarantine but cannot remain at their current location

Post Border Recovery Operational Guidelines:

Post border recovery teams are to consist of a minimum of two officers in all circumstances. The number of teams that attend a premise (retail outlets or QAPs) may vary depending on the anticipated size of the premise. For the smaller retail premises or QAPs it is not advisable to send more than one team due to physical space limitations (more so in retail stores that are still open for business). For larger retail outlets/super markets or high volume large QAPs then it may be advantageous to send more than one team.

Each team will be issued with a post border recovery kit – as per Attachment 2. All officers participating in post border recovery operations must be authorised Quarantine Officers appointed under the provisions of the *Quarantine Act 1908*. They must wear the official uniform and be well presented.

On arrival at the premises, officers are to identify themselves, request to speak to the person in charge, outline the purpose of the visit, seek permission to start inspecting the premise for products of concern. Inspections are to be focussed on goods that are in scope of the post border recovery operation. PTEP must be contacted if an officer identifies goods within the scope of the recovery operation that have not been previously determined as non-compliant (e.g. a same line of goods such as vegetable dumpling, where labelling indicates it may be non compliant but has not been previously confirmed as non compliant). PTEP will provide advice and guidance in these cases.

When conducting post border recovery operations at a retail premise, officers are to remain in contact with each other at all times. Retail premises will still be conducting

normal business and all efforts should be made not to hinder the sale of goods not in scope of the recovery operation.

Where items can be clearly identified as non-compliant, they can be seized or ordered into Quarantine. An item can be identified as non-compliant where it clearly matches with details of goods that have been determined as non-compliant. Details may include pictures of the product, importer/supplier/manufacture's details and goods/packaging descriptions.

Where goods are identified as potentially non-compliant, for example translations indicates the presence of meat but the good has not been previously identified as non-compliant, these are to be ordered into quarantine. Goods ordered into quarantine may be left at the premise if in the officer's opinion the person who signs the Order into Quarantine (OIQ) understands the goods cannot be moved or interfered with. If an officer is concerned about the security of the goods ordered into quarantine or if it is not practicable to leave the goods on site, then they are to be moved to a prearranged location as covered off in the operational briefing. All goods ordered into quarantine must be packed in such a way that the goods cannot be removed or tampered with. The packaging may be secured by using quarantine hold tape or other suitable methods. The duplicate (yellow) copy of the OIQs (sealed within a plastic sleeve) must be taped to the outside of the packaging or in a place that makes it obvious that the goods are ordered into Quarantine.

Goods ordered into quarantine must be photographed clearly showing the front and back of the product. Photographs must be high enough resolution that labelling can be read. Where a sticky label has been placed over the original labelling photographs with label on and then label removed are to be taken. Goods stored on the premise must be photographed in situ. In instances where goods have not been assessed for compliance, the officer is to seize the goods for assessment. Details are to be recorded on the OIQ and the goods secured in a tamper evident bag. Goods are to be stored and transported in a manner that maintains their integrity. No goods are to be sent for testing without approval from PTEP.

Seized goods at non QAP's cannot be left on site and must be moved to a predetermined location as covered in the operational briefing. Unless I&E advise otherwise, goods seized at a QAP may be secured on site if there is adequate room and appropriate security measures to ensure that the importer or owner of the goods cannot tamper or move the goods. Goods that are likely to be used as evidence by I&E are not to be left at the premise. They will need to be securely transported to a location specified by I&E.

Where goods are being moved they must be transported in the same conditions as they are stored to ensure that their integrity is maintained. An exception to this would be shelf stable goods can be transported chilled. The most appropriate transport methods must be used e.g. refrigerated truck, eskies or chilled or frozen goods etc.

Attachment 1: Post border recovery operations timeframe matrix

The table below can be used as a guideline to the relationship between the number of premises to be visited in a set timeframe and the number of teams needed to achieve that timeframe. Each team is based on two people and each team can on average visit three premises per day. These estimates can be used to determine how many officers are likely to be needed to complete a recovery operation within a specified timeframe. Where premises are small or contain little or no goods of concern the number of premises covered in one day by one team may be increased. Similarly one team may not be able to cover three premises a day if one or more of the premises is large or has a significant quantity of good present. When coordinating visits, there needs to be enough flexibility for additional premises per day to be added or premises are held over to the next day based on findings of the inspecting officers.

Number of teams	Average number of premises visited a day	Average number of premises that can be visited in 1 Week (5 working days)
1	3	15
2	6	30
3	9	45
4	12	60
5	15	75

Outlined below is a guide for determining the timeframe for a post border recovery operation based on the number of premises that need to be visited. This is based on the recovery of medium risk product such as non shelf stable semi processed goods (e.g. meat based dumplings). These timeframes may be altered by PTEP approving the recovery operation based on an altered risk status.

Number of premises to be visited	Timeframe for completion
1-45	5 working days
46-90	10 working days
91-135	15 working days
136-180	20 working days
180+	25 working days

Attachment 2: Checklist for the team tool kit.

Items	Essential/optional	Packed
Order into Quarantine forms	E	
Seizure forms	E	
Digital camera	E	
Spare batteries	E	
Authorised officer card	E	
Note book	E	
Spare pens	E	
Product recovery guide	E	
Translation guide	E	
Recovery operation specific PR information/flyer	E	
Quarantine stamp	E	
Permanent markers	E	
Highlighters	O	
Quarantine hold tape	E	
Plastic sleeves	E	
Knife	E	
Tamper evident bags	E	
Mobile phone	E	
Car charger for the mobile phone	O	
Blank labels	O	
Street map or GPS	E	
First Aid kit	E	
Gloves	O	
Esky (or equivalent) with ice bricks	E (where the goods subject to recovery are chilled or frozen)	
Quarantine bags or large garbage bags	E	
Quarantine seals	E	
Torch and spare batteries	E	
Backpack or suitable carry bag for the essential items	E	
Water	E	
Hand sanitiser	E	
Freezer jacket, gloves etc.	E (for visits to cold storage premises)	
High visibility vests/shirts (cold stores and QAPs only)	E	
Business cards	E	
Contact lists for central points of contact	E	
Applicable legislation	E	

Attachment 3: Officer Attributes for Recovery options

Post border recovery operations may not be suited to all DAFF Biosecurity officers. Officers will be required to enter a range of premises to recover non-permitted goods. While in most cases people will be cooperative there could be occasions when the officer may encounter hostility. It needs to be acknowledged that entering a retail environment (while open for business) to identify, contain and remove non-compliant products may be confronting to some officers. If this is the case these officers should not be identified for post border recovery operations. The table below outlines the basic training/experience and personal attributes officers need to effectively participate in post border recovery operations.

Training and Experience
Extensive quarantine experience (preferably post border past or present)
Ability to take contemporaneous notes
Previously completed the I&E training courses, dealing with difficult clients, contemporaneous note taking, evidence handling.
Conflict resolution/management training (preferred but not essential)
Personal Attributes
Confidence and can withstand being challenged
Empathetic but firm
Ability to liaise with a wide variety of people in various situations e.g. retail outlets while still open for business, QAP environment etc.
Patience
Resilient (there is the possibility that clients may not be happy with our presence and may forcibly voice their opinions)
Ability to make a decision based on evidence rather than what they are told
Ability to pay close attention to detail
Analytical skills
Ability to translate words using a prepared translation guide
Availability to work extended or flexible hours during a recovery operation