



Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination (No. 3) 2017

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

Dated 3 April 2017

Daryl Quinlivan
Director of Biosecurity

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1 Name

This is the *Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination (No. 3) 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	The day after this instrument is registered.	
2. Schedule 1	The day after this instrument is registered.	
3. Schedule 2	The day after the end of the period of 4 weeks beginning on the day this instrument is registered.	
4. Schedules 3 and 4	The day after 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Note: This table relates only to the provisions of this instrument as originally made.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) goods.

In this instrument:

Act means the *Biosecurity Act 2015*.

overseas authority means an authority that is on the List of Overseas Authorities—Aquatic Animals for Import, which is the list with that name prepared by the Director of Biosecurity and published on the Department’s website, as existing on 16 June 2016.

Note 1: A body is included in the List of Overseas Authorities—Aquatic Animals for Import if the Director of Biosecurity is satisfied that the body is competent to certify that biosecurity risks

associated with aquatic goods that are, or are intended to be, brought or imported into Australian territory have been managed to an acceptable level.

Note 2: In 2017, the Department's website was <http://www.agriculture.gov.au/>.

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.

WSSV means white spot syndrome virus.

YHV means yellowhead virus (genotype 1).

5 Reasons for making this determination

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 set out in Schedule 1—Schedule 3; and
 - (ii) for Australian wild-caught prawns processed overseas and re-exported to Australia—Schedule 4.

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)

Insert, at the end of the bulleted list:

; and • the *Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination (No. 3) 2017*.

2 Section 6 (definitions of area to which the WSSV Movement Control Order relates and WSSV Movement Control Order)

Repeal the definitions (including the note).

3 Paragraph 7(3)(f)

Before “either”, insert “subject to subsection (4),”.

4 Subparagraph 7(3)(f)(i)

Omit “other than the area to which the WSSV Movement Control Order relates”.

5 Paragraph 7(3)(i)

Before “uncooked” (first occurrence), insert “subject to subsection (4),”.

6 Subparagraph 7(3)(i)(i)

Omit “other than the area to which the WSSV Movement Control Order relates”.

7 After subsection 7(3)

Insert:

- (4) Paragraphs 7(3)(f) and (i) apply only in relation to goods in the class uncooked prawns and uncooked prawn meat that have been moved from the area in which they were caught or harvested in accordance with any applicable requirement under Australian law that relates to biosecurity risk in relation to the movement of goods in that class.

Note: An example of such a law is a Movement Control Order made from time to time under the *Biosecurity Act 2014* (Qld) that restricts the movement of WSSV carriers (namely, decapod crustaceans and polychelate worms) from various areas in Queensland.

Schedule 2—Amendments commencing 4 weeks after registration

Biosecurity (Suspended Goods – Uncooked Prawns) Determination 2017

1 Section 6

Insert:

foreign country health certificate, for a particular product, means a certificate from the relevant overseas authority that, based on a testing method recognised by the OIE in the Aquatic Animal Health Code as confirming freedom from disease, the product has been found to be free of WSSV and YHV.

Note: The OIE (Office International des Epizooties) is the World Organisation for Animal Health. The Aquatic Animal Health Code could in 2017 be viewed on the OIE's website (<http://www.oie.int/>).

foreign country processing declaration, for a particular product, means a declaration from the relevant overseas authority, on an official health certificate, that:

- (a) uncooked prawns and uncooked prawn meat used in the product were derived from prawns that were wild-caught in Australian territory; and
- (b) the product was processed at an establishment that was approved by the relevant overseas authority; and
- (c) the establishment had procedures in place to ensure that, throughout transport, processing and storage, the product was segregated from the following:
 - (i) prawns that were not sourced from Australia;
 - (ii) products derived from such prawns;
 - (iii) other sources of contamination.

overseas authority means an authority that is on the List of Overseas Authorities—Aquatic Animals for Import, which is the list with that name prepared by the Director of Biosecurity and published on the Department's website, as existing on 16 June 2016.

Note 1: A body is included in the List of Overseas Authorities—Aquatic Animals for Import if the Director of Biosecurity is satisfied that the body is competent to certify that biosecurity risks associated with aquatic goods that are, or are intended to be, brought or imported into Australian territory have been managed to an acceptable level.

