

EXPLANATORY STATEMENT

Biosecurity Act 2015

Biosecurity Legislation (Prohibited and Conditionally Non-prohibited Goods) Amendment (Alternative Conditions) Determination 2017

Legislative Authority

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

The Director of Biosecurity and the Director of Human Biosecurity have made the following four determinations (collectively referred to as the Goods Determinations) under subsection 174(1)—which provide alternative conditions for specified classes of goods:

- (a) *Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016;*
- (b) *Biosecurity (Prohibited and Conditionally Non-prohibited Goods – Christmas Island) Determination 2016;*
- (c) *Biosecurity (Prohibited and Conditionally Non-prohibited Goods – Cocos (Keeling) Islands) Determination 2016;* and
- (d) *Biosecurity (Prohibited and Conditionally Non-prohibited Goods – Norfolk Island) Determination 2016.*

In addition to the power to make this instrument under subsection 174(1) of the Act, subsection 33(3) of the *Acts Interpretation Act 1901* provides that where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Purpose

The *Biosecurity Legislation (Prohibited and Conditionally Non-prohibited Goods) Amendment (Alternative Conditions) Determination 2017* (Amendment Determination) amends existing alternative conditions for certain goods, adds new import conditions for certain goods which are currently not subject to any import conditions under the Goods Determinations, and makes some minor technical amendments to correct drafting or compilation errors. Some amendments also remove the import conditions for certain goods. The purpose of the Amendment Determination is to ensure that the import conditions for specified goods continue to manage biosecurity risks, to the Appropriate Level of Protection (ALOP) for Australia. Australia's ALOP is a very high level of sanitary and phytosanitary protection aimed at reducing biosecurity risks to a very low level, but not to zero.

Background

The Act is principles-based and lays the foundation for biosecurity risk management. The detail and specific information requirements for certain activities under the Act are provided for in the *Biosecurity Regulation 2016* and other delegated legislation, including the Goods Determinations.

Impact and Effect

The Amendment Determination ensures that biosecurity risks continue to be effectively managed, while reducing the regulatory impact on importers of those goods where appropriate, by amending the alternative conditions for existing classes of goods, or by adding alternative conditions for new classes of goods.

For classes of goods which have stricter conditions placed on their import by the Amendment Determination, or have their alternative conditions removed, the increase in regulatory burden is necessary to manage the biosecurity risk associated with the goods.

Consultation

The Department of Agriculture and Water Resources has prepared the Amendment Determination taking into account feedback and communication with clients, stakeholders, and industry since the commencement of the Act. This consultation has been undertaken directly with the relevant importers through a number of channels, including alerts and change notices on BICON, Sanitary and Phytosanitary Measures agreement notifications, and import industry advice notices. The reduction of regulatory burden which is associated with the removal of import permit fees is widely welcomed by importers, and as such extensive consultation was not undertaken for all 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 21410).

Details/Operation

Details of the Amendment Determination are set out in Attachment A.

This Determination is a legislative instrument for the purposes of the *Legislation Act 2003*. Subsection 174(5) of the Act provides that the Determination is not subject to disallowance. Consequently, a Statement of Compatibility with Human Rights is not required.

The decision to make a determination under subsection 174(1) of the Act is a technical and scientific based decision that specified conditions are required. The decision is made applying the ALOP for Australia in relation to the bringing in or importation of specified classes of goods (conditionally non-prohibited goods).

Details of the *Biosecurity Legislation (Prohibited and Conditionally Non-prohibited Goods) Amendment (Alternative Conditions) Determination 2017*

Section 1 — Name

This section provides that the name of the determination is the *Biosecurity Legislation (Prohibited and Conditionally Non-prohibited Goods) Amendment (Alternative Conditions) Determination 2017*.

Section 2 — Commencement

This section provides for sections 1 to 4 to commence on the day after registration, Schedule 1 of the Amendment Determination to commence on 21 December 2017, and for Schedule 2 of the Amendment Determination to commence on 1 March 2018.

Section 3 — Authority

This section provides that the Amendment Determination is made under subsection 174(1) of the *Biosecurity Act 2015*.

Section 4 — Schedules

This section provides that the instruments specified in the Schedules to the Amendment Determination are amended as set out in the applicable items in the Schedule concerned.

Schedule 1 — Amendments commencing 21 December 2017

Part 1—Alternative conditions for the mainland

Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016

Item 1 Subsection 4(3)

Item 1 omits “subsection (2)” and substitutes it with “subsection (1)”. This is an amendment to correct a cross-referencing error which incorrectly references subsection 4(2) instead of subsection (1).

Item 2 Section 5

Item 2 inserts four definitions into section 5. These definitions are consequential amendments to other amendments made in the Determination.

Item 2 inserts a definition for “laboratory organism”, which is defined as guinea pig, hamster, mouse, rabbit, rat, and micro-organism. The definition will appropriately define the types of organisms that can meet the alternative conditions in subsection 32(2)(d).

Item 2 also inserts a definition of “listed country for canine semen”. A listed country for canine semen is a country that is included on the List of Countries for Canine Semen prepared by the Director of Biosecurity and published on the department's website, as existing from a specified date. A country included on the list is a country which the Director of Biosecurity is satisfied that the level of biosecurity risk associated with canine semen from that country is acceptably low. This is a consequential amendment to the amendment in item 6.

Item 2 also adds a definition of “listed medicinal mushrooms”. This is a consequence of the amendment in item 41. A listed medicinal mushroom is a mushroom or fungi that is included in the List of Species of Medicinal Mushrooms or Fungi with Alternative Conditions for Import prepared by the Director of Biosecurity and published on the department's website, as existing from a specified date. It sets out the species of mushroom that may be imported under the conditions for medicinal mushrooms, inserted by item 41 into section 29.

Item 2 also adds a definition for “listed country for natural casings derived from bovine, caprine, ovine or porcine animals”. A listed country for natural casings is a country that is included on the List of Countries for Natural Casings Derived from Bovine, Caprine, Ovine or Porcine Animals prepared by the Director of Biosecurity and published on the department's website, as existing from a specified date. A country included on the list is a country which the Director of Biosecurity is satisfied that the level of biosecurity risk associated with natural casings from that country is acceptably low. This is a consequential amendment to the amendment in item 16.

Item 3 Paragraphs 10(2)(c) and (d)

Item 3 repeals paragraphs 10(2)(c) and (d). This is a consequential amendment to the amendments made by item 13. The amendment will result in the goods contained in paragraphs 10(2)(c) and (d) no longer being exempted from the requirement to be covered by

an import permit or to comply with the alternative conditions. This amendment is being made to better manage the biosecurity risks associated with the import of bones, horns, antlers, tusks, and teeth.

Item 4 Subsection 10(3) (table item 7, column headed “Excluded plant goods”, paragraph (b))

Item 4 amends table item 7, to omit “the United States of America (other than California, Florida or Hawaii) or another country”, and substitutes “a country”. Subsection 10(3) specifies certain plant goods which do not pose an unacceptable level of biosecurity risk, and may be brought or imported into Australian territory without having to meet any conditions pursuant to subsection 10(2). Item 7 currently provides for *Baeckea frutescens* (Weeping Baeckea or Weeping Coast Myrtle) grown in the United States of America (other than California, Florida or Hawaii), as well as the plant grown in any other countries where the pathogen *Puccinia psidii* (guava or eucalyptus rust) is known not to occur. This change has the effect of excluding the entirety of the USA from the exception, and has been made in order to manage the risk of *Puccinia psidii* (guava or eucalypt rust) on *Baeckea frutescens* from the USA consistent with other countries where the pathogen is known to occur.

Item 5 Subsection 10(3) (after table item 8)

Item 5 adds dried apricot kernels for human consumption to the table in subsection 10(3). Subsection 10(3) provides that certain plant goods which do not pose an unacceptable level of biosecurity risk may be brought or imported into Australian territory without having to meet any conditions pursuant to subsection 10(2). This amendment is being made as dried apricot kernels for human consumption have been assessed to have the same biosecurity risk as almonds (*Prunus dulcis*), which are already excluded from needing to meet any conditions.

Item 6 Section 12

Item 6 repeals and replaces section 12, expanding the types of goods which the section covers to include animal reproductive material.

Item 6 also inserts alternative conditions for the import of domestic cats and dogs into Australia from Norfolk Island. Import permits are an unnecessary regulatory burden for importers of domestic cats and dogs from Norfolk Island, and alternative conditions—requiring animals to be accompanied by a health certificate for the animal which was signed no more than five days before the animal left Norfolk Island—are sufficient to manage biosecurity risk.

Item 6 also inserts a new item into the table in section 12, to provide alternative conditions for the import of live domestic rabbits from New Zealand. Import permits are an unnecessary regulatory burden for importers of live domestic rabbits from New Zealand, and alternative conditions—requiring animals to be accompanied by a health certificate for the animal which was signed no more than five days before the animal left New Zealand—are sufficient to manage biosecurity risk.

Item 6 also inserts a new item into the table in section 12, to provide alternative conditions for the import of canine semen. Standard conditions are currently applied to the majority of import permit applications for canine semen, and as such, alternative conditions can

appropriately manage the associated biosecurity risks. The conditions for the import of canine semen require that the goods must be collected in, and exported from, a country that is included on the List of Countries for Canine Semen, and must be accompanied by a health certificate which was signed by an official veterinarian of the country which the semen is exported from, no more than five days before the goods left that country.

Item 7 Section 13 (after the heading)

Item 7 inserts subsection 13(1), which provides that the alternative conditions for dead animals, animal parts, and related goods in the table in section 13 do not apply to goods which are intended for animal consumption, use as a bioremedial agent or fertiliser, growing purposes, or veterinary therapeutic use. Previously, these restrictions on the end use of goods only applied to certain goods in section 13. Subsection 13(1) expands these end use restrictions to all goods in section 13, in order to manage the biosecurity risk for these goods consistently.

Item 8 Section 13

Item 8 inserts “(2)” before “For paragraph 11(1)(b)” in section 13. This is a consequential amendment to the amendment in item 7.

Item 9 Section 13 (table item 2)

Item 9 repeals and replaces item 2 in the table in section 13, to amend the alternative conditions for goods made from rawhide. Item 9 removes the end use restrictions in column 1, as a consequence of the amendment made by item 7. Item 9 also inserts new conditions in column 2, requiring that the goods have been treated either by a lime solution at a pH of at least 12.5 and are accompanied by a declaration from the manufacturer attesting that the requirement has been met, have been treated with gamma irradiation to a level that achieves a minimum of 50 kGray at a facility approved by the Director of Biosecurity and are accompanied by evidence attesting that this requirement has been met, or that the goods will be treated with gamma irradiation to a level that achieves a minimum of 50 kGray while the goods are subject to biosecurity control. This amendment is being made to more effectively manage the biosecurity risks associated with these goods.

Item 10 Section 13 (table item 5, column 1)

Item 10 omits the words “that are not intended for animal consumption, veterinary therapeutic use or use as fertiliser” from column 1 of table item 5. This is a consequential amendment to the amendment in item 7.

Item 11 Section 13 (after table item 5)

Item 11 inserts a new item into the table in section 13 to provide alternative conditions for catgut strings derived from animal intestines for use in musical instruments or sporting equipment. The conditions provide that the goods do not require refrigeration or any further processing. This amendment is being made as catgut strings are low import volume, specialist equipment, and pose a low biosecurity risk which can be managed with alternative conditions, in order to reduce regulatory burden for importers.

Item 11 also inserts a new item into the table in section 13 to provide alternative conditions for catgut derived from animal intestines. This item provides for the import of catgut for uses other than in musical instruments or sporting equipment. The conditions require that the goods are derived from intestinal material of bovine, caprine, ovine or porcine animals only, that the animals from which the goods were derived were free from diseases of biosecurity concern at the time of slaughter, and are accompanied by a health certificate attesting to these conditions. This amendment is being made as catgut derived from animal intestines pose a low biosecurity risk, which can be managed through alternative conditions, in order to reduce regulatory burden for importers.

Item 12 Section 13 (cell at table item 10, column 1)

Item 12 amends table item 10, to provide that the alternative conditions in section 13 also apply to natural or cultured pearls for jewellery, personal use, or display purposes, as natural and cultured pearls pose no biosecurity risk.

Item 13 Section 13 (at the end of the table)

Item 13 inserts a new item into the table in section 13 to provide alternative conditions for casein glue and gelatine glue. The conditions for casein glue and gelatine glue are that the goods have been commercially prepared for industrial, commercial, and hobbyist purposes. This amendment is being made to reduce regulatory burden as there is a very low biosecurity risk associated with these goods when they are commercially prepared.

Item 13 also inserts two new items into the table in section 13, to provide alternative conditions for untanned and partially processed game trophies, hides, and skins from both animals and avians.

The conditions for goods from animals (other than avians) are that the goods were derived from animals which resided and were slaughtered in New Zealand, and are accompanied by a health certificate attesting to that requirement.

The conditions for goods from avians are that the goods were derived from avian animals which resided and were slaughtered in New Zealand, have undergone a treatment with salt or borax, immersion in an acid pickling solution at pH equal to or less than 4, or immersion in an alcohol solution, and are accompanied by a health certificate attesting to these requirements.

Alternative conditions are being made available for these goods to reduce unnecessary regulatory burden for importers. Health certification that confirms import conditions are met is sufficient to manage any associated biosecurity risk.

Item 13 also inserts a new item to the table in section 13, to provide alternative conditions for animal trophies, artefacts, and handicraft items. The conditions for the goods are that the goods are accompanied by a certificate from the manufacturer or supplier, stating that the goods are over five years old and are preserved so that they do not require refrigeration, and are accompanied by a declaration from the manufacturer or supplier attesting that these requirements have been met. The conditions also require that the goods are intended only for in-vitro use or display by a museum, scientific institute or public exhibition, that neither the goods nor any derivatives of the goods will come into contact with any animal, the goods are

not intended to be used for the isolation or synthesis of viable microorganisms, or infectious agents or their homologues, and are accompanied by a declaration from the importer attesting that these requirements will be met.

This item is being inserted as no alternative conditions exist for these goods, the biosecurity risk of which can be effectively managed through alternative conditions, in order to reduce the regulatory burden for importers.

Item 13 also inserts a new item to the table in section 13, to provide alternative conditions for bones, horns, antlers, tusks and teeth. The conditions require that the goods are clean and free from other animal or plant material and soil. This amendment is being made to better manage the biosecurity risks associated with the import of bones, horns, antlers, tusks and teeth.

Item 14 Section 14 (after the heading)

Item 14 inserts subsection 14(1), which provides that the alternative conditions for dead fish, crustaceans and related goods in the table in section 14 do not apply to goods which are intended for animal consumption, use as a bioremedial agent or fertiliser, growing purposes, or veterinary therapeutic use. Previously, these restrictions on the end use of goods only applied to certain goods in section 14. Subsection 14(1) expands these end use restrictions to all goods in section 14, in order to manage the biosecurity risk for these goods consistently.

Item 15 Section 14

Item 15 inserts “(2)” before “For paragraph 11(1)(b)” in section 14. This is a consequential amendment to the amendment in item 14.

Item 16 Subsection 15(2) (after table item 6)

Item 16 inserts a new item into the table in section 15, to provide alternative conditions for natural casings which are derived from bovine, ovine, caprine or porcine animals. This amendment is being made as there are standard conditions which manage biosecurity risk effectively, thereby reducing unnecessary regulatory burden for importers.

The standard conditions require that the animals from which the casings were derived were born, raised, and slaughtered in a country which is listed on the department website as an approved country, passed ante-mortem and post-mortem veterinary inspection, and were slaughtered at least 30 days before the goods’ arrival in Australian territory. The conditions also require that the goods must not have been exposed to contamination before export, must state the identification/veterinary control numbers of each package and the establishment where the casings were packed, and must be accompanied by a health certificate attesting that those conditions have been met.

Item 17 Subsection 16(2) (table item 1, column 2, paragraph (c))

Item 17 amends paragraph (c) of column 2 in table item 1, to clarify that for dairy goods containing one or more packets, the total weight of the goods must be less than 10% dairy products, rather than less than 10% of the weight of each packet of the goods. The current conditions assess individual packets within a single good, and have the consequence of considering individual packets separately from the goods of which they are a part. This

amendment is being made as food items containing multiple packets are only required to be considered as one product to effectively manage biosecurity risk.

Item 18 Section 18 (table item 1)

Item 18 repeals item 1 from the table in section 18. This is a consequential amendment to the amendment in item 64.

Item 19 Section 20 (after table item 6)

Item 19 inserts a new item to the table in section 20, creating alternative conditions for marine molluscs, other than oysters or snails. This amendment is being made as standard conditions are currently applied to imports of these goods, which can be applied as alternative conditions to appropriately manage biosecurity risk, and reduce regulatory burden for importers. The conditions require that the goods are treated in Australia, with gamma irradiation to a level that achieves a minimum of 50 kGray.

Item 19 also inserts a new item into the table in section 20, creating alternative conditions for food for consumption by pet fish in enclosed aquaria or ponds. This amendment is being made as standard conditions are currently applied to assessments of these goods, which can be applied as alternative conditions to appropriately manage biosecurity risk, and reduce regulatory burden for importers.

The conditions require that goods do not contain materials from terrestrial or avian animals, fish of the family *Salmonidae*, microalgae, macroalgae, whole seeds, or viable plant material, have been processed to the extent necessary to manage relevant biosecurity risks, and that the goods are accompanied by a manufacturer's declaration stating those conditions have been met. The conditions also require that the goods are commercially prepared, packaged, and ready for retail sale without any further processing, in individual containers of not more than five kilograms.

Item 20 Section 21 (cell at table item 1, column 2)

Item 20 repeals and replaces column 2 of table item 1 to insert a new paragraph (b), which requires that the goods "are ready for retail sale". This is a technical amendment which reflects that the original intent of the alternative conditions for cosmetics of animal origin for human use was to require that goods are packaged for retail sale.

Item 21 Section 23 (table item 2)

Item 21 repeals table item 2 in section 23, which provides conditions for herbarium specimens of vascular plants or macro algae, and replaces it with a new item which provides for an expanded category of species that includes non-vascular plants and fungi. This is because non-vascular plants and fungi present the same biosecurity risk as other herbarium specimens.

Item 21 also amends the alternative conditions for goods in table item 2, to require that goods are in clean and new packaging, are clearly labelled and identifiable as herbarium specimens, are intended to be formally incorporated into a reference collection or housed temporarily for research at one or more herbariums listed in the *Index Herbariorum*, and are to be treated

immediately by the first herbarium to which they are delivered, at a temperature of minus 18 degrees Celsius for seven consecutive days before the inner wrappings are opened. The conditions also require that the goods are either accompanied by a declaration that is clearly marked as being from the sending institution, stating:

- a list of the specimens in the consignment (including the classification of the specimens to at least family level), linked to either the herbarium accession numbers or collectors' details or identifiers (for example, the accompanying loan listing);
- that the specimens have been processed to their final state by a method other than freezing;
- that the specimens were free from live insects and excess soil at the time of packaging, and are not known to be infected with pathogenic micro-organisms;

or that they are delivered directly to a herbarium covered by an approved arrangement that provides for the containment of herbarium specimens. Allowing goods to be delivered to a herbarium covered by an approved arrangement provides importers with an acceptable risk-mitigation alternative where they are unable to provide the required declaration, by allowing these imports to be managed through containment at a premises that has been approved as an approved arrangement site.

Item 22 Section 23 (table item 3)

Item 22 repeals table item 3, and substitutes a new table item 3 to amend the alternative conditions for unprocessed straw articles or products. The amendment omits the word “cereal” from column 1, to broaden the types of straw which may be imported under this condition. The conditions have been amended to require that the goods are for personal use and are brought in as baggage or mail, or are accompanied by evidence stating the botanical name (including genus and species) of the goods, and which shows that the goods are of plant origin only. This amendment is being made as unprocessed straw articles and products pose minimal biosecurity risk, which can be managed by alternative conditions, when standard treatments are applied to the goods.

Item 23 Section 23 (table item 4, column 2, subparagraph (a)(iii))

Item 23 omits the second occurring of the word “and” in subparagraph (a)(iii) in column 2 of table item 4. This is a consequential amendment to the amendment made by item 24.

Item 24 Section 23 (table item 4, column 2, subparagraph (a)(iv))

Item 24 repeals subparagraph (a)(iv) in column 2 of table item 4, removing the requirement that purified plant deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) be intended for in-vitro use only. This amendment is being made because evidence that goods are intended for in-vitro use is not actually required by the department to manage biosecurity risk. This requirement also increased regulatory burden on importers, as this evidence is often difficult to obtain.

Item 25 Section 23 (table item 4, column 2, paragraph (b))

Item 25 substitutes “(iv)” with “(iii)” in subparagraph (b) in column 2 of table item 4. This is a consequence of the amendment made by item 24.

Item 26 Section 23 (table item 9, column 2, paragraph (c))

Item 26 repeals paragraph (c) in column 2 of table item 9, removing the exemption of goods containing slippery elm bark from the requirement to meet alternative conditions. This amendment is being made because slippery elm bark poses the same biosecurity risk as other goods covered by this item, and can be appropriately managed by the existing alternative conditions.

Item 27 Section 23 (table item 9, column 2, subparagraph (e)(i))

Item 27 repeals and replaces subparagraph (e)(i) in column 2 of table item 9 to add the requirement for goods for personal use to be accompanied by product labelling listing the botanical names of the ingredients. This additional condition enables more effective management of biosecurity risks which may be associated with herbal teas.

