

EXPLANATORY STATEMENT

Biosecurity Act 2015

Biosecurity Legislation (Prohibited and Conditionally Non-prohibited Goods) Amendment (Alternative Conditions) Determination 2018

Legislative Authority

The *Biosecurity Act 2015* (**Act**) provides for the management of diseases and pests that may cause harm to human, animal or plant health or the environment.

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

The Director of Biosecurity and the Director of Human Biosecurity have made a number of determinations under subsection 174(1), which relevantly include (collectively, the **Goods Determinations**):

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

Under the Goods Determinations, the specified conditions for certain goods for the purposes of subsection 174(1) are that, subject to certain exceptions, the goods must not be brought or imported into the relevant place unless:

- (a) the goods are covered by an import permit; or
- (b) if alternative conditions for bringing or importing the goods into the relevant place are specified in a Goods Determination—the alternative conditions are complied with.

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 2018 (Amendment Determination)*:

- amends existing alternative conditions for certain goods
- amends the description and scope of certain goods for which there are existing alternative conditions
- adds new specified goods for which alternative conditions are now specified
- broadens the scope of Division 1 of Part 2 of each of the Goods Determinations so that certain goods are now subject to the conditions in Division 1, and
- makes minor technical and consequential amendments.

The purpose of the Amendment Determination is to ensure that the import conditions for specified goods continue to ensure Australia manages 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.

Where increased conditions for certain goods have been specified under the Amendment Determination, the increase in regulatory burden is necessary to appropriately 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 has approved a standing exemption from the Regulatory Impact Statement Preliminary Assessment process for minor amendments to the

Goods Determinations (ID 23368). Accordingly, a Preliminary Assessment has not been conducted for the Amendment Determination.

Details/Operation

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

This Amendment Determination is a legislative instrument for the purposes of the *Legislation Act 2003* (**Legislation Act**). 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 in accordance with paragraph 15J(2)(f) *Legislation Act*.

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 by applying the ALOP for Australia in relation to the bringing in or importation of specified classes of goods.

ATTACHMENT A

Details of the *Biosecurity Legislation (Prohibited and Conditionally Non-prohibited Goods) Amendment (Alternative Conditions) Determination 2018*

Section 1 — Name

This section provides that the name of the Amendment Determination is the *Biosecurity Legislation (Prohibited and Conditionally Non-prohibited Goods) Amendment (Alternative Conditions) Determination 2018*.

Section 2 — Commencement

This section provides that Sections 1 to 4 and Schedule 1 to the Amendment Determination to commence on 25 July 2018. This section also provides for Schedule 2 to commence on either 25 July 2018 or immediately after the commencement of Part 2 of Schedule 1 to the *Biosecurity Legislation Amendment (Miscellaneous Measures) Act 2018*, whichever date is the later of the two. However, the provisions of Schedule 2 do not commence at all if Part 2 of Schedule 1 to the *Biosecurity Legislation Amendment (Miscellaneous Measures) Act 2018* does not commence.

Section 3 — Authority

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

Section 4 — Schedules

This section provides that the instruments specified in the Schedules to the Amendment Determination are amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule has effect according to its terms.

Schedule 1—Main amendments commencing 25 July 2018

Part 1—Alternative conditions for the mainland

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

Item 1 Section 5 (definition of *FMD-free country*)

Item 1 amends the definition of *FMD-free country* by omitting “16 June 2016” and substituting “25 July 2018” to enable the list referred to by that definition to be incorporated into the Determination, as it exists on 25 July 2018. This is to facilitate the update of the list of FMD-free countries in accordance with more recent biosecurity risk assessments.

Item 2 Section 5 (definition of *infectious agent*)

Item 2 repeals the definition for *infectious agent* and substitutes a new definition. The amendment expands the definition to include “a thing that is a part of an infectious agent” – for example, genetic coding material. Item 2 also expands the definition to include synthetically created infectious agents. The effect of Item 2 is to provide that synthetically created infectious agents, and things that are parts of infectious agents, are goods that are specified for the purposes of Division 1 of Part 2 of each the Goods Determinations. This means that these goods must not be brought or imported into relevant territories unless the goods are covered by an import permit, or if alternative conditions are relevantly specified, the alternative conditions are complied with. There are presently no alternative conditions specified for these particular goods.

Item 3 Section 5 (definitions of *listed fresh produce for human consumption, listed permitted seeds and listed plant fibres*)

Item 3 amends the definitions of *listed fresh produce for human consumption, listed permitted seeds* and *listed plant fibres* by omitting “30 June 2017” and substituting “25 July 2018” to enable the list referred to by those definitions to be incorporated into the Determination, as they exist on 25 July 2018. This is to facilitate the update of the lists of fresh produce for human consumption, permitted seeds, and listed plant fibres in accordance with more recent biosecurity risk assessments.

Item 4 Section 5 (definition of *microorganism*)

Item 4 repeals the definition for *microorganism* and substitutes a new definition. The amendment expands the definition to include “a thing that is a part of a microorganism” – for example, genetic coding material. Item 4 also expands the definition to include synthetically created microorganisms. The effect of Item 4 is to provide that synthetically created microorganisms, and synthetically created parts of microorganisms, are goods that are specified for the purposes of Division 1 of Part 2 of each the Goods Determinations. This means that these goods must not be brought or imported into relevant territories unless the goods are covered by an import permit, or if alternative conditions are relevantly specified, the alternative conditions are complied with. There are presently no alternative conditions specified for these particular goods.

Item 5 Paragraph 7(c)

Item 5 repeals paragraph (c) under the definition of *instant use*. This amendment removes the requirement that “no additional ingredients, or very few additional ingredients, are needed for the goods to be used as intended by the manufacturer”. Paragraph (c) is redundant, as it is otherwise covered by paragraph (d) of the definition, which provides that the goods require very little treatment or preparation to be used as intended by the manufacturer.

Item 6 Paragraph 10(2)(a)

Item 6 repeals and substitutes paragraph 10(2)(a) to add pastries and clarify that biscuits, breads, cakes and pastries must all be cooked in order to be excepted from Division 1 of Part 2, unless covered by table item 4 in section 16, which, following the amendment made by Item 32, covers cheesecakes, cooked biscuits, cooked breads, cooked cakes or cooked pastries containing dairy fillings or toppings containing uncooked dairy fillings or toppings.

Item 7 Paragraph 10(2)(f)

Item 7 omits the words “for example, cochineal”, and substitutes them with “other than carminic acid in relation to which alternative conditions are specified in section 36”. This amendment clarifies that the exception provided by subsection 10(2) does not apply to carminic acid being brought or imported into Australian territory where alternative conditions are specified for such goods in section 36.

Item 8 Subsection 10(3) (table item 24)

Item 8 repeals and substitutes table item 24 so that the exception for black and green tea applies only to processed black and green tea leaves for human consumption. The effect is that goods such as live black and green tea plants (*Camellia sinensis*) are not excepted from Division 1 of Part 2 of the Determination.

Item 9 Subsection 13(2) (table item 3, column 1, paragraph (b))

Item 9 repeals and substitutes paragraph (b) in column 1 of table item 3, to provide that the relevant exception in the table item only applies to wool or fibre from sheep, goats or camelids. This is a consequential amendment to the amendment in Item 12.

Item 10 Subsection 13(2) (cell at table item 4, column 2)

Item 10 repeals and substitutes the alternative conditions for animal bristles or hair for use in animal husbandry or human or animal grooming to provide that goods which are imported for personal use do not need to comply with the existing alternative conditions, which are now in paragraph (b). This amendment reduces the regulatory burden for importers, as there is a low level of biosecurity risk associated with goods which are for personal use.

