

EXPLANATORY STATEMENT

Biosecurity Act 2015

Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Amendment (Honey and Bee Products) Determination 2016

Legislative Authority

Subsection 174(1) of the *Biosecurity Act 2015* empowers the Director of Biosecurity and the Director of Human Biosecurity to jointly determine that specified classes of goods must not be brought or imported into Australian territory unless specified conditions (including conditions for administrative purposes) are complied with.

The *Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016* (the Goods Determination) is made by the Director of Biosecurity and the Director of Human Biosecurity under subsection 174(1) and provides that specified classes of goods must not be brought or imported into Australian territory unless specified alternative conditions are complied with. The alternative conditions are also specified in the Goods Determination.

The Goods Determination does not apply in relation to goods that are, or are intended to be, brought or imported into Christmas Island or Cocos (Keeling) Islands; or goods that are, or are intended to be, brought or imported into Norfolk Island on or after 1 July 2016.

Purpose

The purpose of the proposed amendments to the Goods Determination is to manage the biosecurity risk of European foulbrood being introduced into Western Australia, through imported honey and bee products, to an acceptably low level. To achieve this, the specified honey and bee products entering or unloaded into Western Australia without an import permit, will need to be accompanied by a certificate issued by the government of the exporting country in a form approved by the Director of Biosecurity.

Background

Western Australia is not affected by European foulbrood (a bee infection caused by the bacterium *Melissococcus plutonius*). Introduction and spread of European foulbrood in Western Australia would affect local apiaries, feral honeybee populations and Western Australia's live honeybee export market.

The proposed amendments to the Goods Determination will impose the same requirements that existed under Western Australia's state legislation, prior to the implementation of the *Biosecurity Act 2015* on 16 June 2016.

Impact and Effect

The impact is that there is now a requirement for the specified honey and bee products to be accompanied by a certificate issued by the government of the exporting country, in a form approved by the Director of Biosecurity, if they enter or are unloaded in Western Australia without an import permit. This requirement is the same for small businesses, larger businesses

and non-commercial importers because the biosecurity risk is inherent in the products, regardless of the size or frequency of the import.

The regulatory costs arising from requiring a certificate will be limited to assessing certificates and inspections of products. Costs associated with inspection of products already exist. The proposed amendments enable a biosecurity measure against the biosecurity risk of European foulbrood being introduced into Western Australia. The regulatory costs of the biosecurity measure are small in comparison to regulatory costs arising from European foulbrood establishing in Western Australia.

Consultation

The Department of Agriculture and Water Resources (the department) has liaised with the Western Australian government who requested that legislative measures be reintroduced to manage the biosecurity risk associated with European foulbrood. The department has also liaised with members of the Western Australian bee industry, including the Bee Industry Council of Western Australia. These bodies are supportive of the proposed amendments.

The Office of Best Practice Regulation was consulted in the preparation of the amendments to the Goods Determination and advised that a regulatory impact statement is not required (ID 21071).

Details/Operation

The specific statements and requirements of the certificates will be maintained in the Biosecurity Import Conditions System (BICON). An import permit will not be required.

BICON houses the Australian Government's Biosecurity import conditions database for more than 20,000 plants, animals, minerals and biological products. It is available to the public and helps importers determine what import conditions exist and if an import permit is required. Having the specific statements and requirements of the certificates in BICON will enable importers and the governments of the exporting countries to easily access this information.

The details of the proposed amendments to the Goods Determination are set out in the [Attachment](#).

Other

The determination is a legislative instrument but, under subsection 174(5) of the *Biosecurity Act 2015*, section 42 (disallowance) of the *Legislation Act 2003* does not apply to the determination. Consequently, a Statement of Compatibility with Human Rights is not required.

Details of the Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Amendment (Honey and Bee Products) Determination 2016

Section 1 — Name

This section provides that the name of the determination is the Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Amendment (Honey and Bee Products) Determination 2016.

Section 2 — Commencement

This section provides for the determination to commence on the day after the determination is registered on the Federal Register of Legislation.

Section 3 — Authority

This section provides that the determination is made under section 174 of the *Biosecurity Act 2015*.

Section 4 — Schedules

This section provides that the Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016 is amended as set out in the applicable items in Schedule 1 of the determination.

Schedule 1 — Amendments

Item 1 inserts “(1)” before “For” in section 19 of the Goods Determination. The effect of this is to create subsection 19(1) in section 19. Subsection 19(1) maintains the current alternative conditions for bringing or importing honey and certain bee products into Australian territory.

Item 2 inserts a new subsection 19(2) which adds the table specifying the alternative conditions, that are additional to the alternative conditions specified in subsection (1), for certain honey and bee products that enter, or are unloaded in, Western Australia.

The honey and bee products specified are: honey (whether or not containing honeycomb); honeycomb; propolis; and royal jelly. Some exceptions (relating to small volume imports) to the requirement to have a certificate for these products have also been specified.

The additional alternative conditions specified are that if the honey and bee products enter, or are unloaded in Western Australia, they are accompanied by a certificate, issued by the government of the exporting country, in a form approved by the Director of Biosecurity.