Item 28 Section 23 (table item 10, column 1)

Item 28 omits “tea” from column 1 of table item 10 and replaces it with “mixtures for human consumption” to expand the provision to include all loose leaf herbal mixtures for human consumption. This is intended to incorporate other loose leaf herbal mixtures that may not be considered a tea, and is being made to reduce the regulatory burden on importers of herbal mixtures for human consumption, which pose the same biosecurity risk as tea.

Item 29 Section 23 (table item 10, column 2, subparagraph (d)(i))

Item 29 repeals and replaces subparagraph (d)(i) in column 2 of table item 10 to add the requirement for goods for personal use to be accompanied by product labelling listing the botanical names of the ingredients. This additional condition enables more effective management of biosecurity risks which may be associated with herbal mixtures for human consumption.

Item 30 Section 23 (cell at table item 12, column 2)

Item 30 repeals and replaces the alternative conditions for artificial plants on natural stems in column 2 of table item 12, to provide that goods which are for personal use and are brought in as baggage or mail are required to be accompanied by evidence stating the botanical name of the stem components of the goods. This amendment enables more effective management of biosecurity risks associated with natural stems.

Item 31 Section 23 (cell at table item 15, column 2)

Item 31 repeals and replaces column 2 of table item 15, to amend the alternative conditions for unprocessed cotton items, to add conditions for goods which are for non-personal use. This amendment inserts new conditions, requiring that the goods are accompanied by evidence which states the botanical name of the goods and shows they are of plant origin. This additional condition enables more effective management of biosecurity risks which may be associated with unprocessed cotton items.

Item 32 Section 23 (at the end of the table)

Item 32 adds new alternative conditions for importing various plant materials and plant products into the table in section 23. These goods have a minimal biosecurity risk that can be effectively managed through the new alternative conditions.

Item 32 inserts a new table item to provide alternative conditions for grape vine articles. The alternative conditions state that the grape vine articles can be brought or imported into Australian territory if they are for personal use and are brought into the country via baggage or mail, or if they are accompanied by evidence that states the botanical name of the goods, and that the goods are made only of plants. This applies to grape vine articles on their own, or if they form part of another good. If the grape vine article forms part of another good, all parts of the good must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 32 also inserts a new table item to provide alternative conditions for plants that are intended to be used as thatching grasses. These grasses include *Hyparrhenia* spp. (excluding *H. gazensis*); *Imperata cylindrica*; *Miscanthus sinensis*; *Pennisetum purpureum*; *Thamnocalamus* spp.; and *Thamnochortus* spp. These grasses can be brought or imported under the alternative condition if they are accompanied by evidence that states the botanical name of the goods including the genus and species.

Item 32 also inserts a new table item to provide alternative conditions for banana fibre articles. The alternative conditions state that the banana fibre articles can be imported into Australian territory if they are for personal use and brought in via baggage or mail, if they are accompanied by evidence that states the botanical name of the goods, and if there is evidence that the goods are made only of plants. This applies to banana fibre articles on their own, or if they form part of another good. If the banana fibre article forms part of another good, all parts of the good must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 32 also inserts a new table item to provide alternative conditions for articles that are stuffed with herbs or seeds. The alternative conditions state that articles that are stuffed with herbs or seeds can be imported into Australian territory if they are accompanied by evidence that states the botanical name of the goods, and if there is evidence that the goods are made only of plants. All parts of the article stuffed with herbs or seeds must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 33 Section 28 (heading)

Item 33 repeals the heading for section 28 and replaces it with a new heading, “Alternative conditions – fertilisers, soil conditions and growing media of plant origin”. This is a consequence of the amendment made by item 34.

Item 34 Section 28

Item 34 omits “potting mixes” and replaces it with “growing media” in section 28. This is a technical amendment to clarify that the conditions in section 28 apply to all types of growing media, not only to potting mixes.

Item 35 Section 28 (heading)

Item 35 repeals and replaces the table heading. This has the effect of substituting “potting mixes” for “growing media” in the table heading. This is a consequence of the amendment made by item 34.

Item 36 Section 28 (table item 1, column 1)

Item 36 omits “from an FMD-free country” and substitutes “that was grown, processed and packaged in, and brought or imported from an FMD-free country”. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that all countries which the goods are grown, processed or packaged in must be an FMD-free country.

Item 37 Section 28 (cell at table item 2, column 1)

Item 37 repeals and replaces column 1 of table item 2. Table item 2 provides alternative conditions for peat which is grown, processed, or packaged in a country which is not an FMD-free country.

This amendment omits “produced in a country that is not an FMD-free country” and substitutes “was not grown, processed or packaged in an FMD-free country”. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that this alternative condition applies if one or more of those countries is not an FMD-free country.

Item 38 Section 28 (cell at table item 3, column 1)

Item 38 repeals and replaces column 1 of table item 3. Table item 3 provides alternative conditions for peat (in a quantity of 10 kilograms or more) which is grown, processed, or packaged in a country which is not an FMD-free country.

This amendment omits “produced in a country that is not an FMD-free country” and substitutes “was not grown, processed or packaged in an FMD-free country”. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that this alternative condition applies if one or more of those countries is not an FMD-free country.

Item 39 Section 28 (table item 4, column 2, paragraph (a))

Item 39 repeals paragraph (a) in column 2 of table item 4, and replaces it with a requirement that “the phytosanitary certificate includes a declaration stating that there is no visible contamination from animal material on the goods; or”. This is a technical amendment which is being made to correct a drafting error in the compilation, following earlier amendments.

Item 40 Section 29 (table item 1, column 1, paragraph (d))

Item 40 adds fungi to the list of produce for human consumption covered by table item 1. Treated or processed fungi have the same associated level of biosecurity risk as fruit, vegetables, leaves and herbs, and accordingly it is appropriate that these goods be subject to

the same alternative conditions to reflect the level of biosecurity risk, and to reduce regulatory burden for importers.

Item 41 Section 29 (after table item 5)

Item 41 inserts a new item to the table in section 29, to provide alternative conditions for species of mushrooms or fungi for medicinal purposes. The conditions for medicinal mushrooms or fungi require that either the goods are listed medicinal mushrooms, have been securely packed in clean and new packaging, have been dried and processed, and are accompanied by a declaration or commercial documentation stating the botanical name of the goods (including genus and species), and a description of the packaging used for the goods, or that the goods are treated using a method approved by the Director of Biosecurity, while subject to biosecurity control.

This amendment is being made to reduce the regulatory burden on importers by removing the requirement for an import permit, as the biosecurity risks for medicinal mushrooms and fungi can be appropriately managed through alternative conditions.

Item 42 Section 31 (table items 6 and 7)

Item 42 repeals table items 6 and 7, and substitutes a new table item 6, which provides alternative conditions for all bark for human consumption. Current table items 6 and 7 differentiated between slippery elm bark, and all other barks for human consumption. Since the biosecurity risks for all barks can managed under a standard set of conditions, new table item 6 simplifies and streamlines the conditions for bark for human consumption.

Item 43 Section 31 (at the end of the table)

Item 43 inserts a new item in the table in section 31, to provide alternative conditions for the import of oak barrels (with or without chestnut hoops). This item is added to remove ambiguity, as it was previously unclear whether these goods were able to be imported under other alternative conditions. The conditions require that the goods be for personal use and brought in as baggage or mail, or that the goods are accompanied by evidence stating the botanical name (including genus and species) of the materials.

Item 44 Subsection 32(2)

Item 44 repeals subsection 32(2) and replaces it, to provide new alternative conditions for starter cultures. It removes the requirement for starter cultures for human therapeutic use to be commercially prepared and packaged for retail sale. Starter cultures for human therapeutic use pose the same biosecurity risk as starter cultures for other end uses, and it is therefore appropriate to treat them consistently, despite their differing end uses. Item 44 also replaces laboratory animals with laboratory organisms, so as to include micro-organisms, as the use of starter cultures on micro-organisms poses no biosecurity risk.

Item 45 Subsection 32(3) (after table item 1)

Item 45 adds a new item to the table in subsection 32(3), to provide that the alternative conditions in section 32 apply to *Aspergillus brasiliensis*. This amendment is being made to

reduce the regulatory burden for importers, as there is a low biosecurity risk associated with this good.

Item 46 Subparagraph 33(2)(a)(iii)

Item 46 repeals subparagraph 33(2)(a)(iii). Subparagraph (iii) excluded the alternative conditions for highly refined organic chemicals from applying to goods for growing purposes. Repealing subparagraph (iii) has the effect of allowing highly refined organic chemicals and substances for growing purposes to be imported using the alternative conditions in section 33. This amendment is being made to reduce the regulatory burden for importers, as there are minimal biosecurity risks associated with the highly refined organic chemicals listed in subsection 33(3), when used for growing purposes.

Item 47 Subsection 33(3) (at the end of the cell at table item 3, column headed “Highly refined organic chemicals and substances”)

Item 47 adds the words “(other than those derived from neural material)” at the end of the cell at table item 3. Table item 3 was originally drafted based on plant related biosecurity risks. This amendment is being made to also reflect the biosecurity risks associated with amino acids derived from neural tissue.

Item 48 Subsection 33(3) (table item 12, column headed “Highly refined organic chemicals and substances”)

Item 48 adds the words “or microbial fermentation” after the word “animal” in table item 12. Table item 12 was originally drafted based on plant related biosecurity risks. This amendment is being made to also reflect the biosecurity risks associated with enzymes derived from microbial fermentation which present a similar level of biosecurity risk to enzymes derived from animals as the fermentation media may contain animal-derived material.

Item 49 Paragraph 34(2)(b)

Item 49 omits “*Ganoderma* spp. or slippery elm bark” from subparagraph 34(2)(b). This amendment has the effect of allowing goods containing these ingredients to be managed under the alternative conditions provided by section 34. This amendment is being made to reduce the regulatory burden for importers, as the biosecurity risks for these items can be effectively managed under the existing alternative conditions for biological products for personal use.

Item 50 Subsection 35(1) (note)

Item 50 omits “chemical, mined and synthetic”, and substitutes “chemical and mined”. This is a consequential amendment to the amendment made in item 70.

Item 51 Paragraph 36(2)(a)

Item 51 amends subparagraph 36(2)(a) to include biological materials contained in cosmetics for human use. This amendment is being made to reduce regulatory burden for importers of biological materials in cosmetics for human use, as the associated biosecurity risks can be managed under the existing alternative conditions in subsection 36(2).

Item 52 Paragraphs 36(3)(d) and (e)

Item 52 repeals and replaces paragraph 36(3)(d), to amend the alternative conditions for biological materials for veterinary therapeutic use or use as cosmetics for animals.

Paragraph 36(3)(d) has been amended to provide that if the goods contain ingredients of animal, plant or microbial origin, than those ingredients must only be ingredients which are specified in the table in subsection 36(4).

Item 52 also repeals paragraph 36(3)(e) as a consequential amendment to the amendment in item 64, and replaces it with a requirement for goods imported under subsection 36(3) to be accompanied either by documentation stating the ingredients contained in the goods, or if applicable, a declaration or documentation from the manufacturer of the goods stating the matter referred to in paragraph 36(3)(d).

The amendments in item 52 are being made to simplify the evidential requirements for importers of biological material for veterinary therapeutic use or use as cosmetics for animals, by allowing flexibility in the documentation provided by importers that is necessary to appropriately manage the associated biosecurity risks for the goods.

Item 53 Subsection 36(4) (after table item 2)

Item 53 inserts a new item into the table in subsection 36(4), to provide that the alternative conditions in section 36 apply to colloidal oatmeal. Colloidal oatmeal is a common ingredient in animal shampoos, and—due to the commercially prepared nature of the product in which it is contained—presents no biosecurity risk, as there is an extremely low likelihood of diversion to high-risk end uses.

This amendment is being made as the alternative conditions in section 36 manage associated biosecurity risks for colloidal oatmeal to an acceptably low level, and the inclusion of these goods in section 36 reduces regulatory burden for importers of these goods.

Item 54 Subsection 36(4) (table item 7)

Item 54 repeals table item 7 in subsection 36(4). This is a consequential amendment to the amendment in item 64.

Item 55 Subsection 36(4) (after table item 8)

Item 55 inserts a new item into the table in subsection 36(4), to provide that the alternative conditions in section 36 apply to green lipped mussel powder from New Zealand, except if intended for veterinary therapeutic use in aquatic animals.

The alternative conditions in section 36 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 36(4) reduces regulatory burden on importers of green lipped mussel powder.

Item 56 Subsection 36(4) (at the end of the cell at item 12, column headed “Biological material”)

Item 56 amends table item 12, to provide that the alternative conditions for lactose do not apply to lactose contained in products for administration to food producing animals via their feed or water ration. This amendment is being made as under current industry practice, lactose is not processed sufficiently to manage biosecurity risks associated with viral contaminants, including foot and mouth disease. Therefore it is not acceptable to permit the administration of veterinary products containing lactose to food producing animals without a biosecurity risk assessment.

Item 57 Subsection 36(4) (at the end of the cell at table item 13, column headed “Biological material”)

Item 57 amends table item 13, to provide that the alternative conditions for natural flavourings do not apply to goods manufactured using materials of terrestrial animal or avian origin. Table item 13 was not intended to include flavourings sourced from materials of terrestrial animal or avian origin, as these have the potential to harbour pathogens of concern. It is therefore not appropriate that these goods be imported under the alternative conditions and are instead imported under an import permit and assessed to ensure risks are managed. This amendment will increase the regulatory burden on importers of natural flavourings which are manufactured using materials of terrestrial animal or avian origin.

Item 58 Subsection 36(4) (after table item 13)

Item 58 inserts a new item into the table in subsection 36(4), to provide that the alternative conditions in section 36 apply to neatsfoot oil in products for topical application to humans or companion or performance animals (e.g. dogs, cats, horses).

The alternative conditions in section 36 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 36(4) reduces regulatory burden for importers.

Item 59 Subsection 36(4) (after table item 24)

Item 59 inserts a new item into the table in section 36(4), to provide that the alternative conditions in section 36 apply to purified hyaluronic acid. The conditions apply when the hyaluronic acid is not manufactured using materials of terrestrial animal or avian origin (except if intended for veterinary therapeutic use in aquatic animals).

The alternative conditions in section 36 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 36(4) reduces regulatory burden for importers.

Item 60 Subsection 36(4) (after table item 25)

Item 60 inserts a new item into the table in section 36(4), to provide that the alternative conditions in section 36 apply to highly purified, semi-synthetic compounds, sourced from the bacterial species *Saccharopolyspora spinos*, when present in products for use in humans or companion or performance animals.

The alternative conditions in section 36 manage associated biosecurity risks for the compounds to an acceptably low level, through restricting use to humans and veterinary therapeutics for companion or performance animals, and the inclusion of these goods into subsection 36(4) reduces regulatory burden for importers.

Item 61 Subsection 36(4) (at the end of the cell at table item 28, column headed “Biological material”)

Item 61 amends table item 28, to provide that the alternative conditions for sugar do not include lactose. This amendment is being made as although lactose is a sugar, it poses a higher biosecurity risk than other sugars, and the conditions for its import are provided for in table item 12.

Item 62 Subsection 36(4) (after table item 28)

Item 62 inserts a new item into the table in subsection 36(4), creating alternative conditions for tallow derivatives. The conditions apply when the tallow derivatives are methyl oleate, oleic acid, glycerol or stearates, produced by either hydrolysis, saponification, or transesterification using high temperature (above 200°C) and pressure.

Tallow derivatives are highly processed, semi-synthetic compounds used widely in cosmetics, household and agricultural chemicals, and foods. Tallow routinely undergoes aggressive chemical processes to produce oleochemical by-products. These processes are sufficient to manage the risk of transmissible spongiform encephalopathies. The alternative conditions in section 36 manage associated biosecurity risks for tallow derivatives to an acceptably low level, and the inclusion of these goods into subsection 36(4) reduces regulatory burden for importers.

Item 63 Subsection 36(4) (at the end of the cell at table item 29, column headed “Biological material”)

Item 63 amends table item 29, to provide that the alternative conditions for tinctures do not apply to goods manufactured using materials of terrestrial animal or avian origin. Tinctures sourced from animals have the potential to harbour pathogens of concern if they are not extracted using aggressive methods. It is therefore not appropriate that these goods be imported under the alternative conditions and are instead imported under an import permit and assessed to ensure risks are managed. This amendment will increase the regulatory burden on importers of tinctures which are manufactured using materials of terrestrial animal or avian origin.

Item 64 After section 36

Item 64 inserts a new section 36A to provide alternative conditions for gelatine and its derivatives for certain purposes. The previous conditions for gelatine were inconsistent, and in some cases imposed stricter conditions on low risk end uses than on higher risk end uses. Section 36A provides a consolidated and consistent set of conditions for the different end uses of gelatine and its derivatives, and appropriately manages the biosecurity risks associated with different end uses of gelatine.

Section 36A includes a table which specifies the alternative conditions for the different end uses of gelatine, for the purposes of paragraph 11(1)(b).

The table in section 36A provides that for gelatine for human consumption, human therapeutics, in-vitro purposes, and in-vivo laboratory organisms, the conditions are that the goods have been commercially prepared. For gelatine intended for culture media, the conditions are that the goods have been commercially prepared and packaged, and if the goods are derived from bovines, are derived from hides and skins only. For gelatine intended for veterinary therapeutic use or use as cosmetics for animals, the conditions are that the goods are not derived from ruminant animals, do not contain any biological material except gelatine or biological material specified in the table in subsection 36(4), have been commercially prepared and packaged, are ready for retail sale without any further processing, and are accompanied by a declaration or other documentation from the manufacturer attesting that those requirements have been met.

Item 65 Paragraph 38(2)(b)

Item 65 repeals the current alternative conditions for soil in paragraph 38(2)(b) and substitutes new conditions that more flexibly manage the conditions under which the goods can be brought or imported into Australian territory. Item 65 broadens the treatments available for soil that is to be brought or imported into Australian territory. The amendment allows for the use of methods of treatment that the Director of Biosecurity is satisfied are appropriate to manage the biosecurity risks. This will make it easier for importers to take advantage of new treatments as they become available. Item 65 will also reduce regulatory burden for researchers who intend to use the soil for in-vitro purposes under the conditions of an approved arrangement. Allowing goods to be delivered to a premises where biosecurity activities are carried out in accordance with an approved arrangement, provides importers with an acceptable risk-mitigation alternative.

Item 66 Paragraphs 39(1)(a) and (b)

Item 66 repeals paragraphs 39(1)(a) and (b), and substitutes new paragraphs to provide that section 39 applies to water, and goods containing water. This amendment is being made to clarify classes of goods to which section 39 applies.

Item 67 Paragraph 39(2)(a)

Item 67 omits “bottled” and substitutes “packaged” to ensure that all packaged water, whether in bottles, cartons, or other sealed vessels is captured by section 39.

Item 68 At the end of subsection 39(2)

Item 68 adds “water included as an ingredient in a food product” as a further exception to the classes of goods to which section 39 applies. This is to ensure that water, when it is part of a food product (for example in a jam, sauce, or manufactured beverage) is excluded from the operation of section 39.

Item 69 Subsection 39(3)

Item 69 repeals subsection 39(3) and substitutes new conditions for the classes of goods to which section 39 applies. The goods will need to comply with one of the new conditions in subsection 39(3) before they may be brought or imported into Australian territory.

Item 69 also inserts paragraph 39(3)(a), to allow the goods to be imported under an import permit.

Item 69 also inserts paragraph 39(3)(b) which allows the goods to be brought or imported without an import permit, if the goods have been treated using a method that the Director of Biosecurity is satisfied is appropriate to manage biosecurity risks.

Item 69 also inserts paragraph 39(3)(c) to allow sea or ocean water in a quantity of less than 5 litres to be imported for in-vitro purposes, if the goods are free from suspended and solid material. This is designed primarily to assist researchers importing sea or ocean water for laboratory uses.

Item 70 Section 40

Item 70 repeals section 40 and substitutes a new section with new conditions for chemical or mined fertilisers, soil conditioners and soil growth supplements. The amendments recognise the limited biosecurity risk of these heavily processed goods and sets the conditions accordingly.

Item 70 also inserts subsection 40(2), which sets the conditions for liquid chemical fertilisers. The conditions are the same as the repealed subsection 40(3) and require a declaration from the manufacturer that the goods do not contain any ingredients of animal, plant or microbial origin. This allows the department to be satisfied that the biosecurity risk of the goods is appropriately low.

Item 70 also inserts new alternative conditions in the new subsection 40(3) for the goods. The conditions are such that the biosecurity risk is managed to an appropriately low level. Most consignments of these goods will meet the alternative conditions, which reduces regulatory burden for importers.

Item 71 After section 41

Item 71 inserts a new section 41A, to provide alternative conditions for equipment that has directly or indirectly come into contact with horses.

Subsection 41(1) provides examples of the types of goods which may be included under this section.

Subsection 41(2) of the new section requires that the goods undergo treatment either prior to their arrival in Australian territory, or while subject to biosecurity control. Goods which are treated prior to arrival must have been treated either with gamma irradiation to a level that achieves a minimum of 50 kGray at a facility that the Director of Biosecurity is satisfied can treat horse equipment so that biosecurity risks associated with the goods are managed to an acceptable level, or with a disinfectant which is appropriate to manage biosecurity risks to an

acceptable level. The goods also must not have been in contact with horses after treatment, and must be accompanied by a government-endorsed treatment certificate attesting that those requirements have been met. Goods which are treated while subject to biosecurity control must be treated using a method that the Director of Biosecurity is satisfied is appropriate to manage biosecurity risks to an acceptable level.

