



Australian Government

**Australian Customs and
Border Protection Service**

INSTRUCTIONS AND GUIDELINES

FILE No: 2008/009053-01

**Detained Goods Management
Wildlife Goods
December 2010**

INTERNAL USE ONLY

BCS CLASSIFICATION: TDFC Procedures

FILE NUMBER: 2008/009053-01

THIS INSTRUCTION AND GUIDELINE REFERS TO:
PRACTICE STATEMENT NO: 2008/11 Detained Goods Management
PUBLISHED DATE: 18 MARCH 2008
REVIEWED DATE: 10 DECEMBER 2010
AVAILABILITY: INTERNAL AND EXTERNAL

SUBJECT: Detained Goods Management - Wildlife Goods
PURPOSE: The Australian Customs and Border Protection Service stores and disposes of wildlife specimens on behalf of and with the authority of the Department of the Environment Water Heritage & the Arts (DEWHA)
OWNER: National Director Cargo
CATEGORY: Operational Procedures
CONTACT: Director Air Cargo Improvement

The electronic version published on the intranet is the current Practice Statement.

SUMMARY OF MAIN POINTS

This document outlines the requirements and procedures surrounding detained wildlife goods, referred to as specimens and Customs and Border Protection action on behalf of the lead agencies:

- Agency with authority for wildlife goods
- Quarantine requirements
- Immediate disposal when a threat or hazard is identified
- Control and release of wildlife goods
- Disposal of forfeited wildlife goods

INTRODUCTION

These instructions have been developed to provide a framework to ensure the secure storage of goods and promote accountability and consistency in the operations of the Detained Goods Management (DGM) function. It is important that all DGM policies and procedures promote and reinforce integrity and transparency.

These instructions apply to the controls exercised on the management of Non Firearms with limited references to Firearms. Specific instruction on the management of Firearms, are contained in the Firearms & Weapons Custodial Firearms Manual – September 2009.

<http://intranet.customs.gov.au/goods/importing/reporting-items/documents/CustodialFirearmsManualSeptember2009.pdf>

The information contained in this instruction & guideline must not be disseminated outside Customs and Border Protection without direct permission from DGM Policy.

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INSTRUCTIONS AND GUIDELINES

Wildlife Specimens

The Australian Customs and Border Protection Service seizes, stores and disposes of wildlife specimens on behalf of and with authorisation by Department of the Environment Water Heritage & the Arts (DEWHA). Action by Customs and Border Protection on behalf of DEWHA is in accordance with the Memorandum of Understanding (MOU) between the two agencies and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999). The DEWHA & AC&BPS MOU can be found at:

http://intranet.customs.gov.au/resources/mous/mou-register2/MoUs/output/Front_view.asp?editid1=122

Record keeping

All documentation and correspondence must be appropriately filed, (refer separate instruction) and the DGMS must be kept up to date with the status of specimens detained.

DEWHA Permit requirements for wildlife and goods derived from wildlife

Under the EPBC Act, permits are required to:

- Import or export CITES listed specimens;
- Export specimens derived from native species not included in the exempt list; or
- Import live plants or animals included in part 2 of the list of plants and animals suitable for live import.

Permits are NOT required to import plants or animals that are included in part 1 of the list of plants and animals suitable for live import.

Permits are NOT required to export specimens that are, or are derived from, Australian native species that are listed as exempt under the EPBC Act.

Please refer to the Community Protection instructions & guidelines on Wildlife for all policy considerations and the EPBC Act lists.

Quarantine Considerations

Quarantine requirements will be taken into consideration when determining the priority and subsequent action required by the EPBC Act. Without exception, wildlife specimens cannot be stored in a Customs and Border Protection Detained Goods Store (DGS) or Temporary Storage Facility (TSF) without having been inspected and cleared by the Australia Quarantine Inspection Service (AQIS). This can be verified by checking the DEWHA seizure notice accompanying the specimens. Where there is no indication that the specimen has been inspected by AQIS, the specimens are not to be accepted for storage and the seizing line area must arrange for an AQIS inspection immediately. The Manager of the DGS facility must approve any divergence from this procedure. Please refer to separate DGM Instructions & Guidelines on AQIS procedures.

Where seized wildlife specimens are inspected by AQIS and identified as requiring treatment prior to release, the specimens may be held by AQIS until appropriate release documentation is received by Customs and Border Protection. If permits are issued and specimens subsequently released from Customs and Border Protection Control, the importer must

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arrange with AQIS to treat the specimens according to AQIS requirements. If the specimens have been forfeited by the importer at the time of seizure or no permit is issued and advice from DEWHA is received for the destruction of the specimens, AQIS is to be advised and they may destroy the specimens.

Immediate disposal

The MOU with DEWHA provides for the immediate disposal of wildlife specimens at the time of seizure if an environmental threat or health hazard exists. Where DEWHA considers the disposal of the specimen justified, DEWHA will authorise the destruction within 24 hours. It is essential, for audit purposes, that a written authorisation (in any format) is obtained and retained in the appropriate registry file as a record of the disposal.

There may also be circumstances where stored wildlife specimens are identified as deteriorating or posing a potential health risk over a period of time. In these circumstances, DEWHA is to be advised so that they can make a determination as to whether the specimen can be destroyed prior to the finalisation of the seizure period.

