



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

We, Daryl Quinlivan, Director of Biosecurity, and Anthony Hobbs, Director of Human Biosecurity, make the following determination.

Dated 27 May 2016

Daryl Quinlivan
Director of Biosecurity

Anthony Hobbs
Director of Human Biosecurity

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Part 1—Preliminary

1 Name

This is the *Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Torres Strait) Determination 2016*.

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	At the same time as section 3 of the <i>Biosecurity Act 2015</i> commences.	16 June 2016

Note: This table relates only to the provisions of this instrument as originally made.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 Purpose of this instrument

For subsection 174(1) of the Act, Part 2 of this instrument provides that specified classes of goods must not be brought or imported into the destination part of Australian territory specified in column 2 of item 9, 10 or 11 of the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* from the origin part of Australian territory specified in column 1 of that item unless specified conditions are complied with.

Note 1: Items 9, 10 and 11 of the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* relate to movements of goods from the protected zone area or the Torres Strait permanent biosecurity monitoring zone to another part of Australian territory.

Note 2: A reference to Australian territory includes Norfolk Island on and after 1 July 2016.

Note 3: Goods included in a specified class of goods are **conditionally non-prohibited goods** for the purposes of the Act.

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5 Definitions

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

- (a) animal;
- (b) Australian territory;
- (c) goods;
- (d) plant.

(1) In this instrument:

Act means the *Biosecurity Act 2015*.

destination part means a destination part of Australian territory specified in column 2 of item 9, 10 or 11 of the table in section 5 of the Regulated Movements Declaration.

item 9 destination part means the destination part of Australian territory specified in column 2 of item 9 of the table in section 5 of the Regulated Movements Declaration.

item 9 origin part means the origin part of Australian territory specified in column 1 of item 9 of the table in section 5 of the Regulated Movements Declaration.

item 10 destination part means the destination part of Australian territory specified in column 2 of item 10 of the table in section 5 of the Regulated Movements Declaration.

item 10 origin part means the origin part of Australian territory specified in column 1 of item 10 of the table in section 5 of the Regulated Movements Declaration.

item 11 destination part means the destination part of Australian territory specified in column 2 of item 11 of the table in section 5 of the Regulated Movements Declaration.

item 11 origin part means the origin part of Australian territory specified in column 1 of item 11 of the table in section 5 of the Regulated Movements Declaration.

origin part means an origin part of Australian territory specified in column 1 of item 9, 10 or 11 of the table in section 5 of the Regulated Movements Declaration.

Regulated Movements Declaration means the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* (made under subsection 618(2) of the Act).

related origin part, in relation to a destination part, means the origin part specified in column 1 of the item of the table in section 5 of the Regulated Movements Declaration in which the destination part is specified.

Torres Strait permanent biosecurity monitoring zone has the meaning given by subsection 117(3) of the *Biosecurity Regulation 2016*.

- (2) A word or phrase that is used in this instrument and in the *Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016* has the same meaning in this instrument as it has in that instrument.

Note: The following expressions are defined in the *Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016*:

- (a) animal part;
- (b) animal tissue;
- (c) shelf-stable;
- (d) viable.

Part 2—Conditionally non-prohibited goods

Division 1—Animals, plants and related goods

6 Classes of goods to which this Division applies

Classes of goods to which this Division applies

- (1) This Division applies to the following classes of goods:
- (a) animals;
 - (b) goods wholly or partly of animal origin (including dairy products, eggs and egg products);
 - (c) live plants;
 - (d) goods wholly or partly of plant origin that are specified in a provision of this Division;
 - (e) the following plants:
 - (i) banana (*Musa*);
 - (ii) sugar cane (*Saccharum officinarum*);
 - (iii) maize (*Zea mays*);
 - (iv) cassava (*Manihot esculenta*);
 - (v) citrus (*Citrus*);
 - (vi) cotton (*Gossypium*);
 - (f) goods wholly or partly originating from a plant referred to in paragraph (e);
 - (g) plants that are capable of being used for propagation (including seeds);
 - (h) fresh fruit and vegetables;
 - (i) fungi;
 - (j) goods that contain a fungus.

Note 1: Animal includes a dead animal and any part of an animal (see the definition of *animal* in section 9 of the Act).

Note 2: Plant includes a dead plant and any part of a plant (see the definition of *plant* in section 9 of the Act).

Exceptions

- (2) However, the classes of goods referred to in subsection (1) do not include any of the following:
- (a) stores for consumption on board a vessel that originated from a destination part and have remained on the vessel since it left the destination part;
 - (b) stores for consumption on board an aircraft that originated from a destination part and that:
 - (i) have remained on the aircraft since it left the destination part; and
 - (ii) do not contain whole fruit;
 - (c) animal horns without velvet;
 - (d) a cnidarian, echinoderm, tunicate, fish, crustacean or marine mollusc;
 - (e) a part of an animal referred to in paragraph (d);

- (f) goods that are wholly or partly made from an animal referred to in paragraph (d);
- (g) turtle or dugong meat;
- (h) fresh turtle eggs;
- (i) goods made from turtle or dugong;
- (j) bread;
- (k) cooked cakes (other than cakes containing topping with fresh fruit);
- (l) goods made from coconut shell.