This amendment is being made as there are currently no alternative conditions for horse equipment that has directly or indirectly come into contact with horses.

Item 72 Section 43 (heading)

Item 72 repeals the heading for section 43 and replaces it with a new heading, “Used machinery and equipment (other than certain beekeeping equipment, veterinary equipment or equipment that has come into contact with horses)”. This is a consequential amendment to the amendment made by item 71.

Item 73 At the end of subsection 43(2)

Item 73 inserts paragraph 43(2)(c), which adds “used equipment that has directly or indirectly come into contact with horse” to the classes of goods which section 43 does not apply to. This amendment is a consequential amendment to the amendment made by item 71.

Part 2—Alternative conditions for Christmas Island

Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Christmas Island) Determination 2016

Item 74 Paragraphs 6(2)(e), (g) and (h)

Item 74 repeals paragraphs 6(2)(e), (g) and (h). This is a consequential amendment to the amendments in item 80 (for paragraph 6(2)(e)) and item 84 (for paragraphs 6(2)(g) and (h)). The amendment will result in the goods contained in paragraphs 6(2)(e), (g) and (h) no longer being exempted from the requirement to be covered by an import permit or to comply with the alternative conditions. This amendment is being made to better manage the biosecurity risks associated with the import of bones, horns, antlers, tusks, teeth, and rawhide.

Item 75 Subsection 6(3) (table item 7, column headed “Excluded plant goods”, paragraph (b))

Item 75 amends table item 7, to omit “the United States of America (other than California, Florida or Hawaii) or another country”, and substitutes “a country”. Subsection 6(3) specifies certain plant goods which do not pose an unacceptable level of biosecurity risk, and may be brought or imported into Australian territory without having to meet any conditions pursuant to subsection 6(2). Table item 7 currently provides for *Baeckea frutescens* (Weeping Baeckea or Weeping Coast Myrtle) grown in the United States of America (other than California, Florida or Hawaii), as well as the plant grown in any other countries where the pathogen *Puccinia psidii* (guava or eucalyptus rust) is known not to occur. This change has the effect of excluding the entirety of the USA from the exception, and has been made in order to manage the risk of *Puccinia psidii* (guava or eucalypt rust) on *Baeckea frutescens* from the USA consistent with other countries where the pathogen is known to occur.

Item 76 Subsection 6(3) (after table item 8)

Item 76 adds dried apricot kernels for human consumption to the table in subsection 6(3). Subsection 6(3) provides that certain plant goods which do not pose an unacceptable level of biosecurity risk may be brought or imported into Australian territory without having to meet any conditions pursuant to subsection 6(2). This amendment is being made as dried apricot kernels for human consumption have been assessed to have the same biosecurity risk as almonds (*Prunus dulcis*), which are already excluded from needing to meet any conditions.

Item 77 Subsection 7(3) (example)

Item 77 repeals the example in subsection 7(3), and substitutes it with a new example. This amendment is being made as the previous example was inaccurate.

Item 78 Section 8 (after the heading)

Item 78 inserts subsection 8(1), which provides that the alternative conditions for dead animals, animal parts, and related goods in the table in section 8 do not apply to goods which are intended for animal consumption, use as a bioremedial agent or fertiliser, growing purposes, or veterinary therapeutic use. Previously, these restrictions on the end use of goods

only applied to certain goods in section 8. Subsection 8(1) expands these end use restrictions to all goods in section 8, in order to manage the biosecurity risk for these goods consistently.

Item 79 Section 8

Item 79 inserts “(2)” before “For paragraph 7(1)(b)” in section 8. This is a consequential amendment to the amendment in item 78.

Item 80 Section 8 (after table item 1)

Item 80 inserts a new item in the table in section 8, to provide alternative conditions for goods made from rawhide. The conditions require that the goods have either been treated either by a lime solution at a pH of at least 12.5 and are accompanied by a declaration from the manufacturer attesting that that requirement has been met, have been treated with gamma irradiation to a level that achieves a minimum of 50 kGray at a facility approved by the Director of Biosecurity and are accompanied by evidence attesting that this requirement has been met. This amendment is being made to reduce the regulatory burden for importers.

Item 81 Section 8 (cell at table item 3, column 1)

Item 81 omits “that are not intended for animal consumption, veterinary therapeutic use or use as fertiliser” from column 1 of table item 3 in section 8. This is a consequential amendment to the amendment in item 78.

Item 82 Section 8 (after table item 3)

Item 82 inserts a new item into the table in section 8 to provide alternative conditions for catgut strings derived from animal intestines, for use in musical instruments or sporting equipment. The conditions provide that the goods do not require refrigeration or any further processing. This amendment is being made as catgut strings are low import volume, specialist equipment, and pose a low biosecurity risk which can be managed with alternative conditions, in order to reduce regulatory burden for importers.

Item 82 also inserts a new item into the table in section 8 to provide alternative conditions for catgut derived from animal intestines. This condition provides for the import of catgut for uses other than in musical instruments or sporting equipment. The conditions require that the goods are derived from intestinal material of bovine, caprine, ovine or porcine animals only, that the animals from which the goods were derived were free from diseases of biosecurity concern at the time of slaughter, and are accompanied by a health certificate attesting to these conditions. This amendment is being made as catgut derived from animal intestines poses a low biosecurity risk, which can be managed through alternative conditions, in order to reduce regulatory burden for importers.

Item 83 Section 8 (cell at table item 8, column 1)

Item 83 amends table item 8, to provide that the alternative conditions in section 8 also apply to natural or cultured pearls for jewellery, personal use, or display purposes, as natural and cultured pearls pose no biosecurity risk.

Item 84 Section 8 (at the end of the table)

Item 84 inserts a new item into the table in section 8 to provide alternative conditions for casein glue and gelatine glue. The conditions for casein glue and gelatine glue are that the goods have been commercially prepared for industrial, commercial, and hobbyist purposes. This amendment is being made to reduce regulatory burden as there is a very low biosecurity risk associated with these goods when they are commercially prepared.

Item 84 also inserts two new items into the table in section 8, to provide alternative conditions for untanned and partially processed game trophies, hides, and skins from both animals and avians.

The conditions for goods from animals (other than avians) are that the goods were derived from animals which resided and were slaughtered in New Zealand, and are accompanied by a health certificate attesting that requirement.

The conditions for goods from avians are that the goods were derived from avian animals which resided and were slaughtered in New Zealand, have undergone a treatment with salt or borax, immersion in an acid pickling solution at pH equal to or less than 4, or immersion in an alcohol solution, and are accompanied by a health certificate attesting to these requirements.

Standard conditions are currently applied to the assessment of import permits for these goods, which can be applied to alternative conditions for these goods in order to reduce regulatory burden for importers. Health certification confirming the country of origin for all animals, and treatment for avian goods is sufficient to manage any associated biosecurity risks.

Item 84 also inserts a new item to the table in section 8, to provide alternative conditions for animal trophies, artefacts, and handicraft items. The conditions for the goods are that the goods are accompanied by a certificate from the manufacturer or supplier, stating that the goods are over 5 years old and are preserved so that they do not require refrigeration, and are accompanied by a declaration from the manufacturer or supplier attesting that these requirements have been met. The conditions also require that the goods are intended only for in-vitro use or display by a museum, scientific institute or public exhibition, that neither the goods nor any derivatives of the goods will not come into contact with any animal, the goods are not intended to be used for the isolation or synthesis of viable microorganisms, or infectious agents or their homologues, and are accompanied by a declaration from the importer attesting that these requirements will be met.

This item is being inserted as no standard alternative conditions exist for these goods, that can effectively manage biosecurity risk, thereby removing unnecessary regulatory burden.

Item 84 also inserts a new item to the table in section 8, to provide alternative conditions for bones, horns, antlers, tusks and teeth. The conditions require that the goods are clean and free from other animal or plant material and soil. This amendment is being made to better manage the biosecurity risks associated with the import of bones, horns, antlers, tusks and teeth.

Item 85 Section 12 (table item 1)

Item 85 repeals table item 1 in section 12. This is a consequential amendment to the amendment in item 131.

Item 86 Section 14 (after table item 3)

Item 86 inserts a new item to the table in section 14, to provide alternative conditions for marine molluscs, other than oysters or snails. This amendment is being made as standard conditions are currently applied to imports of these goods, which can be applied as alternative conditions to appropriately manage biosecurity risk, and reduce regulatory burden for importers. The conditions require that the goods are treated in Australian territory, with gamma irradiation to a level that achieves a minimum of 50 kGray.

Item 87 Section 14 (at the end of the table)

Item 87 inserts a new item into the table in section 14, to provide alternative conditions for food for consumption by pet fish in enclosed aquaria or ponds. This amendment is being made as standard conditions are currently applied to assessments of these goods, which can be applied as alternative conditions to appropriately manage biosecurity risk, and reduce regulatory burden for importers.

The conditions require that goods are brought or imported from a part of Australian territory (other than Cocos (Keeling) Islands or Norfolk Island), and if the goods contain material of animal or microbial origin, that that material is derived from animals or microbes in Australian territory (other than Cocos (Keeling) Islands or Norfolk Island), or was not brought or imported into Australian territory (other than Cocos (Keeling) Islands or Norfolk Island) in contravention of the Act.

The conditions also require that if the goods contain material of plant origin, then the goods have been made into pellets, or that the plant material is not viable and does not include whole seeds.

The conditions also require that the goods have been commercially prepared and packaged, are ready for retail sale, and are presented to a biosecurity officer for inspection on arrival at a landing place or port in Christmas Island.

Item 88 Section 15 (cell at table item 1, column 2)

Item 88 repeals and replaces column 2 of table item 1 to insert a new paragraph (b), which requires that the goods “are ready for retail sale”. This is a technical amendment which reflects that the original intent of the alternative conditions for cosmetics of animal origin for human use was to require that goods are packaged for retail sale.

Item 89 Section 17 (table item 2)

Item 89 repeals table item 2, which provides conditions for herbarium specimens of vascular plants or macro algae, and replaces it with a new item which provides for an expanded category of species that includes non-vascular plants and fungi. This is because non-vascular plants and fungi present the same biosecurity risk as other herbarium specimens.

Item 89 also amends the alternative conditions for goods in table item 2, to require that goods are in clean and new packaging, are clearly labelled and identifiable as herbarium specimens, are intended to be formally incorporated into a reference collection or housed temporarily for research at one or more herbariums listed in the *Index Herbariorum*, and are to be treated immediately by the first herbarium to which they are delivered, at a temperature of minus 18 degrees Celsius for seven consecutive days before the inner wrappings are opened. The conditions also require that the goods are either accompanied by a declaration that is clearly marked as being from the sending institution, stating:

- a list of the specimens in the consignment (including the classification of the specimens to at least family level), linked to either the herbarium accession numbers or collectors' details or identifiers (for example, the accompanying loan listing);
- that the specimens have been processed to their final state by a method other than freezing;
- that the specimens were free from live insects and excess soil at the time of packaging, and are not known to be infected with pathogenic micro-organisms;

or that they are delivered directly to a herbarium covered by an approved arrangement that provides for the containment of herbarium specimens. Allowing goods to be delivered to a herbarium covered by an approved arrangement provides importers with an acceptable risk-mitigation alternative, where they are unable to provide the required declaration, by allowing these imports to be managed through containment at a premises that has been approved as an approved arrangement site.

Item 90 Section 17 (table item 3)

Item 90 repeals table item 3 in section 17, and substitutes a new table item 3 to amend the alternative conditions for unprocessed straw articles or products. The amendment omits the word “cereal” from column 1, to broaden the types of straw which may be imported under this condition. The conditions have been amended to require that the goods are for personal use and are brought in as baggage or mail, or are accompanied by evidence stating the botanical name (including genus and species) of the goods, and which shows that the goods are of plant origin only. This amendment is being made as unprocessed straw articles and products pose minimal biosecurity risk, which can be managed by alternative conditions, when standard treatments are applied to the goods.

Item 91 Section 17 (table item 4, column 2, subparagraph (a)(iii))

Item 91 omits the second occurring of the word “and” in subparagraph (a)(iii) in column 2 of table item 4. This is a consequential amendment to the amendment made by item 92.

Item 92 Section 17 (table item 4, column 2, subparagraph (a)(iv))

Item 92 repeals subparagraph (a)(iv) in column 2 of table item 4, removing the requirement that purified plant deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) be intended for in-vitro use only. This amendment is being made because evidence that goods are intended for in-vitro use is not actually required by the department to manage biosecurity risk. This requirement also increased regulatory burden on importers, as this evidence is often difficult to obtain.

Item 93 Section 17 (table item 4, column 2, paragraph (b))

Item 93 substitutes “(iv)” with “(iii)” in subparagraph (b) in column 2 of table item 4. This is a consequence of the amendment made by item 92.

Item 94 Section 17 (table item 9, column 2, paragraph (c))

Item 94 repeals paragraph (c) in column 2 of table item 9, removing the exemption of goods containing slippery elm bark from the requirement to meet alternative conditions. This amendment is being made because slippery elm bark poses the same biosecurity risk as other goods covered by this item, and can be appropriately managed by the existing alternative conditions.

Item 95 Section 17 (table item 9, column 2, subparagraph (e)(i))

Item 95 repeals and replaces subparagraph (e)(i) in column 2 of table item 9 to add the requirement for goods for personal use to be accompanied by product labelling listing the botanical names of the ingredients. This additional condition enables more effective management of biosecurity risks which may be associated with herbal teas.

Item 96 Section 17 (table item 10, column 1)

Item 96 omits “tea” from column 1 of table item 10 and substitutes it with “mixtures for human consumption” to expand the provision to include all loose leaf herbal mixtures for human consumption. This is intended to incorporate other loose leaf herbal mixtures that may not be considered a tea, and is being made to reduce the regulatory burden on importers of herbal mixtures for human consumption, which pose the same biosecurity risk as tea.

Item 97 Section 17 (table item 10, column 2, subparagraph (d)(i))

Item 97 repeals and replaces subparagraph (d)(i) in column 2 of table item 10 to add the requirement for goods for personal use to be accompanied by product labelling listing the botanical names of the ingredients. This additional condition enables more effective management of biosecurity risks which may be associated with herbal mixtures for human consumption.

Item 98 Section 17 (cell at table item 12, column 2)

Item 98 repeals and replaces the alternative conditions for artificial plants on natural stems in column 2 of table item 12, to provide that goods which are for personal use and are brought in as baggage or mail are required to be accompanied by evidence stating the botanical name of the stem components of the goods. This amendment enables more effective management of biosecurity risks associated with natural stems.

Item 99 Section 17 (cell at table item 15, column 2)

Item 99 repeals and replaces column 2 of table item 15, to amend the alternative conditions for unprocessed cotton items, to add conditions for goods which are for non-personal use. This amendment inserts new conditions, requiring that the goods which are accompanied by evidence which states the botanical name of the goods and shows they are of plant origin.

This additional condition enables more effective management of biosecurity risks which may be associated with unprocessed cotton items.

Item 100 Section 17 (at the end of the table)

Item 100 adds new alternative conditions for importing various plant materials and plant products into the table in section 17. These goods have a minimal biosecurity risk that can be effectively managed through the new alternative conditions.

Item 100 inserts a new table item to provide alternative conditions for grape vine articles. The alternative conditions state that the grape vine articles can be brought or imported into Australian territory if they are for personal use and are brought into the country via baggage or mail, or if they are accompanied by evidence that states the botanical name of the goods, and that the goods are made only of plants. This applies to grape vine articles on their own, or if they form part of another good. If the grape vine article forms part of another good, all parts of the good must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 100 also inserts a new table item to provide alternative conditions for plants that are intended to be used as thatching grasses. These grasses include *Hyparrhenia* spp. (excluding *H. gazensis*); *Imperata cylindrica*; *Miscanthus sinensis*; *Pennisetum purpureum*; *Thamnocalamus* spp.; and *Thamnochortus* spp. These grasses can be brought or imported under the alternative condition if they are accompanied by evidence that states the botanical name of the goods including the genus and species.

Item 100 also inserts a new table item to provide alternative conditions for banana fibre articles. The alternative conditions state that the banana fibre articles can be imported into Australian territory if they are for personal use and brought in via baggage or mail, if they are accompanied by evidence that states the botanical name of the goods, and if there is evidence that the goods are made only of plants. This applies to banana fibre articles on their own, or if they form part of another good. If the banana fibre article forms part of another good, all parts of the good must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 100 also inserts a new table item to provide alternative conditions for articles that are stuffed with herbs or seeds. The alternative conditions state that articles that are stuffed with herbs or seeds can be imported into Australia if they are accompanied by evidence that states the botanical name of the goods, and if there is evidence that the goods are made only of plants. All parts of the article stuffed with herbs or seeds must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 101 Section 22 (heading)

Item 101 repeals the heading for section 22 and replaces it with a new heading - “Alternative conditions—fertilisers, soil conditions and growing media of plant origin”. This is a consequence of the amendment made by item 102.

Item 102 Section 22

Item 102 omits “potting mixes” and replaces it with “growing media” in section 22. This is a technical amendment to clarify that the conditions in section 22 apply to all types of growing media, not only to potting mixes.

Item 103 Section 22 (table heading)

Item 103 repeals and replaces the table heading. This has the effect of substituting “potting mixes” for “growing media” in the table heading. This is a consequence of the amendment made by item 102.

Item 104 Section 22 (table item 1, column 1)

Item 104 omits “from an FMD-free country” from column 1 of table item 1 and substitutes “that was grown, processed and packaged in, and brought or imported from an FMD-free country”. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that all countries which the goods are grown, processed or transported through must be an FMD-free country.

Item 105 Section 22 (cell at table item 2, column 1)

Item 105 repeals and replaces column 1 of table item 2. Table item 2 provides alternative conditions for peat which is grown, processed, or packaged in a country which is not an FMD-free country.

This amendment omits “produced in a country that is not an FMD-free country” and substitutes “was not grown, processed or packaged in an FMD-free country”. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that this alternative condition applies if one or more of those countries is not an FMD-free country.

Item 106 Section 22 (cell at table item 3, column 1)

Item 106 repeals and replaces column 1 of table item 3. Table item 3 provides alternative conditions for peat (in a quantity of 10 kilograms or more) which is grown, processed, or packaged in a country which is not an FMD-free country.

This amendment omits “produced in a country that is not an FMD-free country” and substitutes “was not grown, processed or packaged in an FMD-free country”. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that this alternative condition applies if one or more of those countries is not an FMD-free country.

Item 107 Section 23 (table item 1, column 1, paragraph (d))

Item 107 adds fungi to the list of produce for human consumption covered by table item 1. Treated or processed fungi have the same associated level of biosecurity risk as fruit, vegetables, leaves and herbs, and accordingly it is appropriate that these goods be subject to

the same alternative conditions to reflect the level of biosecurity risk, and to reduce regulatory burden for importers.

Item 108 Section 23 (after table item 4)

Item 108 inserts a new table item 4A to the table in section 23, to provide alternative conditions for species of mushrooms or fungi for medicinal purposes. The conditions for medicinal mushrooms or fungi require that either the goods are listed medicinal mushrooms, have been securely packed in clean and new packaging, have been dried and processed, and are accompanied by a declaration or commercial documentation stating the botanical name of the goods (including genus and species), and a description of the packaging used for the goods, or that the goods are treated using a method approved by the Director of Biosecurity.

This amendment is being made to reduce the regulatory burden for importers by removing the requirement for an import permit, as the biosecurity risks for medicinal mushrooms and fungi can be appropriately managed through alternative conditions.

Item 109 Section 23 (at the end of the cell at table item 5, column 1)

Item 109 adds listed medicinal mushrooms to the items to which table item 5 does not apply. This is a consequential amendment to the amendment in item 108.

Item 110 Section 25 (table items 5 and 6)

Item 110 repeals table items 5 and 6 from section 25, and substitutes a new table item 5, which provides alternative conditions for all bark for human consumption. Current table items 5 and 6 differentiated between slippery elm bark, and all other barks for human consumption. Since the biosecurity risks for all barks can managed under a standard set of conditions, new table item 5 simplifies and streamlines the conditions for bark for human consumption.

Item 111 Section 25 (at the end of the table)

Item 111 inserts a new item in the table in section 25, to provide alternative conditions for the import of oak barrels (with or without chestnut hoops). This item is added to remove ambiguity, as it was previously unclear whether these goods were able to be imported under other alternative conditions. The conditions require that the goods be for personal use and brought in as baggage or mail, or that the goods are accompanied by evidence stating the botanical name (including genus and species) of the materials.

Item 112 Subsection 26(2)

Item 112 repeals subsection 26(2) and replaces it, to provide new alternative conditions for starter cultures. It removes the requirement for starter cultures for human therapeutic use to be commercially prepared and packaged for retail sale. Starter cultures for human therapeutic use pose the same biosecurity risk as starter cultures for other end uses, and these goods are therefore appropriately treated consistently, despite their differing end uses. Item 112 also replaces laboratory animals with laboratory organisms, so as to include micro-organisms, as the use of starter cultures on micro-organisms poses no biosecurity risk.

Item 113 Subsection 26(3) (after table item 1)

Item 113 adds a new item to the table in subsection 26(3), to provide that the alternative conditions in section 26 apply to *Aspergillus brasiliensis*. This amendment is being made to reduce the regulatory burden on importers, as there is a low biosecurity risk associated with this good.

Item 114 Subparagraph 27(2)(a)(iii)

Item 114 repeals subparagraph 27(2)(a)(iii). Subparagraph (iii) excluded the alternative conditions for highly refined organic chemicals from applying to goods for growing purposes. Repealing subparagraph (iii) has the effect of allowing highly refined organic chemicals and substances for growing purposes to be imported using the alternative conditions in section 33. This amendment is being made to reduce the regulatory burden for importers, as there are minimal biosecurity risks associated with the highly refined organic chemicals listed in subsection 27(3), when used for growing purposes.

