



# **Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination (No. 2) 2017**

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I, Daryl Quinlivan, Director of Biosecurity, make the following determination.

Dated 27 February 2017

Daryl Quinlivan  
Director of Biosecurity

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## 1 Name

This is the *Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination (No. 2) 2017*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 6 and anything in this instrument not elsewhere covered by this table	On the day after this instrument is registered	
2. Schedule 1	On the day after this instrument is registered	
3. Schedule 2	On the 7th day after the day on which this instrument is registered	
4. Schedules 3 to 5	On the day after this instrument is registered	
5. Schedule 6	On the 7th day after the day on which this instrument is registered	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under subsection 182(1) of the *Biosecurity Act 2015*.

## 4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) ALOP;
- (b) approved arrangement;
- (c) Australian territory;
- (d) Christmas Island;
- (e) Cocos (Keeling) Islands;
- (f) goods.

In this instrument:

*Act* means the *Biosecurity Act 2015*.

*area to which the WSSV Movement Control Order relates* means the area to which the WSSV Movement Control Order relates as set out in paragraph 3 of the Order.

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**external Territory to which the Act extends** means the following:

- (a) Christmas Island, including the airspace over it and its coastal sea;
- (b) Cocos (Keeling) Islands, including the airspace over it and its coastal sea;
- (c) Norfolk Island, including the airspace over it and its coastal sea.

**mainland Australia** means Australian territory other than the external Territories to which the Act extends.

**principal determination** means the *Biosecurity (Suspended Goods – Uncooked Prawns) Determination 2017*.

**proscribed class of goods** means the class of goods to which Part 2 of the principal determination applies.

Note: The class of goods to which Part 2 of the principal determination applies is set out in section 7 of the principal determination.

**secure supply chain** means the biosecurity integrity program arrangements with the Thai Department of Fisheries that relate to the processing of prawns harvested in Australia and exported to Thailand for import back to Australia, which were announced by the Department on 27 August 2015.

Note: See the Import Industry Advice Notice “New Conditions for the Import of Raw Frozen Wild caught Australian Prawns from Approved Processing Factories in Thailand”, Ref: 69-2015, published by the Department on 27 August 2015. In 2017, the Notice could be accessed from <http://www.agriculture.gov.au>.

**WSSV** means white spot syndrome virus.

**WSSV Movement Control Order** means the movement control order as notified in the “Movement Control Order Notice (Logan and Albert Rivers) – White Spot Syndrome Virus”, made under the *Biosecurity Act 2014* (Qld), on 20 January 2017.

Note: In 2017, the WSSV Movement Control Order could be accessed from <https://www.daf.qld.gov.au>.

## 5 Reasons for making this determination

- (1) For subsection 182(5) of the Act, my reasons for making this determination are as follows:
  - (a) the principal determination suspends the bringing or importing into Australian territory of goods included in the proscribed class of goods;
  - (b) having undertaken further assessment of the biosecurity risks associated with the proscribed class of goods, I am of the view that it is possible to except further goods from the suspension, for the detailed reasons set out in:
    - (i) for the amendments to paragraphs 7(3)(aa) and 7(3)(a) of the principal determination—subsection (2); and
    - (ii) for prawns sourced from Australian territory other than the area to which the WSSV Movement Control Order relates—Schedule 3; and
    - (iii) for uncooked prawns and prawn meat intended to be used as laboratory or food samples for analysis—Schedule 4; and
    - (iv) for transhipped uncooked prawns and uncooked prawn meat intended for outgoing passenger vessels engaged in international travels—Schedule 5; and
    - (v) for prawns harvested in Australia and exported to Thailand for import back to Australia—Schedule 6.

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- (2) For subparagraph (1)(b)(i), the amendments are to clarify the existing exceptions in order to ensure that the exceptions are limited to prawns sourced from the exclusive economic zone or New Caledonia, and brought or imported directly into Australian territory without first having been brought or imported into any other country.