7 Conditions—general

- (1) Subject to subsections (3), (4) and (5), goods included in a class of goods to which this Division applies must not be brought or imported into a destination part from the related origin part unless:
 - (a) the goods are covered by an import permit; or
 - (b) if alternative conditions for bringing or importing the goods into the destination part from the related origin part are specified in a provision of this Division—the alternative conditions are complied with.

- (2) Paragraph (1)(b) does not limit paragraph (1)(a).

- (3) If:

- (a) goods included in a class of goods to which this Division applies (the **relevant goods**) are made of, or are made from, or contain, 2 or more different kinds of goods (the **component goods**); and
- (b) any of the component goods must not be brought or imported into a destination part from the related origin part unless they are covered by an import permit (and no alternative conditions are specified for those component goods);

the relevant goods must not be brought or imported into the destination part from the related origin part unless they are covered by an import permit.

- (4) If:

- (a) goods included in a class of goods to which this Division applies (the **relevant goods**) are made of, or are made from, or contain 2 or more different kinds of goods (the **component goods**); and
- (b) alternative conditions for bringing or importing the relevant goods into a destination part from the related origin part are specified in another provision of this Division; and
- (c) alternative conditions for bringing or importing each of the component goods into the destination part from the related origin part are specified in one or more provisions of this Division;

the relevant goods must not be brought or imported into the destination part from the related origin part unless:

- (d) the relevant goods are covered by an import permit; or
- (e) the alternative conditions specified for the relevant goods are complied with; or
- (f) the alternative conditions specified for each of the component goods are complied with.

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- (5) If:
- (a) goods included in a class of goods to which this Division applies (the **relevant goods**) are made of, or are made from, or contain 2 or more different kinds of goods (the **component goods**); and
 - (b) alternative conditions for bringing or importing each of the component goods into a destination part from the related origin part are specified in one or more provisions of this Division; and
 - (c) subsection (4) does not apply in relation to the goods;
- the relevant goods must not be brought or imported into the destination part from the related origin part unless:
- (d) the relevant goods are covered by an import permit; or
 - (e) the alternative conditions specified for each of the component goods are complied with.

8 Alternative conditions—dead animals, animal parts and related goods

For paragraph 7(1)(b), the following table specifies alternative conditions for bringing or importing certain dead animals, animal parts and related goods into a destination part from the related origin part.

Alternative conditions—dead animals, animal parts and related goods		
Item	Column 1 Goods	Column 2 Alternative conditions
1	Animal bone, tusks and teeth	The goods are clean and free from other animal or plant material and soil
2	Animal skin	The goods: (a) have been tanned; and (b) are clean and free from other animal or plant material and soil
3	Feathers	The goods are clean and free from other animal or plant material and soil
4	Lizard skin or snake skin	The goods are clean and free from other animal or plant material and soil
5	Sea shells	The goods: (a) are not viable; and (b) are clean and free from other animal or plant material and soil

9 Alternative conditions—meat and meat products for human consumption

Conditions—canned meat

- (1) For paragraph 7(1)(b), the following table specifies alternative conditions for bringing or importing canned meat for human consumption (the **goods**) into a destination part from the related origin part.

Alternative conditions—canned meat for human consumption

Item	Column 1 Goods	Column 2 Alternative conditions
1	Canned meat	The goods have been commercially manufactured and packaged

Conditions—meat (other than canned meat) from the Torres Strait permanent biosecurity monitoring zone

- (2) For paragraph 7(1)(b), the following table specifies alternative conditions for bringing or importing meat (other than canned meat) for human consumption (the **goods**) into the item 11 destination part from the item 11 origin part.

Alternative conditions—meat (other than canned meat) for human consumption

Item	Column 1 Goods	Column 2 Alternative conditions
1	Meat, other than canned meat	The goods: (a) have been cooked and are for personal use; or (b) have been commercially manufactured and packaged

10 Alternative conditions—dairy products for human consumption

For paragraph 7(1)(b), the following table specifies alternative conditions for bringing or importing dairy products for human consumption (the **goods**) into a destination part from the related origin part.

Alternative conditions—dairy products for human consumption

Item	Column 1 Goods	Column 2 Alternative conditions
1	Dairy products	The goods: (a) have been commercially manufactured and packaged; and (b) are for personal use

11 Alternative conditions—produce for human consumption

For paragraph 7(1)(b), the following table specifies alternative conditions for bringing or importing certain produce for human consumption into a destination part from the related origin part.

