



Biosecurity (Conditionally Non-prohibited Goods) Amendment (Khapra Beetle) Determination 2021

We, Andrew Edgar Francis Metcalfe AO, Director of Biosecurity, and Professor Paul Kelly, Director of Human Biosecurity, make the following determination.

Dated 15 December 2021

Andrew Edgar Francis Metcalfe AO
Director of Biosecurity

Professor Paul Kelly
Director of Human Biosecurity

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1 Name

This instrument is the *Biosecurity (Conditionally Non-prohibited Goods) Amendment (Khapra Beetle) Determination 2021*.

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	The day after the end of the period of 7 days beginning on the day this instrument is registered.	24 December 2021

Note: This table relates only to the provisions of this instrument as originally made.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 174(1) of the *Biosecurity Act 2015*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Biosecurity (Conditionally Non-prohibited Goods) Determination 2021

1 Section 6

Insert:

excluded khapra beetle goods means goods that are brought or imported into Australian territory:

- (a) as the accompanied or unaccompanied personal effects of a passenger, or a member of the crew, of a ship or aircraft; or
- (b) as mail; or
- (c) for personal use and with a value not exceeding the amount prescribed for the purposes of subparagraph 68(1)(f)(iii) of the *Customs Act 1901*.

high-risk khapra beetle goods means goods that are listed in the List of High-risk Goods for Host of Khapra Beetle.

List of High-risk Goods for Host of Khapra Beetle means the List with that name that is:

- (a) prepared by the Director of Biosecurity for the purposes of prescribing goods with a high risk of hosting khapra beetle populations; and
- (b) published on the Agriculture Department's website;

as existing from time to time.

List of Other-risk Countries for Host of Khapra Beetle means the List with that name that is:

- (a) prepared by the Director of Biosecurity for the purposes of prescribing:
 - (i) countries where there is insufficient evidence of khapra beetle being established; and
 - (ii) treatments to kill khapra beetle; and
- (b) published on the Agriculture Department's website;

as existing from time to time.

List of Other-risk Goods (including Mode of Arrival and End Use) for Host of Khapra Beetle means the List with that name that is:

- (a) prepared by the Director of Biosecurity for the purposes of prescribing:
 - (i) goods with a low risk of hosting khapra beetle populations; and
 - (ii) modes of arrival and end use in relation to those goods; and
- (b) published on the Agriculture Department's website;

as existing from time to time.

List of Target-risk Countries for Host of Khapra Beetle means the List with that name that is:

- (a) prepared by the Director of Biosecurity for the purposes of prescribing:
 - (i) countries where there is evidence of khapra beetle being established; and
 - (ii) treatments to kill khapra beetle; and
- (b) published on the Agriculture Department's website;

as existing from time to time.

List of *Trogoderma* Species of Biosecurity Concern means the List with that name that is:

- (a) prepared by the Director of Biosecurity for the purposes of prescribing *Trogoderma* species that are pests for the purposes of the Act; and
- (b) published on the Agriculture Department's website;

as existing from time to time.

other-risk khapra beetle country means a country that is listed in the List of Other-risk Countries for Host of Khapra Beetle.

other-risk khapra beetle goods means goods that are listed in the List of Other-risk Goods (including Mode of Arrival and End Use) for Host of Khapra Beetle and for which a mode of arrival and an end use are specified in the List.

target-risk khapra beetle country means a country that is listed in the List of Target-risk Countries for Host of Khapra Beetle.

2 Subsection 12(1) (after note 1)

Insert:

Note 1A: If Division 3A (which deals with goods that may be host of khapra beetle) applies to goods included in a class of goods to which a provision of this Division applies, the additional conditions in Division 3A must also be complied with.

3 Division 2 of Part 2 (note to Division heading)

After "Note", insert "1".

4 Division 2 of Part 2 (after the note to Division heading)

Insert:

Note 2: If Division 3A (which deals with goods that may be host of khapra beetle) applies to goods included in a class of goods to which a provision of this Division applies, the additional conditions in Division 3A must also be complied with.

5 Subsection 55(2)

Omit "or 2", substitute ", 2 or 3A".

6 After Division 3 of Part 2

Insert:

Division 3A—Additional conditions relating to goods that may be host of khapra beetle

57A Biosecurity preparedness plans—condition

Goods that are included in a class of goods to which a section of this Division applies, and that are the subject of an import declaration, must not be brought or imported into Australian territory unless, at the time the declaration is made, a plan to manage the biosecurity risks associated with bringing or importing goods of that class (or goods including goods of that class) into Australian territory is:

- (a) listed in the List of Biosecurity Preparedness Plans; and

(b) ordinarily accessible through the Agriculture Department's website.

