Biosecurity Regulation 2016

made under the

Biosecurity Act 2015

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About this compilation

This compilation

This is a compilation of the *Biosecurity Regulation 2016* that shows the text of the law as amended and in force on 17 March 2026 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. Any modifications affecting the law are accessible on the Register.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Chapter 1—Preliminary

Part 1—Preliminary

1 Name

This is the *Biosecurity Regulation 2016*.

3 Authority

This instrument is made under the *Biosecurity Act 2015*.

4 Extension of Biosecurity Act to Norfolk Island

(1) For subsection 7(2) of the *Biosecurity Act 2015*, the *Biosecurity Act 2015* (other than Chapter 5 which deals with ballast water) extends to Norfolk Island on and after 1 July 2016.

Note: Chapter 5 of the Act extends to Norfolk Island because of section 259 of the Act.

Application of this instrument to Norfolk Island

(2) This instrument applies in relation to persons, goods or conveyances moving to or from Norfolk Island on or after 1 July 2016, or in relation to things done in relation to persons, goods or conveyances moving to or from Norfolk Island on or after 1 July 2016.

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Part 2—Definitions

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:
(a) Australian territory;
(b) conveyance;
(c) cost-recovery charge;
(d) fee-bearing activities;
(e) goods.

In this instrument:

Act means the *Biosecurity Act 2015* and includes:
(a) instruments made under that Act; and
(b) the *Regulatory Powers (Standard Provisions) Act 2014* as it applies in relation to the *Biosecurity Act 2015*.

animal reproductive material means any part of an animal from which another animal can be produced, and includes an embryo, an egg or ovum, or semen.

annual review program has the meaning given by subsection 90(1).

approved form:
(a) for a notice under section 120 of the Act—means a form approved under paragraph 120(3)(d) of the Act; or
(b) for a report under section 193 of the Act—means a form approved under paragraph 193(2)(d) of the Act.

Australia Post means the Australian Postal Corporation.

bee means an insect of the family Apoidea.

BIRA report means:
(a) a draft BIRA report; or
(b) a provisional BIRA report; or
(c) a final BIRA report.

BIRA review report means:
(a) a draft BIRA review report; or
(b) a final BIRA review report.

bird does not include a chick that hatches while the egg is in a post-entry quarantine facility.

category 1 goods means goods that are:
(a) listed as category 1 goods in a determination made by the Director of Biosecurity under subsection 524A(1) of the Act; or

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(b) included in a class of goods that is listed as category 1 goods in such a determination.

category 1 permit application means an application for the grant or variation of an import permit, or the variation of a condition of an import permit, that the Director of Biosecurity expects will take no longer than 30 minutes to assess.

category 2 goods means goods that are:

(a) listed as category 2 goods in a determination made by the Director of Biosecurity under subsection 524A(1) of the Act; or

(b) included in a class of goods that is listed as category 2 goods in such a determination.

category 2 permit application means an application for the grant or variation of an import permit, or the variation of a condition of an import permit, that the Director of Biosecurity expects will take more than 30 minutes but no longer than 1 hour to assess.

category 3 permit application means an application for the grant or variation of an import permit, or the variation of a condition of an import permit, that the Director of Biosecurity expects will take more than 1 hour but no longer than 2 hours to assess.

category 4 permit application means an application for the grant or variation of an import permit, or the variation of a condition of an import permit, that the Director of Biosecurity expects will take more than 2 hours but no longer than 3 hours to assess.

category 5 permit application means an application for the grant or variation of an import permit, or the variation of a condition of an import permit, that the Director of Biosecurity expects will take longer than 3 hours to assess.

combined military activity means a military operation or a military training activity (excluding exhibitions, displays and air shows) where the Australian Defence Force and at least one other foreign military force act together to accomplish a military objective.

compensable item has the same meaning as in section 634 of the Act.

consignee, of goods, means the person who is the ultimate recipient of the goods, whether or not the person ordered or paid for the goods.

consignment, in Part 2 of Chapter 9, has a meaning affected by section 105.

container has the same meaning as in the *Customs Act 1901*.

customs broker has the same meaning as in the *Customs Act 1901*.

customs officer means an officer of Customs within the meaning of the *Customs Act 1901*.