Damage or Loss of Specimens

In all circumstances where wildlife specimens have been damaged or are lost whilst in a Detained Goods Store (DGS) or Temporary Storage Facility (TSF), the Manager of the facility must be advised. The matter must be reported to DEWHA and Supervisor DGM. This communication is to be documented and kept on the relevant file.

Release of Wildlife Specimens

Release details must be entered immediately into the DGMS and all documentation must be filed in relevant registry files.

Release of Wildlife specimens from the DGS can occur when DEWHA advises in writing;

- the specimen is not controlled
- a permit has been issued for the import of the specimen (the original permit must be surrendered to Customs and Border Protection)
- the specimen may be re-exported (cost of re-export is at the owner's expense)
- the specimen may be transferred to another person or authority or
- Customs and Border Protection may dispose of the specimen

Wildlife specimens should only be released after:

- The receiver's identity has been verified
- If the person claiming the specimen is not the owner, approval from DEWHA authorising the nominated third person to collect the specimen is required
- Any original permits have been surrendered
- The DGMS "Non-Firearms Release/Transfer Receipt" has been signed
- All AQIS requirements have been complied with

Release Documentation – for home consumption

Release documentation should consist of the following:

- Completed DGMS "Non-Firearms Release / Transfer Receipt"
- Original Permit or copy of advice that the specimens are not controlled
- Customs and Border Protection copy of the original Seizure Notice

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- Authorisation for third party to act on owner's behalf, if applicable
- Any other relevant documentation

Release Documentation – for re-export

Re-export documentation should consist of the following:

- Completed DGMS produced “Non-Firearms Release / Transfer Receipt”
- Overseas address
- Exporter's signature
- Witness
- Evidence of export (Australia Post stamp, Customs port stamp PAX)
- Relevant export permits
- Customs and Border Protection copy of the original Seizure Notice
- Any other relevant documentation

Export Options

Refer separate instruction and guideline on exporting which specify the circumstances to be met for re-exporting goods.

Transfer of Wildlife Specimens

DEWHA may approve for a specimen to be transferred to their office, to another person or authority, or to the Australian Customs and Border Protection Service as training aides.

If seized wildlife items require transfer to DEWHA the items are to be sent by courier. For items that, by law, must be transferred to DEWHA then the cost of this transfer will be born by Customs & Border Protection. Items in this category include ivory and rhino horn.

The cost for the transport of items that do not require mandatory transfer will be born by DEWHA. Goods in this category are generally specimens that they have requested for further analysis or educational purposes. Goods of this nature can be posted to DEWHA using their 'Reply Paid' postal service.

International Wildlife Trade

Department of the Environment, Water, Heritage and the Arts
Reply Paid 787
CANBERRA ACT 2601

The transfer is to be recorded in DGMS as “Transfer to External Agency”. The transfer form that is generated in DGMS is to be sent with the specimens. The addressee is to be advised to sign for receipt of the specimen and to return the document to Customs and Border Protection.

Release Documentation – for external transfer

Transfer documentation is to consist of the following:

- Written advice from DEWHA authorising the transfer
- Copy of the Courier companies' consignment note
- the DGMS produced “Transfer to External Agency” form
- the seizure notice

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- any other associated documentation

Specimens for disposal

After ninety days from the date of seizure, Customs and Border Protection DGS staff will provide a list to DEWHA, via electronic transmission, of all specimens still in the DGS and about which no correspondence has been received from DEWHA. Authorisation for destruction will then be provided from DEWHA identifying the goods through the DGS disposal lists. It is essential, for audit purposes, that a written authorisation for disposal (in any format) is obtained from DEWHA and retained in the appropriate registry file as a record of the disposal.

Difference between a permit and a certificate issued by DEWHA

- A permit is issued to allow legal international trade in either CITES listed or Australian native, wildlife and wildlife product. The original of the permit should be retained by customs once the shipment has been finalised.
- The original Certificate of Release (certificate) that is issued when a decision has been made to release a CITES item back to the person from which it was seized should be retained by the person as it is their proof that the item was returned to them.

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RELATED POLICIES AND REFERENCES

PRACTICE STATEMENTS

Detained Goods Management 2008/11

OTHER INSTRUCTIONS AND GUIDELINES

Refer to list on Practice Statement 2008/11

Community Protection on Wildlife and the EPBC Act lists

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding between Australian Customs Service (now Australian Customs & Border Protection Service) and Environment Australia (now Department of the Environment Water Heritage & Arts) in relation to administration of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999).

KEY ROLES AND RESPONSIBILITIES

Account for the secure storage and proper disposal of goods held by the Australian Customs and Border Protection Service in approved locations.

CONSULTATION

INTERNAL

The following internal stakeholders have been consulted in the development of these Instructions and Guidelines.

- Cargo - regional Detained Goods Management work areas.
- Cargo – Air Cargo Improvement
- Trade Policy & Regulation - Community Protection – Wildlife, Environment and Consumer Goods

PARTNER AGENCIES

- Department of the Environment Water Heritage & Arts
- Australian Quarantine & Inspection Service

APPROVAL

Approved on	10 December 2010	
By	Raelene Vivian National Director Cargo Division	
Review Period	Annually	

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