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Submission to the Proposed Remake of Biosecurity Legislative Instruments

"KEEPING AUSTRALIA'S INTERNATIONAL TRADE MOVING"



Australian Peak Shippers
Association Inc. (APSA)

ABOUT THE ALLIANCE

Freight & Trade Alliance (FTA) is the peak body for the international trade sector with a vision to establish a global benchmark of efficiency in Australian biosecurity, border related security, compliance, and logistics activities.

FTA represents more than 500 businesses including Australia's leading customs brokerages, freight forwarders and major importers.

On 1 January 2017, FTA was appointed the Secretariat role for the Australian Peak Shippers Association (APSA). APSA is the peak body for Australia's containerised exporters and importers under *Part X of the Competition and Consumer Act 2010* as designated by the Federal Minister of Infrastructure and Transport.

APSA is also a member and has board representation on the Global Shippers Forum (GSF) that represents shippers' interests and that of their national and regional organisations in Asia, Europe, North and South America, Africa and Australasia.

FTA / APSA represent leading import and export businesses including world class manufacturers and producers, supported by skilled customs brokers and freight forwarders. A list of all members and further information about FTA / APSA is available at www.FTAlliance.com.au

Freight & Trade Alliance (FTA) and the Australian Peak Shippers Association (APSA) appreciate the opportunity to contribute to this important review. This submission reflects the priorities and operational realities raised by our diverse membership across the international trade, logistics, and supply chain sectors. We remain committed to constructive engagement with government and industry partners to support practical, efficient, and globally competitive regulatory outcomes.

CONTACT

For further detail please contact:

Sal Milici

General Manager – Trade Policy & Operations | Licensed Customs Broker
Freight & Trade Alliance (FTA) | Australian Peak Shippers Association (APSA)
+61 426 057 373 | www.FTAlliance.com.au | smilici@FTAlliance.com.au

1. Introduction

Freight & Trade Alliance (FTA) and the Australian Peak Shippers Association (APSA) welcome the opportunity to comment on the proposed remaking of four biosecurity legislative instruments, scheduled to sunset on 1 October 2026.

As Australia's leading representative bodies for importers, exporters, customs brokers, freight forwarders, logistics providers and Approved Arrangement facilities, we strongly support a robust and risk-based biosecurity framework. Our members engage with these instruments daily—through documentation management, biosecurity controls, vessel and cargo processes, depot operations, onshore treatments, and the movement of goods.

FTA / APSA support the intent to modernise these instruments and appreciate the transparency of the consultation process. Our feedback reflects high-level industry expectations and operational realities raised by members, including those managing high-volume import declarations, Approved Arrangements, Class 19.1/19.2 customs broker / importer operations, and facilities performing biosecurity treatment.

2. General Position on the Proposed Changes

The department has proposed changes that fall into four categories:

- **Narrowing or removing functions or thresholds no longer considered necessary.**
- **Expanding regulatory functions or powers where required to manage emerging biosecurity risks.**
- **Minor and technical amendments to improve clarity and readability.**
- **Retaining sections that remain appropriate and effective.**

FTA / APSA support this approach. However, the effectiveness of the new instruments will ultimately depend on practical implementation, digital reliability, workforce capability, and national consistency, not solely the legislative wording.

Members consistently report that operational constraints—such as delays, inconsistent advice, system outages and limited visibility—affect their ability to meet obligations under the instruments. As such, our submission addresses both the legislative intent and the real-world environment in which these instruments operate.

3. Key Operational and Structural Themes Affecting Implementation

3.1 Permit Processing Timeframes

Members report permit assessments taking up to eight weeks, creating significant demurrage, storage, and contractual impacts for goods that pose no elevated risk.

Recommendations:

- Introduce transparent service standards for permit and assessment timeframes.
- Ensure adequate staffing to meet increased regulatory obligations under the new instruments.

- Implement escalation pathways for urgent, time-sensitive consignments.

These measures would improve compliance and reduce congestion across air and sea supply chains.

3.2 Workforce Capability and National Consistency

Frequent turnover, temporary staffing and workload pressures across DAFF divisions lead to different interpretations of the same requirements between regions and officers.

