

Education and awareness

Introduction

- 5.1 The skill level of staff, and the quarantine awareness of stakeholders and the public is fundamental to achieving better quarantine performance. Public awareness can be effected by various means, including education campaigns; and prosecution and compliance activities arising when quarantine breaches are detected.

AFFA skill levels

- 5.2 In the 12 months following the May 2001 Budget, AQIS recruited and trained more than 1200 additional staff to respond to the quarantine threat.¹
- 5.3 The level of skill possessed by staff will result from targeting suitable recruits as well as providing training and development opportunities. During the inquiry, several witnesses commented on the skill level of AQIS staff. While many witnesses were generally satisfied, others were critical.
- 5.4 The Australian Society for Parasitology noted that training starts with science education in schools and continues through to postgraduate
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¹ AFFA, *Submission No. 14*, p. 127.

education at universities. It expressed concern that the discipline of parasitology was on the decline, citing the lack of parasitology departments in Australia universities. There was a consequent fall in post-graduate education in the discipline. The Society suggested a strategic national approach to training and education was needed to ensure a steady supply of graduates at different vocational levels in order to meet the future needs of organisations such as AQIS.²

5.5 The Society conceded, however that 'AQIS staff [were] pretty well trained and certainly [were] doing a very good job.'³

5.6 The Committee asked QEAC about the level of skill and expertise available within Australia and AQIS. QEAC responded that many of the recently appointed AQIS staff were graduates who, with appropriate training, might be capable of undertaking AQIS and Customs functions in various locations.⁴

5.7 A contrary view was provided by CSIRO's submission which stated that many new recruits appeared to have no formal qualifications in AQIS-related fields. As such they could pose a high level of operational risk and ineffectiveness.⁵ At the hearing, CSIRO elaborated by providing examples where CSIRO staff had had to advise AFFA staff about the information that needed to be transcribed on to import permits. CSIRO considered that a period of very rapid turnover within AFFA in previous years had resulted in the loss of corporate knowledge leading to inconsistent advice from AQIS.⁶

5.8 Despite these concerns, CSIRO informed the Committee that there had been an improvement and stated:

We would like to encourage AQIS to recruit staff, to encourage them to gain expertise and then to create employment opportunities that allow those staff to be retained, once they have gained that expert knowledge.⁷

5.9 Mr Peter Bennett raised concern about the skill level of AQIS staff, commenting 'currently you have people just walking off the street into many of these enforcement jobs with no qualifications other than the fact

2 Dr Richard Sandeman, *Transcript, 3 September 2002*, pp. 258-9; The Australian Society for Parasitology, *Submission No. 15*, p. 245.

3 Dr Richard Sandeman, *Transcript, 3 September 2002*, p. 258.

4 Mr Andrew Inglis, *Transcript, 16 July 2002*, p. 64.

5 CSIRO identified agriculture, horticulture, forestry, biology and geology as AQIS-related fields. See CSIRO, *Submission No. 9*, p. 76.

6 Dr Deborah Middleton, *Transcript, 3 September 2002*, p. 239.

7 Dr Robert Floyd, *Transcript, 3 September 2002*, p. 239.

that they want to be a public servant.⁸ In his proposal for a single border agency, Mr Bennett noted that there would be consistent recruitment, training and operational standards and that the staff would benefit from a more professional and expanded career path.⁹

- 5.10 Responding to comments about the skill levels of its staff, AFFA advised the Committee that in the last 12 months, it had focused in particular on training policies and practices to get new recruits and other staff 'up to speed'.¹⁰ AFFA's submission stated that AQIS had a policy of multi-skill training its inspection staff so they could undertake the full range of quarantine inspection tasks. Such training was fully accredited and involved on and off-the-job training, and verification of the required skills. AQIS inspection staff at smaller work locations performed various quarantine tasks on a daily and weekly basis while in Sydney, Melbourne and Brisbane. As well, staff rotation between the full range of quarantine tasks was actively cultivated. This provided considerable flexibility for operations to meet emerging risks.¹¹
- 5.11 As part of its long term strategy to deal with staff development, AFFA told the Committee that it had recently received accreditation for *Investors in People*.¹²
- 5.12 The Committee is satisfied that AFFA is recruiting appropriate personnel for its quarantine function.