Item 11 Subsection 13(2) (cell at table item 5, column 2)

Item 11 repeals the cell and substitutes a new cell which amends the alternative conditions for feathers. The new alternative conditions more adequately manage the biosecurity risks

associated with feathers. Feathers must be clean and free from other animal or plant material and soil, and meet one of four other conditions, namely:

- that the feathers are fully contained within a manufactured product (such as pillows and doonas); or
- the feathers are accompanied by documentation stating that the feathers have been treated in a certain way; or
- the feathers are to be treated with certain treatments while subject to biosecurity control; or
- the feathers are for personal use, are part of one or more manufactured products, and the quantity of the manufactured products is not more than 10.

Item 12 Subsection 13(2) (table item 6)

Item 12 repeals and substitutes table item 6, amending the alternative conditions to only apply to wool or fibre from sheep, goats or camelids. Item 12 also creates new alternative conditions, the effect of which is to provide that goods which have been commercially prepared, processed and packaged, are ready for retail sale, and are clean and free from other animal or plant material and soil, do not require scouring or other treatment. The new alternative conditions also provide that certain goods which weigh 500 grams or less no longer require evidence of scouring or other treatment.

Item 13 Subsection 13(2) (at the end of the table)

Item 13 adds an item to the table, providing that empty giant African snail shells are goods for which alternative conditions are specified. The new alternative conditions require that the goods are not viable, and are clean and free from other animal or plant material and soil. This amendment reduces the regulatory burden for importers, as there is a low level of biosecurity risk associated with empty giant African snail shells, which are often imported as carry-on baggage or as manufactured ornaments.

Item 14 Section 14 (heading)

Item 14 repeals the heading to section 14, and substitutes a new heading which reflects the clarification made by Item 15 that the alternative conditions in section 14 applies to dead aquatic animals, aquatic animal parts, and related goods, not just dead fish and crustaceans and related goods.

Item 15 Subsection 14(1)

Item 15 omits “does not apply to dead fish, crustaceans or related goods”, and substitutes “applies to dead aquatic animals, aquatic animal parts and related goods that are not viable and are not intended for” in subsection 14(1). This is an amendment to clarify that section 14 applies to certain dead aquatic animals, aquatic animal parts or related goods, not just dead fish and crustaceans and related goods, and that all goods in the table must not be viable in order to be covered by section 14.

Item 16 Subsection 14(2)

Item 16 omits “dead fish, crustaceans”, and substitutes “dead aquatic animals, dead aquatic animal parts” in subsection 14(2). This is a consequential amendment to the amendment made by Item 15.

Item 17 Subsection 14(2) (table heading)

Item 17 repeals the table heading in subsection 14(2) and substitutes a new heading “Alternative conditions – dead aquatic animals, aquatic animal parts and related goods. This is a consequential amendment to the amendment made by Item 15.

Item 18 Subsection 14(2) (table items 1 and 2, column 1)

Item 18 omits “Dead teleost” and substitutes “Teleost”. This is a consequential amendment to the amendment made by Item 15 as the word “dead” is redundant due to that amendment.

Item 19 Subsection 14(2) (table item 3)

Item 19 repeals and substitutes table item 3 to repeal the existing description of the goods and substitute a new description of the goods. It also removes the requirement in the existing alternative condition in paragraph (a) that the goods are not viable as a consequential amendment to the amendment made by Item 15.

Item 20 Subsection 14(2) (table item 4, column 1)

Item 20 omits “Dead non-salmonid” and substitutes “Non-salmonid”. This is a consequential amendment to the amendment made by Item 15 as the word “dead” is redundant due to that amendment.

Item 21 Subsection 14(2) (table item 5, column 1)

Item 21 omits “Dead fish” and substitutes “Fish”. This is a consequential amendment to the amendment made by Item 15 as the word “dead” is redundant due to that amendment.

Item 22 Subsection 14(2) (table item 8)

Item 22 repeals table item 8, and substitutes it with a new table item which provides alternative conditions for cnidarians, crustaceans (other than prawns, freshwater crayfish or crustacean meal), echinoderms, molluscs (other than oysters in full or half shell or fresh water snails), poriferans and tunicates. This amendment consolidates the existing alternative conditions for these goods which are identical, changes the description of cnidarians, and adds poriferans. It also removes the requirement in the existing alternative condition that the goods are not viable as a consequential amendment to Item 15.

Item 23 Subsection 14(2) (table item 13)

Item 23 repeals table item 13. This is a consequential amendment to the amendment made by Item 22.

Item 24 Subsection 14(2) (table item 14, column 2, paragraph (b))

Item 24 repeals table item 14, column 2, paragraph (b). This is a consequential amendment to the amendment made by Item 15.

Item 25 Subsection 14(2) (table items 15, 16 and 17)

Item 25 repeals table items 15, 16 and 17. This is a consequential amendment to the amendment made by Item 22.

Item 26 Subsection 15(2) (cell at table item 3, column 1)

Item 26 repeals the cell in table item 3 in column 1, and substitutes it with a cell which adds foie gras to the description of the goods. This amendment reduces unnecessary regulatory burden for importers as the level of biosecurity risk associated with foie gras is minimal if the alternative conditions are met.

Item 27 Subsection 16(2) (table item 2, column 2, subparagraph (a)(ii))

Item 27 omits the words “one or more” from the alternative conditions for infant formula. This amendment makes it clear that all countries involved in the manufacturing process of infant formula must be FMD-free to ensure that the level of biosecurity risk associated with these goods is appropriately managed.

Item 28 Subsection 16(2) (table item 2, column 2, subparagraph (a)(iii))

Item 28 repeals subparagraph (a)(iii) in table item 2, column 2. This amendment removes the requirement for infant formula for personal use to be accompanied by evidence that the goods were manufactured in one or more FMD-free countries only, which exists currently in addition to the requirement that the goods were manufactured in an FMD-free country. This evidence is not required to appropriately manage the biosecurity risk associated with infant formula for personal use, as infant formula not accompanied by evidence that it is manufactured in an FMD-free country will be treated as not having been manufactured in an FMD-free country, and there are other alternative conditions in item 2 which may potentially apply. This amendment aligns table item 2 with the conditions for other dairy products covered by table item 1 under subsection 16(2), as they have the same level of associated biosecurity risk.

Item 29 Subsection 16(2) (table item 2, column 2, subparagraph (b)(iv))

Item 29 repeals subparagraph (b)(iv), which requires that infant formula is to be brought in as baggage. This amendment has been made as the only mode of import for personal use goods accompanied by an infant is via airport or seaport and therefore infant formula would have to be imported as baggage. This amendment removes this requirement as it is not necessary.

Item 30 Subsection 16(2) (table item 2, column 2, subparagraph (c)(i))

Item 30 repeals subparagraph (c)(i), which requires that infant formula is shelf-stable. This subparagraph has been substituted with a requirement to instead ensure that infant formula has been commercially prepared and packaged. This amendment has been made as for infant

formula to be shelf-stable it must also be unopened, which is impractical for goods which are for personal use.

Item 31 Subsection 16(2) (table item 2, column 2, paragraph (d))

Item 31 repeals paragraph (d) and substitutes it with a new paragraph containing a requirement for infant formula to contain less than 10% by dry weight (other than added water) of dairy products. The alternative condition previously only applied to goods which contained one or more packets, however will now apply regardless of whether the goods contain one or more packets. This amendment has been made as it is not necessary for the purpose of appropriately managing biosecurity to distinguish between infant formula which has been split into smaller individual portions and other infant formula.

Item 32 Subsection 16(2) (cell at table item 4, column 1)

Item 32 repeals the cell and substitutes a new cell with a description of goods which now covers cooked biscuits, cooked breads, cooked cakes or cooked pastries containing uncooked dairy fillings or toppings. Cooked biscuits, breads, cakes or pastries which contain uncooked dairy fillings or toppings present minimal levels of biosecurity risk associated with those goods when the goods are manufactured in FMD-free countries.

Item 33 Section 18 (table item 9)

Item 33 repeals table item 9. This is a consequential amendment to the amendment made by Item 34.

Item 34 After section 18

Item 34 inserts new specified alternative conditions for all animal products exported from Australian territory. Existing alternative conditions for returning Australian goods only apply to animal products for human consumption, however the associated level of biosecurity risks for all returning Australian goods made from animal products are able to be adequately managed through these alternative conditions.