Impacts include:

- inconsistent advice to customs brokers and Approved Arrangements
- unpredictable outcomes
- disrupted supply chain planning
- difficulty meeting strict timing obligations

Recommendations:

- Strengthen staff induction and technical training around the updated 2026 instruments.
- Develop consistent national guidance for DAFF officers and industry.
- Improve internal communication pathways to ensure aligned interpretation.

3.3 Digital Systems:

Cargo Online Lodgement System (COLS), Agriculture Import Management System (AIMS), Simplified Targeting and Enhanced Processing Systems (STEPS) and Integrated Cargo System Integration

Members consistently raise significant challenges with DAFF digital infrastructure supporting the instruments, including:

- COLS: instability, premature closure of LRNs and loss of visibility.
- AIMS & STEPS: limited real-time data flow and status updates.
- Integration with ICS: outages, delayed messaging, and hold/release inconsistencies.

These limitations create operational risk and reduce the effectiveness of the regulatory framework.

Recommendations:

- Prioritise digital infrastructure modernisation alongside the 2026 instruments.
- Ensure real-time data exchange and enhanced supply chain visibility.
- Maintain transparent workflows so customs brokers, Approved Arrangements, depots and importers can view outstanding actions.
- Build contingency planning for system outages.

3.4 Proportionate Regulation and Approved Arrangements (AAs)

Approved Arrangements remain integral to biosecurity risk management. However, compliance responses currently do not distinguish sufficiently between:

- isolated human error, versus
- systemic risk or repeated noncompliance.

Recommendations:

- Ensure compliance actions are proportionate and directly linked to measurable risk reduction.
- Provide clarity on how changes to the 2026 instruments will translate into AA conditions.
- Review AA requirements regularly to ensure alignment with real-world operational capability.

4. Instrument-Specific Feedback

4.1 Biosecurity Regulations 2026

FTA / APSA support a strong regulatory foundation that reflects modern supply chain practices.

Recommendations:

- Embed or publish service-level expectations (permits, assessments, responses to queries).
- Enhance digital interoperability between DAFF and ABF systems.
- Ensure provisions reflect practical implementation capacity.
- Include mechanisms for ongoing industry feedback and co-design of operational guidance.

4.2 Movements Between Parts of Australian Territory Declaration – 2026

We support continued control where biosecurity status differs across regions.

Recommendations:

- Expand risk-tiered movement controls rather than one-size-fits-all.
- Enable digital pre-clearance and simplified documentation for low-risk movements.
- Improve national consistency in interpretation and enforcement.

4.3 Exposed Conveyances Exempt from Biosecurity Control Determination 2026

Industry supports ongoing exemptions for low-risk conveyances.

Recommendations:

- Standardise interpretation across all ports and regions.
- Implement digital verification **tools** (e-certificates, QR code evidence).
- Ensure alignment with DAFF systems to prevent contradictory holds.

4.4 Reportable Biosecurity Incidents Determination 2026

Clarity and proportionality are critical.

Recommendations:

- Use plain-language definitions supported by case-based examples.
- Introduce tiered reporting, reserving high-intensity requirements for serious incidents.
- Integrate reporting into DAFF/ABF digital systems.
- Conduct a review 24 months post-implementation to assess effectiveness.

5. Implementation Considerations

Across all four instruments, members emphasise:

- Consistency and clarity in how the instruments are operationalised.
- Real-time digital visibility to support compliance.
- Timely decision-making to prevent supply chain congestion.
- Proportionate and risk-based regulatory design.
- Meaningful engagement with industry during the implementation phase.

The remade instruments will only be effective if supported by improved systems, trained personnel, clear communication, and nationally consistent operational guidance.

6. Conclusion

FTA and APSA support the review and remaking of the four biosecurity legislative instruments. The 2026 framework must be:

- modern and digitally supported
- risk-based and proportionate
- nationally consistent
- operationally realistic
- transparent and predictable

A collaborative approach—balancing regulatory integrity with the practical realities of Australia's trading environment—will strengthen compliance, reduce unnecessary cost, and enhance national biosecurity resilience.

We welcome ongoing engagement with the department and remain committed to supporting a robust and effective biosecurity system.

Submitted by: Freight & Trade Alliance (FTA) and Australian Peak Shippers Association (APSA)