Promoting Awareness

Stakeholder awareness

- 5.13 Many of the stakeholders consulted by the ANAO during its audit considered the concept of Australia's ALOP and the process by which it was set was not well explained by AFFA. Moreover, the audit found that some stakeholders misunderstood the role of Australia's ALOP in the IRA process, believing that:
- the ALOP was set at a level of no risk, whereas the policy states **low** risk;

8 Mr Peter Bennett, *Transcript*, 17 July 2002, p. 111.

9 Mr Peter Bennett, *Submission No. 21*, p. 293.

10 Ms Meryl Stanton, *Transcript*, 20 September 2002, p. 317.

11 AFFA, *Submission No. 45*, p. 516.

12 Ms Meryl Stanton, *Transcript*, 20 September 2002, p. 317.

- the ALOP varied from industry to industry, whereas the level of protection is applied **equally** across all industries;
 - factors such as regional impacts of industry restructuring, and the costs and benefits of increased import competition would be considered by AFFA, whereas the SPS Agreement **does not** allow these factors to be considered in the IRA and
 - IRAs focused just on the risk of a pest or pathogen entering Australia, whereas they consider the **combined** risk of entry, establishment and consequences within Australia.¹³
- 5.14 Stakeholders also advised the ANAO that it was often difficult to see the relationship between risk management measures resulting from an IRA and the ALOP. They sought a clearer explanation for conclusions and preferred treatment options and their rationale in relation to the ALOP.¹⁴
- 5.15 AFFA advised the Committee that Biosecurity Australia had an active communications strategy. This included the publication *Biosecurity Australia News* which:
- aimed to increase the awareness and understanding of the IRA process through explaining the context in which it operated, and progress of particular IRAs; and
 - provided updates on technical market access negotiations.¹⁵
- 5.16 Regarding individual IRAs, AFFA communicated to all interested stakeholders via:
- regular updates by memoranda;
 - public meetings;
 - workshops;
 - active engagement with domestic and international stakeholders who expressed particular interest in the IRA; and
 - information posted on AFFA's website.¹⁶

Committee Comment

- 5.17 The Committee is satisfied that AFFA has suitable mechanisms for increasing stakeholder awareness. In Chapter 2, the Committee concluded

13 ANAO, *Audit Report No. 47 2000-01*, p. 112.

14 ANAO, *Audit Report No. 47 2000-01*, p. 112.

15 AFFA, *Submission No. 14*, p. 129.

16 AFFA, *Submission No. 14*, pp. 129-30.

that Australia's ALOP was suitable and needed to be expressed in general qualitative terms. Because of the **qualitative** nature of the ALOP definition, the link with the **quantitative** IRA measures may be difficult for those outside the process to understand fully. The Committee considers the links should be made explicit.

Recommendation 14

- 5.18 **When quarantine measures are announced for the importation of a particular commodity, the Department of Agriculture, Fisheries and Forestry—Australia should specify how these measures relate to Australia's appropriate level of protection.**

Public Awareness

Education

- 5.19 AQIS conducts two major public education campaigns:
- *Quarantine Matters!*—conducted by AQIS and targeting Australian residents, travellers to Australia (including those of a non-English speaking background) and industry groups; and
 - *Top Watch*—conducted by NAQS and targeting communities and visitors to Northern Australia.¹⁷
- 5.20 AFFA provided the Committee with a resource kit which included a range of published material including brochures, postcards, advertisements, signage, videos, calendars and handbooks that are used by AQIS in their *Quarantine Matters!* and *Top Watch* campaigns.¹⁸

Quarantine Matters!

- 5.21 The first stage of the *Quarantine Matters!* campaign commenced in 1997 and ran until 2001. In this phase, AQIS used various methods to increase public awareness including:
- displays at travel and industry expos;
 - increased advertising in relevant magazines and newspapers;
 - an annual Quarantine Week;
 - annual National Quarantine Awards; and

17 AFFA, *Submission No. 14*, p. 130.

18 Exhibit No. 14, AFFA, *Quarantine Resource Kit*.

- increased use of news media to broadcast information about quarantine.¹⁹
- 5.22 AFFA advised the Committee that a survey in mid-2001 had shown the first phase of the campaign had been successful in raising general awareness.²⁰ However, the survey found that quarantine awareness among young people, aged between 18 and 24 was lower than average. Consequently, AFFA had put additional resources into targeting this age group.²¹
- 5.23 Phase Two of the *Quarantine Matters!* campaign began in the second half of 2001 and will continue through to 2004.
- 5.24 AFFA advised the Committee that the campaign now targeted key audiences and the 'as yet non-committed' individuals and groups, while maintaining and reinforcing the already high levels of awareness and compliance in the general community. There would also be greater emphasis on the use of news media opportunities and the use of a new range of mainly print-based advertising which targeted travellers, youth, and industry.²²

Top Watch

- 5.25 *Top Watch* is the quarantine awareness campaign specific to Northern Australia. The campaign is directed at local communities, industry groups, and visitors to Northern Australia. These groups are encouraged to report unusual pest or disease occurrences to AQIS officers. Key campaign activities for *Top Watch* include:
- visits by NAQS officers to communities and schools, and development of school projects;
 - the production of annual calendars for the Torres Strait and Cape York featuring local scenes and people, but coupled with relevant quarantine information;
 - weekly radio broadcasts in the Torres Strait and other remote areas;

19 Other methods included: improved printed information materials and their more effective distribution; a CD-ROM and web-based schools kits; specialist communications to non-English speaking audiences; a revised in-flight video for screening on in-coming flights; improved information on the AFFA website; and targeted products for specific high-risk industry groups. See AFFA, *Submission No. 14*, p. 130.