Item 35 Section 21 (table)

Item 35 repeals the table and substitutes it with an amended table to provide further clarification on which cosmetics and soap products can be imported into Australia by complying with alternative conditions. The amendment expands the description of cosmetic goods for human use to include those containing biological material (rather than just those of animal origin). It also amends the requirements for the existing alternative condition by requiring that cosmetics are ready for retail sale without any further processing, and providing for an exception in paragraph (c). The amendment specifies a new alternative condition for soap in paragraph (c) and changes the word “soap” to “goods” in paragraph (a).

Item 36 Section 23 (after the heading)

Item 36 inserts additional wording in section 23 to clarify that the section does not apply to plant materials or plant products that are intended for animal consumption, use as a

bioremedial agent or fertiliser, or veterinary therapeutic use. This amendment ensures that biosecurity risks associated with produce for human consumption are appropriately managed.

Item 37 Section 23

Item 37 omits the word “For” and substitutes this with “(2) For”. This is a consequential formatting amendment to allow for the amendment made by Item 36.

Item 38 Section 23 (table item 9, column 2, paragraph (d))

Item 38 repeals paragraph (d), which requires that if the goods (herbal tea in tea bags or capsules) contain seeds as ingredients, the seeds are listed permitted seeds and have been processed so they are not viable. The level of biosecurity risk associated with seeds contained as an ingredient in tea bags or capsules that are intended for human consumption is acceptable, even if the seeds are viable, and even if they are not listed permitted seeds.

Item 39 Section 23 (at the end of the table)

Item 39 adds new items and cells to the table in section 23 which has the effect of specifying certain goods as goods for which alternative conditions are specified. The goods are raw, unprocessed or cured tobacco leaf, and dried herb products not for human consumption. The level of biosecurity risk associated with these goods is minimal when the specified alternative conditions are met. This amendment reduces unnecessary regulatory burden for importers.

Item 40 Section 29 (at the end of the cell at table item 5A, column 1)

Item 40 adds the words “, other than goods covered by item 5B” at the end of the cell at table item 5A, column 1. This is a consequential amendment to the amendment made by Item 41.

Item 41 Section 29 (after table item 5A)

Item 41 inserts a new table item 5B which specifies alternative conditions for species of mushrooms that are in certain forms and for use for medicinal purposes. This amendment reduces unnecessary regulatory burden for importers as the level of biosecurity risk associated with these goods is minimal when the alternative conditions are met.

Item 42 Section 31 (table items 1, 2 and 3)

Item 42 repeals table items 1, 2 and 3 and substitutes them with a new table item for timber and timber products, other than goods covered by another item in the table. These new alternative conditions require that timber and timber products are free from pests, and comply with one of the following conditions:

- are free from bark and have been processed or manufactured to be 200 millimetres or less in diameter in at least one dimension; or
- are accompanied by a phytosanitary certificate issued by the exporting country’s national plant protection organisation stating that biosecurity risks associated with the goods have been managed to an acceptable level; or
- are accompanied by evidence that demonstrates that the goods have been produced under an accreditation scheme that the Director of Biosecurity is satisfied is

appropriate to manage the biosecurity risks associated with the goods to an acceptable level; or

- are for personal use and are brought in as baggage or mail.

This amendment ensures that conditions for timber and timber products align with updated terminology, and also simplifies the conditions for importers of timber products while ensuring that biosecurity risks associated with timber and timber products are appropriately managed.

Item 43 Section 31 (cell at table item 4, column 2)

Item 43 repeals the cell at table item 4, column 2 and substitutes it with the requirement that certain charcoal of plant origin must have been commercially packaged in clean and new packaging, and must be accompanied by commercial documentation that describes the goods and all ingredients. This is intended to ensure that samples of charcoal which may have been collected in the field are not brought into Australia as these samples may be contaminated, infected or infested with biosecurity risk material and the level of biosecurity risk is therefore not acceptable. The requirement that the charcoal be commercially packaged in clean and new packaging is intended to exclude samples collected in the field.

Item 44 Section 31 (table item 8)

Item 44 repeals table item 8 and substitutes it with a new description of goods, being sawdust and woodchips which are of plant origin only, other than goods intended for animal consumption or use as a bioremedial agent or fertiliser. The amendment also replaces the previous alternative condition with the requirement that the goods have been commercially packaged in clean and new packaging. This is intended to ensure that relevant sawdust and woodchips which have been collected in the field, which would not be commercially packaged in clean and new packaging, would not be covered by the alternative condition as the level of biosecurity risk associated with those goods is high.

Item 45 Subsection 32(3) (table item 25)

Item 45 omits “*Hasagawaea*” and substitutes “*Hasegawaea*”. This is a technical amendment to correct the spelling of the starter culture.

Item 46 Subsection 32(3) (table item 27)

Item 46 omits “*Hypopichia*” and substitutes “*Hyphopichia*”. This is a technical amendment to correct the spelling of the starter culture.

Item 47 Subsection 32(3) (table item 35)

Item 47 omits “*pentasaceus*” and substitutes “*pentosaceus*”. This is a technical amendment to correct the spelling of the starter culture.

Item 48 Subsection 32(3) (table item 36)

Item 48 omits “*camembertii*”, substitutes “*camembertii* and *Penicillium candidum*”. This is a technical amendment to add a synonym to this starter culture.

Item 49 Subsection 36(2) (heading)

Item 49 repeals the heading and substitutes it with a new heading to clarify and reflect that subsection 36(2) also applies to goods contained in cosmetics for human use.

Item 50 Subsection 36(4) (after table item 1)

Item 50 inserts a new item into the table in subsection 36(4), to provide that the alternative conditions in section 36 apply to carminic acid.

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

Item 51 Subsection 36(4) (after table item 3)

Item 51 inserts new items into the table in subsection 36(4), to provide that the alternative conditions in section 36 apply to cyclosporin, a semi-synthetic compound used in veterinary and human medicine, and diethylaminoethyl (DEAE) dextran, a semi-synthetic molecule used in veterinary vaccine manufacture. The alternative conditions apply when the goods are not manufactured using materials of terrestrial animal or avian origin.

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.

Part 2—Alternative conditions for Christmas Island

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

Item 52 Subsection 5(2) (after paragraph (f) of the note)

Item 52 inserts “infectious agent” in the note to subsection 5(2). This is a minor technical amendment to clarify that infectious agent has the same meaning in the Christmas Island Determination as in the Mainland Determination.

Item 53 Subsection 5(2) (after paragraph (h) of the note)

Item 53 inserts “microorganism” in the note in subsection 5(2). This is a minor technical amendment to clarify that microorganism has the same meaning in the Christmas Island Determination as in the Mainland Determination.

Item 54 Paragraph 6(2)(b)

Item 54 repeals and substitutes paragraph 6(2)(b) to add pastries and clarify that biscuits, breads, cakes and pastries must all be cooked in order to be excepted from Division 1 of Part 2.

Item 55 Paragraph 6(2)(j)

Item 55 omits the words “for example, cochineal”, and substitutes them with “other than carminic acid in relation to which alternative conditions are specified in section 30”. This amendment clarifies that the exception provided by subsection 6(2) does not apply to carminic acid being brought or imported into Christmas Island where alternative conditions are specified for such goods in section 30.

Item 56 Subsection 6(3) (table item 24)

Item 56 repeals and substitutes table item 24 so that the exception for black and green tea applies only to processed black and green tea leaves for human consumption. The effect is that goods such as live black and green tea plants (*Camellia sinensis*) are not excepted from Division 1 of Part 2 of the Christmas Island Determination.

Item 57 Subsection 8(2) (table item 2, column 1)

Item 57 omits the words “wool, goat fibre or other animal fibre” and substitutes it with “wool or fibre from sheep, goats or camelids” in column 1 of table item 2, to provide that the relevant exception in the table item only applies to wool or fibre from sheep, goats or camelids. This is a consequential amendment to the amendment in Item 59.