Item 115 Subsection 27(3) (at the end of the cell at table item 3, column headed “Highly refined organic chemicals and substances”)

Item 115 adds the words “(other than those derived from neural material)” at the end of the cell at table item 3 in subsection 27(3). Table item 3 was originally drafted based on plant related biosecurity risks. This amendment is being made to also reflect the biosecurity risks associated with amino acids derived from neural tissue.

Item 116 Subsection 27(3) (table item 12, column headed “Highly refined organic chemicals and substances”)

Item 116 adds the words “or microbial fermentation” after the word “animal” at table item 12 in subsection 27(3). Table item 12 was originally drafted based on plant related biosecurity risks. This amendment is being made to also reflect the biosecurity risks associated with enzymes derived from microbial fermentation, which present a similar level of biosecurity risk to enzymes derived from animals, as the fermentation media may contain animal derived material.

Item 117 Paragraph 28(2)(b)

Item 117 omits “*Ganoderma* spp. or slippery elm bark” from subparagraph 28(2)(b). This amendment has the effect of allowing goods containing these ingredients to be managed under the alternative conditions provided by section 28. This amendment is being made to reduce the regulatory burden for importers, as the biosecurity risks for these items can be effectively managed under the existing alternative conditions for biological products for personal use.

Item 118 Section 29

Item 118 repeals and replaces section 29, amending the alternative conditions for fertilisers, soil conditioners, soil growth supplements and growing media. Item 118 amends the alternative conditions to provide that the conditions only apply to those goods with biological materials that are derived from animals, avian animals or microbes, and also requires that

those goods are presented to a biosecurity officer for inspection on arrival in Christmas Island.

Item 118 creates separate alternative conditions for fertilisers, soil conditioners and supplements which are intended for use to promote growth in soil and do not contain materials derived from terrestrial animals, avian animals or microbes. The conditions for those goods require that the goods are imported from Australian territory (other than Cocos (Keeling) Islands or Norfolk Island), have been commercially prepared and packaged ready for retail sale, are free from soil, and that the only plant material contained in the goods has been processed so that it is not viable. The conditions also require that the goods are accompanied by documentation stating the ingredients contained in the goods, and that the goods are presented to a biosecurity officer for inspection on arrival in Christmas Island.

Item 118 also creates separate alternative conditions for growing media made of plant material. The conditions for those goods require that the goods are brought or imported from a part of Australian territory (other than Cocos (Keeling) Islands or Norfolk Island), have been commercially prepared, packaged and are ready for retail sale, and are free from soil. The conditions also require that the goods are accompanied by documentation stating the ingredients contained in the goods, and that the goods are presented to a biosecurity officer for inspection on arrival in Christmas Island.

Item 119 Paragraph 30(2)(a)

Item 119 amends subparagraph 30(2)(a) to include biological materials contained in cosmetics for human use. This amendment is being made to reduce regulatory burden for importers of biological materials in cosmetics for human use, as the associated biosecurity risks can be managed under the existing alternative conditions in subsection 30(2).

Item 120 Subparagraphs 30(3)(b)(iv) and (v)

Item 120 repeals and replaces subparagraphs 30(3)(b)(iv) and (v), to amend the alternative conditions for biological materials for veterinary therapeutic use or use as cosmetics for animals. Subparagraph 30(3)(b)(iv) has been amended to provide that if the goods contain ingredients of animal, plant or microbial origin, than those ingredients must only be ingredients which are specified in the table in subsection 30(4).

Item 120 also repeals subparagraph 30(3)(b)(v) as a consequential amendment to the amendment in item 131, and is replaced with a requirement for goods imported under subsection 30(3) to be accompanied either by documentation stating the ingredients contained in the goods, or if applicable, a declaration or documentation from the manufacturer of the goods stating the matter referred to in subparagraph 30(3)(b)(iv).

The amendments made by item 120 are being made to simplify the evidential requirements for importers of biological material for veterinary therapeutic use or use as cosmetics for animals, by allowing flexibility in the documentation provided by importers to manage the associated biosecurity risks for the goods.

Item 121 Subsection 30(4) (after table item 2)

Item 121 inserts a new item into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to colloidal oatmeal.

Colloidal oatmeal is a common ingredient in animal shampoos, and—due to the commercially prepared nature of the product in which it is contained—presents no biosecurity risk, as there is an extremely low likelihood of diversion to high-risk end uses. This amendment is being made as the alternative conditions in section 30 manage associated biosecurity risks for colloidal oatmeal to an acceptably low level, and the inclusion of these goods in section 30 reduces regulatory burden for importers of these goods.

Item 122 Subsection 30(4) (table item 7)

Item 122 repeals table item 7. This is a consequential amendment to the amendment in item 131.

Item 123 Subsection 30(4) (after table item 8)

Item 123 inserts a new item into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to green lipped mussel powder from New Zealand, except if intended for veterinary therapeutic use in aquatic animals.

The alternative conditions in section 30 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 30(4) reduces regulatory burden on importers of green lipped mussel powder.

Item 124 Subsection 30(4) (at the end of the cell at item 12, column headed “Biological material”)

Item 124 amends table item 12, to provide that the alternative conditions for lactose do not apply to lactose contained in products for administration to food producing animals via their feed or water ration. This amendment is being made as under current industry practice, lactose is not processed sufficiently to manage biosecurity risks associated with viral contaminants, including foot and mouth disease. Therefore it is not acceptable to permit the administration of veterinary products containing lactose to food producing animals without a biosecurity risk assessment.

Item 125 Subsection 30(4) (at the end of the cell at table item 13, column headed “Biological material”)

Item 125 amends table item 13, to provide that the alternative conditions for natural flavourings do not apply to goods manufactured using materials of terrestrial animal or avian origin. Table item 13 was not intended to include flavourings sourced from materials of terrestrial animal or avian origin, as these have the potential to harbour pathogens of concern. It is therefore not appropriate that these goods be imported under the alternative conditions and are instead imported under an import permit and assessed to ensure risks are managed. This amendment will increase the regulatory burden on importers of natural flavourings which are manufactured using materials of terrestrial animal or avian origin.

Item 126 Subsection 30(4) (after table item 24)

Item 126 inserts a new item into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to purified hyaluronic acid. The conditions apply when the hyaluronic acid not manufactured using materials of terrestrial animal or avian origin (except if intended for veterinary therapeutic use in aquatic animals).

The alternative conditions in section 30 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 30(4) reduces regulatory burden on importers of hyaluronic acid.

Item 127 Subsection 30(4) (after table item 25)

Item 127 inserts a new item into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to highly purified, semi-synthetic compounds, sourced from the bacterial species *Saccharopolyspora spinos*, when present in products for use in humans or companion or performance animals.

The alternative conditions in section 30 manage associated biosecurity risks for the compounds to an acceptably low level through restricting use to veterinary therapeutics for companion or performance animals, and the inclusion of these goods into subsection 30(4) reduces regulatory burden on importers of the compounds.

Item 128 Subsection 30(4) (at the end of the cell at table item 28, column headed “Biological material”)

Item 128 amends table item 28, to provide that the alternative conditions for sugar do not include lactose. This amendment is being made as although lactose is a sugar, it poses a higher biosecurity risk than other sugars, and the conditions for its import are provided for in table item 12.

Item 129 Subsection 30(4) (after table item 28)

Item 129 inserts a new item into the table in subsection 30(4), creating alternative conditions for tallow derivatives. The conditions apply when the tallow derivatives are methyl oleate, oleic acid, glycerol or stearates, produced by either hydrolysis, saponification, or transesterification using high temperature (above 200°C) and pressure.

Tallow derivatives are highly processed, semi-synthetic compounds used widely in cosmetics, household and agricultural chemicals, and foods. Tallow routinely undergoes aggressive chemical processes to produce oleochemical by-products. These processes are sufficient to manage the risk of transmissible spongiform encephalopathies. The alternative conditions in section 30 manage associated biosecurity risks for tallow derivatives to an acceptably low level, and the inclusion of these goods into subsection 30(4) reduces regulatory burden for importers.

Item 130 Subsection 30(4) (at the end of the cell at table item 29, column headed “Biological material”)

Item 130 amends table item 29, to provide that the alternative conditions for tinctures do not apply to goods manufactured using materials of terrestrial animal or avian origin. Tinctures sourced from animals have the potential to harbour pathogens of concern if they are not extracted using aggressive methods. It is therefore not appropriate that these goods be imported under the alternative conditions and are instead imported under an import permit and assessed to ensure risks are managed. This amendment will increase the regulatory burden on importers of tinctures which are manufactured using materials of terrestrial animal or avian origin.

Item 131 After section 30

Item 131 inserts section 30A to provide alternative conditions for gelatine and its derivatives for certain purposes. The previous conditions for gelatine were inconsistent, and in some cases imposed stricter conditions on low risk end uses than on higher risk end uses. Section 30A provides a consolidated and consistent set of conditions for the different end uses of gelatine and its derivatives, and appropriately manages the biosecurity risks associated with different end uses of gelatine.

Section 30A includes a table which specifies the alternative conditions for the different end uses of gelatine, for the purposes of paragraph 7(1)(b).

The table in section 30A provides that for gelatine for human consumption, human therapeutics, in-vitro purposes, and in-vivo laboratory organisms, the conditions are that the goods have been commercially prepared. For gelatine intended for culture media, the conditions are that the goods have been commercially prepared and packaged, and if the goods are derived from bovines, are derived from hides and skins only. For gelatine intended for veterinary therapeutic use or use as cosmetics for animals, the conditions are that the goods are not derived from ruminant animals, do not contain any biological material except gelatine or biological material specified in the table in subsection 30(4), have been commercially prepared and packaged, are ready for retail sale without any further processing, and are accompanied by a declaration or other documentation from the manufacturer attesting that those requirements have been met.

Item 132 Section 31 (at the end of the cell at table item 1, column 1)

Item 132 inserts “, other than bioremedial products covered by item 2”. This is a consequential amendment to the amendment made by item 133.

Item 133 Section 31 (at the end of the table)

Item 133 inserts a new item in the table in section 31, to provide alternative conditions for bioremedial products imported from Australia. This amendment is being made to reduce the regulatory burden for importers of bioremedial products from Australia, as there are standard conditions which can be applied to those goods which appropriately manages the associated biosecurity risks to an acceptably low level.

The conditions for these goods require that the goods are brought or imported from a part of Australian territory (other than Cocos (Keeling) Islands or Norfolk Island), have been commercially prepared, packaged and are ready for retail sale, are free from soil, and, if the goods contain plant material, that material has been processed so that it is not viable. The conditions also require that the goods are accompanied by documentation stating the ingredients contained in the goods, and that the goods are presented to a biosecurity officer for inspection on arrival in Christmas Island.

Item 134 Paragraph 32(2)(b)

Item 134 repeals the current alternative conditions for soil in paragraph 32(2)(b) and substitutes new conditions that more flexibly manage the conditions under which the goods can be brought or imported into Australian territory. Item 134 broadens the treatments available for soil that is to be brought or imported into Australian territory. The amendment allows for the use of methods of treatment that the Director of Biosecurity is satisfied are appropriate to manage the biosecurity risks. This will make it easier for importers to take advantage of new treatments as they become available. Item 134 will also reduce regulatory burden for researchers who intend to use the soil for in-vitro purposes under the conditions of an approved arrangement. Allowing goods to be delivered to a premises where biosecurity activities are carried out in accordance with an approved arrangement, provides importers with an acceptable risk-mitigation alternative.

Item 135 Paragraphs 33(1)(a) and (b)

Item 135 repeals paragraphs 33(1)(a) and (b), and substitutes new paragraphs to provide that section 33 applies to water, and goods containing water. This amendment is being made to clarify classes of goods to which section 33 applies.

Item 136 Paragraph 33(2)(a)

Item 136 omits “bottled” and substitutes “packaged” to ensure that all packaged water, whether in bottles, cartons, or other sealed vessels is captured by section 33.

Item 137 At the end of subsection 33(2)

Item 137 adds “water included as an ingredient in a food product” as a further exception to the classes of goods to which section 33 applies. This is to ensure that water, when it is part of a food product (for example in a jam, sauce, or manufactured beverage) is excluded from the operation of section 33.

Item 138 Subsection 33(3)

Item 138 repeals subsection 33(3) and substitutes new conditions for the classes of goods to which section 33 applies. The goods will need to comply with one of the new conditions in subsection 33(3) before they may be brought or imported into Australian territory.

Item 138 also inserts paragraph 33(3)(a), to allow the goods to be imported under an import permit, or if they have been treated using a method that the Director of Biosecurity is satisfied is appropriate to manage biosecurity risks, paragraph (b) allows the goods to be brought or imported without an import permit.

Item 138 also inserts paragraph 33(3)(c), to allow sea or ocean water in a quantity of less than 5 litres to be imported for in-vitro purposes if the goods are free from suspended and solid material. This is designed primarily to assist researchers importing sea or ocean water for laboratory uses.

Item 139 Section 34

Item 139 repeals section 34 and substitutes a new section with new conditions for chemical or mined fertilisers, soil conditioners and soil growth supplements. The amendments recognise the limited biosecurity risk of these heavily processed goods and sets the conditions accordingly.

Item 139 inserts subsection 34(2), which sets the conditions for liquid chemical fertilisers. The conditions are the same as the repealed subsection 34(3) and require a declaration from the manufacturer that the goods do not contain any ingredients of animal, plant or microbial origin. This allows the department to be satisfied that the biosecurity risk of the goods is appropriately low.

Item 139 also inserts new alternative conditions in the new subsection 34(3) for the goods. The conditions are such that the biosecurity risk is managed to an appropriately low level. Most consignments of these goods will meet the alternative conditions, which reduces regulatory burden for industry.

Item 140 After section 35

Item 140 inserts a new section 35A, to provide alternative conditions for equipment that has directly or indirectly come into contact with horses.

Subsection 35(1) provides examples of the types of goods which may be included under this section.

Subsection 35 (2) of the new section requires that the goods undergo treatment either prior to their arrival in Australian territory, or while subject to biosecurity control. Goods which are treated prior to arrival must have been treated either with gamma irradiation to a level that achieves a minimum of 50 kGray at a facility that the Director of Biosecurity is satisfied can treat horse equipment so that biosecurity risks associated with the goods are managed to an acceptable level, or with a disinfectant which is appropriate to manage biosecurity risks to an acceptable level. The goods also must not have been in contact with horses after treatment, and must be accompanied by a government-endorsed treatment certificate attesting that those requirements have been met. Goods which are treated while subject to biosecurity control must be treated using a method that the Director of Biosecurity is satisfied is appropriate to manage biosecurity risks to an acceptable level.

This amendment is being made as there are currently no alternative conditions for horse equipment that has directly or indirectly come into contact with horses.

Item 141 Section 37 (heading)

Item 141 repeals the heading for section 37 and replaces it with a new heading, “Used machinery and equipment (other than certain beekeeping equipment, veterinary equipment or

equipment that has come into contact with horses)”. This is a consequential amendment to the amendment made by item 140.

Item 142 At the end of subsection 37(2)

Item 142 inserts paragraph 37(2)(c), which adds “used equipment that has directly or indirectly come into contact with horse” to the classes of goods which section 37 does not apply to. This amendment is a consequential amendment to the amendment made by item 140.

Part 3—Alternative conditions for Cocos (Keeling) Islands

Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Cocos (Keeling) Islands) Determination 2016

Item 143 Paragraphs 6(2)(d), (e) and (f)

Item 143 repeals paragraphs 6(2)(d), (e) and (f). This is a consequential amendment to the amendments in item 149 (for paragraph 6(2)(d)) and item 153 (for paragraphs 6(2)(e) and (f)). The amendment will result in the goods contained in paragraphs 6(2)(d), (e) and (f) no longer being exempted from the requirement to be covered by an import permit or to comply with the alternative conditions. This amendment is being made to better manage the biosecurity risks associated with the import of bones, horns, antlers, tusks, teeth, and rawhide.

Item 144 Subsection 6(3) (table item 7, column headed “Excluded plant goods”, paragraph (b))

Item 144 amends table item 7, to omit “the United States of America (other than California, Florida or Hawaii) or another country”, and substitutes “a country”. Subsection 6(3) specifies certain plant goods which do not pose an unacceptable level of biosecurity risk, and may be brought or imported into Australian territory without having to meet any conditions pursuant to subsection 6(2). Table item 7 currently provides for *Baeckea frutescens* (Weeping Baeckea or Weeping Coast Myrtle) grown in the United States of America (other than California, Florida or Hawaii), as well as the plant grown in any other countries where the pathogen *Puccinia psidii* (guava or eucalyptus rust) is known not to occur. This change has the effect of excluding the entirety of the USA from the exception, and has been made in order to manage the risk of *Puccinia psidii* (guava or eucalypt rust) on *Baeckea frutescens* from the USA consistent with other countries where the pathogen is known to occur.

Item 145 Subsection 6(3) (after table item 8)

Item 145 adds dried apricot kernels for human consumption to the table in subsection 6(3). Subsection 6(3) provides that certain plant goods which do not pose an unacceptable level of biosecurity risk may be brought or imported into Australian territory without having to meet any conditions pursuant to subsection 6(2). This amendment is being made as dried apricot kernels for human consumption have been assessed to have the same biosecurity risk as almonds (*Prunus dulcis*), which are already excluded from needing to meet any conditions.

Item 146 Subsection 7(3) (example)

Item 146 repeals the example in subsection 7(3), and substitutes it with a new example. This amendment is being made as the previous example was inaccurate.

Item 147 Section 8 (after the heading)

Item 147 inserts subsection 8(1), which provides that the alternative conditions for dead animals, animal parts, and related goods in the table in section 8 do not apply to goods which are intended for animal consumption, use as a bioremedial agent or fertiliser, growing purposes, or veterinary therapeutic use. Previously, these restrictions on the end use of goods

only applied to certain goods in section 8. Subsection 8(1) expands these end use restrictions to all goods in section 8, in order to manage the biosecurity risk for these goods consistently.

Item 148 Section 8

Item 148 inserts “(2)” before “For paragraph 7(1)(b)” in section 8. This is a consequential amendment to the amendment in item 147.

Item 149 Section 8 (after table item 1)

Item 149 inserts a new item in the table in section 8, to provide alternative conditions for goods made from rawhide. The conditions require that the goods have either been treated either by a lime solution at a pH of at least 12.5 and are accompanied by a declaration from the manufacturer attesting that that requirement has been met, have been treated with gamma irradiation to a level that achieves a minimum of 50 kGray at a facility approved by the Director of Biosecurity and are accompanied by evidence attesting that this requirement has been met. This amendment is being made to reduce the regulatory burden for importers of goods made from rawhide into Cocos (Keeling) Islands.

Item 150 Section 8 (cell at table item 3, column 1)

Item 150 omits “that are not intended for animal consumption, veterinary therapeutic use or use as fertiliser” from column 1 of table item 3. This is a consequential amendment to the amendment in item 147.

Item 151 Section 8 (after table item 3)

Item 151 inserts a new item into the table in section 8 to provide alternative conditions for catgut strings derived from animal intestines, for use in musical instruments or sporting equipment. The conditions require that the goods do not require refrigeration or any further processing. This amendment is being made as catgut strings are low import volume, specialist equipment, and pose a low biosecurity risk which can be managed with alternative conditions, in order to reduce regulatory burden for importers.

Item 151 also inserts a new item into the table in section 8 to provide alternative conditions for catgut derived from animal intestines. This condition provides for the import of catgut for uses other than in musical instruments or sporting equipment. The conditions require that the goods are derived from intestinal material of bovine, caprine, ovine or porcine animals only, that the animals from which the goods were derived were free from diseases of biosecurity concern at the time of slaughter, and are accompanied by a health certificate attesting to these conditions. This amendment is being made as catgut derived from animal intestines poses a low biosecurity risk, which can be managed through alternative conditions, in order to reduce regulatory burden for importers.

Item 152 Section 8 (cell at table item 8, column 1)

Item 152 amends table item 8, to provide that the alternative conditions in section 8 also apply to natural or cultured pearls for jewellery, personal use, or display purposes, as natural and cultured pearls pose no biosecurity risk.

Item 153 Section 8 (at the end of the table)

Item 153 inserts a new item into the table in section 8 to provide alternative conditions for casein glue and gelatine glue. The conditions for casein glue and gelatine glue are that the goods have been commercially prepared for industrial, commercial, and hobbyist purposes. This amendment is being made to reduce regulatory burden as there is a very low biosecurity risk associated with these goods when they are commercially prepared.

Item 153 also inserts two new items into the table in section 8, to provide alternative conditions for untanned and partially processed game trophies, hides, and skins from both animals and avians.

The conditions for goods from animals (other than avians) are that the goods were derived from animals which resided and were slaughtered in New Zealand, and are accompanied by a health certificate attesting that requirement.

The conditions for goods from avians, are that the goods were derived from avian animals which resided and were slaughtered in New Zealand, have undergone a treatment with salt or borax, immersion in an acid pickling solution at pH equal to or less than 4, or immersion in an alcohol solution, and are accompanied by a health certificate attesting to these requirements.

Standard conditions are currently applied to the assessment of import permits for these goods, which can be applied to alternative conditions for these goods in order to reduce regulatory burden for importers. Health certification confirming the country of origin for all animals, and treatment for avian goods is sufficient to manage any associated biosecurity risks.