57B Conditions generally

The conditions in this Division are in addition to any relevant conditions that must be complied with under Division 1, 2 or 3.

57C High-risk khapra beetle goods from target-risk khapra beetle countries

Classes of goods to which this section applies

- (1) The class of goods to which this section applies is goods that are:
- (a) high-risk khapra beetle goods; and
 - (b) stored or loaded onto an aircraft or vessel in a target-risk khapra beetle country.

Conditions

- (2) Goods included in a class of goods to which this section applies must not be brought or imported into Australian territory unless:
- (a) the goods are covered by an import permit; or
 - (b) the alternative conditions specified for the goods in the following table are complied with.

Alternative conditions—high-risk khapra beetle goods from target-risk khapra beetle countries

Item	Column 1 Goods	Column 2 Alternative conditions
1	High-risk khapra beetle goods that: (a) are not seeds for sowing; and (b) are not intended for research purposes	The goods: (a) have been treated using a treatment listed for the goods in the List of Target-risk Countries for Host of Khapra Beetle; and (b) are free from all live species of <i>Trogoderma</i> ; and (c) are accompanied by a phytosanitary certificate stating the matters mentioned in paragraphs (a) and (b); and (d) are not excluded khapra beetle goods
2	High-risk khapra beetle goods that: (a) are seeds for sowing; and (b) are not intended for research purposes	The goods: (a) are free from evidence of all species of <i>Trogoderma</i> (whether live, dead or exuviae) that are listed in the List of Trogoderma Species of Biosecurity Concern; and (b) are accompanied by a phytosanitary certificate stating the matter mentioned in paragraph (a); and (c) are not excluded khapra beetle goods
3	High-risk khapra beetle goods that are intended for research purposes	The goods: (a) are accompanied by written evidence that the goods are intended for research purposes; and (b) have a value not exceeding the amount prescribed for the purposes of subparagraph 68(1)(f)(iii) of the <i>Customs Act 1901</i> ; and (c) are not brought or imported into Australian territory: (i) as the accompanied or unaccompanied personal effects of a passenger, or a member of the crew, of a ship or

Alternative conditions—high-risk khapra beetle goods from target-risk khapra beetle countries

Item	Column 1 Goods	Column 2 Alternative conditions
		aircraft; or (ii) as mail

57D High-risk khapra beetle goods from other-risk khapra beetle countries*Classes of goods to which this section applies*

- (1) The class of goods to which this section applies is goods that are:
- (a) high-risk khapra beetle goods; and
 - (b) both:
 - (i) stored or loaded onto an aircraft or vessel in an other-risk khapra beetle country; and
 - (ii) not goods to which section 57C applies.

Conditions

- (2) Goods included in a class of goods to which this section applies must not be brought or imported into Australian territory unless:
- (a) the goods are covered by an import permit; or
 - (b) the alternative conditions specified for the goods in the following table are complied with.

Alternative conditions—high-risk khapra beetle goods from other-risk khapra beetle countries

Item	Column 1 Goods	Column 2 Alternative conditions
1	High-risk khapra beetle goods that: (a) are not seeds for sowing; and (b) are not intended for research purposes	Either: (a) the goods: (i) are free from evidence of all species of <i>Trogoderma</i> (whether live, dead or exuviae) that are listed in the List of Trogoderma Species of Biosecurity Concern; and (ii) are accompanied by a phytosanitary certificate stating the matter mentioned in subparagraph (i) of this paragraph; and (iii) are not excluded khapra beetle goods; or (b) the goods: (i) have been treated using a treatment listed for the goods in the List of Other-risk Countries for Host of Khapra Beetle; and (ii) are free from all live species of <i>Trogoderma</i> ; and (iii) are accompanied by a phytosanitary certificate stating the matters mentioned in subparagraphs (i) and (ii) of this paragraph; and (iv) are not excluded khapra beetle goods
2	High-risk khapra beetle goods that: (a) are seeds for sowing; and	The goods: (a) are free from evidence of all species of <i>Trogoderma</i> (whether live, dead or exuviae) that are listed in the List of Trogoderma Species of Biosecurity Concern; and

Alternative conditions—high-risk khapra beetle goods from other-risk khapra beetle countries

Item	Column 1 Goods	Column 2 Alternative conditions
	(b) are not intended for research purposes	(b) are accompanied by a phytosanitary certificate stating the matter mentioned in paragraph (a); and (c) are not excluded khapra beetle goods
3	High-risk khapra beetle goods that are intended for research purposes	The goods: (a) are accompanied by written evidence that the goods are intended for research purposes; and (b) have a value not exceeding the amount prescribed for the purposes of subparagraph 68(1)(f)(iii) of the <i>Customs Act 1901</i> ; and (c) are not brought or imported into Australian territory: (i) as the accompanied or unaccompanied personal effects of a passenger, or a member of the crew, of a ship or aircraft; or (ii) as mail

57E Other-risk khapra beetle goods from target-risk khapra beetle countries*Classes of goods to which this section applies*

- (1) The class of goods to which this section applies is goods that are:
- other-risk khapra beetle goods; and
 - stored or loaded onto an aircraft or vessel in a target-risk khapra beetle country.