Item 58 Subsection 8(2) (cell at table item 3, column 2)

Item 58 repeals the cell and substitutes a new cell which amends the alternative conditions for feathers. The new alternative conditions more adequately manage the biosecurity risks associated with feathers. Feathers must be clean and free from other animal or plant material and soil, and meet one of four other conditions, namely:

- that the feathers are fully contained within a manufactured product (such as pillows and doonas); or
- the feathers are accompanied by documentation stating that the feathers have been treated in a certain way; or
- the feathers are to be treated with certain treatment while subject to biosecurity control; or
- the feathers are for personal use, are part of one or more manufactured products, and the quantity of the manufactured products is not more than 10.

Item 59 Subsection 8(2) (table item 4)

Item 59 repeals and substitutes table item 4, amending the alternative conditions to only apply to wool or fibre from sheep, goats or camelids. Item 59 also creates new alternative conditions, the effect of which is to provide that goods which have been commercially prepared, processed and packaged, are ready for retail sale, and are clean and free from other animal or plant material and soil, do not require scouring or other treatment. The new alternative conditions also provide that certain goods which weigh 500 grams or less no longer require evidence of scouring or other treatment.

Item 60 Subsection 8(2) (at the end of the table)

Item 60 adds an item to the table, providing that empty giant African snail shells are goods for which alternative conditions are specified. The alternative conditions require that the goods are not viable, and are clean and free from other animal or plant material and soil. This amendment reduces the regulatory burden for importers, as there is a low level of biosecurity risk associated with empty giant African snail shells, which are often imported as carry-on baggage or as manufactured ornaments.

Item 61 Section 15 (table)

Item 61 repeals the table and substitutes it with an amended table to provide further clarification on which cosmetics and soap products can be imported into Christmas Island by complying with alternative conditions. The amendment expands the description of cosmetic goods for human use to include those containing biological material (rather than just those of animal origin). It also amends the requirements for the existing alternative condition by requiring that cosmetics are ready for retail sale without any further processing, and providing for an exception in paragraph (c). The amendment specifies a new alternative condition for soap in paragraph (c) and changes the word “soap” to “goods” in paragraph (a).

Item 62 Section 17 (after the heading)

Item 62 inserts additional wording in section 17 to clarify that the section does not apply to plant materials or plant products that are intended for animal consumption, use as a bioremedial agent or fertiliser, or veterinary therapeutic use. This amendment ensures that biosecurity risks associated with produce for human consumption are appropriately managed.

Item 63 Section 17

Item 63 omits the word “For” and substitutes this with “(2) For”. This is a consequential formatting amendment to allow for the amendment made by Item 62.

Item 64 Section 17 (table item 9, column 2, paragraph (d))

Item 64 repeals paragraph (d), which requires that if the goods (herbal tea in tea bags or capsules) contain seeds as ingredients, the seeds are listed permitted seeds and have been processed so they are not viable. The level of biosecurity risk associated with seeds contained as an ingredient in tea bags or capsules that are intended for human consumption is acceptable, even if the seeds are viable, and even if they are not listed permitted seeds.

Item 65 Section 17 (at the end of the table)

Item 65 adds a new item and cells which has the effect of specifying dried herb products not for human consumption as goods for which alternative conditions are specified. The level of biosecurity risk associated with these goods is minimal biosecurity risk when the specified alternative conditions are met. This amendment reduces unnecessary regulatory burden for importers.

Item 66 Section 23 (at the end of the cell at table item 4A, column 1)

Item 66 adds the words “, other than goods covered by item 4B” at the end of the cell at table item 4A, column 1. This is a consequential amendment to the amendment made by Item 67.

Item 67 Section 23 (after table item 4A)

Item 67 inserts a new table item 4B which specifies alternative conditions for species of mushrooms that are in certain forms and for use for medicinal purposes. This amendment reduces unnecessary regulatory burden for importers as the level of biosecurity risk associated with these goods is minimal when the alternative conditions are met.

Item 68 Section 25 (table items 1 and 2)

Item 68 repeals table items 1 and 2, and substitutes them with a new table item for timber and timber products, other than goods covered by another item in the table. This new alternative condition requires that timber and timber products are free from pests, and comply with one of the following conditions:

- are free from bark and have been processed or manufactured to be 200 millimetres or less in diameter in at least one dimension; or
- are accompanied by a phytosanitary certificate issued by the exporting country’s national plant protection organisation stating that biosecurity risks associated with the goods have been managed to an acceptable level; or
- are accompanied by evidence that demonstrates that the goods have been produced under an accreditation scheme that the Director of Biosecurity is satisfied is appropriate to manage the biosecurity risks associated with the goods to an acceptable level; or
- are for personal use and are brought in as baggage or mail.

This amendment ensures that conditions for timber and timber products align with updated terminology, and also simplifies the conditions for importers of timber products while ensuring that biosecurity risks associated with timber and timber products are appropriately managed.

Item 69 Section 25 (cell at table item 3, column 2)

Item 69 repeals the cell at table item 3, column 2 and substitutes it with the requirement that certain charcoal of plant origin must have been brought or imported from a part of Australian territory (other than Cocos (Keeling) Islands or Norfolk Island). Alternatively, the charcoal goods must have been commercially packaged in clean and new packaging, and must be accompanied by commercial documentation describing the charcoal goods and all ingredients contained within those goods. This is intended to ensure that samples of charcoal which may have been collected in the field are not brought into Christmas Island as these samples may be contaminated, infected or infested with biosecurity risk material and the level of biosecurity risk is therefore not acceptable. The requirement that the charcoal be commercially packaged in clean and new packaging excludes samples collected in the field.

Item 70 Section 25 (table item 7)

Item 70 repeals table item 7 and substitutes it with a new description of goods, being sawdust and woodchips which are of plant origin only, other than goods intended for animal consumption or use as a bioremedial agent or fertiliser. The amendment also replaces the previous alternative condition with the requirement that the goods have been commercially packaged in clean and new packaging. This ensures that relevant sawdust and woodchips which have been collected in the field, which would not be commercially packaged in clean and new packaging, would not be covered by the alternative condition as the level of biosecurity risk associated with those goods is high.

Item 71 Subsection 26(3) (table item 25)

Item 71 omits “*Hasagawaea*” and substitutes “*Hasegawaea*”. This is a technical amendment to correct the spelling of the starter culture.

Item 72 Subsection 26(3) (table item 27)

Item 72 omits “*Hypopichia*” and substitutes “*Hyphopichia*”. This is a technical amendment to correct the spelling of the starter culture.

Item 73 Subsection 26(3) (table item 35)

Item 73 omits “*pentasaceus*” and substitutes “*pentosaceus*”. This is a technical amendment to correct the spelling of the starter culture.

Item 74 Subsection 26(3) (table item 36)

Item 74 omits “*camembertii*”, substitutes “*camembertii* and *Penicillium candidum*”. This is a technical amendment to add a synonym to this starter culture.

Item 75 Subsection 30(2) (heading)

Item 75 repeals the heading and substitutes it with a new heading to clarify and reflect that subsection 30(2) also applies to goods contained in cosmetics for human use.

Item 76 Subsection 30(4) (after table item 1)

Item 76 inserts a new item into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to carminic acid.

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

Item 77 Subsection 30(4) (after table item 3)

Item 77 inserts new items into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to cyclosporin, a semi-synthetic compound used in veterinary and human medicine, and diethylaminoethyl (DEAE) dextran, a semi-synthetic molecule

used in veterinary vaccine manufacture. The alternative conditions apply when the goods are not manufactured using materials of terrestrial animal or avian origin.

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.

Part 3—Alternative conditions for Cocos (Keeling) Islands

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

Item 78 Subsection 5(2) (after paragraph (f) of the note)

Item 78 inserts “infectious agent” in the note to subsection 5(2). This is a minor technical amendment to clarify that infectious agent has the same meaning in the Cocos (Keeling) Islands Determination as in the Mainland Determination.