## **6 Schedules**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments commencing on the day after registration

### *Biosecurity (Suspended Goods – Uncooked Prawns) Determination 2017*

#### 1 Section 5 (Note)

Omit, substitute:

Note: This section sets out the reasons for making this determination in its original form. This determination has been amended by:

- the *Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination 2017*; and
- the *Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination (No. 2) 2017*.

The reasons for making these amendments are set out in the amending determinations.

#### 2 Section 6 (Note 1, after paragraph (c))

Insert:

; (d) passenger vessel.

#### 3 Section 6

Insert:

*area to which the WSSV Movement Control Order relates* means the area to which the WSSV Movement Control Order relates as set out in paragraph 3 of the Order.

*WSSV Movement Control Order* means the movement control order as notified in the “Movement Control Order Notice (Logan and Albert Rivers) – White Spot Syndrome Virus”, made under the *Biosecurity Act 2014* (Qld), on 20 January 2017.

Note: In 2017, the WSSV Movement Control Order could be accessed from <https://www.daf.qld.gov.au>.

#### 4 Paragraph 7(3)(aa)

After “from such prawns”, insert “, and brought or imported into Australian territory without first having been brought or imported into any other country”.

#### 5 Paragraph 7(3)(a)

After “New Caledonia”, insert “and brought or imported into Australian territory without first having been brought or imported into any other country”.

#### 6 At the end of subsection 7(3)

Insert:

; (f) either:

- (i) uncooked prawns sourced from Australian territory other than the area to which the WSSV Movement Control Order relates; or
- (ii) uncooked prawn meat sourced from such prawns;  
that are brought or imported into Australian territory without first having been brought or imported into any other country;
- (g) uncooked prawns and uncooked prawn meat intended for use as laboratory or food samples for analysis;
- (h) uncooked prawns and uncooked prawn meat intended to be transhipped to a passenger vessel that intends to leave Australian territory from a landing place or port in Australian territory.

## **Schedule 2—Amendments commencing 1 week after registration**

### ***Biosecurity (Suspended Goods – Uncooked Prawns) Determination 2017***

#### **1 Section 6**

Insert:

*secure supply chain* means the biosecurity integrity program arrangements with the Thai Department of Fisheries that relate to the processing of prawns harvested in Australia and exported to Thailand for import back to Australia, which were announced by the Department on 27 August 2015.

Note: See the Import Industry Advice Notice “New Conditions for the Import of Raw Frozen Wild caught Australian Prawns from Approved Processing Factories in Thailand”, Ref: 69-2015, published by the Department on 27 August 2015. In 2017, the Notice could be accessed from <http://www.agriculture.gov.au>.

#### **2 At the end of subsection 7(3)**

Insert:

- ; (i) uncooked prawns and uncooked prawn meat deriving from prawns that, in accordance with the secure supply chain, were:
- (i) wild-caught in Australian territory other than the area to which the WSSV Movement Control Order relates; and
  - (ii) exported to Thailand, either in the form of uncooked prawns or uncooked prawn meat, for processing in Thai Union Group Public Company Limited, 79/233 Moo 7, Sethakit 1 Road, Tambon Tarsai, Amphur Muang, Samutsakorn 74000, Thailand.



## **Schedule 3—Reasons—prawns sourced from Australian territory other than the area to which the WSSV Movement Control Order relates**

Note: See subparagraph 5(1)(b)(ii).

The principal determination suspends the bringing or importing into Australian territory of goods included in the proscribed class of goods.

When read with the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016*, one effect of the principal determination is to suspend the bringing or importing of such goods:

- into mainland Australia from an external Territory to which the Act extends; or
- into an external Territory to which the Act extends from mainland Australia; or
- into an external Territory to which the Act extends from another such external Territory.

The Department has assessed the biosecurity risks associated with WSSV in relation to these movements of goods. As a result of this assessment, it is now thought that these movements, other than in relation to prawns sourced from the area to which the WSSV Movement Control Order relates, represent an acceptable level of biosecurity risk that meets Australia's ALOP.