Item 153 also inserts a new item to the table in section 8, to provide alternative conditions for animal trophies, artefacts, and handicraft items. The conditions for the goods are that the goods are accompanied by a certificate from the manufacturer or supplier, stating that the goods are over 5 years old and are preserved so that they do not require refrigeration, and are accompanied by a declaration from the manufacturer or supplier attesting that these requirements have been met. The conditions also require that the goods are intended only for in-vitro use or display by a museum, scientific institute or public exhibition, that neither the goods nor any derivatives of the goods will not come into contact with any animal, the goods are not intended to be used for the isolation or synthesis of viable microorganisms, or infectious agents or their homologues, and are accompanied by a declaration from the importer attesting that these requirements will be met.

This item is being inserted as no standard alternative conditions exist for these goods, that can effectively manage biosecurity risk, thereby removing unnecessary regulatory burden.

Item 153 also inserts a new item to the table in section 8, to provide alternative conditions for bones, horns, antlers, tusks and teeth. The conditions require that the goods are clean and free from other animal or plant material and soil. This amendment is being made to better manage the biosecurity risks associated with the import of bones, horns, antlers, tusks and teeth.

Item 154 Subsection 11(2) (table item 1, column 2, paragraph (d))

Item 154 amends paragraph (d) of column 2 in table item 1, to clarify that for dairy goods containing one or more packets, the total weight of the goods must be less than 10% dairy products, rather than less than 10% of the weight of each packet of the goods. The current conditions assess individual packets within a single good, and have the consequence of considering individual packets separately from the goods of which they are a part. This amendment is being made as food items containing multiple packets are only required to be considered as one product to effectively manage biosecurity risk.

Item 155 Section 13 (table item 1)

Item 155 repeals table item 1 in section 13. This is a consequential amendment to the amendment in item 202.

Item 156 Section 15 (after table item 4)

Item 156 inserts a new item to the table in section 15, creating alternative conditions for marine molluscs, other than oysters or snails. This amendment is being made as standard conditions are currently applied to imports of these goods, which can be applied as alternative conditions to appropriately manage biosecurity risk, and reduce regulatory burden for importers. The conditions require that the goods are treated in Australian territory, with gamma irradiation to a level that achieves a minimum of 50 kGray.

Item 156 also inserts a new item into the table in section 15, creating alternative conditions for food for consumption by pet fish in enclosed aquaria or ponds. This amendment is being made as standard conditions are currently applied to assessments of these goods, which can be applied as alternative conditions to appropriately manage biosecurity risk, and reduce regulatory burden for importers.

The conditions require that goods do not contain materials from terrestrial or avian animals, fish of the family *Salmonidae*, microalgae, macroalgae, whole seeds, or viable plant material, have been processed to the extent necessary to manage relevant biosecurity risks, and that the goods are accompanied by a manufacturer's declaration stating those conditions have been met. The conditions also require that the goods are commercially prepared, packaged, and ready for retail sale without any further processing, in individual containers of not more than five kilograms.

Item 157 Section 15 (at the end of the table)

Item 157 inserts a new item to the table in section 15, to provide alternative conditions for food or supplements for animals, other than food or supplements for animals which are covered by another item in the table. This amendment is being made to reduce the regulatory burden for importers, by providing alternative conditions for goods not otherwise provided for in the table in section 15.

The conditions require that the goods are brought or imported from Australian territory (other than Christmas Island or Norfolk Island), are commercially prepared, packaged and are ready for retail sale, and are presented to a biosecurity officer for inspection on arrival in Cocos (Keeling) Islands. The conditions also require that if the goods contain material of animal or

microbial origin, than that material was derived from animals or microbes in Australian territory, or were not brought into Australian territory in contravention of the Act, and that if the goods contain material of plant origin, then the goods have been made into pellets, or the material is not viable and does not include whole seeds.

Item 158 Section 16 (cell at table item 1, column 2)

Item 158 repeals and replaces column 2 of table item 1 to insert a new paragraph (b), which requires that the goods “are ready for retail sale”. This is a technical amendment which reflects that the original intent of the alternative conditions for cosmetics of animal origin for human use was to require that goods are packaged for retail sale.

Item 159 Section 18 (table item 2)

Item 159 repeals table item 2, which provides conditions for herbarium specimens of vascular plants or macro algae, and replaces it with a new item which provides for an expanded category of species that includes non-vascular plants and fungi. This is because non-vascular plants and fungi present the same biosecurity risk as other herbarium specimens.

Item 159 also amends the alternative conditions for goods in table item 2, to require that goods are in clean and new packaging, are clearly labelled and identifiable as herbarium specimens, are intended to be formally incorporated into a reference collection or housed temporarily for research at one or more herbariums listed in the *Index Herbariorum*, and are to be treated immediately by the first herbarium to which they are delivered, at a temperature of minus 18 degrees Celsius for seven consecutive days before the inner wrappings are opened. The conditions also require that the goods are either accompanied by a declaration that is clearly marked as being from the sending institution, stating:

- a list of the specimens in the consignment (including the classification of the specimens to at least family level), linked to either the herbarium accession numbers or collectors’ details or identifiers (for example, the accompanying loan listing);
- that the specimens have been processed to their final state by a method other than freezing;
- that the specimens were free from live insects and excess soil at the time of packaging, and are not known to be infected with pathogenic micro-organisms;

or that they are delivered directly to a herbarium covered by an approved arrangement that provides for the containment of herbarium specimens. Allowing goods to be delivered to a herbarium covered by an approved arrangement provides importers with an acceptable risk-mitigation alternative, where they are unable to provide the required declaration, by allowing these imports to be managed through containment at a premises that has been approved for those goods as an approved arrangement site.

Item 160 Section 18 (table item 3)

Item 160 repeals table item 3, and substitutes a new table item 3 to amend the alternative conditions for unprocessed straw articles or products. The amendment omits the word “cereal” from column 1, to broaden the types of straw which may be imported under this condition. The conditions have been amended to require that the goods are for personal use and are brought in as baggage or mail, or are accompanied by evidence stating the botanical

name (including genus and species) of the goods, and which shows that the goods are of plant origin only. This amendment is being made as unprocessed straw articles and products pose minimal biosecurity risk, which can be managed by alternative conditions, when standard treatments are applied to the goods.

Item 161 Section 18 (table item 4, column 2, subparagraph (a)(iii))

Item 161 omits the second occurring of the word “and” in subparagraph (a)(iii) in column 2 of table item 4. This is a consequential amendment to the amendment made by item 162.

Item 162 Section 18 (table item 4, column 2, subparagraph (a)(iv))

Item 162 repeals subparagraph (a)(iv) in column 2 of table item 4, removing the requirement that purified plant deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) be intended for in-vitro use only. This amendment is being made because evidence that goods are intended for in-vitro use is not actually required by the department to manage biosecurity risk. This requirement also increased regulatory burden on importers, as this evidence is often difficult to obtain.

Item 163 Section 18 (table item 4, column 2, paragraph (b))

Item 163 substitutes “(iv)” with “(iii)” in subparagraph (b) in column 2 of table item 4. This is a consequence of the amendment made by item 162.

Item 164 Section 18 (table item 9, column 2, paragraph (c))

Item 164 repeals paragraph (c) in column 2 of table item 9, removing the exemption of goods containing slippery elm bark from the requirement to meet alternative conditions. This amendment is being made because slippery elm bark poses the same biosecurity risk as other goods covered by this item, and can be appropriately managed by the existing alternative conditions.

Item 165 Section 18 (table item 9, column 2, subparagraph (e)(i))

Item 165 repeals and replaces subparagraph (e)(i) in column 2 of table item 9 to add the requirement for goods for personal use to be accompanied by product labelling listing the botanical names of the ingredients. This additional condition enables more effective management of biosecurity risks which may be associated with herbal teas.

Item 166 Section 18 (table item 10, column 1)

Item 166 omits “tea” from column 1 of table item 10 and substitutes it with “mixtures for human consumption” to expand the provision to include all loose leaf herbal mixtures for human consumption. This is intended to incorporate other loose leaf herbal mixtures that may not be considered a tea, and is being made to reduce the regulatory burden on importers of herbal mixtures for human consumption, which pose the same biosecurity risk as tea.

Item 167 Section 18 (table item 10, column 2, subparagraph (d)(i))

Item 167 repeals and replaces subparagraph (d)(i) in column 2 of table item 10 to add the requirement for goods for personal use to be accompanied by product labelling listing the botanical names of the ingredients. This additional condition enables more effective management of biosecurity risks which may be associated with herbal mixtures for human consumption.

Item 168 Section 18 (cell at table item 12, column 2)

Item 168 repeals and replaces the alternative conditions for artificial plants on natural stems in column 2 of table item 12, to provide that goods which are for personal use and are brought in as baggage or mail are required to be accompanied by evidence stating the botanical name of the stem components of the goods. This amendment enables more effective management of biosecurity risks associated with natural stems.

Item 169 Section 18 (cell at table item 15, column 2)

Item 169 repeals and replaces column 2 of table item 15, to amend the alternative conditions for unprocessed cotton items, to add conditions for goods which are for non-personal use. This amendment inserts new conditions, requiring that the goods which are accompanied by evidence which states the botanical name of the goods and shows they are of plant origin. This additional condition enables more effective management of biosecurity risks which may be associated with unprocessed cotton items.

Item 170 Section 18 (at the end of the table)

Item 170 adds new alternative conditions for importing various plant materials and plant products into the table in section 18. These goods have a minimal biosecurity risk that can be effectively managed through the new alternative conditions.

Item 170 inserts a new table item to provide alternative conditions for grape vine articles. The alternative conditions state that the grape vine articles can be brought or imported into Australian territory if they are for personal use and are brought into the country via baggage or mail, or if they are accompanied by evidence that states the botanical name of the goods, and that the goods are made only of plants. This applies to grape vine articles on their own, or if they form part of another good. If the grape vine article forms part of another good, all parts of the good must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 170 also inserts a new table item to provide alternative conditions for plants that are intended to be used as thatching grasses. These grasses include *Hyparrhenia* spp. (excluding *H. gazensis*); *Imperata cylindrica*; *Miscanthus sinensis*; *Pennisetum purpureum*; *Themnodcalamus* spp.; and *Themnochortus* spp. These grasses can be brought or imported under the alternative condition if they are accompanied by evidence that states the botanical name of the goods including the genus and species.

Item 170 also inserts a new table item to provide alternative conditions for banana fibre articles. The alternative conditions state that the banana fibre articles can be imported into Australian territory if they are for personal use and brought in via baggage or mail, if they are

accompanied by evidence that states the botanical name of the goods, and if there is evidence that the goods are made only of plants. This applies to banana fibre articles on their own, or if they form part of another good. If the banana fibre article forms part of another good, all parts of the good must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 170 also inserts a new table item to provide alternative conditions for articles that are stuffed with herbs or seeds. The alternative conditions state that articles that are stuffed with herbs or seeds can be imported into Australia if they are accompanied by evidence that states the botanical name of the goods, and if there is evidence that the goods are made only of plants. All parts of the article stuffed with herbs or seeds must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 171 Section 23 (heading)

Item 171 repeals the heading for section 23 and replaces it with a new heading - “Alternative conditions—fertilisers, soil conditions and growing media of plant origin”. This is a consequence of the amendment made by item 172.

Item 172 Section 23

Item 172 omits “potting mixes” and replaces it with “growing media” in section 23. This is a technical amendment to clarify that the conditions in section 23 apply to all types of growing media, not only to potting mixes.

Item 173 Section 23 (table heading)

Item 173 repeals and replaces the table heading. This has the effect of substituting “potting mixes” for “growing media” in the table heading. This is a consequence of the amendment made by item 172.

Item 174 Section 23 (table item 1, column 1)

Item 174 omits “from an FMD-free country” from column 1 of table item 1 and substitutes “that was grown, processed and packaged in, and brought or imported from an FMD-free country”. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that all countries which the goods are grown, processed or transported through must be an FMD-free country.

Item 175 Section 23 (cell at table item 2, column 1)

Item 175 repeals and replaces column 1 of table item 2. Table item 2 provides alternative conditions for peat which is grown, processed, or packaged in a country which is not an FMD-free country.

This amendment omits “produced in a country that is not an FMD-free country” and substitutes “was not grown, processed or packaged in an FMD-free country”. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that this alternative condition applies if one or more of those countries is not an FMD-free country.

Item 176 Section 23 (cell at table item 3, column 1)

Item 176 repeals and replaces column 1 of table item 3. Table item 3 provides alternative conditions for peat (in a quantity of 10 kilograms or more) which is grown, processed, or packaged in a country which is not an FMD-free country.

This amendment omits “produced in a country that is not an FMD-free country” and substitutes “was not grown, processed or packaged in an FMD-free country”. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that this alternative condition applies if one or more of those countries is not an FMD-free country.

Item 177 Section 24 (table item 1, column 1, paragraph (d))

Item 177 adds fungi to the list of produce for human consumption covered by column 1 of table item 1 in the table in section 24. Treated or processed fungi have the same associated level of biosecurity risk as fruit, vegetables, leaves and herbs, and accordingly it is appropriate that these goods be subject to the same alternative conditions to reflect the level of biosecurity risk, and to reduce regulatory burden for importers.

Item 178 Section 24 (after table item 4)

Item 178 inserts a new item to the table in section 24, to provide alternative conditions for species of mushrooms or fungi for medicinal purposes. The conditions for medicinal mushrooms or fungi require that either the goods are listed medicinal mushrooms, have been securely packed in clean and new packaging, have been dried and processed, and are accompanied by a declaration or commercial documentation stating the botanical name of the goods (including genus and species), and a description of the packaging used for the goods, or that the goods are treated using a method approved by the Director of Biosecurity, while subject to biosecurity control.

This amendment is being made to reduce the regulatory burden on importers by removing the requirement for an import permit, as the biosecurity risks for medicinal mushrooms and fungi can be appropriately managed through alternative conditions.

Item 179 Section 24 (at the end of the cell at table item 5, column 1)

Item 179 adds listed medicinal mushrooms to the items to which table item 5 does not apply. This is a consequential amendment to the amendment in item 178.

Item 180 Section 26 (table items 5 and 6)

Item 180 repeals table items 5 and 6 from section 26, and substitutes a new item 5, which provides alternative conditions for all bark for human consumption. Current items 5 and 6 differentiated between slippery elm bark, and all other barks for human consumption. Since the biosecurity risks for all barks can managed under a standard set of conditions, new table item 5 simplifies and streamlines the conditions for bark for human consumption.

Item 181 Section 26 (at the end of the table)

Item 181 inserts a new item in the table in section 26, to provide alternative conditions for the import of oak barrels (with or without chestnut hoops). This item is added to remove ambiguity, as it was previously unclear whether these goods were able to be imported under other alternative conditions. The conditions require that the goods be for personal use and brought in as baggage or mail, or that the goods are accompanied by evidence stating the botanical name (including genus and species) of the materials.

Item 182 Subsection 27(2)

Item 182 repeals subsection 27(2) and replaces it, to provide new alternative conditions for starter cultures. It removes the requirement for starter cultures for human therapeutic use to be commercially prepared and packaged for retail sale. Starter cultures for human therapeutic use pose the same biosecurity risk as starter cultures for other end uses, and these goods are therefore appropriately treated consistently, despite their differing end uses. Item 182 also replaces laboratory animals with laboratory organisms, so as to include micro-organisms, as the use of starter cultures on micro-organisms poses no biosecurity risk.

Item 183 Subsection 27(3) (after table item 1)

Item 183 adds a new item to the table in subsection 27(3), to provide that the alternative conditions in section 27 apply to *Aspergillus brasiliensis*. This amendment is being made to reduce the regulatory burden for importers, as there is a low biosecurity risk associated with this good.

Item 184 Subparagraph 28(2)(a)(iii)

Item 184 repeals subparagraph 28(2)(a)(iii). Subparagraph (iii) excluded the alternative conditions for highly refined organic chemicals from applying to goods for growing purposes. Repealing subparagraph (iii) has the effect of allowing highly refined organic chemicals and substances for growing purposes to be imported using the alternative conditions in section 33. This amendment is being made to reduce the regulatory burden for importers, as there are minimal biosecurity risks associated with the highly refined organic chemicals listed in subsection 28(3), when used for growing purposes.

Item 185 Subsection 28(3) (at the end of the cell at table item 3, column headed “Highly refined organic chemicals and substances”)

Item 185 adds the words “(other than those derived from neural material)” at the end of the cell at table item 3 in subsection 28(3). Table item 3 was originally drafted based on plant related biosecurity risks. This amendment is being made to also reflect the biosecurity risks associated with amino acids derived from neural tissue.

Item 186 Subsection 28(3) (table item 12, column headed “Highly refined organic chemicals and substances”)

Item 186 adds the words “or microbial fermentation” after the word “animal” at table item 12. Table item 12 was originally drafted based on plant related biosecurity risks. This amendment is being made to also reflect the biosecurity risks associated with enzymes

derived from microbial fermentation, which present a similar level of biosecurity risk to enzymes derived from animals, as the fermentation media may contain animal derived material.

Item 187 Paragraph 29(2)(b)

Item 187 omits “*Ganoderma* spp. or slippery elm bark” from subparagraph 29(2)(b). This amendment has the effect of allowing goods containing these ingredients to be managed under the alternative conditions provided by section 29. This amendment is being made to reduce the regulatory burden for importers, as the biosecurity risks for these items can be effectively managed under the existing alternative conditions for biological products for personal use.

Item 188 Section 30

Item 188 repeals and replaces section 30, amending the alternative conditions for fertilisers, soil conditioners, soil growth supplements and growing media. Item 188 amends the alternative conditions to provide that the conditions only apply to those goods with biological materials that are derived from animals, avian animals or microbes, and also requires that those goods are presented to a biosecurity officer for inspection on arrival in Cocos (Keeling) Islands.

Item 188 creates separate alternative conditions for fertilisers, soil conditioners and supplements which are intended for use to promote growth in soil and do not contain materials derived from terrestrial animals, avian animals or microbes. The conditions for those goods require that the goods are brought or imported from Australian territory (other than Christmas Island or Norfolk Island) have been commercially prepared and packaged ready for retail sale, are free from soil, and that the only plant material contained in the goods has been processed so that it is not viable. The conditions also require that the goods are accompanied by documentation stating the ingredients contained in the goods, and that the goods are presented to a biosecurity officer for inspection on arrival in Cocos (Keeling) Islands.

Item 188 also creates separate alternative conditions for growing media made of plant material. The conditions for those goods require that the goods are brought or imported from a part of Australian territory (other than Christmas Island or Norfolk Island), have been commercially prepared, packaged and are ready for retail sale, and are free from soil. The conditions also require that the goods are accompanied by documentation stating the ingredients contained in the goods, and that the goods are presented to a biosecurity officer for inspection on arrival in Cocos (Keeling) Islands.

Item 189 Paragraph 31(2)(a)

Item 189 amends subparagraph 31(2)(a) to include biological materials contained in cosmetics for human use. This amendment is being made to reduce regulatory burden for importers of biological materials in cosmetics for human use, as the associated biosecurity risks can be managed under the existing alternative conditions in subsection 31(2).

Item 190 Subparagraphs 31(3)(d) and (e)

Item 190 repeals and replaces paragraphs 31(3)(d) and (e), to amend the alternative conditions for biological materials for veterinary therapeutic use or use as cosmetics for animals. Subsection 31(3)(d) has been amended to provide that if the goods contain ingredients of animal, plant or microbial origin, than those ingredients must only be ingredients which are specified in the table in subsection 30(4).

Item 190 also repeals paragraph 31(3)(e) as a consequential amendment to the amendment in item 202, and is replaced with a requirement for goods imported under subsection 31(3) to be accompanied either by documentation stating the ingredients contained in the goods, or if applicable, a declaration or documentation from the manufacturer of the goods stating the matter referred to in paragraph 31(3)(d).

The amendments made by item 190 are being made to simplify the evidential requirements for importers of biological material for veterinary therapeutic use or use as cosmetics for animals, by allowing flexibility in the documentation provided by importers to manage the associated biosecurity risks for the goods.

Item 191 Subsection 31(4) (after table item 2)

Item 191 inserts a new item into the table in subsection 31(4), to provide that the alternative conditions in section 31 apply to colloidal oatmeal.

Colloidal oatmeal is a common ingredient in animal shampoos, and—due to the commercially prepared nature of the product in which it is contained—presents no biosecurity risk, as there is an extremely low likelihood of diversion to high-risk end uses. This amendment is being made as the alternative conditions in section 31 manage associated biosecurity risks for colloidal oatmeal to an acceptably low level, and the inclusion of these goods in section 31 reduces regulatory burden for importers of these goods.

Item 192 Subsection 31(4) (table item 7)

Item 192 repeals table item 7. This is a consequential amendment to the amendment in item 202.

Item 193 Subsection 31(4) (after table item 8)

Item 193 inserts a new item into the table in subsection 31(4), to provide that the alternative conditions in section 31 apply to green lipped mussel powder from New Zealand, except if intended for veterinary therapeutic use in aquatic animals.

The alternative conditions in section 31 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 31(4) reduces regulatory burden on importers of green lipped mussel powder.

Item 194 Subsection 31(4) (at the end of the cell at item 12, column headed “Biological material”)

Item 194 amends table item 12, to provide that the alternative conditions for lactose do not apply to lactose contained in products for administration to food producing animals via their feed or water ration. This amendment is being made as under current industry practice, lactose is not processed sufficiently to manage biosecurity risks associated with viral contaminants, including foot and mouth disease. Therefore it is not acceptable to permit the administration of veterinary products containing lactose to food producing animals without a biosecurity risk assessment.