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Departmental holiday, in relation to the carrying out of a fee-bearing activity, means a Monday, Tuesday, Wednesday, Thursday or Friday that is observed as a public holiday in the place where the activity is carried out.

disability assistance dog means a dog:

(a) that has been professionally trained to assist a person with a disability; and

(b) that is accompanying a person with such a disability who has a certificate from a medical specialist practitioner in a specialty relevant to the disability, stating that the person requires the assistance of such a dog.

draft BIRA report means a report prepared under section 25.

draft BIRA review report means a report prepared under section 37.

exempt exposed conveyance means a conveyance in relation to which section 192 of the Act does not apply because of the *Biosecurity (Exposed Conveyances—Exceptions from Biosecurity Control) Determination 2016* (made under subsection 192(6) of the Act).

final BIRA report means a report prepared under section 27.

final BIRA review report means a report prepared under section 38.

freight forwarder means a person, a partnership or an unincorporated association that provides the service of arranging the transport of goods by air or sea.

health certificate has the same meaning as in the *Biosecurity (Conditionally Non-prohibited Goods) Determination 2021.*

human biosecurity official means any of the following:

(a) a human biosecurity officer;

(b) a chief human biosecurity officer;

(c) the Director of Human Biosecurity.

husbandry activities, in relation to an animal, eggs or a plant that is in a post-entry quarantine facility, means activities relating to the care and maintenance of the animal, eggs, or plant (for example, transport, housing, daily monitoring, feeding, cleaning of facilities and administration of medication).

import declaration has the same meaning as in the *Customs Act 1901*.

import entry has the same meaning as in the *Customs Act 1901*.

import permit means a permit granted under section 179 of the Act that authorises a person to bring or import particular goods into Australian territory.

initial assessment fee:

(a) for a category 1 permit application—means the fee referred to in column 2 of item 4 in the table in subsection 106(1); or

(b) for a category 2 permit application—means the fee referred to in column 2 of item 5 in the table in subsection 106(1); or

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(c) for a category 3 permit application—means the fee referred to in column 2 of item 6 in the table in subsection 106(1); or
(d) for a category 4 permit application—means the fee referred to in column 2 of item 7 in the table in subsection 106(1); or
(e) for a category 5 permit application—means the fee referred to in column 2 of item 8 in the table in subsection 106(1).

initial assessment period:
(a) for a category 1 permit application—means the period of 30 minutes; or
(b) for a category 2 permit application—means the period of 1 hour; or
(c) for a category 3 permit application—means the period of 2 hours; or
(d) for a category 4 permit application—means the period of 3 hours; or
(e) for a category 5 permit application—means the period of 4 hours.

in-office activity means a fee-bearing activity that is carried out:
(a) at a post-entry quarantine facility; or
(b) at an office of the Agriculture Department; or
(c) at a location that is agreed, for the purposes of facilitating a flexible working arrangement, between the person carrying out the activity and the Agriculture Department.

international traveller means a person who arrives at a landing place or port aboard an incoming aircraft or vessel.

isolation notice, in relation to goods that are required to be isolated in or on premises under subsection 17(1), means:
(a) a notice affixed to, or as near as reasonably practicable to, the goods under subsection 139(1) of the Act or subsection 17(2) of this instrument; or
(b) a notice affixed at each entry and exit point of the premises under subsection 17(2) of this instrument.

laboratory animal means an animal that is, or is intended to be, brought into Australian territory to be used in a laboratory or research institution.

non-commercial vessel means a vessel that is used, or is intended to be used, wholly for recreational purposes (whether or not crew are employed on the vessel).

non-scheduled flight, in relation to an aircraft, means a flight by the aircraft into or from Australian territory where the flight is not made under the authority of an international airline licence granted under regulations made under the *Air Navigation Act 1920*.

ordinary hours of duty means the period that begins at 6.30 am and ends at 6.30 pm on a weekday.