20 Survey results showed that 78% of residents said they had seen or heard something about quarantine in the previous 12 months, compared to 58% in 1999. s well, 56% of Australian residents felt they were well informed about quarantine regulations—an increase from 44% in 1999 and 37% in 1997. See AFFA, *Submission No. 14*, p. 131.

21 AFFA, *Submission No. 14*, p. 131.; Auditor-General, *Audit Report No. 47, 2000–01*, p. 75.

22 AFFA, *Submission No. 14*, pp. 131–2.

- quarantine signage on all inhabited Torres Strait islands; and
- talks and presentations by quarantine officers.²³

The Committee's observations during the inspections

- 5.26 At Sydney International Airport, the Committee observed the various quarantine signs and printed information available at the gateway including information in various languages. AQIS has recently introduced computerised display boards above the baggage collection conveyor belts which display quarantine information in languages appropriate to the incoming flight.
- 5.27 Staff at the international airport also told the Committee that the quarantine detector dogs were highly effective in promoting public awareness because when they arrived at the baggage collection area 'all eyes are on the dogs.'
- 5.28 During its inspection of the NAQS, the Committee noted the many public displays of *Top Watch*, the NAQS promotional material, and the high regard in which quarantine officers were held.

Committee comment

- 5.29 Awareness education will always be important in efforts to increase compliance with quarantine requirements, and engaging the public in the early detection of disease and pest incursions. However, the Committee notes that continuous exposure to the same message leads to saturation.
- 5.30 **Consequently, the Committee expects AFFA to continually find new and innovative ways to engage the public in the quarantine message.**

Prosecutions

- 5.31 AFFA advised the Committee that its compliance and prosecutions were underpinned by an AQIS-wide compliance and investigation program. All prosecutions were conducted in accordance with the prosecution policy of the Commonwealth through the Australian Government Solicitors Office (AGS) and the Director of Public Prosecution (DPP).²⁴
- 5.32 When items of quarantine risk were found at any border, the action taken can include:
- a verbal warning (for airport passengers only);
 - a written warning;

23 AFFA, *Submission No. 14*, p. 132.

24 AFFA, *Submission No. 47*, p. 538.

- a Quarantine Infringement Notice (for airport passengers only); or
 - action to proceed with prosecution.²⁵
- 5.33 Under the *Quarantine Act 1908* persons bringing or attempting to bring items of quarantine risk into Australia may be liable for prosecution. AFFA's supplementary submission commented that most penalties imposed under the Act arose from two types of offences:
- the illegal importation of goods in contravention of Section 67; or
 - the infringement notice offence as set out in Regulation 59 of the Quarantine Regulations 2000 (Quarantine Infringement Notice).²⁶
- 5.34 Under Section 67 of the Quarantine Act, the current maximum penalty is 10 years imprisonment, which can be converted to a pecuniary penalty involving possible fines of up \$66 000 for an individual or \$330 000 for a body corporate. Recent amendments to this section have resulted in tougher penalties if the illegal importation is commercially motivated. Maximum penalties in this case can include 10 years imprisonment and/or up to \$220 000 for an individual or \$1.1 million for a body corporate.²⁷
- 5.35 Quarantine Infringement Notices issued to incoming passengers at international airports have a maximum penalty of \$220. AFFA told the Committee that this fine had recently been doubled.²⁸ If a passenger elects to have the alleged quarantine breach heard in court, the maximum penalty for the same infringement is \$13 200 or 2 years imprisonment.²⁹

Airports

- 5.36 AFFA advised the Committee that at international airports, Customs was responsible for prosecuting passengers in breach of the Quarantine Act on behalf of AQIS. This occurred because passengers were also likely to be in breach of the Customs Act. Prosecutions were conducted by the AGS before a court of summary jurisdiction.³⁰
- 5.37 In the 2001–02 financial year:
- 12 595 Quarantine Infringement Notices were issued at international airports at an average of 1 049 per month (approximately 0.1% of

25 AFFA, *Submission No. 47*, p. 538.

26 AFFA, *Submission No. 47*, p. 538.

27 AFFA, *Submission No. 47*, p. 539.

28 Ms Meryl Stanton, *Transcript, 16 July 2002*, p. 29.

29 AFFA, *Submission No. 47*, p. 539.

30 AFFA, *Submission No. 47*, p. 539.

people issued with Notices elected to have the matter heard in court); and

- 221 airport border prosecutions were conducted with penalties ranging from \$440 to over \$10 000.³¹