### **Prawns harvested from mainland Australia**

Uncooked prawns harvested (whether farmed or wild caught) within mainland Australia, other than the area to which the WSSV Movement Control Order relates, and uncooked prawn meat sourced from such prawns, represents an acceptable level of biosecurity risk that meets Australia's ALOP, on the basis that:

- Prior to the Logan River outbreak in late November 2016 (see paragraph 5(d) of the principal determination), WSSV was considered exotic to Australian territory.
- Since that outbreak:
  - White spot disease has only been reported in prawn farms located in the Logan River region including the Woongoolba, Steiglitz and Alberton areas (including the Logan River Control Area).
  - WSSV has been detected in prawns caught from one wild sample site in southern Moreton Bay outside of the Logan River, adjacent to an infected farm. However, the source (farm escapees or wild) of these prawns is under investigation.
- The Queensland government has placed a Movement Control Order (the WSSV Movement Control Order) on the movement of decapod crustaceans, polychaete worms or water from the Logan River for 3 months, enforced from the 22 January 2017.

It is therefore reasonable to consider that uncooked prawns harvested (whether farmed or wild caught) from mainland Australia, other than the area to which the WSSV Movement Control Order relates, and uncooked prawn meat sourced from such prawns, represent an acceptable level of biosecurity risk to the external Territories to which the Act extends that meets Australia's ALOP.

The WSSV Movement Control Order is valid for 3 months from the 22 January 2017. If the Queensland government does not extend the Movement Control Order or apply an equivalent movement control measure after the expiration date, the Department will need to review biosecurity risks.

### **Prawns harvested from external Territories to which the Act extends**

White spot disease has not been reported in the external Territories to which the Act extends. Further, no commercial prawn fisheries or aquaculture industries exist or operate in those external Territories from which to harvest and export prawns to mainland Australia or to other such external Territories.

It is therefore reasonable to consider that bringing or importing prawns harvested (farmed or wild caught) from the external Territories to which the Act extends, and uncooked prawn meat sourced from such prawns, into mainland Australia or another such external Territory, represents an acceptable level of biosecurity risk for WSSV that meets Australia's ALOP.

## **Schedule 4—Reasons—uncooked prawns and uncooked prawn meat intended for use as laboratory or food samples for analysis**

Note: See subparagraph 5(1)(b)(iii).

Uncooked prawns and uncooked prawn meat imported as laboratory or food samples for analysis represent an acceptable level of biosecurity risk that meets Australia’s ALOP on the basis that:

- Before the principal determination suspended the bringing or importing of goods in the proscribed class of goods into Australian territory, it was possible to bring or import samples of uncooked prawns and uncooked prawn meat as laboratory or food samples for analysis into Australian territory. However, a valid import permit issued by the Department was required, under the Act and instruments made under it, to import such goods for this purpose. If the principal determination were to be amended so as to permit the bringing or importing of uncooked prawns and uncooked prawn meat imported as laboratory or food samples for analysis into Australian territory, these arrangements would apply once more to the importation.
- Each import request is assessed on a case-by-case basis and appropriate biosecurity conditions are applied commensurate to the biosecurity risk of the sample. This includes specifying the laboratory or approved arrangement that the sample is sent to.
- Samples of prawns intended for food testing are sent to a Class 5.1 biosecurity containment (BC) level 1 laboratory or approved arrangement where transport, storage, security, and disposal of goods are strictly controlled. Requirements relating to approved arrangements for Class 5.1 biosecurity containment level 1 laboratory are detailed in the Department’s publication *Approved Arrangement for 5.1: Biosecurity containment level 1 (BC 1) Requirements*, 4 July 2016, available at <http://www.agriculture.gov.au/SiteCollectionDocuments/biosecurity/import/arrival/approved-arrangements/class-5.1.pdf>.
- All other imported prawn samples (tissue, fluid, laboratory animals) are sent to a laboratory (approved arrangement) with at least a Class 5.1 biosecurity containment (BC) level 1, where they are transported, stored, secured, and disposed of in a manner that addresses potential biosecurity risk.