Item 195 Subsection 31(4) (at the end of the cell at table item 13, column headed “Biological material”)

Item 195 amends table item 13, to provide that the alternative conditions for natural flavourings do not apply to goods manufactured using materials of terrestrial animal or avian origin. Table item 13 was not intended to include flavourings sourced from materials of terrestrial animal or avian origin, as these have the potential to harbour pathogens of concern. It is therefore not appropriate that these goods be imported under the alternative conditions and are instead imported under an import permit and assessed to ensure risks are managed. This amendment will increase the regulatory burden on importers of natural flavourings which are manufactured using materials of terrestrial animal or avian origin.

Item 196 Subsection 31(4) (after table item 13)

Item 196 inserts a new item into the table in subsection 31(4), to provide that the alternative conditions in section 31 apply to neatsfoot oil in products for topical application to humans or companion or performance animals (e.g. dogs, cats, horses).

The alternative conditions in section 31 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 31(4) reduces regulatory burden for importers.

Item 197 Subsection 31(4) (after table item 24)

Item 197 inserts a new item into the table in subsection 31(4), to provide that the alternative conditions in section 31 apply to purified hyaluronic acid. The conditions apply when the hyaluronic acid not manufactured using materials of terrestrial animal or avian origin (except if intended for veterinary therapeutic use in aquatic animals).

The alternative conditions in section 31 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 31(4) reduces regulatory burden for importers.

Item 198 Subsection 31(4) (after table item 25)

Item 198 inserts a new item into the table in subsection 31(4), to provide that the alternative conditions in section 31 apply to highly purified, semi-synthetic compounds, sourced from the bacterial species *Saccharopolyspora spinos*, when present in products for use in humans or companion or performance animals.

The alternative conditions in section 31 manage associated biosecurity risks for the compounds to an acceptably low level through restricting use to veterinary therapeutics for companion or performance animals, and the inclusion of these goods into subsection 31(4) reduces regulatory burden for importers.

Item 199 Subsection 31(4) (at the end of the cell at table item 28, column headed “Biological material”)

Item 199 amends table item 28, to provide that the alternative conditions for sugar do not include lactose. This amendment is being made as although lactose is a sugar, it poses a higher biosecurity risk than other sugars, and the conditions for its import are provided for in table item 12.

Item 200 Subsection 31(4) (after table item 28)

Item 200 inserts a new item into the table in subsection 31(4), creating alternative conditions for tallow derivatives. The conditions apply when the tallow derivatives are methyl oleate, oleic acid, glycerol or stearates, produced by either hydrolysis, saponification, or transesterification using high temperature (above 200°C) and pressure.

Tallow derivatives are highly processed, semi-synthetic compounds used widely in cosmetics, household and agricultural chemicals, and foods. Tallow routinely undergoes aggressive chemical processes to produce oleochemical by-products. These processes are sufficient to manage the risk of transmissible spongiform encephalopathies. The alternative conditions in section 31 manage associated biosecurity risks for tallow derivatives to an acceptably low level, and the inclusion of these goods into subsection 31(4) reduces regulatory burden for importers.

Item 201 Subsection 31(4) (at the end of the cell at table item 29, column headed “Biological material”)

Item 201 amends table item 29, to provide that the alternative conditions for tinctures do not apply to goods manufactured using materials of terrestrial animal or avian origin. Tinctures sourced from animals have the potential to harbour pathogens of concern if they are not extracted using aggressive methods. It is therefore not appropriate that these goods be imported under the alternative conditions and are instead imported under an import permit and assessed to ensure risks are managed. This amendment will increase the regulatory burden on importers of tinctures which are manufactured using materials of terrestrial animal or avian origin.

Item 202 After section 31

Item 202 inserts section 31A to provide alternative conditions for gelatine and its derivatives for certain purposes. The previous conditions for gelatine were inconsistent, and in some cases imposed stricter conditions on low risk end uses than on higher risk end uses. Section 31A provides a consolidated and consistent set of conditions for the different end uses of gelatine and its derivatives, and appropriately manages the biosecurity risks associated with different end uses of gelatine.

Section 31A includes a table which specifies the alternative conditions for the different end uses of gelatine, for the purposes of paragraph 7(1)(b).

The table in section 31A provides that for gelatine for human consumption, human therapeutics, in-vitro purposes, and in-vivo laboratory organisms, the conditions are that the goods have been commercially prepared. For gelatine intended for culture media, the conditions are that the goods have been commercially prepared and packaged, and if the goods are derived from bovines, are derived from hides and skins only. For gelatine intended for veterinary therapeutic use or use as cosmetics for animals, the conditions are that the goods are not derived from ruminant animals, do not contain any biological material except gelatine or biological material specified in the table in subsection 31(4), have been commercially prepared and packaged, are ready for retail sale without any further processing, and are accompanied by a declaration or other documentation from the manufacturer attesting that those requirements have been met.

Item 203 Section 32 (at the end of the cell at table item 1, column 1)

Item 203 inserts “, other than bioremedial products covered by item 2”. This is a consequential amendment to the amendment made by item 204.

Item 204 Section 32 (at the end of the table)

Item 204 inserts a new item in the table in section 32, to provide alternative conditions for bioremedial products imported from Australia. This amendment is being made to reduce the regulatory burden for importers of bioremedial products from Australia, as there are standard conditions which can be applied to those goods which appropriately manages the associated biosecurity risks to an acceptably low level.

The conditions for these goods require that the goods are brought or imported from a part of Australian territory (other than Christmas or Norfolk Island), have been commercially prepared, packaged and are ready for retail sale, are free from soil, and, if the goods contain plant material, that material has been processed so that it is not viable. The conditions also require that the goods are accompanied by documentation stating the ingredients contained in the goods, and that the goods are presented to a biosecurity officer for inspection on arrival in Cocos (Keeling) Islands.

Item 205 Paragraph 33(2)(b)

Item 205 repeals the current alternative conditions for soil in paragraph 33(2)(b) and substitutes new conditions that more flexibly manage the conditions under which the goods can be brought or imported into Australian territory. Item 205 broadens the treatments available for soil that is to be brought or imported into Australian territory. The amendment allows for the use of methods of treatment that the Director of Biosecurity is satisfied are appropriate to manage the biosecurity risks. This will make it easier for importers to take advantage of new treatments as they become available. Item 205 will also reduce regulatory burden for researchers who intend to use the soil for in-vitro purposes under the conditions of an approved arrangement. Allowing goods to be delivered to a premises where biosecurity activities are carried out in accordance with an approved arrangement, provides importers with an acceptable risk-mitigation alternative.

Item 206 Paragraphs 34(1)(a) and (b)

Item 206 repeals paragraphs 34(1)(a) and (b), and substitutes new paragraphs to provide that section 34 applies to water, and goods containing water. This amendment is being made to clarify classes of goods to which section 34 applies.

Item 207 Paragraph 34(2)(a)

Item 207 omits “bottled” and substitutes “packaged” to ensure that all packaged water, whether in bottles, cartons, or other sealed vessels is captured by section 34.

Item 208 At the end of subsection 34(2)

Item 208 adds “water included as an ingredient in a food product” as a further exception to the classes of goods to which section 34 applies. This is to ensure that water, when it is part of a food product (for example in a jam, sauce, or manufactured beverage) is excluded from the operation of section 34.

Item 209 Subsection 34(3)

Item 209 repeals subsection 34(3) and substitutes new conditions for the classes of goods to which section 33 applies. The goods will need to comply with one of the new conditions in subsection 33(3) before they may be brought or imported into Australian territory.

Item 209 also inserts paragraph 34(3)(a), to allow the goods to be imported under an import permit, or if they have been treated using a method that the Director of Biosecurity is satisfied is appropriate to manage biosecurity risks, paragraph (b) allows the goods to be brought or imported without an import permit.

Item 209 also inserts paragraph 34(3)(c), to allow sea or ocean water in a quantity of less than 5 litres to be imported for in-vitro purposes if the goods are free from suspended and solid material. This is designed primarily to assist researchers importing sea or ocean water for laboratory uses.

Item 210 Section 35

Item 210 repeals section 35 and substitutes a new section with new conditions for chemical or mined fertilisers, soil conditioners and soil growth supplements. The amendments recognise the limited biosecurity risk of these heavily processed goods and sets the conditions accordingly.

Item 210 inserts subsection 35(2), which sets the conditions for liquid chemical fertilisers. The conditions are the same as the repealed subsection 35(3) and require a declaration from the manufacturer that the goods do not contain any ingredients of animal, plant or microbial origin. This allows the department to be satisfied that the biosecurity risk of the goods is appropriately low.

Item 210 also inserts new alternative conditions in the new subsection 35(3) for the goods. The conditions are such that the biosecurity risk is managed to an appropriately low level.

Most consignments of these goods will meet the alternative conditions, which reduces regulatory burden for industry.

Item 211 After section 36

Item 211 inserts a new section 36A, to provide alternative conditions for equipment that has directly or indirectly come into contact with horses.

Subsection 36(1) provides examples of the types of goods which may be included under this section.

Subsection 36(2) of the new section requires that the goods undergo treatment either prior to their arrival in Australian territory, or while subject to biosecurity control. Goods which are treated prior to arrival must have been treated either with gamma irradiation to a level that achieves a minimum of 50 kGray at a facility that the Director of Biosecurity is satisfied can treat horse equipment so that biosecurity risks associated with the goods are managed to an acceptable level, or with a disinfectant which is appropriate to manage biosecurity risks to an acceptable level. The goods also must not have been in contact with horses after treatment, and must be accompanied by a government-endorsed treatment certificate attesting that those requirements have been met. Goods which are treated while subject to biosecurity control must be treated using a method that the Director of Biosecurity is satisfied is appropriate to manage biosecurity risks to an acceptable level.

This amendment is being made as there are currently no alternative conditions for horse equipment that has directly or indirectly come into contact with horses.

Item 212 Section 38 (heading)

Item 212 repeals the heading for section 38 and replaces it with a new heading, “Used machinery and equipment (other than certain beekeeping equipment, veterinary equipment or equipment that has come into contact with horses)”. This is a consequential amendment to the amendment made by item 211.

Item 213 At the end of subsection 38(2)

Item 213 inserts paragraph 38(2)(c), which adds “used equipment that has directly or indirectly come into contact with horse” to the classes of goods which section 37 does not apply to. This amendment is a consequential amendment to the amendment made by item 211.

Part 4—Alternative conditions for Norfolk Island

Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Norfolk Island) Determination 2016

Item 214 Subsection 5(1)

Item 214 inserts a definition for “listed fresh produce for human consumption (Norfolk Island)”. Listed fresh produce is fresh produce which is included on the List of Fresh Produce for Human Consumption with Alternative Conditions (Norfolk Island), prepared by the Director of Biosecurity and published on the department’s website, as existing on a specified date. A type of fresh produce which is included on the list is a type of fresh produce which the Director of Biosecurity is satisfied poses an acceptably low biosecurity risk.

Item 215 Paragraphs 6(2)(c) and (d)

Item 215 repeals paragraphs 6(2)(c) and (d). This is a consequential amendment of the amendments made in items 221. The amendment will result in the goods contained in paragraphs 6(2)(c) and (d) no longer being exempted from the requirement to be covered by an import permit or to comply with the alternative conditions. This amendment is being made to better manage the biosecurity risks associated with the import of bones, horns, antlers, tusks, and teeth.

Item 216 Subsection 6(3) (table item 7, column headed “Excluded plant goods”, paragraph (b))

Item 216 amends table item 7, to omit “the United States of America (other than California, Florida or Hawaii) or another country”, and substitutes “a country”. Subsection 6(3) specifies certain plant goods which do not pose an unacceptable level of biosecurity risk, and may be brought or imported into Australian territory without having to meet any conditions pursuant to subsection 6(2). Table item 7 currently provides for *Baeckea frutescens* (Weeping Baeckea or Weeping Coast Myrtle) grown in the United States of America (other than California, Florida or Hawaii), as well as the plant grown in any other countries where the pathogen *Puccinia psidii* (guava or eucalyptus rust) is known not to occur. This change has the effect of excluding the entirety of the USA from the exception, and has been made in order to manage the risk of *Puccinia psidii* (guava or eucalypt rust) on *Baeckea frutescens* from the USA consistent with other countries where the pathogen is known to occur.

Item 217 Subsection 6(3) (after table item 8)

Item 217 adds dried apricot kernels for human consumption to the table in subsection 6(3). Subsection 6(3) provides that certain plant goods which do not pose an unacceptable level of biosecurity risk may be brought or imported into Australian territory without having to meet any conditions pursuant to subsection 6(2). This amendment is being made as dried apricot kernels for human consumption have been assessed to have the same biosecurity risk as almonds (*Prunus dulcis*), which are already excluded from needing to meet any conditions.

Item 218 Subsection 7(3) (example)

Item 218 repeals the example in subsection 7(3), and substitutes it with a new example. This amendment is being made as the previous example was inaccurate.

Item 219 Section 8 (after the heading)

Item 219 inserts subsection 8(1), which provides that the alternative conditions for dead animals, animal parts, and related goods in the table in section 8 do not apply to goods which are intended for animal consumption, use as a bioremedial agent or fertiliser, growing purposes, or veterinary therapeutic use. Previously, these restrictions on the end use of goods only applied to certain goods in section 8. Subsection 8(1) expands these end use restrictions to all goods in section 8, in order to manage the biosecurity risk for these goods consistently.

Item 220 Section 8

Item 220 inserts “(2)” before “For paragraph 7(1)(b)” in section 8. This is a consequential amendment to the amendment in item 219.

Item 221 Section 8 (table)

Item 221 repeals and replaces the table in section 8. The amended table makes several amendments, and inserts several new items.

Item 221 adds the requirement to all items (including items which previously existed, and new items inserted by item 221 (except table items 14, 17, 18)) that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with all goods in section 8 from other jurisdictions are managed appropriately.

Item 221 also amends table item 2, to amend the alternative conditions for goods made from rawhide. Item 221 removes the end use restrictions in column 1, as a consequence of the amendment made by item 219. Item 221 also inserts new conditions in column 2, requiring that the goods have been treated either by a lime solution at a pH of at least 12.5 and are accompanied by a declaration from the manufacturer attesting that that requirement has been met, or have been treated with gamma irradiation to a level that achieves a minimum of 50 kGray at a facility approved by the Director of Biosecurity and are accompanied by evidence attesting that that requirement has been met. This amendment is being made to more effectively manage the biosecurity risks associated with these goods.

Item 221 also inserts a new item into the table in section 8, to provide alternative conditions for equipment that has directly or indirectly come into contact with horses. Column 1 of the new item provides examples of the types of goods which may be included under this item. Column 2 of the new item requires that the goods undergo treatment either prior to their arrival in Australian territory, or while subject to biosecurity control. Goods which are treated prior to arrival must have been treated either with gamma irradiation to a level that achieves a minimum of 50 kGray or with a disinfectant which is appropriate to manage biosecurity risks to an acceptable level, must not have been in contact with horses after treatment, and must be accompanied by a government-endorsed treatment certificate attesting that those requirements have been met. Goods which are treated while subject to biosecurity control

must be treated using a method that the Director of Biosecurity is satisfied is appropriate to manage biosecurity risks to an acceptable level.

This amendment is being made as there are currently no alternative conditions for horse equipment, despite the biosecurity risks associated with these goods being able to be managed using standard conditions.

Item 221 also inserts a new item into the table in section 8 to provide alternative conditions for catgut strings derived from animal intestines, for use in musical instruments or sporting equipment. The conditions require that the goods do not require refrigeration or any further processing. This amendment is being made as catgut strings are low import volume, specialist equipment, and pose a low biosecurity risk which can be managed with alternative conditions, in order to reduce regulatory burden for importers.

Item 221 also inserts a new item into the table in section 8 to provide alternative conditions for catgut derived from animal intestines. This condition provides for the import of catgut for uses other than in musical instruments or sporting equipment. The conditions require that the goods are derived from intestinal material of bovine, caprine, ovine or porcine animals only, that the animals from which the goods were derived were free from diseases of biosecurity concern at the time of slaughter, and are accompanied by a health certificate attesting to these conditions. This amendment is being made as catgut derived from animal intestines poses a low biosecurity risk, which can be managed through alternative conditions, in order to reduce regulatory burden for importers.

Item 221 also amends table item 10 in section 8, to provide that the alternative conditions in section 8 to also apply to natural or cultured pearls for jewellery, personal use, or display purposes, as natural and cultured pearls pose no biosecurity risk.

Item 221 also inserts a new item into the table in section 8 to provide alternative conditions for casein glue and gelatine glue. The conditions for casein glue and gelatine glue are that the goods have been commercially prepared for industrial, commercial, and hobbyist purposes. This amendment is being made to reduce regulatory burden as there is a very low biosecurity risk associated with these goods when they are commercially prepared.

Item 221 also inserts two new items into the table in section 8, to provide alternative conditions for untanned and partially processed game trophies, hides, and skins from both animals and avians.

The conditions for goods from animals (other than avians) are that the goods were derived from animals which resided and were slaughtered in New Zealand, and are accompanied by a health certificate attesting that requirement.

The conditions for goods from avians, are that the goods were derived from avian animals which resided and were slaughtered in New Zealand, have undergone a treatment with salt or borax, immersion in an acid pickling solution at pH equal to or less than 4, or immersion in an alcohol solution, and are accompanied by a health certificate attesting to these requirements.

Standard conditions are currently applied to the assessment of import permits for these goods, which can be applied to alternative conditions for these goods in order to reduce regulatory

burden for importers. Health certification confirming the country of origin for all animals, and treatment for avian goods is sufficient to manage any associated biosecurity risks.

Item 221 also inserts a new item to the table in section 8, to provide alternative conditions for animal trophies, artefacts, and handicraft items. The conditions for the goods are that the goods are accompanied by a certificate from the manufacturer or supplier, stating that the goods are over 5 years old and are preserved so that they do not require refrigeration, and are accompanied by a declaration from the manufacturer or supplier attesting that these requirements have been met. The conditions also require that the goods are intended only for in-vitro use or display by a museum, scientific institute or public exhibition, that neither the goods nor any derivatives of the goods will not come into contact with any animal, the goods are not intended to be used for the isolation or synthesis of viable microorganisms, or infectious agents or their homologues, and are accompanied by a declaration from the importer attesting that these requirements will be met.

This item is being inserted as no standard alternative conditions exist for these goods, which can effectively manage biosecurity risk, thereby removing unnecessary regulatory burden.

Item 221 also inserts a new item to the table in section 8, to provide alternative conditions for bones, horns, antlers, tusks and teeth. The conditions require that the goods are clean and free from other animal or plant material and soil. This amendment is being made to better manage the biosecurity risks associated with the import of bones, horns, antlers, tusks and teeth.

Item 222 After section 8

Item 222 inserts a new section 8A, to provide alternative conditions for the import of live animals into Norfolk Island. Domestic dogs and cats brought or imported into Norfolk Island from Australia or New Zealand pose a low level of biosecurity risk, which can be effectively managed through alternative conditions. This amendment is being made to reduce unnecessary regulatory burden for importers accordingly.

Item 222 inserts a table into section 8A, which provides alternative conditions for live domestic animals, for the purposes of paragraph 7(1)(b). The table requires that live domestic cats or dogs which are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands), or New Zealand. The conditions require that the animal is accompanied by a health certificate for the animal that was signed by an official veterinarian not more than five days before the day the animal left Australian territory or New Zealand.

Item 223 Section 9 (after the heading)

Item 223 inserts subsection 9(1), which provides that the alternative conditions for dead fish, crustaceans and related goods in the table in section 9 do not apply to goods which are intended for animal consumption, use as a bioremedial agent or fertiliser, growing purposes, or veterinary therapeutic use. Previously, these restrictions on the end use of goods only applied to certain goods in section 9. Subsection 9(1) expands these end use restrictions to all goods in section 9, in order to manage the biosecurity risk for these goods consistently.

Item 224 Section 9

Item 224 inserts “(2)” before “For paragraph 7(1)(b)” in section 9. This is a consequential amendment to the amendment in item 223.

Item 225 Section 9 (cell at table item 4, column 2)

Item 225 repeals and replaces column 2 of table item 4. This is a consequential amendment to the amendment in item 223, and also inserts a new paragraph (c), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 226 Section 9 (cell at table item 6, column 2)

Item 226 repeals and replaces column 2 of table item 6, to insert a new paragraph (c), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 227 Section 9 (cell at table item 13, column 2)

Item 227 repeals and replaces column 2 of table item 13, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 228 Subsection 11(2) (table item 1, column 2, paragraph (c))

Item 228 amends paragraph (c) of column 2 in table item 1, to clarify that for dairy goods containing one or more packets, the total weight of the goods must be less than 10% dairy products, rather than less than 10% of the weight of each packet of the goods. The current conditions assess individual packets within a single good, and has the consequence of treating individual packets separately from the goods of which they are a part. This amendment is being made as food items containing multiple packets are only required to be treated as one product in order to effectively manage biosecurity risk.

Item 229 Subsection 11(2) (cell at table item 4, column 2)

Item 229 repeals and replaces column 2 of table item 4, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 230 Subsection 11(2) (cell at table item 5, column 2)

Item 230 repeals and replaces column 2 of table item 5, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 231 Subsection 11(2) (cell at table item 6, column 2)

Item 231 repeals and replaces column 2 of table item 6, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 232 Subsection 11(2) (cell at table item 7, column 2)

Item 232 repeals and replaces column 2 of table item 7, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 233 Section 13 (table item 1)

Item 233 repeals table item 1. This is a consequential amendment to the amendment in item 292.

