



Biosecurity (Suspended Goods—Cats and Dogs Malaysia) Determination 2020

I, Lynette Margaret Ann O’Connell, delegate of the Director of Biosecurity, make the following determination.

Dated 6th March 2020

Lynette Margaret Ann O’Connell
Deputy Secretary

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Part 1—Preliminary

1 Name

This is the *Biosecurity (Suspended Goods—Cats and Dogs Malaysia) Determination 2020*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	On the day after registration of the instrument	

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

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

4 Purpose of this instrument

For subsection 182(1) of the Act, this instrument provides that a specified class of goods must not be brought or imported into Australian territory for a specified period.

Note: Goods included in a class of goods specified in Part 2 are *suspended goods* for the purposes of the Act.

5 Reasons for making this determination

For subsection 182(5) of the Act, my reasons for making this determination are as follows:

- (a) I am satisfied that the level of biosecurity risk associated with bringing or importing cats and dogs considered as companion animals or assistance dogs from Malaysia to Australia represents an unacceptable level of biosecurity risk, applying the ALOP for Australia, for the following reasons:

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- (i) Live cats and dogs are ‘conditionally non-prohibited goods’ under the *Biosecurity (Prohibited and Conditionally Non-Prohibited Goods) Determination 2016*, and relevantly must be covered by a permit when being brought or imported to Australia from countries other than New Zealand.
- (ii) Such permits are generally subject to the importer complying with particular conditions imposed under section 180 of the Act. In relation to cats and dogs, a standard condition is that a veterinarian certify that the animal’s vaccinations and treatments for various diseases are up to date and that the animal is free from specified diseases.
- (iii) However, certain defects in Malaysia’s processes to provide veterinary health certifications mean that there is a risk that cats and dogs being imported to Australia from Malaysia may have been exposed to diseases exotic to Australia [but endemic to Malaysia]. These include Rabies and, specific to dogs, *Ehrlichia canis*, *Brucella canis*, *Leptospira interrogans* serovar Canicola, and *Leishmania infantum* (**the Diseases**).
- (iv) In particular, veterinary health certification provided in support of the importation of cats and dogs arriving from Malaysia may have been false and misleading. The Agriculture Department was recently provided with evidence that a dog was not present in Malaysia or any other approved country at the time that its vaccinations, treatments and testing for diseases of biosecurity concern were purportedly performed for export from Malaysia to Australia in accordance with the conditions specified in the dog’s Australian import permit.
- (v) The relevant dog was exported to Australia by an individual associated with numerous other cat and dog import permits. The certification in relation to the dog was issued by various Malaysian veterinarians who have issued certifications in relation to other cats and dogs imported to Australia.
- (vi) In light of this case, the Agriculture Department has undertaken work with the competent authority in Malaysia to ascertain the competence of their veterinary health certification processes. However, information received to date does not provide assurance that blood samples presented for testing are collected from the cats and dogs to be imported, or that other preparations required by the standard permit conditions are actually being performed on the cats and dogs to be imported.
- (vii) Having regard to the above, the Agriculture Department is concerned that the process undertaken by Malaysian veterinarians is not sufficiently robust to indicate that a relevant purpose of the standard permit condition—to prevent the Diseases and other diseases entering Australia—is being fulfilled. In view of those concerns, I am satisfied that if companion cats and dogs or assistance dogs continue to be imported or brought into Australia from Malaysia, there is a moderate likelihood that the Diseases (and other diseases) could enter Australian territory and establish themselves.
- (viii) If the Diseases or vectors carrying the Diseases enter Australian territory with cats and dogs imported directly from Malaysia and

Section 5 Reasons for making this determination

become established in Australian territory, I am satisfied that there is potential for the Diseases to cause harm to human and animal health in Australia. I am satisfied that there could be economic consequences associated with the entry, establishment or spread of the Diseases or vectors carrying the Diseases.

- (ix) Having regard to the matters set out above, I am satisfied that the level of biosecurity risk is unacceptable. In particular, I am satisfied that the level of biosecurity risk associated with the importation of cats and dogs from Malaysia is at a level greater than very low, and is therefore unacceptable, in accordance with the ALOP for Australia. A temporary suspension of the importation of cats and dogs from Malaysia will allow for a review of risk management conditions and compliance arrangements and for the results of that review to be implemented.
- (b) Therefore I am making this determination to address the unacceptable level of biosecurity risk associated with the importation of cats and dogs from Malaysia to Australia.

Scope of suspension

- (c) Subject to the exceptions set out in paragraphs 7(2)(a)-(b) and explained below, the suspension applies to all cats and dogs imported from Malaysia to Australia that are considered as companion or assistance animals.
- (d) The exception in paragraph 7(2)(a) exempts cats and dogs that are imported to Australia from a third country, but have originated in Malaysia. The permit conditions relating to such cats and dogs require certifications from veterinarians in the relevant third country, not Malaysia, and the Agriculture Department does not consider that such animals' original presence in Malaysia presents an increased risk, since this will be managed by certification from veterinarians in the relevant third country. (Cats and dogs imported from New Zealand do not require an import permit; however, they must be accompanied by a health certificate under item 1 of the table in section 12 of the *Biosecurity (Prohibited and Conditionally non-Prohibited Goods) Determination 2016*.)
- (e) For that reason, the management of the biosecurity risk associated with such cats and dogs does not depend on the robustness of Malaysia's veterinary certification processes. Accordingly, it is appropriate to exclude such cats and dogs from the scope of the suspension.
- (f) The exception in paragraph 7(2)(b) exempts military working dogs in the active service of the Australian Defence Force, Australian Federal Police and Australian Border Force that are returning from deployment for active service purposes. This is because I am satisfied that the measures put in place by those organisations to manage the biosecurity risks associated with such dogs before they enter Malaysia and after they re-enter Australia means that the level of biosecurity risks associated with those dogs remains very low.

Section 6

Period of suspension

- (g) A suspension for a period of 6 months is necessary to analyse the information arising from inspections and investigations, and to enable an effective review of import conditions to manage the biosecurity risk in accordance with the ALOP for Australia.

6 Definitions

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

- (a) Agriculture Department;
- (b) ALOP for Australia;
- (c) Australian territory;
- (d) goods.

In this instrument:

Act means the *Biosecurity Act 2015*.

Diseases has the meaning given in subparagraph 5(a)(iii).

Part 2—Suspended goods

7 Class of goods to which this Part applies

Class of goods to which this Part applies

- (1) This Part applies to the following class of goods—cats and dogs considered as companion or assistance animals imported from Malaysia to Australia.

Exceptions

- (2) However, the class of goods referred to in subsection (1) does not include any of the following:
- (a) Cats or dogs originating in Malaysia but are brought or imported to Australia from a third country and:
 - (i) for a cat and dog that is brought or imported to Australia from New Zealand—is accompanied by a health certificate in accordance with item 1 of the table in section 12 of the *Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016*; or
 - (ii) for a cat or dog that is brought or imported to Australia from any other country—and satisfies import requirements specified in an import permit in respect of that country;
 - (b) a military working dog in the active service of the Australian Defence Force, Australian Federal Police and Australian Border Force that is returning from deployment for active service purposes.

8 Suspension of goods to which this Part applies

Goods included in a class of goods to which this Part applies must not be brought or imported into Australian territory for a period of 6 months commencing on the day this instrument commences.