out-of-office activity means a fee-bearing activity that is not carried out:
(a) at a post-entry quarantine facility; or
(b) at an office of the Agriculture Department; or

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(c) at a location that is agreed, for the purposes of facilitating a flexible working arrangement, between the person carrying out the activity and the Agriculture Department.

place of origin, in relation to goods that are, or are intended to be, brought into Australian territory on an aircraft or vessel, means:

(a) in the case of an animal—the country or place outside Australian territory where the health certificate relating to the export of the animal to Australian territory was issued; or

(b) in the case of fertile eggs—the country or place outside Australian territory where the health certificate relating to the export of the eggs to Australian territory was issued; or

(c) in any other case—the country or place outside Australian territory where the goods were manufactured, grown or obtained.

Note: If goods move from a part of Australian territory that is the origin part under the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* to another part of Australian territory, the place of origin in relation to the goods is the origin part.

post-entry quarantine facility means a facility operated by, or on behalf of, the Commonwealth for the purpose of assessing and managing biosecurity risks associated with goods.

prescribed disinsection measures, for an incoming aircraft, means the disinsection measures prescribed for the aircraft by section 7 of the *Biosecurity (Human Health) Regulation 2016*.

provisional BIRA report means a report prepared under section 26.

review, by the Inspector-General, means a review conducted under section 567 of the Act.

Note: See Chapter 8 of this instrument.

review report, in relation to a review by the Inspector-General under Chapter 8, means:

(a) a draft review report prepared under section 96; or

(b) a final review report prepared under section 97.

scheduled flight, in relation to an aircraft, means a flight by the aircraft into or from Australian territory where the flight is made under the authority of an international airline licence granted under regulations made under the *Air Navigation Act 1920*.

ship sanitation certificate has the same meaning as in the *Biosecurity (Human Health) Regulation 2016*.

slot charterer means a person, a partnership or an unincorporated association that hires space on an aircraft or vessel for the transport of goods.

special processing area of a landing place or port for the carrying out of a fee-bearing activity means:

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(a) if the landing place or port is commonly used by incoming aircraft or vessels—an area of the landing place or port other than an area in which the fee-bearing activity is carried out in relation to a majority of international travellers arriving at the landing place or port; or

(b) otherwise—an area of the landing place or port in which the fee-bearing activity is, or is to be, carried out in relation to international travellers arriving at the landing place or port.

Torres Strait permanent biosecurity monitoring zone has the meaning given by subsection 117(3).

training, in Part 2 of Chapter 9, means training of a person in relation to matters associated with the operation of:

(a) an approved arrangement; or

(b) another arrangement with the Commonwealth relating to the assessment and management of biosecurity risks.

weekday, for the carrying out of a fee-bearing activity, means a Monday, Tuesday, Wednesday, Thursday or Friday that is not a Departmental holiday in the place where the activity is carried out.

working day, for the carrying out of a fee-bearing activity, means a period of 7.5 hours during which a person carries out the activity within the ordinary hours of duty.

zoo animal means an animal that is, or is intended to be, brought into Australian territory to be kept at one of the following in Australian territory:

(a) a zoo;

(b) a wildlife park;

(c) a breeding centre for endangered species;

(d) a facility that is registered or licensed under an Australian law as a place where particular kinds of animals may be kept for conservation or display purposes.

6 High-value conveyance—prescribed amount

For the definition of ***high-value conveyance*** in section 9 of the Act, $999.99 is prescribed.

7 High-value goods—prescribed amounts

For the definition of ***high-value goods*** in section 9 of the Act, the following values are prescribed:

(a) for goods (other than animals or animal reproductive material) that are to be treated in a manner that is likely to damage them—$999 999.99;

(b) for goods (other than animals or animal reproductive material) that are to be destroyed—$9 999.99;

(c) for goods that are animals or animal reproductive material—$9 999.99.

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Section 8

8 References to animals

Unless otherwise stated, a reference in this instrument to an animal is a reference to a live animal.