Item 79 Subsection 5(2) (after paragraph (h) of the note)

Item 79 inserts “microorganism” in subsection 5(2). This is a minor technical amendment to clarify that microorganism has the same meaning in the Cocos (Keeling) Islands Determination as in the Mainland Determination.

Item 80 Paragraph 6(2)(a)

Item 80 repeals and substitutes paragraph 6(2)(a) to add pastries and clarify that biscuits, breads, cakes and pastries must all be cooked in order to be excepted from Division 1 of Part 2, unless covered by table item 4 in section 11, which, following the amendment made by Item 92, will cover cheesecakes, cooked biscuits, cooked breads, cooked cakes or cooked pastries containing dairy fillings or toppings containing uncooked dairy fillings or toppings.

Item 81 Paragraph 6(2)(h)

Item 81 omits the words “for example, cochineal”, and substitutes them with “other than carminic acid in relation to which alternative conditions are specified in section 31”. This amendment clarifies that the exception provided by subsection 6(2) does not apply to carminic acid being brought or imported into Cocos (Keeling) Islands where alternative conditions are specified for such goods in section 31.

Item 82 Subsection 6(3) (table item 24)

Item 82 repeals and substitutes table item 24 so that the exception for black and green tea applies only to processed black and green tea leaves for human consumption. The effect is that goods such as live black and green tea plants (*Camellia sinensis*) are not excepted from Division 1 of Part 2 of the Cocos (Keeling) Islands Determination.

Item 83 Subsection 8(2) (table item 2, column 1)

Item 83 omits the words “wool, goat fibre or other animal fibre” and substitutes it with “wool or fibre from sheep, goats or camelids” in column 1 of table item 2, to provide that the relevant exception in the table item only applies to wool or fibre from sheep, goats or camelids. This is a consequential amendment to the amendment in Item 85.

Item 84 Subsection 8(2) (cell at table item 3, column 2)

Item 84 repeals the cell and substitutes a new cell which amends the alternative conditions for feathers. The new alternative conditions more adequately manage the biosecurity risks associated with feathers. Feathers must be clean and free from other animal or plant material and soil, and meet one of four other conditions, namely:

- that the feathers are fully contained within a manufactured product (such as pillows and doonas); or
- the feathers are accompanied by documentation stating that the feathers have been treated in a certain way; or
- the feathers are to be treated with certain treatment while subject to biosecurity control; or
- the feathers are for personal use, are part of one or more manufactured products, and the quantity of the manufactured products is not more than 10.

Item 85 Subsection 8(2) (table item 4)

Item 85 repeals and substitutes table item 4, amending the alternative conditions to only apply to wool or fibre from sheep, goats or camelids. Item 85 also creates new alternative conditions, the effect of which is to provide that goods which have been commercially prepared, processed and packaged, are ready for retail sale, and are clean and free from other animal or plant material and soil, do not require scouring or other treatment. The new alternative conditions also provide that certain goods which weigh 500 grams or less no longer require evidence of scouring or other treatment.

Item 86 Subsection 8(2) (at the end of the table)

Item 86 adds an item to the table, providing that empty giant African snail shells are goods for which alternative conditions are specified. The new alternative conditions require that the goods are not viable, and are clean and free from other animal or plant material and soil. This amendment reduces the regulatory burden for importers, as there is a low level of biosecurity risk associated with empty giant African snail shells, which are often imported as carry-on baggage or as manufactured ornaments.

Item 87 Subsection 11(2) (table item 2, column 2, subparagraph (b)(ii))

Item 87 omits the words “one or more” from the alternative conditions for infant formula. This amendment makes it clear that all countries involved in the manufacturing process of infant formula must be FMD-free to ensure that the level of biosecurity risk associated with these goods is appropriately managed.

Item 88 Subsection 11(2) (table item 2, column 2, subparagraph (b)(iii))

Item 88 repeals subparagraph (b)(iii) in table item 2, column 2. This amendment removes the requirement for infant formula for personal use to be accompanied by evidence that the goods were manufactured in one or more FMD-free countries only, which exists currently in addition to the requirement that the goods were manufactured in an FMD-free country. This evidence is not required to appropriately manage the biosecurity risk associated with infant formula for personal use, as infant formula not accompanied by evidence that it is manufactured in an FMD-free country will be treated as not having been manufactured in an FMD-free country, and there are other alternative conditions in item 2 which may potentially apply. This amendment aligns table item 2 with the conditions for other dairy products covered by table item 1 under subsection 11(2), as they have the same level of associated biosecurity risk.

Item 89 Subsection 11(2) (table item 2, column 2, subparagraph (c)(iv))

Item 89 repeals subparagraph (c)(iv), which requires that infant formula is to be brought in as baggage. This amendment has been made as the only mode of import for personal use goods accompanied by an infant is via the airport or seaport and therefore infant formula would have to be imported as baggage. This amendment removes this requirement as it is not necessary.

Item 90 Subsection 11(2) (table item 2, column 2, subparagraph (d)(i))

Item 90 repeals subparagraph (d)(i), which requires that infant formula is shelf-stable. This subparagraph has been substituted with a requirement to instead ensure that infant formula has been commercially prepared and packaged. This amendment has been made as for infant formula to be shelf-stable it must also be unopened, which is impractical for goods which are for personal use.

Item 91 Subsection 11(2) (table item 2, column 2, paragraph (e))

Item 91 repeals paragraph (e) and substitutes it with new paragraph containing a requirement for infant formula to contain less than 10% by dry weight (other than added water) of dairy products. The alternative condition previously only applied to goods which contained one or more packets, however will now apply to all infant formula. This amendment has been made as it is not necessary for the purpose of appropriately managing biosecurity to distinguish between infant formula which has been split into smaller individual portions and other infant formula.

Item 92 Subsection 11(2) (cell at table item 4, column 1)

Item 92 repeals the cell and substitutes a new cell with a description of goods which now covers cooked biscuits, cooked breads, cooked cakes or cooked pastries containing uncooked dairy fillings or toppings. Cooked biscuits, breads, cakes or pastries which contain uncooked dairy fillings or toppings present minimal levels of biosecurity risk associated with those goods when the goods are manufactured in FMD-free countries.

Item 93 Section 16 (table)

Item 93 repeals the table and substitutes it with an amended table to provide further clarification on which cosmetics and soap products can be imported into Cocos (Keeling) Islands by complying with alternative conditions. The amendment expands the description of cosmetic goods for human use to include those containing biological material (rather than just those of animal origin). It also amends the requirements for the existing alternative condition by requiring that cosmetics are ready for retail sale without any further processing, and providing for an exception in paragraph (c). The amendment specifies a new alternative condition for soap in paragraph (c) and changes the word “soap” to “goods” in paragraph (a).

Item 94 Section 18 (after the heading)

Item 94 inserts additional wording in section 18 to clarify that the section does not apply to plant materials or plant products that are intended for animal consumption, use as a bioremedial agent or fertiliser, or veterinary therapeutic use. This amendment ensures that biosecurity risks associated with produce for human consumption are appropriately managed.

Item 95 Section 18

Item 95 omits the word “For” and substitutes this with “(2) For”. This is a consequential amendment to allow for the amendment made by Item 94.

Item 96 Section 18 (table item 9, column 2, paragraph (d))

Item 96 repeals paragraph (d), which requires that if the goods (herbal tea in tea bags or capsules) contain seeds as ingredients, the seeds are listed permitted seeds and have been processed so they are not viable. The level of biosecurity risk associated with seeds contained as an ingredient in tea bags or capsules that are intended for human consumption is acceptable, even if the seeds are viable, and even if they are not listed permitted seeds.

Item 97 Section 18 (at the end of the table)

Item 97 adds a new item and cells which has the effect of specifying dried herb products not for human consumption as goods for which alternative conditions are specified. The level of biosecurity risk associated with these goods is minimal biosecurity risk when the specified alternative conditions are met. This amendment reduces unnecessary regulatory burden for importers.