Item 234 Section 13 (cell at table item 2, column 2)

Item 234 repeals and replaces column 2 of table item 2, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 235 Section 13 (cell at table item 5, column 2)

Item 235 repeals and replaces column 2 of table item 5, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 236 Section 13 (cell at table item 7, column 2)

Item 236 repeals and replaces column 2 of table item 7, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that

biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 237 Section 15 (cell at table item 3, column 2)

Item 237 repeals and replaces column 2 of table item 3, to add the requirement that bird seed does not contain maize. This amendment is being made, as maize seeds are considered a biosecurity risk for goods arriving in Norfolk Island, due to boil smut and other diseases and pathogens which are currently not present on the island. This amendment will have the effect of increasing regulatory burden for importers of bird seed containing maize, as stricter conditions are needed for bird seed imported from Australia to manage this risk.

Item 238 Section 15 (cell at table item 7, column 2)

Item 238 repeals and replaces column 2 of table item 7, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 239 Section 15 (cell at table item 8, column 2)

Item 239 repeals and replaces column 2 of table item 8, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 240 Section 15 (after table item 8)

Item 240 inserts a new item to the table in section 15, creating alternative conditions for marine molluscs, other than oysters or snails. This amendment is being made as standard conditions are currently applied to imports of these goods, which can be applied as alternative conditions to appropriately manage biosecurity risk, and reduce regulatory burden for importers. The conditions require that the goods are treated in Australian territory, with gamma irradiation to a level that achieves a minimum of 50 kGray.

Item 240 also inserts a new item into the table in section 15, creating alternative conditions for food for consumption by pet fish in enclosed aquaria or ponds. This amendment is being made as standard conditions are currently applied to assessments of these goods, which can be applied as alternative conditions to appropriately manage biosecurity risk, and reduce regulatory burden for importers.

The conditions require that goods do not contain materials from terrestrial or avian animals, fish of the family *Salmonidae*, microalgae, macroalgae, whole seeds, or viable plant material, have been processed to the extent necessary to manage relevant biosecurity risks, and that the goods are accompanied by a manufacturer's declaration stating those conditions have been met. The conditions also require that the goods are commercially prepared, packaged, and ready for retail sale without any further processing, in individual containers of not more than five kilograms.

Item 241 Section 15 (cell at table item 9, column 2)

Item 241 repeals and replaces column 2 of table item 9, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 242 Section 15 (cell at table item 11, column 2)

Item 242 repeals and replaces column 2 of table item 11, to add the requirement that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 243 Section 15 (cell at table item 13, column 2)

Item 243 repeals and replaces column 2 of table item 13, to add the requirement that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 244 Section 15 (cell at table item 14, column 2)

Item 244 repeals and replaces column 2 of table item 14, to add the requirement that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 245 Section 15 (cell at table item 15, column 2)

Item 245 repeals and replaces column 2 of table item 15, to add the requirement that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 246 Section 15 (at the end of the table)

Item 246 inserts a new item to the table in section 15, to provide alternative conditions for food or supplements for animals, other than food or supplements for animals which are covered by another item in the table. This amendment is being made to reduce the regulatory burden for importers, by providing alternative conditions for goods not otherwise provided for in the table in section 15.

The conditions require that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands), are commercially prepared, packaged and are ready for retail sale, and are presented to a biosecurity officer for inspection on arrival in Norfolk Island. The conditions also require that if the goods contain material of animal or microbial origin, that that material was derived from animals or microbes in Australian territory, or were not brought into Australian territory in contravention of the Act, and that if

the goods contain material of plant origin, then the goods have been made into pellets, or the material is not viable and does not include whole seeds.

Item 247 Section 16 (cell at table item 1, column 2)

Item 247 repeals and replaces column 2 of table item 1 to insert a new paragraph (b), which requires that the goods “are ready for retail sale”. This is a technical amendment which reflects that the original intent of the alternative conditions for cosmetics of animal origin for human use was to require that goods are packaged for retail sale.

Item 248 Section 16 (cell at table item 2, column 2)

Item 248 repeals and replaces column 2 of table item 2, to insert a new paragraph (b), which requires that the goods are brought or imported from Australian territory (other than Christmas Island or Cocos (Keeling) Islands). This amendment is being made to ensure that biosecurity risks associated with animal skins from other jurisdictions are managed appropriately.

Item 249 Section 18 (table item 2)

Item 249 repeals table item 2, which provides conditions for herbarium specimens of vascular plants or macro algae, and replaces it with a new item that provides for an expanded category of species to include non-vascular plants and fungi. This is because non-vascular plants and fungi present the same biosecurity risk as other herbarium specimens.

Item 249 also amends the alternative conditions for goods in table item 2, to require that goods are in clean and new packaging, are clearly labelled and identifiable as herbarium specimens, are intended to be formally incorporated into a reference collection or housed temporarily for research at one or more herbariums listed in the *Index Herbariorum*, and are to be treated immediately by the first herbarium to which they are delivered, at a temperature of minus 18 degrees Celsius for seven consecutive days before the inner wrappings are opened. The conditions also require that the goods are either accompanied by a declaration that is clearly marked as being from the sending institution, stating:

- a list of the specimens in the consignment (including the classification of the specimens to at least family level), linked to either the herbarium accession numbers or collectors’ details or identifiers (for example, the accompanying loan listing);
- that the specimens have been processed to their final state by a method other than freezing;
- that the specimens were free from live insects and excess soil at the time of packaging, and are not known to be infected with pathogenic micro-organisms;

or that they are delivered directly to a herbarium covered by an approved arrangement that provides for the containment of herbarium specimens. Allowing goods to be delivered to a herbarium covered by an approved arrangement provides importers with an acceptable risk-mitigation alternative where they are unable to provide the required declaration, by allowing these imports to be managed through containment at a premises that has been approved for those goods as an approved arrangement site.

Item 250 Section 18 (table item 3)

Item 250 repeals table item 3, and substitutes a new table item 3 to amend the alternative conditions for unprocessed straw articles or products. The amendment omits the word “cereal” from column 1, to broaden the types of straw which may be imported under this condition. The conditions have been amended to require that the goods are for personal use and are brought in as baggage or mail, or are accompanied by evidence stating the botanical name (including genus and species) of the goods, and which shows that the goods are of plant origin only. This amendment is being made as unprocessed straw articles and products pose minimal biosecurity risk, which can be managed by alternative conditions, when standard treatments are applied to the goods.

Item 251 Section 18 (table item 4, column 2, subparagraph (a)(iii))

Item 251 omits the second occurring of the word “and” in subparagraph (a)(iii) in column 2. This is a consequential amendment to the amendment made by item 252.

Item 252 Section 18 (table item 4, column 2, subparagraph (a)(iv))

Item 252 repeals subparagraph (a)(iv) in column 2 of table item 4, removing the requirement that purified plant deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) be intended for in-vitro use only. This amendment is being made because evidence that goods are intended for in-vitro use is not actually required by the department to manage biosecurity risk. This requirement also increased regulatory burden on importers, as this evidence is often difficult to obtain.

Item 253 Section 18 (table item 4, column 2, paragraph (b))

Item 253 substitutes “(iv)” with “(iii)” in subparagraph (b) in column 2. This is a consequence of the amendment made by item 252.

Item 254 Section 18 (table item 9, column 2, paragraph (c))

Item 254 repeals paragraph (c) in column 2, removing the exemption of goods containing slippery elm bark from the alternative conditions. This has been done because slippery elm bark poses the same biosecurity risk as other goods covered by this item, and can be appropriately managed by the existing alternative conditions.

Item 255 Section 18 (table item 9, column 2, subparagraph (e)(i))

Item 255 repeals and replaces subparagraph (e)(i) in column 2 of table item 9 to add the requirement for goods for personal use to be accompanied by product labelling listing the botanical names of the ingredients. This additional condition enables more effective management of biosecurity risks which may be associated with herbal teas.

Item 256 Section 18 (table item 10, column 1)

Item 256 omits “tea” from column 1 of table item 10 and substitutes it with “mixtures for human consumption” to expand the provision to include all loose leaf herbal mixtures for human consumption. This is intended to incorporate other loose leaf herbal mixtures that may

not be considered a tea, and is being made to reduce the regulatory burden on importers of herbal mixtures for human consumption, which pose the same biosecurity risk as tea.

Item 257 Section 18 (table item 10, column 2, subparagraph (d)(i))

Item 257 repeals and replaces subparagraph (d)(i) in column 2 of table item 10 to add the requirement for goods for personal use to be accompanied by product labelling listing the botanical names of the ingredients. This additional condition enables more effective management of biosecurity risks which may be associated with herbal mixtures for human consumption.

Item 258 Section 18 (cell at table item 12, column 2)

Item 258 repeals and replaces the alternative conditions for artificial plants on natural stems in column 2 of table item 12, to provide that goods which are for personal use and are brought in as baggage or mail are required to be accompanied by evidence stating the botanical name of the stem components of the goods. This amendment enables more effective management of biosecurity risks associated with natural stems.

Item 259 Section 18 (cell at table item 15, column 2)

Item 259 repeals and replaces column 2 of table item 15, to amend the alternative conditions for unprocessed cotton items, to add conditions for goods which are for non-personal use. This amendment inserts new conditions, requiring that the goods which are accompanied by evidence which states the botanical name of the goods and shows they are of plant origin. This additional condition enables more effective management of biosecurity risks which may be associated with unprocessed cotton items.

Item 260 Section 18 (at the end of the table)

Item 260 adds new alternative conditions for importing various plant materials and plant products into the table in section 18. These goods have a minimal biosecurity risk that can be effectively managed through the new alternative conditions.

Item 260 inserts a new table item to provide alternative conditions for grape vine articles. The alternative conditions state that the grape vine articles can be brought or imported into Australian territory if they are for personal use and are brought into the country via baggage or mail, or if they are accompanied by evidence that states the botanical name of the goods, and that the goods are made only of plants. This applies to grape vine articles on their own, or if they form part of another good. If the grape vine article forms part of another good, all parts of the good must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 260 also inserts a new table item to provide alternative conditions for plants that are intended to be used as thatching grasses. These grasses include *Hyparrhenia* spp. (excluding *H. gazensis*); *Imperata cylindrica*; *Miscanthus sinensis*; *Pennisetum purpureum*; *Thamnocalamus* spp.; and *Themnochortus* spp. These grasses can be brought or imported under the alternative condition if they are accompanied by evidence that states the botanical name of the goods including the genus and species.

Item 260 also inserts a new table item to provide alternative conditions for banana fibre articles. The alternative conditions state that the banana fibre articles can be imported into Australian territory if they are for personal use and brought in via baggage or mail, if they are accompanied by evidence that states the botanical name of the goods, and if there is evidence that the goods are made only of plants. This applies to banana fibre articles on their own, or if they form part of another good. If the banana fibre article forms part of another good, all parts of the good must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 260 also inserts a new table item to provide alternative conditions for articles that are stuffed with herbs or seeds. The alternative conditions state that articles that are stuffed with herbs or seeds can be imported into Australia if they are accompanied by evidence that states the botanical name of the goods, and if there is evidence that the goods are made only of plants. All parts of the article stuffed with herbs or seeds must be of plant origin and the botanical name, including genus and species for each part of the goods must be provided.

Item 261 Section 22 (heading)

Item 261 repeals the heading for section 22 and replaces it with a new heading - “Alternative conditions—fertilisers, soil conditions and growing media of plant origin”. This is a consequence of the amendment made by item 262.

Item 262 Section 22

Item 262 omits “potting mixes” and replaces it with “growing media” in section 22. This is a technical amendment to clarify that the conditions in section 22 apply to all types of growing media, not only to potting mixes.

Item 263 Section 22 (table heading)

Item 263 repeals and replaces the table heading. This has the effect of substituting “potting mixes” for “growing media” in the table heading. This is a consequence of the amendment made by item 262.

Item 264 Section 22 (table item 1, column 1)

Item 264 omits “from an FMD-free country” from column 1 of table item 1 and substitutes “that was grown, processed and packaged in, and brought or imported from an FMD-free country”. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that all countries which the goods are grown, processed or packaged in must be an FMD-free country.

Item 265 Section 22 (cell at table item 2, column 1)

Item 265 repeals and replaces column 1 of table item 2. The new cell amends the requirement that the goods are not produced in an FMD-free country, and requires that the goods are not grown, processed or packaged in an FMD-free country. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that the provision provides for when one or more of the countries which the goods are grown, processed or packaged in are not an FMD-free country.

Item 266 Section 22 (cell at table item 3, column 1)

Item 266 repeals and replaces column 1 of table item 3. The new cell amends the requirement that the goods are not produced in an FMD-free country, and requires that the goods are not grown, processed or packaged in an FMD-free country. This amendment provides for the possibility that steps in the production of peat may occur across multiple countries, and clarifies that the provision provides for when one or more of the countries which the goods are grown, processed or packaged in are not an FMD-free country.

Item 267 Section 23 (table item 1)

Item 267 repeals table item 1 in section 23 and replaces it with three new items that provide alternative conditions for bringing or importing product into Norfolk Island for human consumption.

Item 267 adds a broader table item for unprocessed fresh fruit, vegetables, fungi, leaves or herbs excluding goods listed in other items in the table in section 23 (new table item 1). Item 267 also separates out onions (new table item number 1A) and potatoes (new table item number 1B) into separate items as differing alternative conditions apply to these products.

The alternative conditions listed in the new table item 1 for unprocessed fresh fruit, vegetable, fungi leaf or herbs (other than those listed by another item in the table) impose several requirements which must be complied with. These requirements include that the produce is included on the List of Fresh Produce for Human Consumption with Alternative Conditions (Norfolk Island) and that the listed goods are brought or imported from any part of Australia, excluding Christmas Island or Cocos (Keeling) Islands. The goods must also have been washed to a standard that removes all soil and roots and that no visual signs of pests or disease are present. The goods must then be wrapped or packaged to a standard that ensures that prevents infestation by insects.

A certificate must be issued and accompany the goods either under the Interstate Certification Assurance Scheme in the relevant state or territory, by the Commonwealth body that has responsibility for issuing the certificates in relation to plant health, or by the relevant state or territory body from where the goods departed. This certificate must describe the goods in detail that includes the name of the goods, any other distinguishing information such as the brand, volume, weight, number, or grower. The certificate must also state that the goods have been inspected by the relevant body that issues the certificate and that all other conditions listed in this table item have been met. The final alternative condition for goods in this table item is that on arrival in Norfolk Island they are presented to a biosecurity officer at a landing place or port for inspection.

New table items 1A and 1B lists separate alternative conditions for onions and potatoes. All conditions in item 1, other than a requirement that they be on the List of Fresh Produce for Human Consumption with Alternative Conditions (Norfolk Island), apply to the alternative conditions for onions in new table item 1A with the addition that the onions must not be sourced from an area that onion smut (*Urocystis cepulae*) is known to occur. This alternative condition is being made as onion smut is not currently present in Norfolk Island and onions sourced from areas where onion smut is present are considered to be a biosecurity risk. Stricter conditions are needed for onions imported from Australia to manage this risk.

New item 1B provides alternative conditions for potatoes similar to those found in 1A. However the diseases of concern for potatoes are potato cyst nematode (*Globodera rostochiensis*) and bacterial wilt (*Ralstonia solanacearum*). Therefore the alternative conditions include the requirement that the potatoes must be sourced from properties that are free from these diseases. Further, the potatoes must also be visibly free from symptoms of pests (including stem and the bulb nematode) and diseases including pink rot, *Rhizoctonia* Canker (*Rhizoctonia solani*) and potato viruses) and of live insects. This alternative condition is necessary as these pests and diseases are not currently present in Norfolk Island and potatoes sourced from properties where the disease is present or those which have visible signs of pests and disease of concern are considered to be a biosecurity risk. Stricter conditions are needed for potatoes imported from Australia to manage this risk.

Item 268 Section 23 (at the end of the table)

Item 268 inserts a new item to the table in section 23, to provide alternative conditions for species of mushrooms or fungi for medicinal purposes. The conditions for medicinal mushrooms or fungi require that either the goods are listed medicinal mushrooms, have been securely packed in clean and new packaging, have been dried and processed, and are accompanied by a declaration or commercial documentation stating the botanical name of the goods (including genus and species), and a description of the packaging used for the goods, or that the goods are treated using a method approved by the Director of Biosecurity, while subject to biosecurity control.

This amendment is being made to reduce the regulatory burden on importers by removing the requirement for an import permit, as the biosecurity risks for medicinal mushrooms and fungi can be appropriately managed through alternative conditions.

Item 268 also inserts a new item to the table in section 23, to provide alternative conditions for popping corn. The conditions require that the goods have been commercially prepared and packaged in packets and are ready for retail sale, and are presented to a biosecurity officer for inspection on arrival in Norfolk Island. This amendment is being made, as maize seeds are considered a biosecurity risk for goods arriving in Norfolk Island, due to boil smut and other diseases and pathogens which are currently not present on the island. Stricter conditions are needed for popping corn to manage this risk.

Item 269 Section 24 (at the end of the table)

Item 269 adds two conditions to the table in section 24 for maize for sowing. The new table item 4 adds conditions for maize seeds for sowing where the goods are brought or imported from a part of Australian territory, other than Christmas Island or Cocos (Keeling) Islands. Goods that originated outside Australian territory may be brought or imported into Norfolk Island if they were first been brought or imported into Australian territory in compliance with the Act. The goods also need to be commercially prepared and packaged in packets that each contain up to 50 grams of maize seeds and are ready for retail sale and meet the other conditions as set out in table item 4, as inserted by item 269.

Table item 5, also inserted by item 269, adds conditions for maize seed that is to be brought or imported into Norfolk Island in larger quantities than those covered by table item 4 and be more likely imported for agricultural use. Different conditions are required to manage the different biosecurity risks. Goods that may be imported under table item 5 must have been

grown in a part of Australian territory, other than Christmas Island or Cocos (Keeling) Islands and have been commercially packed in clean and new packaging that is labelled with the botanical name (including genus and species) of the goods. The goods must be free from the items listed in paragraph (c) and have been grown in an area free from boil smut (*Ustilago maydis*) or be sourced from crops that were inspected before harvest and found to be free from boil smut (*Ustilago maydis*). The goods must also have been grown in an area, or sourced from crops inspected before harvest and found to be free from the viruses listed in subparagraph (e)(i). The goods must also be accompanied by a certificate issued in accordance with paragraph (f) and state the goods have been inspected and the conditions in paragraphs (a) to (e) have been met. It is also a conditions that the goods be presented to a biosecurity officer for inspection at a landing place in Norfolk Island.

Item 270 Section 25 (table items 5 and 6)

Item 270 repeals table items 5 and 6 from section 25, and substitutes a new table item 5, which provides alternative conditions for all bark for human consumption. Current table items 5 and 6 differentiated between slippery elm bark, and all other barks for human consumption. Since the biosecurity risks for all barks can managed under a standard set of conditions, new table item 5 simplifies and streamlines the conditions for bark for human consumption.

Item 271 Section 25 (at the end of the table)

Item 271 inserts a new item in the table in section 25, to provide alternative conditions for the import of oak barrels (with or without chestnut hoops). This item is added to remove ambiguity, as it was previously unclear whether these goods were able to be imported under other alternative conditions. The conditions require that the goods be for personal use and brought in as baggage or mail, or that the goods are accompanied by evidence stating the botanical name (including genus and species) of the materials.

Item 272 Subsection 26(2)

Item 272 repeals subsection 26(2) and replaces it, to provide new alternative conditions for starter cultures. It removes the requirement for starter cultures for human therapeutic use to be commercially prepared and packaged for retail sale. Starter cultures for human therapeutic use pose the same biosecurity risk as starter cultures for other end uses, and these goods are therefore appropriately treated consistently, despite their differing end uses. Item 272 also replaces laboratory animals with laboratory organisms, so as to include micro-organisms, as the use of starter cultures on micro-organisms poses no biosecurity risk.

Item 273 Subsection 26(3) (after table item 1)

Item 273 adds a new item to the table in subsection 26(3), to provide that the alternative conditions in section 26 apply to *Aspergillus brasiliensis*. This amendment is being made to reduce the regulatory burden for importers, as there is a low biosecurity risk associated with this good.

Item 274 Subparagraph 27(2)(a)(iii)

Item 274 repeals subparagraph (a)(iii). Subparagraph (iii) excluded the alternative conditions for highly refined organic chemicals from applying to goods for growing purposes. Repealing subparagraph (iii) has the effect of allowing highly refined organic chemicals and substances for growing purposes to be imported using the alternative conditions in section 27. This amendment is being made to reduce the regulatory burden for importers, as there are minimal biosecurity risks associated with the highly refined organic chemicals listed in subsection 27(3), when used for growing purposes.

Item 275 Subsection 27(3) (at the end of the cell at table item 3, column headed “Highly refined organic chemicals and substances”)

Item 275 adds the words “(other than those derived from neural material)” at the end of the cell at table item 3. Table item 3 was originally drafted based on plant related biosecurity risks. This amendment is being made to also reflect the biosecurity risks associated with amino acids derived from neural tissue.

Item 276 Subsection 27(3) (table item 12, column headed “Highly refined organic chemicals and substances”)

Item 276 adds the words “or microbial fermentation” after the word “animal” in table item 12. Table item 12 was originally drafted based on plant related biosecurity risks. This amendment is being made to also reflect the biosecurity risks associated with enzymes derived from microbial fermentation, which present a similar level of biosecurity risk to enzymes derived from animals, as the fermentation media may contain animal derived material.