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Chapter 2—Managing biosecurity risks: goods

Part 1—Notice of goods to be unloaded in Australian territory

Division 1—Preliminary

9 Purpose of this Part

(1) For subsection 120(2), paragraphs 120(3)(a), (b) and (c) and subsection 120(4) of the Act, this Part makes provision for and in relation to notices that must be given of goods that are, or are intended to be:

(a) brought into Australian territory; and

(b) unloaded at a landing place or port in Australian territory.

Note: A notice is not required for goods originating in Australian territory that leave temporarily for the purpose of travelling between landing places or ports in Australian territory (see subsection 120(1) of the Act).

(2) In particular, this Part makes provision for and in relation to the following:

(a) the persons who may give a notice;

(b) the information that must be included in a notice;

(c) the manner in which a notice must be given;

(d) the person to whom a notice must be given;

(e) the time at which, or the period during which, a notice must be given;

(f) exceptions to the requirement to give a notice.

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Division 2—Goods to be unloaded in Australian territory other than in certain external Territories

10 Application of this Division

This Division makes provision for and in relation to notices that must be given of goods that are, or are intended to be:

(a) brought into Australian territory, other than Norfolk Island, Christmas Island or Cocos (Keeling) Islands; and

(b) unloaded at a landing place or port in Australian territory, other than Norfolk Island, Christmas Island or Cocos (Keeling) Islands.

Note: Division 3 makes provision for and in relation to notices that must be given of goods that are, or are intended to be, brought into Norfolk Island, Christmas Island or Cocos (Keeling) Islands and unloaded at a landing place or port in Norfolk Island, Christmas Island or Cocos (Keeling) Islands.

11 Notice of goods—general

Application

(1) This section makes provision in relation to a notice of the following goods (the ***goods***):

(a) goods (other than empty containers) that are, or are intended to be, brought into Australian territory on an aircraft or vessel and unloaded at a landing place or port in Australian territory;

(b) empty containers that are, or are intended to be, brought into Australian territory on a vessel and unloaded at a port in Australian territory.

Note 1: Other notices may be required to be given in relation to the goods at different times (see sections 12, 13 and 14).

Note 2: A failure to give a notice containing the information referred to in this section in relation to the goods may contravene subsection 120(5) of the Act.

Note 3: Notice is not required to be given in relation to certain kinds of goods (see section 16).

Who may give notice

(2) Each of the following persons is prescribed for the purposes of subsection 120(2) of the Act in relation to the goods:

(a) the operator of the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory;

(b) each slot charterer (if any) who arranged for the transport of the goods into Australian territory;

(c) each freight forwarder (if any) who arranged for the transport of the goods into Australian territory;

(d) each person who is responsible for arranging to bring the goods into Australian territory.

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Information that must be included in notice

(3) The information in relation to the goods that must be included in the notice is the information prescribed in the following table that the person giving the notice is aware of or could reasonably be expected to be aware of.

Information that must be included in notice

Item	Column 1 Class of goods	Column 2 Information
1	Goods (other than empty containers referred to in item 2) that are, or are intended to be, brought into Australian territory on an aircraft or vessel	All of the following: (a) information identifying the aircraft (including the flight number) or vessel (including the voyage number); (b) the place where the goods were, or are intended to be, loaded onto the aircraft or vessel; (c) the first landing place or port in Australian territory where the goods are intended to be brought; (d) each landing place or port in Australian territory where the goods are intended to be unloaded; (e) the estimated day of arrival at each landing place or port referred to in paragraphs (c) and (d) of the aircraft or vessel bringing the goods to the landing place or port; (f) the place in Australian territory that is, or is intended to be, the final destination of the goods; (g) the name and contact details of: (i) the person giving the notice; and (ii) the owner of the goods; (h) the number of the waybill or bill of lading (however described) for the goods; (i) a description of the goods; (j) the place of origin of the goods, and any additional information about where the goods were manufactured, grown or obtained required by the approved form; (k) whether the goods are unaccompanied personal effects; (l) if the goods are, or are intended to be, brought into Australian territory on a vessel: (i) whether the goods are, or are intended to be, a full container load or less than a full container load, or carried as bulk cargo or break-bulk cargo; and (ii) whether the goods are defined within both Australian and international standards as being hazardous; (m) if the goods are intended to be transhipped to a place outside Australian territory: (i) information identifying the aircraft (including the flight number) or vessel (including the voyage number) on which the goods are intended to be transhipped; and (ii) the landing place or port where it is intended the aircraft or vessel will leave Australian territory; and (iii) the estimated day the aircraft or vessel is intended to