Item 98 Section 24 (at the end of the cell at table item 4A, column 1)

Item 98 adds the words “, other than goods covered by item 4B” at the end of the cell at table item 4A, column 1. This is a consequential amendment to the amendment made by Item 99.

Item 99 Section 24 (after table item 4A)

Item 99 inserts a new table item 4B which specifies alternative conditions for species of mushrooms that are in certain forms and for use for medicinal purposes. This amendment reduces unnecessary regulatory burden for importers as the level of biosecurity risk associated with these goods is minimal when the alternative conditions are met.

Item 100 Section 26 (table items 1 and 2)

Item 100 repeals table items 1 and 2, and substitutes them with a new table item for timber and timber products, other than goods covered by another item in the table. This new alternative condition requires that timber and timber products are free from pests, and comply with one of the following conditions:

- are free from bark and have been processed or manufactured to be 200 millimetres or less in diameter in at least one dimension; or
- are accompanied by a phytosanitary certificate issued by the exporting country's national plant protection organisation stating that biosecurity risks associated with the goods have been managed to an acceptable level; or
- are accompanied by evidence that demonstrates that the goods have been produced under an accreditation scheme that the Director of Biosecurity is satisfied is appropriate to manage the biosecurity risks associated with the goods to an acceptable level; or
- are for personal use and are brought in as baggage or mail.

This amendment ensures that conditions for timber and timber products align with updated terminology, and also simplifies the conditions for importers of timber products while ensuring that biosecurity risks associated with timber and timber products are appropriately managed.

Item 101 Section 26 (cell at table item 3, column 2)

Item 101 repeals the cell at table item 3, column 2 and substitutes it with the requirement that certain charcoal of plant origin must have been brought or imported from a part of Australian territory (other than Christmas Island or Norfolk Island). Alternatively, the charcoal goods must have been commercially packaged in clean and new packaging, and must be accompanied by commercial documentation describing the charcoal goods and all ingredients contained within those goods. This is intended to ensure that samples of charcoal which may have been collected in the field are not brought into Cocos (Keeling) Islands as these samples may be contaminated, infected or infested with biosecurity risk material and the level of biosecurity risk is therefore not acceptable. The requirement that the charcoal be commercially packaged in clean and new packaging excludes samples collected in the field.

Item 102 Section 26 (table item 7)

Item 102 repeals table item 7 and substitutes it with a new description of goods, being sawdust and woodchips which are of plant origin only, other than goods intended for animal consumption or use as a bioremedial agent or fertiliser. The amendment also replaces the the previous alternative condition with the requirement that the goods have been commercially packaged in clean and new packaging. This ensures that relevant sawdust and woodchips which have been collected in the field, which would not be commercially packaged in clean and new packaging, would not be covered by the alternative condition as the level of biosecurity risk associated with those goods is high.

Item 103 Subsection 27(3) (table item 25)

Item 103 omits “*Hasagawaea*” and substitutes “*Hasegawaea*”. This is a technical amendment to correct the spelling of the starter culture.

Item 104 Subsection 27(3) (table item 27)

Item 104 omits “*Hypopichia*” and substitutes “*Hyphopichia*”. This is a technical amendment to correct the spelling of the starter culture.

Item 105 Subsection 27(3) (table item 35)

Item 105 omits “*pentasaceus*” and substitutes “*pentosaceus*”. This is a technical amendment to correct the spelling of the starter culture.

Item 106 Subsection 27(3) (table item 36)

Item 106 omits “*camembertii*”, substitutes “*camembertii* and *Penicillium candidum*”. This is a technical amendment to add a synonym to this starter culture.

Item 107 Subsection 31(2) (heading)

Item 107 repeals the heading and substitutes it with a new heading to clarify and reflect that subsection 31(2) also applies to goods contained in cosmetics for human use.

Item 108 Subsection 31(4) (after table item 1)

Item 108 inserts a new item into the table in subsection 31(4), to provide that the alternative conditions in section 31 apply to carminic acid.

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

Item 109 Subsection 31(4) (after table item 3)

Item 109 inserts new items into the table in subsection 31(4), to provide that the alternative conditions in section 31 apply to cyclosporin, a semi-synthetic compound used in veterinary and human medicine, and diethylaminoethyl (DEAE) dextran, a semi-synthetic molecule used in veterinary vaccine manufacture. The alternative conditions apply when the goods are not manufactured using materials of terrestrial animal or avian origin.

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.

Part 4—Alternative conditions for Norfolk Island

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

Item 110 Subsection 5(2) (after paragraph (f) of the note)

Item 110 inserts “infectious agent” subsection 5(2). This is a minor technical amendment to clarify that infectious agent has the same meaning in the Norfolk Island Determination as in the Mainland Determination.

Item 111 Subsection 5(2) (after paragraph (h) of the note)

Item 111 inserts “microorganism” in subsection 5(2). This is a minor technical amendment to clarify that microorganism has the same meaning in the Norfolk Island Determination as in the Mainland Determination.

Item 112 Paragraph 6(2)(a)

Item 112 repeals and substitutes paragraph 6(2)(a) to add pastries and clarify that biscuits, breads, cakes and pastries must all be cooked in order to be excepted from Division 1 of Part 2, unless covered by table item 4 in section 11, which, following the amendment made by Item 137, covers cheesecakes, cooked biscuits, cooked breads, cooked cakes or cooked pastries containing dairy fillings or toppings containing uncooked dairy fillings or toppings.

Item 113 Paragraph 6(2)(f)

Item 113 omits the words “for example, cochineal”, and substitutes them with “other than carminic acid in relation to which alternative conditions are specified in section 30”. This amendment clarifies that the exception provided by subsection 6(2) does not apply to carminic acid being brought or imported into Norfolk Island where alternative conditions are specified for such goods in section 30.

Item 114 Subsection 6(3) (table item 24)

Item 114 repeals and substitutes table item 24 so that the exception for black and green tea applies only to processed black and green tea leaves for human consumption. The effect is that goods such as live black and green tea plants (*Camellia sinensis*) are not excepted from Division 1 of Part 2 of the Norfolk Island Determination.

Item 115 Subsection 8(2) (table item 3, column 1)

Item 115 omits the words “wool, goat fibre or other animal fibre” and substitutes it with “wool or fibre from sheep, goats or camelids” in column 1 of table item 3, to provide that the relevant exception in the table item only applies to wool or fibre from sheep, goats or camelids. This is a consequential amendment to the amendment in Item 117.

Item 116 Subsection 8(2) (cell at table item 4, column 2)

Item 116 repeals the cell and substitutes a new cell which amends the alternative conditions for feathers. The new alternative conditions more adequately manage the biosecurity risks associated with feathers. Feathers must be clean and free from other animal or plant material and soil, and meet one of four other conditions, namely:

- that the feathers are fully contained within a manufactured product (such as pillows and doonas); or
- the feathers are accompanied by documentation stating that the feathers have been treated in a certain way; or
- the feathers are to be treated with certain treatment while subject to biosecurity control; or
- the feathers are for personal use, are part of one or more manufactured products, and the quantity of the manufactured products is not more than 10.

Item 117 Subsection 8(2) (table item 5)

Item 117 repeals and substitutes table item 5, amending the alternative conditions to only apply to wool or fibre from sheep, goats or camelids. Item 117 also creates new alternative conditions, the effect of which is to provide that goods which have been commercially prepared, processed and packaged, are ready for retail sale, and are clean and free from other animal or plant material and soil, do not require scouring or other treatment. The new alternative conditions also provide that certain goods which weigh 500 grams or less no longer require evidence of scouring or other treatment.

Item 118 Subsection 8(2) (at the end of the table)

Item 118 adds an item to the table, providing that empty giant African snail shells are goods for which alternative conditions are specified. The new alternative conditions require that the goods are not viable, and are clean and free from other animal or plant material and soil. This amendment reduces the regulatory burden for importers, as there is a low level of biosecurity risk associated with empty giant African snail shells, which are often imported as carry-on baggage or as manufactured ornaments.