Item 277 Paragraph 28(2)(b)

Item 277 omits “*Ganoderma* spp. or slippery elm bark” from subparagraph 28(2)(b). This amendment has the effect of allowing goods containing these ingredients to be managed under the alternative conditions provided by section 28. This amendment is being made to reduce the regulatory burden for importers, as the biosecurity risks for these items can be effectively managed under the existing alternative conditions for biological products for personal use.

Item 278 Section 29

Item 278 repeals and replaces section 29, amending the alternative conditions for fertilisers, soil conditioners, soil growth supplements and growing media. Item 278 amends the alternative conditions to provide that the conditions which previously existed in subsection 29(2) only apply to those goods with biological materials that are derived from animals, avian animals or microbes, and also requires that those goods are presented to a biosecurity officer for inspection on arrival in Norfolk Island.

Item 278 creates separate alternative conditions for fertilisers, soil conditioners and supplements which are intended for use to promote growth in soil and do not contain materials derived from terrestrial animals, avian animals or microbes. The conditions for those goods require that the goods are imported from Australian territory (other than

Christmas Island or Cocos (Keeling) Islands), have been commercially prepared and packaged ready for retail sale, are free from soil, and that the only plant material contained in the goods has been processed so that it is not viable. The conditions also require that the goods are accompanied by documentation stating the ingredients contained in the goods, and that the goods are presented to a biosecurity officer for inspection on arrival in Norfolk Island.

Item 278 also creates separate alternative conditions for growing media made of plant material. The conditions for those goods require that the goods are brought or imported from a part of Australian territory (other than Christmas Island or Cocos (Keeling) Islands), have been commercially prepared, packaged and are ready for retail sale, and are free from soil. The conditions also require that the goods are accompanied by documentation stating the ingredients contained in the goods, and that the goods are presented to a biosecurity officer for inspection on arrival in Norfolk Island.

Item 279 Paragraph 30(2)(a)

Item 279 amends subparagraph 30(2)(a) to include biological materials contained in cosmetics for human use. This amendment is being made to reduce regulatory burden for importers of biological materials in cosmetics for human use, as the associated biosecurity risks can be managed under the existing alternative conditions in subsection 30(2).

Item 280 Paragraphs 30(3)(d) and (e)

Item 280 repeals and replaces paragraph 30(3)(d), to amend the alternative conditions for biological materials for veterinary therapeutic use or use as cosmetics for animals. Subsection 30(3)(d) has been amended to provide that if the goods contain ingredients of animal, plant or microbial origin, than those ingredients must only be ingredients which are specified in the table in subsection 30(4).

Item 280 also repeals subsection 30(3)(e) as a consequential amendment to the amendment in item 292, and is replaced with a requirement for goods imported under subsection 30(3) to be accompanied either by documentation stating the ingredients contained in the goods, or if applicable, a declaration or documentation from the manufacturer of the goods stating the matter referred to in paragraph 30(3)(d).

The amendments in item 280 are being made to simplify the evidential requirements for importers of biological material for veterinary therapeutic use or use as cosmetics for animals, by allowing flexibility in the documentation provided by importers to manage the associated biosecurity risks for the goods.

Item 281 Subsection 30(4) (after table item 2)

Item 281 inserts a new item into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to colloidal oatmeal.

Colloidal oatmeal is a common ingredient in animal shampoos, and—due to the commercially prepared nature of the product in which it is contained—presents no biosecurity risk, as there is an extremely low likelihood of diversion to high-risk end uses. This amendment is being made as the alternative conditions in section 30 manage associated

biosecurity risks for colloidal oatmeal to an acceptably low level, and the inclusion of these goods in section 30 reduces regulatory burden on importers of these goods.

Item 282 Subsection 30(4) (table item 7)

Item 282 repeals table item 7. This is a consequential amendment to the amendment in item 292.

Item 283 Subsection 30(4) (after table item 8)

Item 283 inserts a new item into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to green lipped mussel powder from New Zealand, except if intended for veterinary therapeutic use in aquatic animals.

The alternative conditions in section 30 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 30(4) reduces regulatory burden on importers of green lipped mussel powder.

Item 284 Subsection 30(4) (at the end of the cell at item 12, column headed “Biological material”)

Item 284 amends table item 12, to provide that the alternative conditions for lactose do not apply to lactose contained in products for administration to food producing animals via their feed or water ration. This amendment is being made as under current industry practice, lactose is not processed sufficiently to manage biosecurity risks associated with viral contaminants, including foot and mouth disease. Therefore it is not acceptable to permit the administration of veterinary products containing lactose to food producing animals without a biosecurity risk assessment.

Item 285 Subsection 30(4) (at the end of the cell at table item 13, column headed “Biological material”)

Item 285 amends table item 13, to provide that the alternative conditions for natural flavourings do not apply to goods manufactured using materials of terrestrial animal or avian origin. Table item 13 was not intended to include flavourings sourced from materials of terrestrial animal or avian origin, as these have the potential to harbour pathogens of concern. It is therefore not appropriate that these goods be imported under the alternative conditions and are instead imported under an import permit and assessed to ensure risks are managed. This amendment will increase the regulatory burden on importers of natural flavourings which are manufactured using materials of terrestrial animal or avian origin.

Item 286 Subsection 30(4) (after table item 13)

Item 286 inserts a new item into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to neatsfoot oil in products for topical application to humans or companion or performance animals (e.g. dogs, cats, horses).

The alternative conditions in section 30 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 30(4) reduces regulatory burden for importers.

Item 287 Subsection 30(4) (after table item 24)

Item 287 inserts a new item into the table in section 30(4), to provide that the alternative conditions in section 30 apply to purified hyaluronic acid. The conditions apply when the hyaluronic acid is not manufactured using materials of terrestrial animal or avian origin (except if intended for veterinary therapeutic use in aquatic animals).

The alternative conditions in section 30 manage associated biosecurity risks for these goods to an acceptably low level, and the inclusion of these goods into subsection 30(4) reduces regulatory burden for importers.

Item 288 Subsection 30(4) (after table item 25)

Item 288 inserts a new item into the table in section 30(4), to provide that the alternative conditions in section 30 apply to highly purified, semi-synthetic compounds, sourced from the bacterial species *Saccharopolyspora spinos*, when present in products for use in humans or companion or performance animals.

The alternative conditions in section 30 manage associated biosecurity risks for the compounds to an acceptably low level through restricting use to veterinary therapeutics for companion or performance animals, and the inclusion of these goods into subsection 30(4) reduces regulatory burden for importers.

Item 289 Subsection 30(4) (at the end of the cell at table item 28, column headed “Biological material”)

Item 289 amends table item 28, to provide that the alternative conditions for sugar do not include lactose. This amendment is being made as although lactose is a sugar, it poses a higher biosecurity risk than other sugars, and the conditions for its import are provided for in table item 12.

Item 290 Subsection 30(4) (after table item 28)

Item 290 inserts a new item into the table in subsection 30(4), creating alternative conditions for tallow derivatives. The conditions apply when the tallow derivatives are methyl oleate, oleic acid, glycerol or stearates, produced by either hydrolysis, saponification, or transesterification using high temperature (above 200°C) and pressure.

Tallow derivatives are highly processed, semi-synthetic compounds used widely in cosmetics, household and agricultural chemicals, and foods. Tallow routinely undergoes aggressive chemical processes to produce oleochemical by-products. These processes are sufficient to manage the risk of transmissible spongiform encephalopathies. The alternative conditions in section 31 manage associated biosecurity risks for tallow derivatives to an acceptably low level, and the inclusion of these goods into subsection 30(4) reduces regulatory burden for importers.

Item 291 Subsection 30(4) (at the end of the cell at table item 29, column headed “Biological material”)

Item 291 amends table item 29, to provide that the alternative conditions for tinctures do not apply to goods manufactured using materials of terrestrial animal or avian origin. Tinctures sourced from animals have the potential to harbour pathogens of concern if they are not extracted using aggressive methods. It is therefore not appropriate that these goods be imported under the alternative conditions and are instead imported under an import permit and assessed to ensure risks are managed. This amendment will increase the regulatory burden on importers of tinctures which are manufactured using materials of terrestrial animal or avian origin.

Item 292 After section 30

Item 292 inserts section 30A to provide alternative conditions for gelatine and its derivatives for certain purposes. The previous conditions for gelatine were inconsistent, and in some cases imposed stricter conditions on low risk end uses than on higher risk end uses. Section 30A provides a consolidated and consistent set of conditions for the different end uses of gelatine and its derivatives, and appropriately manages the biosecurity risks associated with different end uses of gelatine.

Section 30A includes a table which specifies the alternative conditions for the different end uses of gelatine, for the purposes of paragraph 7(1)(b).

The table in section 30A provides that for gelatine for human consumption, human therapeutics, in-vitro purposes, and in-vivo laboratory organisms, the conditions are that the goods have been commercially prepared. For gelatine intended for culture media, the conditions are that the goods have been commercially prepared and packaged, and if the goods are derived from bovines, are derived from hides and skins only. For gelatine intended for veterinary therapeutic use or use as cosmetics for animals, the conditions are that the goods are not derived from ruminant animals, do not contain any biological material except gelatine or biological material specified in the table in subsection 30(4), have been commercially prepared and packaged, are ready for retail sale without any further processing, and are accompanied by a declaration or other documentation from the manufacturer attesting that those requirements have been met.

Item 293 Section 31 (at the end of the cell at table item 1, column 1)

Item 293 inserts “, other than bioremedial products covered by item 2”. This is a consequential amendment to the amendment made by item 294.

Item 294 Section 31 (at the end of the table)

Item 294 inserts a new item in the table in section 31, to provide alternative conditions for bioremedial products imported from Australia. This amendment is being made to reduce the regulatory burden for importers of bioremedial products from Australia, as there are standard conditions which can be applied to those goods which appropriately manages the associated biosecurity risks to an acceptably low level.

The conditions for these goods require that the goods are brought or imported from a part of Australian territory (other than Christmas or Cocos (Keeling) Islands), have been commercially prepared, packaged and are ready for retail sale, are free from soil, and, if the goods contain plant material, that material has been processed so that it is not viable. The conditions also require that the goods are accompanied by documentation stating the ingredients contained in the goods, and that the goods are presented to a biosecurity officer for inspection on arrival in Norfolk Island.

Item 295 Paragraph 32(2)(b)

Item 295 repeals the current alternative conditions for soil in paragraph 32(2)(b) and substitutes new conditions that more flexibly manage the conditions under which the goods can be brought or imported into Australian territory. Item 295 broadens the treatments available for soil that is to be brought or imported into Australian territory. The amendment allows for the use of methods of treatment that the Director of Biosecurity is satisfied are appropriate to manage the biosecurity risks. This will make it easier for importers to take advantage of new treatments as they become available. Item 295 will also reduce regulatory burden for researchers who intend to use the soil for in-vitro purposes under the conditions of an approved arrangement. Allowing goods to be delivered to a premises where biosecurity activities are carried out in accordance with an approved arrangement, provides importers with an acceptable risk-mitigation alternative.

Item 296 Paragraphs 33(1)(a) and (b)

Item 296 repeals paragraphs 33(1)(a) and (b), and substitutes new paragraphs to provide that section 33 applies to water, and goods containing water. This amendment is being made to clarify classes of goods to which section 33 applies.

Item 297 Paragraph 33(2)(a)

Item 297 omits “bottled” and substitutes “packaged” to ensure that all packaged water, whether in bottles, cartons, or other sealed vessels is captured by section 33.

Item 298 At the end of subsection 33(2)

Item 298 adds “water included as an ingredient in a food product” as a further exception to the classes of goods to which section 33 applies. This is to ensure that water, when it is part of a food product (for example in a jam, sauce, or manufactured beverage) is excluded from the operation of section 33.

Item 299 Subsection 33(3)

Item 299 repeals subsection 33(3) and substitutes new conditions for the classes of goods to which section 33 applies. The goods will need to comply with one of the new conditions in subsection 33(3) before they may be brought or imported into Australian territory.

Item 299 also inserts paragraph 33(3)(a), to allow the goods to be imported under an import permit, or if they have been treated using a method that the Director of Biosecurity is satisfied is appropriate to manage biosecurity risks, paragraph (b) allows the goods to be brought or imported without an import permit.

Item 299 also inserts paragraph 33(3)(c), to allow sea or ocean water in a quantity of less than 5 litres to be imported for in-vitro purposes if the goods are free from suspended and solid material. This is designed primarily to assist researchers importing sea or ocean water for laboratory uses.

Item 300 Section 34

Item 300 repeals section 34 and substitutes a new section with new conditions for chemical or mined fertilisers, soil conditioners and soil growth supplements. The amendments recognise the limited biosecurity risk of these heavily processed goods and sets the conditions accordingly.

Item 300 inserts subsection 34(2), which sets the conditions for liquid chemical fertilisers. The conditions are the same as the repealed subsection 34(3) and require a declaration from the manufacturer that the goods do not contain any ingredients of animal, plant or microbial origin. This allows the department to be satisfied that the biosecurity risk of the goods is appropriately low.

Item 300 also inserts new alternative conditions in the new subsection 34(3) for the goods. The conditions are such that the biosecurity risk is managed to an appropriately low level. Most consignments of these goods will meet the alternative conditions leading to a regulatory saving for industry.

Item 301 After section 35

Item 301 inserts a new section 35A, to provide alternative conditions for equipment that has directly or indirectly come into contact with horses.

Subsection 35(1) provides examples of the types of goods which may be included under this section.

Subsection 35 (2) of the new section requires that the goods undergo treatment either prior to their arrival in Australian territory, or while subject to biosecurity control. Goods which are treated prior to arrival must have been treated either with gamma irradiation to a level that achieves a minimum of 50 kGray at a facility that the Director of Biosecurity is satisfied can treat horse equipment so that biosecurity risks associated with the goods are managed to an acceptable level, or with a disinfectant which is appropriate to manage biosecurity risks to an acceptable level. The goods also must not have been in contact with horses after treatment, and must be accompanied by a government-endorsed treatment certificate attesting that those requirements have been met. Goods which are treated while subject to biosecurity control must be treated using a method that the Director of Biosecurity is satisfied is appropriate to manage biosecurity risks to an acceptable level.

This amendment is being made as there are currently no alternative conditions for horse equipment that has directly or indirectly come into contact with horses.

Item 302 Section 37 (heading)

Item 302 repeals the heading for section 37 and replaces it with a new heading, “Used machinery and equipment (other than certain beekeeping equipment, veterinary equipment or

equipment that has come into contact with horses)”. This is a consequential amendment to the amendment made by item 301.

Item 303 At the end of subsection 37(2)

Item 303 inserts paragraph 37(2)(c), which adds “used equipment that has directly or indirectly come into contact with horse” to the classes of goods which section 37 does not apply to. This amendment is a consequential amendment to the amendment made by item 301.

Schedule 2 — Amendments commencing 1 March 2018

Part 1—Alternative conditions to the mainland

Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016

Item 1 Section 5 (definition of *listed fresh cut flowers or foliage*)

Item 1 makes an amendment consequential to the amendment made by item 3 to the definition of listed fresh cut flowers or foliage.

Item 2 Section 5 (note at the end of the definition of *listed fresh cut flowers or foliage*)

Item 2 repeals the note and substitutes it with the additional requirement that flowers or foliage of a particular species may be listed in the List of Species of Fresh Cut Flowers and Foliage with Alternative Conditions for Import, if the Director of Biosecurity is satisfied that the biosecurity risks associated with the species from the country of origin can be managed to an acceptable level, if the species was produced using a listed systems approach or a listed treatment has been applied, in accordance with the conditions in section 26, as inserted by item 4 below.

Item 3 Section 5

Item 3 inserts a definition for List of Species of Fresh Cut Flowers and Foliage with Alternative Conditions for Import. This list is referred to by “listed fresh cut flowers” which is also defined in section 5. The List of Species of Fresh Cut Flowers and Foliage with Alternative Conditions for Import now contains more information than the list that existed prior to this amendment. As well as listing the species of flowers that may be brought or imported under section 26, the List contains details of the treatments that are required to be met by exporters of certain species from particular countries, as required by section 26, as amended by item 4 below.

Item 4 Section 26 (table)

Item 4 repeals the current table containing conditions for fresh cut flowers and foliage for decorative purposes and substitutes new conditions. The inserted conditions facilitate a new approach to managing the importation of fresh cut flowers and foliage. The conditions are designed to decrease biosecurity risk by having the risk mitigation measures applied offshore, rather than onshore.

Importers will have to apply one of three risk mitigation measures to the goods. The goods will be required to be produced in either a systems approach or be treated with methyl-bromide or another alternative treatment. For some species from certain countries, not all options will be available or appropriate. The List of Species of Fresh Cut Flowers and Foliage with Alternative Conditions for Import (as inserted by item 3) will detail which measures are available to exporters. These will be arranged on a species and country basis. The List of Species of Fresh Cut Flowers and Foliage with Alternative Conditions for Import will also detail those species which need to undergo devitalisation treatment so that they cannot be grown out in Australia.

A systems approach is a production method of cut flowers and foliage that manages biosecurity risk from the planting of the flowers or foliage, throughout their harvest, packaging, transport, and export. A systems approach utilises strong sanitary and phytosanitary measures to ensure that pests and diseases do not infest or infect the goods.

Added assurance will be given by the requirement for a phytosanitary certificate to accompany the goods. All goods imported under these conditions are still subject to the powers available to the department under Chapter 3 of the Act.

The table applies separate and less onerous conditions for fresh cut flowers and foliage for personal use. The conditions only apply to goods for personal use and that are in smaller quantities of not more than six small boxes, bouquets, or equivalents. This is because the biosecurity risks posed by these smaller consignments can be more easily managed onshore.

The table adds similar conditions both for personal use and other than for personal use, for *Lilium* species grown and produced in Taiwan.

Part 2—Alternative conditions for Christmas Island

Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Christmas Island) Determination 2016

Item 5 Subsection 5(1)

Item 5 inserts a definition of listed fresh cut flowers or foliage (External Territories). Listed fresh cut flowers or foliage (External Territories) means flowers or foliage of a particular species may be listed in the List of Species of Fresh Cut Flowers and Foliage with Alternative Conditions for Import (External Territories), if the Director of Biosecurity is satisfied that the biosecurity risks associated with the species can be managed to an acceptable level, if the goods were brought or imported into an external territory in accordance with the conditions in section 26, as inserted by item 6 below.

Item 6 Section 20 (table)

Item 6 repeals the current table containing conditions for fresh cut flowers and foliage for decorative purposes and substitutes new conditions. The inserted conditions facilitate a new approach to managing the importation of fresh cut flowers and foliage. The conditions will no longer allow the bringing or importation of fresh cut flowers or foliage to Christmas Island from outside Australian territory. Also, the biosecurity risks will be managed by having the necessary treatment applied on the Australian mainland before the goods are sent to Christmas Island. Fresh cut flowers or foliage that originate from overseas but that were brought or imported to the Australian mainland in accordance with the Act, may be brought or imported into Christmas Island if the bringing or importing complies with the conditions in section 20.

Part 3—Alternative conditions for Cocos (Keeling) Islands

Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Cocos (Keeling) Islands) Determination 2016

Item 7 Subsection 5(1)

Item 7 inserts a definition of listed fresh cut flowers or foliage (External Territories). Listed fresh cut flowers or foliage (External Territories) means flowers or foliage of a particular species may be listed in the List of Species of Fresh Cut Flowers and Foliage with Alternative Conditions for Import (External Territories), if the Director of Biosecurity is satisfied that the biosecurity risks associated with the species can be managed to an acceptable level, if the goods were brought or imported into an external territory in accordance with the conditions in section 26, as inserted by item 8 below.

Item 8 Section 21 (table)

Item 8 repeals the current table containing conditions for fresh cut flowers and foliage for decorative purposes and substitutes new conditions. The inserted conditions facilitate a new approach to managing the importation of fresh cut flowers and foliage. The conditions will no longer allow the bringing or importation of fresh cut flowers or foliage to Cocos (Keeling) Islands from outside Australian territory. Also, the biosecurity risks will be managed by having the necessary treatment applied on the Australian mainland before the goods are sent to Cocos (Keeling) Islands. Fresh cut flowers or foliage that originate from overseas but that were brought or imported to the Australian mainland in accordance with the Act, may be brought or imported into Christmas Island if the bringing or importing complies with the conditions in section 21.

Part 4—Alternative conditions for Norfolk Island

Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Norfolk Island) Determination 2016

Item 9 Subsection 5(1)

Item 9 inserts a definition of listed fresh cut flowers or foliage (External Territories). Listed fresh cut flowers or foliage (External Territories) means flowers or foliage of a particular species may be listed in the List of Species of Fresh Cut Flowers and Foliage with Alternative Conditions for Import (External Territories), if the Director of Biosecurity is satisfied that the biosecurity risks associated with the species can be managed to an acceptable level, if the goods were brought or imported into an external territory in accordance with the conditions in section 26, as inserted by item 10 below.

Item 10 After section 20

Item 10 inserts a new section 20A, to provide alternative conditions for fresh cut flowers and foliage for decorative purposes. The inserted conditions facilitate a new approach to managing the importation of fresh cut flowers and foliage. The conditions will no longer allow the bringing or importation of fresh cut flowers or foliage to Norfolk Island from outside Australian territory. Also, the biosecurity risks will be managed by having the

necessary treatment applied on the Australian mainland before the goods are sent to Norfolk Island. Fresh cut flowers or foliage that originate from overseas but that were brought or imported to the Australian mainland in accordance with the Act, may be brought or imported into Norfolk Island if the bringing or importing complies with the conditions in section 21.