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Information that must be included in notice		
Item	**Column 1** **Class of goods**	**Column 2** **Information**
		leave Australian territory
2	Empty containers that are, or are intended to be, brought into Australian territory on a vessel	All of the following: (a) information identifying the vessel (including the voyage number); (b) the place where the containers were, or are intended to be, loaded onto the vessel; (c) each port in Australian territory where the containers are intended to be unloaded; (d) the place in Australian territory: (i) that is intended to be the final destination of the containers; or (ii) where it is intended that the containers leave Australian territory; (e) the estimated day of arrival at each port referred to in paragraphs (c) and (d) of the vessel bringing the containers to the port; (f) the number of containers; (g) if a container has an identifying number—that number; (h) the number of the bill of lading (however described) for the goods

Manner in which notice must be given

(4) The notice must be given in writing and may be given electronically.

Note: The notice must be in a form or forms approved by the Director of Biosecurity (see paragraph 120(3)(d) of the Act).

Person to whom notice must be given

(5) The notice must be given to a biosecurity official or a customs officer.

(6) If the notice is given using an electronic system, the notice is taken to have been given to a biosecurity official or a customs officer.

When notice must be given

(7) The notice must be given:

(a) if the goods are, or are intended to be, brought into Australian territory on an aircraft—no later than 2 hours before the aircraft is estimated to arrive at its first landing place in Australian territory; or

(b) if the goods are, or are intended to be, brought into Australian territory on a vessel—no later than:

(i) 48 hours before the vessel is estimated to arrive at its first port in Australian territory; or

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(ii) if the voyage is shorter than 48 hours—12 hours before the vessel is estimated to arrive at its first port in Australian territory.

12 Notice of certain animals and eggs to be brought into Australian territory on an aircraft or vessel

Application

(1) This section makes provision in relation to a notice of any of the following goods (the ***goods***) that are, or are intended to be, brought into Australian territory on an aircraft or vessel and unloaded at a landing place or port in Australian territory:

(a) cats;
(b) dogs;
(c) a consignment of ornamental fish;
(d) a consignment of lobsters;
(e) laboratory animals;
(f) zoo animals;
(g) animal reproductive material (other than frozen material);
(h) horses;
(i) asses, mules or hinnies;
(j) ruminants;
(k) a consignment of fertile eggs;
(l) a consignment of pigeons;
(m) a consignment of birds that:
(i) are, or are intended to be, brought into Australian territory on a flight or voyage commencing in New Zealand; and
(ii) are intended to be kept in Australian territory as pets or for the purpose of breeding birds that are to be kept as pets;
(n) a consignment of bees.

Note 1: This section applies in addition to section 11.

Note 2: A notice referred to in section 13 may also be required to be given in relation to the goods.

Note 3: A failure to give a notice containing the information referred to in this section in relation to the goods may contravene subsection 120(5) of the Act.

Note 4: Notice is not required to be given in relation to certain kinds of goods (see section 16).

Who may give a notice

(2) Each of the following persons is prescribed for the purposes of subsection 120(2) of the Act in relation to the goods:

(a) the person who applied for the permit authorising the goods to be brought or imported into Australian territory;
(b) each person who is responsible for arranging to bring the goods into Australian territory;

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(c) each customs broker (if any) who arranged for the goods to be brought into Australian territory.

Information that must be included in notice

(3) The information in relation to the goods that must be included in the notice is the information prescribed in the following table that the person giving the notice is aware of or could reasonably be expected to be aware of.