Note 2: In 2017, the Department's website was <http://www.agriculture.gov.au/>.

YHV means yellowhead virus (genotype 1).

2 At the end of subsection 7(3)

Insert:

- ; (j) subject to subsection (4), uncooked prawns and uncooked prawn meat in a processed form (the ***product***), if the product:
- (i) derives from prawns that were:
 - (A) wild-caught in Australian territory; and
 - (B) exported to another country, either in the form of uncooked prawns or uncooked prawn meat, for processing; and

- (ii) is brought or imported into Australian territory without first having been brought or imported into any other country; and
- (iii) is accompanied by:
 - (A) a foreign country processing declaration; and
 - (B) a foreign country health certificate;that relates to the product; and
- (iv) is not covered by paragraph (i).

3 Subsection 7(4)

Omit “and (i)”, substitute “, (i) and (j)”.

Schedule 3—Reasons—reasons for the amendments set out in Schedule 1

Note: See subparagraph 5(b)(i).

The principal determination currently refers to a movement control order as notified in the “Movement Control Order Notice (Logan and Albert Rivers) – White Spot Syndrome Virus”, which was made under the *Biosecurity Act 2014* (Qld), on 20 January 2017.

This movement control order has since been re-made.

The amendments set out in Schedule 1 are to ensure that the determination operates with respect to relevant movement control orders of this type as they are currently in force, and as they are updated into the future.

Schedule 4—Reasons—Australian wild-caught prawns processed overseas and re-exported to Australia

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

In light of the amendments to be made to the principal determination, uncooked Australian wild-caught prawns exported overseas for processing, and re-exported to Australia, represent an acceptable level of biosecurity risk that meets Australia's ALOP on the basis that:

- With the exception of the area of the current outbreak (paragraph 5(d) of the principal determination), Australia's territorial waters are considered free of WSSV.
- Prior to the principal determination, Australian wild-caught prawns were exported to Vietnam, Indonesia, China and other overseas countries for processing and re-export to Australia. Prawns imported into Australia through these arrangements were subject to on-arrival testing for WSSV and YHV in line with the import policy for uncooked prawns and uncooked prawn meat from all countries, other than New Caledonia.
- With the exception of the Thai Department of Fisheries, the Department has not assessed the relevant exporting country overseas authorities for their ability to oversee a secure supply chain for processing Australian-origin prawns.
- Although Australian wild caught prawns are considered free of WSSV (except those sourced from the area defined in Queensland's Movement Control Order for WSSV) and YHV, when processed overseas there may be opportunities for these prawns to be contaminated with WSSV or YHV or substituted with potentially diseased prawns. A secure supply chain was considered necessary to reduce the likelihood of contamination or substitution throughout processing.

Residual biosecurity risk can be further addressed by measures available under the Act. These include but are not limited to the following processes:

- The imposition of conditions on import permits, such as requirements for:
 - a declaration by the overseas authority on an official health certificate that the imported prawns are wild-caught prawns of Australian origin, processed at an overseas authority-approved establishment with procedures in place to ensure segregation from non-Australian origin prawn products and other sources of contamination throughout transport, processing and storage; and
 - exporting country certification that all batches of processed uncooked prawns are found to be free of WSSV and YHV based on an OIE-recognised testing method to confirm freedom from disease. Overseas authority certification supports risk management across the biosecurity continuum.
- The Department is to be alerted by the overseas authority if positive test results for WSSV or YHV are generated from consignments of Australian-origin prawns processed in the approved establishments.

- Intervention on arrival. Measures may include:
 - increased on-arrival inspections of batches to ensure they meet the conditions specified on the import permit; and
 - an appropriate level of on-arrival testing for WSSV and YHV; and
 - holding the product in a premises covered by an approved arrangement pending the outcome from inspection and/or testing.
- Should a positive test result be found onshore:
 - ordering the product to be exported from Australian territory, destroyed or treated; and
 - if the importer requests it, and at the importer's expense, conducting a (positive result) retest at the Australian Animal Health Laboratory (AAHL).