Conditions

- (2) Goods included in a class of goods to which this section applies must not be brought or imported into Australian territory unless:
- the goods are covered by an import permit; or
 - the alternative conditions specified for the goods in the following table are complied with.

Alternative conditions—other-risk khapra beetle goods from target-risk khapra beetle countries

Item	Column 1 Goods	Column 2 Alternative conditions
1	Other-risk khapra beetle goods that: (a) are not seeds for sowing; and (b) are not intended for research purposes	Either: (a) the goods: (i) are free from evidence of all species of <i>Trogoderma</i> (whether live, dead or exuviae) that are listed in the List of Trogoderma Species of Biosecurity Concern; and (ii) are accompanied by a phytosanitary certificate stating the matter mentioned in subparagraph (i) of this paragraph; or (b) the goods: (i) have been treated using a treatment listed for the goods in the List of Target-risk Countries for Host of Khapra Beetle; and

Alternative conditions—other-risk khapra beetle goods from target-risk khapra beetle countries

Item	Column 1 Goods	Column 2 Alternative conditions
		(ii) are free from all live species of <i>Trogoderma</i> ; and (iii) are accompanied by a phytosanitary certificate stating the matters mentioned in subparagraphs (i) and (ii) of this paragraph
2	Other-risk khapra beetle goods that: (a) are seeds for sowing; and (b) are not intended for research purposes	The goods: (a) are free from evidence of all species of <i>Trogoderma</i> (whether live, dead or exuviae) that are listed in the List of Trogoderma Species of Biosecurity Concern; and (b) are accompanied by a phytosanitary certificate stating the matter mentioned in paragraph (a)
3	Other-risk khapra beetle goods that are intended for research purposes	The goods: (a) are accompanied by written evidence that the goods are intended for research purposes; and (b) have a value not exceeding the amount prescribed for the purposes of subparagraph 68(1)(f)(iii) of the <i>Customs Act 1901</i>

57F Other-risk khapra beetle goods from other-risk khapra beetle countries*Classes of goods to which this section applies*

- (1) The class of goods to which this section applies is goods that are:
- (a) other-risk khapra beetle goods; and
 - (b) both:
 - (i) stored or loaded onto an aircraft or vessel in an other-risk khapra beetle country; and
 - (ii) not goods to which section 57E applies.

Conditions

- (2) Goods included in a class of goods to which this section applies must not be brought or imported into Australian territory unless:
- (a) the goods are covered by an import permit; or
 - (b) the alternative conditions specified for the goods in the following table are complied with.

Alternative conditions—other-risk khapra beetle goods from other-risk khapra beetle countries

Item	Column 1 Goods	Column 2 Alternative conditions
1	Other-risk khapra beetle goods that: (a) are not seeds for sowing; and (b) are not intended for research purposes	Either: (a) the goods: (i) are free from evidence of all species of <i>Trogoderma</i> (whether live, dead or exuviae) that are listed in the List of Trogoderma Species of Biosecurity Concern; and (ii) are accompanied by a phytosanitary certificate stating the matter mentioned in subparagraph (i) of this paragraph; or

Alternative conditions—other-risk khapra beetle goods from other-risk khapra beetle countries		
Item	Column 1 Goods	Column 2 Alternative conditions
		(b) the goods: <ul style="list-style-type: none"> (i) have been treated using a treatment listed for the goods in the List of Other-risk Countries for Host of Khapra Beetle; and (ii) are free from all live species of <i>Trogoderma</i>; and (iii) are accompanied by a phytosanitary certificate stating the matters mentioned in subparagraphs (i) and (ii) of this paragraph
2	Other-risk khapra beetle goods that: <ul style="list-style-type: none"> (a) are seeds for sowing; and (b) are not intended for research purposes 	The goods: <ul style="list-style-type: none"> (a) are free from evidence of all species of <i>Trogoderma</i> (whether live, dead or exuviae) that are listed in the List of Trogoderma Species of Biosecurity Concern; and (b) are accompanied by a phytosanitary certificate stating the matter mentioned in paragraph (a)
3	Other-risk khapra beetle goods that are intended for research purposes	The goods: <ul style="list-style-type: none"> (a) are accompanied by written evidence that the goods are intended for research purposes; and (b) have a value not exceeding the amount prescribed for the purposes of subparagraph 68(1)(f)(iii) of the <i>Customs Act 1901</i>