

Biosecurity (Suspended Goods – Uncooked Prawns) Determination 2017

I, Daryl Quinlivan, Director of Biosecurity, make the following determination.

Dated  6 January 2017

Daryl Quinlivan

Director of Biosecurity

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Part 1—Preliminary

1 Name

 This is the *Biosecurity (Suspended Goods – Uncooked Prawns) Determination 2017*.

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Note: This table relates only to the provisions of this instrument as originally made.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 specified goods, or 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 uncooked imported prawns (including prawn meat) represent an unacceptable level of biosecurity risk, applying Australia’s ALOP, for the following reasons:

 (i) Excepting the current outbreak, WSSV is exotic to Australia.

 (ii) All prawn species imported into Australia are susceptible to infection with WSSV and WSSV is capable of surviving freezing, storage and transport to Australia.

 (iii) Therefore there is a high likelihood that WSSV could enter Australian territory with imported uncooked prawns.

 (iv) The use of imported uncooked prawns as bait in recreational fishing carries a likelihood of infecting crustaceans, including farmed prawns, in Australian river systems.

 (v) Imported prawns are used as bait or berley by fishers.

 (vi) This means there is the potential if WSSV enters Australian territory with imported uncooked prawns, that it will become established in Australian territory. This likelihood is moderate for farmed prawns.

 (vii) Where WSSV becomes established in a location, it is likely to spread by both natural distribution, including carriage of crustaceans by birds, and through commercial distribution.

 (viii) WSSV has the potential to cause harm to animal health. WSSV has a wide host range and can infect many life stages of crustaceans. Prawns, freshwater crayfish and other crustaceans known to be susceptible to WSSV infection are common in freshwater and marine environments throughout Australia.

 (ix) The entry, establishment and spread of WSSV has the potential for economic consequences in the form of serious prawn aquaculture losses in the domestic industry. Australian prawn aquaculture has a value of $86.3 million in 2014-15.

 (b) Further, recent investigations have identified that:

 (i) There is an unacceptable level of WSSV in imported uncooked prawns at the retail level. These uncooked prawns had been inspected, tested and cleared for entry into Australia.

 (ii) Fishers have been using imported uncooked prawns for human consumption as bait. Observations by the department’s compliance officers in Queensland confirm this has occurred recently and that the prawns being used were found to be WSSV positive.

 (c) WSSV could therefore potentially enter, establish itself, and/or spread in Australia through uncooked prawns imported for human consumption and subsequently used as bait.

 (d) An outbreak of WSD of unknown aetiology has occurred in the Logan River in Queensland. The cause of this outbreak is being further investigated.

 (e) On the basis of the above information I am satisfied that existing import conditions are insufficient to provide the high level of sanitary protection needed to reduce the biosecurity risk presented by WSSV on imported uncooked prawns to a very low level, in accordance with the ALOP for Australia. A temporary suspension of the importation of uncooked prawns will allow for a review of risk management conditions and compliance arrangements and for the results of that review to be implemented.

 (f) Therefore I am making this determination to address the unacceptable level of biosecurity risk associated with importing uncooked prawns from countries other than New Caledonia.

Scope of suspension

 (g) WSSV is endemic in countries that are sources of uncooked prawns for import to Australia. There are many countries exporting to Australia. At this time only New Caledonia is recognised by Australia as free of WSSV. Therefore I have decided to suspend the import of uncooked prawns from all countries other than New Caledonia.

 (h) Crumbed prawns and prawns incorporated into dumplings, samosas and similar products represent a lower level of biosecurity risk, due to the lower likelihood of their being used as bait. Accordingly I have excluded these goods from the scope of the suspension (see paragraphs 7(3)(b) and (c) of this determination).

Period of suspension

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

6 Definitions

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

(a) ALOP;

(b) Australian territory;

(c) goods.

 In this instrument:

***Act*** means the *Biosecurity Act 2015*.

***WSD*** means white spot disease.

***WSSV*** means white spot syndrome virus.

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 – uncooked prawns and uncooked prawn meat.

 (2) For the avoidance of doubt, the class of goods referred to in subsection (1) includes uncooked prawns and uncooked prawn meat that have been marinated for human consumption.

Exceptions

 (3) However, the class of goods referred to in subsection (1) does not include any of the following:

 (a) uncooked prawns and uncooked prawn meat sourced from New Caledonia;

 (b) uncooked prawns and uncooked prawn meat processed into dumplings, spring rolls, samosas, other dim sum-type products and other similar products;

 (c) uncooked prawns and uncooked prawn meat which have been coated for human consumption by being breaded, crumbed or battered.

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 commencement of this instrument.