Information that must be included in notice

Item	Column 1 Class of goods	Column 2 Information
1	Cats or dogs (other than cats or dogs covered by item 2, 3 or 6)	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) for the person giving the notice: (i) an Australian telephone number on which the person may be contacted; or (ii) if the goods are, or are intended to be, brought into Australian territory on a flight or voyage that commenced in New Zealand—an Australian or New Zealand phone number on which the person may be contacted; (e) the number of the waybill or bill of lading (however described) for the goods; (f) the number of the permit authorising the goods to be brought or imported into Australian territory; (g) the details about the animals required by the approved form; (h) the address in Australian territory where the goods are intended to be kept
2	Disability assistance dogs	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) for the person giving the notice: (i) an Australian telephone number on which the person may be contacted; or (ii) if the goods are, or are intended to be, brought into Australian territory on a flight or voyage that commenced in New Zealand—an Australian or New Zealand phone number on which the person may be contacted;

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Information that must be included in notice		
Item	**Column 1** **Class of goods**	**Column 2** **Information**
		(e) the number of the waybill or bill of lading (however described) for the goods; (f) the number of the permit authorising the goods to be brought or imported into Australian territory; (g) the details about the animals required by the approved form; (h) the address in Australian territory where the goods are intended to be kept; (i) the name of the handler of the goods; (j) if the goods are, or are intended to be, brought into Australian territory on an aircraft—whether the goods are, or are intended to be, brought into Australian territory as manifest cargo or in the cabin of the aircraft; (k) if the goods are, or are intended to be, brought into Australian territory from a country other than New Zealand—the address in Australian territory where the goods are intended to be kept during the first 10 days after being unloaded from the aircraft or vessel
3	Working dogs that are owned by a Commonwealth body or the Australian Defence Force and that are in active service	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) the number of the waybill or bill of lading (however described) for the goods; (e) the number of the permit authorising the goods to be brought or imported into Australian territory; (f) the details about the animals required by the approved form; (g) the name of the handler assigned to the goods
4	A consignment of ornamental fish (other than fish covered by item 6)	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) the name and contact details of: (i) each person who is responsible for arranging to bring the goods into Australian territory; and (ii) the exporter; (e) the number of the waybill or bill of lading (however described) for the goods; (f) the number of the permit authorising the goods to be brought or

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Information that must be included in notice		
Item	**Column 1** **Class of goods**	**Column 2** **Information**
		imported into Australian territory; (g) the details about the fish required by the approved form; (h) the species of fish in the consignment; (i) the number of fish and number of boxes in the consignment; (j) the place of origin of the goods
5	A consignment of lobsters (other than lobsters covered by item 6)	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) the name and contact details of the person giving the notice; (e) the number of the waybill or bill of lading (however described) for the consignment; (f) the number of the permit authorising the goods to be brought or imported into Australian territory; (g) the details about the lobsters required by the approved form; (h) the number of lobsters in the consignment; (i) the place of origin of the goods
6	Laboratory animals or zoo animals	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) the number of the waybill or bill of lading (however described) for the goods; (e) the number of the permit authorising the goods to be brought or imported into Australian territory; (f) the details about the animals required by the approved form
7	Animal reproductive material	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) the name and contact details of the exporter of the goods; (e) the number of the waybill or bill of lading (however described) for the goods;

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Information that must be included in notice

Item	Column 1 Class of goods	Column 2 Information
		(f) the number of the permit authorising the goods to be brought or imported into Australian territory; (g) the details about the material required by the approved form; (h) the place of origin of the goods; (i) the name and contact details of the person nominated to attend when biosecurity risks associated with the goods will be assessed
8	Horses, asses, mules, hinnies or ruminants (other than animals covered by item 6)	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) the name and contact details of the person giving the notice; (e) the number of the waybill or bill of lading (however described) for the goods; (f) the number of the permit authorising the goods to be brought or imported into Australian territory; (g) the details about the animals required by the approved form; (h) the place of origin of the goods; (i) the name and contact details of the person intended to transport the goods from their final landing place or port to their final destination in Australian territory; (j) in relation to a horse—the name of the head groom and any other groom or any vet travelling with the horse
9	A consignment of fertile eggs	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) the name and contact details of the person giving the notice; (e) the number of the waybill or bill of lading (however described) for the goods; (f) the number of the permit authorising the goods to be brought or imported into Australian territory; (g) the details about the eggs required by the approved form; (h) the type of eggs in the consignment; (i) the place of origin of the goods; (j) the name and contact details of the person intended to transport the goods from their final landing place or port to their final destination in Australian territory