Item 119 Section 9 (heading)

Item 119 repeals the heading to section 9, and substitutes a new heading which reflects the clarification made by Item 119 that the alternative conditions in section 9 applies to dead aquatic animals, aquatic animal parts, and related goods, not just dead fish and crustaceans and related goods.

Item 120 Subsection 9(1)

Item 120 omits “does not apply to dead fish, crustaceans or related goods”, and substitutes “applies to dead aquatic animals, aquatic animal parts and related goods that are not viable and are not intended for” in subsection 9(1). This is an amendment to clarify that section 9 applies to certain dead aquatic animals, aquatic animal parts or related goods, not just dead fish and crustaceans and related goods, and that all goods in the table must not be viable in order to be covered by section 9.

Item 121 Subsection 9(2)

Item 121 omits “dead fish, crustaceans”, and substitutes “dead aquatic animals, dead aquatic animal parts” in subsection 9(2). This is a consequential amendment to the amendment made by Item 120.

Item 122 Subsection 9(2) (table heading)

Item 122 repeals the table heading in subsection 9(2) and substitutes a new heading “Alternative conditions – dead aquatic animals, aquatic animal parts and related goods. This is a consequential amendment to the amendment made by Item 120.

Item 123 Subsection 9(2) (table items 1, 2 and 3, column 1)

Item 123 omits “Dead teleost” and substitutes “Teleost”. This is a consequential amendment to the amendment made by Item 120 as the word “dead” is redundant due to that amendment.

Item 124 Subsection 9(2) (table item 4)

Item 124 repeals and substitutes table item 4 to repeal the existing description of the goods and substitute a new description of the goods. It also removes the requirement in the existing alternative condition in paragraph (a) that the goods are not viable as a consequential amendment to the amendment made by Item 120.

Item 125 Subsection 9(2) (table item 5, column 1)

Item 125 omits “Dead non-salmonid” and substitutes “Non-salmonid”. This is a consequential amendment to the amendment made by Item 120 as the word “dead” is redundant due to that amendment.

Item 126 Subsection 9(2) (table item 6, column 1)

Item 126 omits “Dead fish” and substitutes “Fish”. This is a consequential amendment to the amendment made by Item 120 as the word “dead” is redundant due to that amendment.

Item 127 Subsection 9(2) (table item 9)

Item 127 repeals table item 9, and substitutes it with a new table item which provides alternative conditions for cnidarians, crustaceans (other than prawns, freshwater crayfish or crustacean meal), echinoderms, molluscs (other than oysters in full or half shell or fresh water snails), poriferans and tunicates. This amendment consolidates the existing alternative conditions for these goods which are identical, changes the description of cnidarians, and adds poriferans. It also removes the requirement in the existing alternative condition that the goods are not viable as a consequential amendment to Item 120.

Item 128 Subsection 9(2) (table item 14)

Item 128 repeals table item 14. This is a consequential amendment to the amendment made by Item 127.

Item 129 Subsection 9(2) (table item 15, column 2, paragraph (b))

Item 129 repeals table item 15, column 2, paragraph (b). This is a consequential amendment to the amendment made by Item 120.

Item 130 Subsection 9(2) (table items 16, 17 and 18)

Item 130 repeals table items 16, 17 and 18. This is a consequential amendment to the amendment made by Item 127.

Item 131 Subsection 10(2) (cell at table item 3, column 1)

Item 131 repeals the cell in table item 3 in column 1, and substitutes it with a new cell which adds foie gras to the description of the goods. This amendment reduces unnecessary regulatory burden for importers as the level of biosecurity risk associated with foie gras is minimal if the alternative conditions are met.

Item 132 Subsection 11(2) (table item 2, column 2, subparagraph (a)(ii))

Item 132 omits the words “one or more” from the alternative conditions for infant formula. This amendment makes it clear that all countries involved in the manufacturing process of infant formula must be FMD-free to ensure that the level of biosecurity risk associated with these goods is appropriately managed.

Item 133 Subsection 11(2) (table item 2, column 2, subparagraph (a)(iii))

Item 133 repeals subparagraph (a)(iii) in table item 2, column 2. This amendment removes the requirement for infant formula for personal use to be accompanied by evidence that the goods were manufactured in one or more FMD-free countries only, which exists currently in addition to the requirement that the goods were manufactured in an FMD-free country. This evidence is not required to appropriately manage the biosecurity risk associated with infant formula for personal use, as infant formula not accompanied by evidence that it is manufactured in an FMD-free country will be treated as not having been manufactured in an FMD-free country, and there are other alternative conditions in item 2 which may potentially apply. This amendment aligns table item 2 with the conditions for other dairy products covered by table item 1 under subsection 11(2), as they have the same level of associated biosecurity risk.

Item 134 Subsection 11(2) (table item 2, column 2, subparagraph (b)(iv))

Item 134 repeals subparagraph (b)(iv), which requires that infant formula is to be brought in as baggage. This amendment has been made as the only mode of import for personal use goods accompanied by an infant is via airport or seaport and therefore infant formula would have to be imported as baggage. This amendment removes this requirement as it is not necessary.

Item 135 Subsection 11(2) (table item 2, column 2, subparagraph (c)(i))

Item 135 repeals subparagraph (c)(i), which requires that infant formula is shelf-stable. This subparagraph has been substituted with a requirement to instead ensure that infant formula

has been commercially prepared and packaged. This amendment has been made as for infant formula to be shelf-stable it must also be unopened, which is impractical for goods which are for personal use.

Item 136 Subsection 11(2) (table item 2, column 2, paragraph (d))

Item 136 repeals paragraph (d) and substitutes it with new paragraph containing a requirement for infant formula to contain less than 10% by dry weight (other than added water) of dairy products. The alternative condition previously only applied to goods which contained one or more packets, however will now apply to all infant formula. This amendment has been made as it is not necessary for the purpose of appropriately managing biosecurity to distinguish between infant formula which has been split into smaller individual portions and other infant formula.

Item 137 Subsection 11(2) (cell at table item 4, column 1)

Item 137 repeals the cell and substitutes a new cell with a description of goods which now covers cooked biscuits, cooked breads, cooked cakes or cooked pastries containing uncooked dairy fillings or toppings. Cooked biscuits, breads, cakes or pastries which contain uncooked dairy fillings or toppings present minimal levels of biosecurity risk associated with those goods when the goods are manufactured in FMD-free countries.

Item 138 Section 16 (table)

Item 138 repeals the table and substitutes it with an amended table to provide further clarification on which cosmetics and soap products can be imported into Norfolk Island by complying with alternative conditions. The amendment expands the description of cosmetic goods for human use to include those containing biological material (rather than just those of animal origin). It also amends the requirements for the existing alternative condition by requiring that cosmetics are ready for retail sale without any further processing, and providing for an exception in paragraph (c). The amendment specifies a new alternative condition for soap in paragraph (c) and changes the word “soap” to “goods” in paragraph (a).

Item 139 Section 18 (after the heading)

Item 139 inserts additional wording in section 18 to clarify that the section does not apply to plant materials or plant products that are intended for animal consumption, use as a bioremedial agent or fertiliser, or veterinary therapeutic use. This amendment ensures that biosecurity risks associated with produce for human consumption are appropriately managed.

Item 140 Section 18

Item 140 omits the word “For” and substitutes this with “(2) For”. This is a consequential formatting amendment to allow for the amendment made by Item 139.

Item 141 Section 18 (table item 9, column 2, paragraph (d))

Item 141 repeals paragraph (d), which requires that if the goods (herbal tea in tea bags or capsules) contain seeds as ingredients, the seeds are listed permitted seeds and have been processed so they are not viable. The level of biosecurity risk associated with seeds contained

as an ingredient in tea bags or capsules that are intended for human consumption is acceptable, even if the seeds are viable, and even if they are not listed permitted seeds.