5.38 The Committee notes a recent media release from the Minister for Agriculture, Fisheries and Forestry which detailed the results of three prosecutions for quarantine breaches:

- a 14-month suspended jail sentence and a fine of \$3 700 for an attempt to smuggle 386 bulb plants into Australia;
- a fine of \$6 000 for an attempt by an international student to smuggle 850 grams of chicken into Australia; and
- a fine of 'almost \$10 000' for an attempt by 'an experienced international traveller' to smuggle 1.5 kg of bacon into Australia.³²

International Mail

5.39 Prohibited items arriving in the mail are seized upon detection. If there is evidence suggesting the consignee has attempted to by-pass quarantine controls, the matter is referred to the AQIS Compliance and Investigation Program. In any prosecution AQIS has to prove intent by the identified recipient to import the prohibited good. AFFA advised this was often difficult to obtain, as it required a direct admission from the recipient or the overseas addressor.³³

5.40 If AQIS determined that the consignee had not deliberately attempted to breach the quarantine legislation, the consignee was notified by mail that the item had been seized and was provided with various options for addressing the quarantine risk.³⁴ The consignee was also sent an information pamphlet on quarantine and was requested to pass this information on to friends and family overseas. Where the consignor had repeatedly sent prohibited items or where a company had conducted a mail-out of a prohibited item, AQIS would contact the consignor directly.³⁵

5.41 AFFA advised that in 2001–02, there were 435 investigations which were resolved mainly through letters of warning from AQIS or the DPP. There

31 AFFA, *Submission No. 47*, p. 540.

32 Minister for Agriculture, Fisheries and Forestry, *Media Release, Courts mete out stiff quarantine penalties*, 23 November 2002.

33 AFFA, *Submission No. 47*, p. 540.

34 Possible options include treatment, re-export, or destruction.

35 AFFA, *Submission No. 47*, p. 540.

were currently 4 major investigations with possible subsequent referral to the DPP for prosecution.³⁶

Whether to prosecute

- 5.42 AFFA told the Committee that it was not always possible to have a blanket response to quarantine breaches at the border.³⁷ AFFA's supplementary submission stated that 'experienced quarantine officers applied judgement to each case based on training, precedent cases and standard work instruction procedures.'³⁸
- 5.43 When determining whether to prosecute, AQIS officers have take into consideration factors including:
- whether the goods were declared;
 - whether the goods were concealed with the intention of avoiding detection;
 - the quantity and risk associated with the goods;
 - language issues and the level of understanding of the passenger;
 - duration of visit;³⁹
 - seriousness of the matter; and
 - the likelihood of successful prosecution.⁴⁰
- 5.44 The Committee was told of a recent incident where a large family was coming through an airport and declared that it had no items of quarantine interest. However, a quarantine detector dog alerted an officer to the bags and the parents were questioned further. They were adamant that they did not have anything, but when the baggage was x-rayed and physically inspected, it was discovered that their children had 'squirreled away all sorts of things in the bags that the parents did not know about.'⁴¹
- 5.45 AFFA continued that the choices faced by the AQIS officer were to prosecute on the basis that there was a deliberate attempt to breach quarantine regulations; to issue an on-the-spot fine because of a false
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36 The 435 investigations include detections at International Mail Centres and International Cargo Clearance. See AFFA, *Submission No. 47*, p. 540.

37 Ms Meryl Stanton, *Transcript, 16 July 2002*, p. 21.

38 AFFA, *Submission No. 47*, p. 538.

39 Visitors may only be in Australia for a short period and may opt not to pay an on-the-spot fine and be prosecuted, knowing they will have left before the hearing date. See Mr John Cahill, *Transcript, 16 July 2002*, p. 29.

40 AFFA, *Submission No. 47*, p. 538.

41 Mr John Cahill, *Transcript, 16 July 2002*, p. 21.

declaration (albeit possibly unintended); or to provide some sort of education to the passengers. In the event:

... the quarantine officer sat down with his dog—a beagle—and the children sat around and he delivered a very effective quarantine message which I am sure they will not forget when they are travelling into Australia next time. I think that is probably much more effective than any other legal remedy that might have been available to us.⁴²

Committee comment

- 5.46 While many consider that Australia should have a blanket response to prosecuting those who breach quarantine regulations, the Committee believes this is not always possible or appropriate. The Committee considers it is correct for AQIS to rely on the judgement and experience of its quarantine officers when determining possible action for quarantine breaches.

42 Mr John Cahill, *Transcript, 16 July 2002*, p. 21.