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Information that must be included in notice

Item	Column 1 Class of goods	Column 2 Information
10	A consignment of pigeons (other than pigeons covered by item 6)	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) the name and contact details of: (i) each person who is responsible for arranging to bring the goods into Australian territory; and (ii) the exporter; (e) the number of the waybill or bill of lading (however described) for the goods; (f) the number of the permit authorising the goods to be brought or imported into Australian territory; (g) the details about the birds in the consignment required by the approved form; (h) the place of origin, leg ring number and name of the owner of each bird in the consignment
11	A consignment of birds referred to in paragraph (1)(m) of this section	All of the following: (a) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory; (b) the first landing place or port in Australian territory where the goods are intended to be brought; (c) the estimated day and time of arrival of the goods at the place referred to in paragraph (b); (d) the name and contact details of: (i) each person who is responsible for arranging to bring the goods into Australian territory; and (ii) the exporter; (e) the number of the waybill or bill of lading (however described) for the goods; (f) the number of the permit authorising the goods to be brought or imported into Australian territory; (g) the details about the birds required by the approved form
12	A consignment of bees (other than bees covered by item 6)	All of the following: (a) the name and contact details of each person who is responsible for arranging to bring the goods into Australian territory; (b) the number of the waybill or bill of lading (however described) for the consignment; (c) the number of the permit authorising the goods to be brought or imported into Australian territory; (d) the details about the bees required by the approved form;

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Information that must be included in notice		
Item	**Column 1** **Class of goods**	**Column 2** **Information**
		(e) the number used by the Agriculture Department to identify the consignment; (f) the number of queen bees (if any) in the consignment

Manner in which notice must be given

(4) The notice must be given in writing and may be given electronically.

Note: The notice must be in a form or forms approved by the Director of Biosecurity (see paragraph 120(3)(d) of the Act).

Person to whom notice must be given

(5) The notice must be given to a biosecurity official or a customs officer.

(6) If the notice is given using an electronic system, the notice is taken to have been given to a biosecurity official or a customs officer.

When notice must be given

(7) The notice must be given no later than 3 business days before the day the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory is estimated to arrive at its first landing place or port in Australian territory.

13 Additional notice of certain animals and eggs to be brought into Australian territory on an aircraft or vessel

Application

(1) This section makes provision in relation to a notice of any of the following goods (the ***goods***) that are, or are intended to be, brought into Australian territory on an aircraft or vessel and unloaded at a landing place or port in Australian territory:

(a) cats;
(b) dogs;
(c) laboratory animals;
(d) zoo animals;
(e) horses;
(f) asses, mules or hinnies;
(g) ruminants;
(h) a consignment of fertile eggs.

Note 1: This section applies in addition to sections 11 and 12.

Note 2: A failure to give a notice containing the information referred to in this section in relation to the goods may contravene subsection 120(5) of the Act.

Note 3: Notice is not required to be given in relation to certain kinds of goods (see section 16).

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Who may give a notice

(2) Each of the following persons is prescribed for the purposes of subsection 120(2) of the Act in relation to the goods:
  (a) the person who applied for the permit authorising the goods to be brought or imported into Australian territory;
  (b) each person who is responsible for arranging to bring the goods into Australian territory;
  (c) each customs broker (if any) who arranged for the goods to be brought into Australian territory;
  (d) the operator of the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory.

Information that must be included in notice

(3) The information in relation to the goods that must be included in the notice is the information prescribed in subsection (4) that the person giving the notice is aware of or could reasonably be expected to be aware of.