Item 142 Section 18 (at the end of the table)

Item 142 adds a new item and cells which has the effect of specifying dried herb products not for human consumption as goods for which alternative conditions are specified. The level of biosecurity risk associated with these goods is minimal biosecurity risk when the specified alternative conditions are met. This amendment reduces unnecessary regulatory burden for importers.

Item 143 Section 23 (at the end of the cell at table item 5, column 1)

Item 143 adds the words “, other than goods covered by item 5A” at the end of the cell at table item 5, column 1. This is a consequential amendment to the amendment made by Item 144.

Item 144 Section 23 (after table item 5)

Item 144 inserts a new table item 5A which specifies alternative conditions for species of mushrooms that are in certain forms and for use for medicinal purposes. This amendment reduces unnecessary regulatory burden for importers as the level of biosecurity risk associated with these goods is minimal when the alternative conditions are met.

Item 145 Section 25 (table items 1 and 2)

Item 145 repeals table items 1 and 2 and substitutes them with a new table item for timber and timber products, other than goods covered by another item in the table. This new alternative condition requires that timber and timber products are free from pests, and comply with one of the following conditions:

- are free from bark and have been processed or manufactured to be 200 millimetres or less in diameter in at least one dimension; or
- are accompanied by a phytosanitary certificate issued by the exporting country’s national plant protection organisation stating that biosecurity risks associated with the goods have been managed to an acceptable level; or
- are accompanied by evidence that demonstrates that the goods have been produced under an accreditation scheme that the Director of Biosecurity is satisfied is appropriate to manage the biosecurity risks associated with the goods to an acceptable level; or
- are for personal use and are brought in as baggage or mail.

This amendment ensures that conditions for timber and timber products align with updated terminology, and also simplifies the conditions for importers of timber products while ensuring that biosecurity risks associated with timber and timber products are appropriately managed.

Item 146 Section 25 (cell at table item 3, column 2)

Item 146 repeals the cell at table item 3, column 2 and substitutes it with the requirement that certain charcoal of plant origin must have been brought or imported from a part of Australian territory (other than Christmas Island or Cocos (Keeling) Islands). Alternatively, the charcoal goods must have been commercially packaged in clean and new packaging, and must be accompanied by commercial documentation describing the charcoal goods and all ingredients contained within those goods. This is intended to ensure that samples of charcoal which may have been collected in the field are not brought into Norfolk Island as these samples may be contaminated, infected or infested with biosecurity risk material and the level of biosecurity risk is therefore not acceptable. The requirement that the charcoal be commercially packaged in clean and new packaging excludes samples collected in the field.

Item 147 Section 25 (table item 7)

Item 147 repeals table item 7 and substitutes it with a new description of goods, being sawdust and woodchips which are of plant origin only, other than goods intended for animal consumption or use as a bioremedial agent or fertiliser. The amendment also replaces the the previous alternative condition with the requirement that the goods have been commercially packaged in clean and new packaging. This ensures that relevant sawdust and woodchips which have been collected in the field, which would not be commercially packaged in clean and new packaging, would not be covered by the alternative condition as the level of biosecurity risk associated with those goods is high.

Item 148 Subsection 26(3) (table item 25)

Item 148 omits “*Hasagawaea*” and substitutes “*Hasegawaea*”. This is a technical amendment to correct the spelling of the starter culture.

Item 149 Subsection 26(3) (table item 27)

Item 149 omits “*Hypopichia*” and substitutes “*Hyphopichia*”. This is a technical amendment to correct the spelling of the starter culture.

Item 150 Subsection 26(3) (table item 35)

Item 150 omits “*pentasaceus*” and substitutes “*pentosaceus*”. This is a technical amendment to correct the spelling of the starter culture.

Item 151 Subsection 26(3) (table item 36)

Item 151 omits “*camembertii*”, substitutes “*camembertii and Penicillium candidum*”. This is a technical amendment to add a synonym to this starter culture.

Item 152 Subsection 30(2) (heading)

Item 152 repeals the heading and substitutes it with a new heading to clarify and reflect that subsection 30(2) also applies to goods contained in cosmetics for human use.

Item 153 Subsection 30(4) (after table item 1)

Item 153 inserts a new item into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to carminic acid.

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

Item 154 Subsection 30(4) (after table item 3)

Item 154 inserts new items into the table in subsection 30(4), to provide that the alternative conditions in section 30 apply to cyclosporin, a semi-synthetic compound used in veterinary and human medicine, and diethylaminoethyl (DEAE) dextran, a semi-synthetic molecule used in veterinary vaccine manufacture. The alternative conditions apply when the goods are not manufactured using materials of terrestrial animal or avian origin.

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.

Schedule 2—Amendments relating to hair, teeth and bones

Part 1—Alternative conditions for the mainland

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

Item 1 Section 48 (heading)

Item 1 omits “(other than human remains)” from the heading of section 48. This is a consequential amendment to the amendment made by Item 2.

Item 2 Paragraphs 48(1)(a) to (c)

Item 2 repeals paragraphs in section 48 and substitutes wording to be consistent with proposed amendments to the Act contained in the Biosecurity Legislation Amendment (Miscellaneous Measures) Bill 2018, which is presently before Parliament. The Bill makes proposed amendments to the definition of “human remains” in the *Biosecurity Act 2015*, to exclude from the definition hair, teeth and bones which have been separated from a deceased human’s body or part of a deceased person’s body.

However, the amendments made in Schedule 2 will not commence if the event referred to in paragraph (b) in the table in section 2 of the Amendment Determination does not occur.

Part 2—Alternative conditions for Christmas Island

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

Item 3 Section 42 (heading)

Item 3 omits “(other than human remains)” from the heading of section 42. This is a consequential amendment to the amendment made by Item 4.

Item 4 Paragraphs 42(1)(a) to (c)

Item 4 repeals paragraphs in section 48 and substitutes wording to be consistent with proposed amendments to the Act contained in the Biosecurity Legislation Amendment (Miscellaneous Measures) Bill 2018, which is presently before Parliament. The Bill makes proposed amendments to the definition of “human remains” in the *Biosecurity Act 2015*, to exclude from the definition hair, teeth and bones which have been separated from a deceased human’s body or part of a deceased person’s body.

However, the amendments made in Schedule 2 will not commence if the event referred to in paragraph (b) in the table in section 2 of the Amendment Determination does not occur.

Part 3—Alternative conditions for Cocos (Keeling) Islands

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

Item 5 Section 43 (heading)

Item 5 omits “(other than human remains)” from the heading of section 43. This is a consequential amendment to the amendment made by Item 6.

Item 6 Paragraphs 43(1)(a) to (c)

Item 6 repeals paragraphs in section 48 and substitutes wording to be consistent with proposed amendments to the Act contained in the Biosecurity Legislation Amendment (Miscellaneous Measures) Bill 2018, which is presently before Parliament. The Bill makes proposed amendments to the definition of “human remains” in the *Biosecurity Act 2015*, to exclude from the definition hair, teeth and bones which have been separated from a deceased human’s body or part of a deceased person’s body.

However, the amendments made in Schedule 2 will not commence if the event referred to in paragraph (b) in the table in section 2 of the Amendment Determination does not occur.

Part 4—Alternative conditions for Norfolk Island

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

Item 7 Section 42 (heading)

Item 7 omits “(other than human remains)” from the heading of section 42. This is a consequential amendment to the amendment made by Item 8.

Item 8 Paragraphs 42(1)(a) to (c)

Item 8 repeals paragraphs in section 48 and substitutes wording to be consistent with proposed amendments to the Act contained in the Biosecurity Legislation Amendment (Miscellaneous Measures) Bill 2018, which is presently before Parliament. The Bill makes proposed amendments to the definition of “human remains” in the *Biosecurity Act 2015*, to exclude from the definition hair, teeth and bones which have been separated from a deceased human’s body or part of a deceased person’s body.

However, the amendments made in Schedule 2 will not commence if the event referred to in paragraph (b) in the table in section 2 of the Amendment Determination does not occur.