The import conditions which would apply to imported uncooked prawns and uncooked prawn meat as laboratory or food samples for analysis, manage the biosecurity risk with respect to WSSV to a level that is within Australia’s ALOP.

## **Schedule 5—Reasons—transhipped uncooked prawns and uncooked prawn meat for outgoing passenger vessels engaged in international travels**

Note: See subparagraph 5(1)(b)(iv).

Uncooked prawns and uncooked prawn meat for outgoing passenger vessels engaged in international travels (that is, transhipped goods) represent an acceptable level of biosecurity risk that meets Australia's ALOP on the basis that:

- Transhipped goods, including uncooked prawns and uncooked prawn meat, are subject to stringent biosecurity risk management measures between entry into Australian territory and loading onto passenger vessels bound for international locations.
- Full control and security of the integrity of these goods is maintained whilst they are in Australian territory.
- On-shore biosecurity management measures for transhipped goods include 'seals intact' storage. Movement to outgoing passenger vessels must be under the supervision of a biosecurity officer. Deconsolidation of these goods is not permitted without approval from the Department. The Department would take biosecurity risks into account when deciding whether to give such an approval.
- Further, the Department has biosecurity controls in place for the use and waste disposal of these goods on passenger vessels whilst in Australian waters (within 12 nautical miles from the coast). Passenger vessels sailing in Australian waters are not permitted to remove goods without the approval of a biosecurity officer. This covers prohibiting discharge of uncooked prawns and uncooked prawn meat into Australian waters and using uncooked prawns and uncooked prawn meat for fish feeding, bait or berley, in connection with fishing or tourist operations.

The measures in place for transhipped goods are considered sufficient to manage the biosecurity risk with respect to WSSV to a level that is within Australia's ALOP.

## **Schedule 6—Reasons—prawns harvested in Australia and exported to Thailand for import back to Australia**

Note: See subparagraph 5(1)(b)(v).

Uncooked prawns and uncooked prawn meat deriving from prawns that, in accordance with the secure supply chain, were:

- wild-caught in Australian territory other than the area to which the WSSV Movement Control Order relates; and
- exported to Thailand, either in the form of uncooked prawns or uncooked prawn meat, for processing at Thai Union Group Public Company Limited, 79/233 Moo 7, Sethakit 1 Road, Tambon Tarsai, Amphur Muang, Samutsakorn 74000, Thailand;

represent an acceptable level of biosecurity risk that meets Australia's ALOP.

This on the basis that:

- The Department recognises Thailand's Department of Fisheries as a competent authority which has the structure, resource capacity and operational framework capable of administering effective traceability and biosecurity policy for the production of fish and fishery products.
- In 2015, the secure supply chain used to process prawns harvested in Australia and exported to Thailand for import back to Australia was assessed through a desk audit and in-country verification visit. The assessment concluded that the robust biosecurity and traceability systems in place were adequate to ensure product integrity throughout processing in Thailand.
- Prior to the Department officially recognising Thailand's Department of Fisheries' ability to oversee the secure supply chain, all Australian prawns processed at Thai Union Group Public Company Limited's facility and imported back to Australia were subject to 100 per cent on-arrival testing in line with the policy for all raw imported prawns. From October 2011 to August 2015 (when testing requirements were removed) there was no confirmed positive results for WSSV in prawns imported through this pathway.
- A review of export and import volumes of product processed through this pathway found no evidence of additional product being added to the supply chain for import back to Australia.
- Uncooked prawns imported into Australia through this approved pathway may have a higher likelihood of exposure to susceptible species than cooked or highly processed prawn products. However, confidence in the integrity of the system provides the Department with the assurance that it is unlikely that these products will be contaminated with WSSV.

- In order to ensure that product processed through this pathway continues to meet Australia’s ALOP, the Department will implement on-arrival testing for WSSV and yellow head virus for the remainder of the period of operation of the principal determination. This will include:
  - holding the product in an approved arrangement pending confirmation of a negative test result; and
  - ordering the product to be exported from Australian territory, destroyed or cooked if a positive test result is found.