Alternative conditions—produce for human consumption

Item	Column 1 Goods	Column 2 Alternative conditions
1	Coconut (<i>Cocos nucifera</i>)	Both of the following: (a) the husk has been removed; (b) the goods are clean and free from animal or other plant material and soil

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Alternative conditions—produce for human consumption		
Item	Column 1 Goods	Column 2 Alternative conditions
2	Dried fruit, other than dried bananas (<i>Musa</i>)	The goods: (a) contain only seeds that are not viable; and (b) are not capable of being propagated; and (c) are clean and free from animal or other plant material and soil
3	Preserved fruit, other than preserved: (a) bananas (<i>Musa</i>); or (b) whole citrus (<i>Citrus</i>)	The goods: (a) have been commercially manufactured and packaged; and (b) are shelf-stable
4	Fruit juice	The goods are commercially packaged
5	Nuts	The goods: (a) have been shelled; and (b) have been commercially prepared through blanching, roasting or boiling; and (c) are clean and free from animal or other plant material and soil
6	Processed rice	The goods are clean and free from animal or other plant material and soil
7	Sago (<i>Metroxylon</i> spp.)	The goods are clean and free from animal or other plant material and soil
8	Taro (<i>Colocasia</i> spp.)	The goods: (a) have been peeled and cooked; and (b) are clean and free from animal or other plant material and soil

12 Alternative conditions—egg products for human consumption

For paragraph 7(1)(b), the following table specifies alternative conditions for bringing or importing egg products (other than whole eggs) for human consumption (the *goods*) into a destination part from the related origin part.

Alternative conditions—egg products (other than whole eggs) for human consumption		
Item	Column 1 Goods	Column 2 Alternative conditions
1	Egg products (other than whole eggs)	The goods: (a) are shelf-stable; and (b) are for personal use

13 Alternative conditions—miscellaneous plant materials and plant products

For paragraph 7(1)(b), the following table specifies alternative conditions for bringing or importing certain plant materials and plant products into a destination part from the related origin part.

Alternative conditions—miscellaneous plant materials and plant products		
Item	Column 1 Goods	Column 2 Alternative conditions
1	Betel nut (<i>Areca catechu</i>)	Both of the following: (a) the husk has been removed; (b) the goods are clean and free from animal or other plant material and soil
2	Bilum bags, other than those that contain animal hides and skins	The goods are clean and free from animal or other plant material and soil
3	Grass skirts, other than skirts with dried banana plant material	The goods are clean and free from animal or other plant material and soil
4	Job's tears (<i>Coix lacryma-jobi</i>)	The seeds of the goods are not viable
5	Kulap rattle (<i>Entada</i> spp.) or burny bean	The goods are clean and free from animal or other plant material and soil
6	Goods made from dried palm leaves	The goods are clean and free from animal or other plant material and soil
7	Goods made from dried pandanus (<i>Pandanus</i> spp.)	The goods are clean and free from animal or other plant material and soil
8	Seed jewellery and artefacts	The seeds are not viable
9	Tapa	The goods are clean and free from animal or other plant material and soil
10	Wooden artefacts	The goods: (a) have been fired; and (b) are clean and free from animal or other plant material and soil
11	Wongai (<i>Manilkara kauki</i>) seed	The goods are clean and free from animal or other plant material and soil

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Division 2—Other goods

14 Bottles of water

Classes of goods to which this section applies

- (1) The class of goods to which this section applies is bottles of water (the *goods*).

Conditions

- (2) Goods included in the class of goods to which this section applies must not be brought or imported into a destination part from the related origin part unless:
 - (a) the goods are covered by an import permit; or
 - (b) the goods are commercially packaged.

15 Soil

Classes of goods to which this section applies

- (1) This section applies to the following classes of goods:
 - (a) soil (other than soil adhering to goods);
 - (b) goods containing soil.

Conditions

- (2) Goods included in a class of goods to which this section applies must not be brought or imported into a destination part from the related origin part unless the goods are covered by an import permit.

16 Used machinery and equipment

Classes of goods to which this section applies

- (1) This section applies to the following classes of goods:
 - (a) used earth-moving, agricultural, construction or timber felling machinery or equipment (including assembled parts);
 - (b) used mining machinery, including oil-field drilling machinery that has come into contact with soil or material of animal or plant origin;
 - (c) used grain-milling machinery;
 - (d) field-tested agricultural machinery that has come into contact with soil or material of animal or plant origin;
 - (e) food processing equipment.

Conditions

- (2) Goods included in a class of goods to which this section applies must not be brought or imported into a destination part from the related origin part unless:
 - (a) the goods are covered by an import permit; or
 - (b) the goods are clean and free from animal and plant material and soil.