(4) For subsection (3), the information in relation to the goods is as follows:
  (a) identifying information for the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory;
  (b) the landing place or port where the flight or voyage on which the goods are, or are intended to be, brought into Australian territory commenced, or is intended to commence;
  (c) the first landing place or port in Australian territory where the goods are intended to be brought;
  (d) the estimated day and time of arrival of the goods at the place referred to in paragraph (c);
  (e) the number of the permit authorising the goods to be brought or imported into Australian territory;
  (f) the details about the animals, or eggs, required by the approved form;
  (g) the number of the waybill or bill of lading (however described) for the goods;
  (h) the number and kind of animals or eggs;
  (i) the name of the owner of the animals or eggs;
  (j) the booking number for the post-entry quarantine facility where the goods are intended to be taken after they arrive in Australian territory.

Manner in which notice must be given

(5) The notice must be given in writing and may be given electronically.

Note: The notice must be in a form or forms approved by the Director of Biosecurity (see paragraph 120(3)(d) of the Act).

Person to whom notice must be given

(6) A notice must be given to a biosecurity official or a customs officer.

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(7) If the notice is given using an electronic system, the notice is taken to have been given to a biosecurity official or a customs officer.

When notice must be given

(8) The notice must be given no earlier than 72 hours, but no later than 30 minutes, before the flight or voyage on which the goods are, or are intended to be, brought into Australian territory is estimated to commence.

14 Notice of goods that are the subject of an import declaration

Application

(1) This section makes provision in relation to a notice of goods (the ***goods***) that:
  (a) are the subject of an import declaration; and
  (b) have been, or are intended to be, brought into Australian territory on an aircraft or vessel and unloaded at a landing place or port in Australian territory.

Note 1: This section applies in addition to sections 11, 12 and 13.

Note 2: A failure to give a notice containing the information referred to in this section in relation to the goods may contravene subsection 120(5) of the Act.

Note 3: Notice is not required to be given in relation to certain kinds of goods (see section 16).

Who may give a notice

(2) Each of the following persons is prescribed for the purposes of subsection 120(2) of the Act in relation to the goods:
  (a) each person who is responsible for arranging to bring the goods into Australian territory;
  (b) each customs broker (if any) who arranged for the goods to be brought into Australian territory.

Information that must be included in notice

(3) The information in relation to the goods that must be included in the notice is the information prescribed in subsection (4) that the person giving the notice is aware of or could reasonably be expected to be aware of.

(4) For subsection (3), the information in relation to the goods is as follows:
  (a) the name and contact details of the person giving the notice;
  (b) the name and contact details of the owner of the goods;
  (c) the name and contact details of the supplier of the goods;
  (d) information identifying the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory;
  (e) the place where the goods are, or are intended to be, loaded onto the aircraft or vessel on which the goods are, or are intended to be, brought into Australian territory;

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(f) the first landing place or port in Australian territory where the goods are, or are intended to be, brought;

(g) each landing place or port in Australian territory where the goods are, or are intended to be, unloaded;

(h) the place in Australian territory that is, or is intended to be, the final destination of the goods;

(i) the day, or estimated day, of arrival of the goods at each place referred to in paragraphs (f), (g) and (h);

(j) a description of the goods;

(k) the place of origin of the goods, and any additional information about where the goods were manufactured, grown or obtained required by the approved form;

(l) whether the goods are unaccompanied personal effects;

(m) the number of the waybill or bill of lading (however described) for the goods;

(n) if the goods are, or are intended to be, brought into Australian territory on a vessel:

(i) whether the goods are, or are intended to be, a full container load or less than a full container load, or carried as bulk cargo or break-bulk cargo; and

(ii) whether the goods are defined within both Australian and international standards as being hazardous;

(o) the number and type of packages containing the goods;

(p) the shipping, or other identifying, marks relating to the goods;

(q) the number of each container containing the goods;

(r) the import entry reference number for the goods;

(s) the code (known as the Harmonised Tariff Item Statistical Code) for the goods under the *Customs Tariff Act 1995*;

(t) the registration number allocated by the Director of Biosecurity for any overseas treatment provider in relation to the goods.

Manner in which notice must be given

(5) The notice must be given in writing and may be given electronically.

Note: The notice must be in a form or forms approved by the Director of Biosecurity (see paragraph 120(3)(d) of the Act).

Person to whom notice must be given

(6) A notice must be given to a biosecurity official or a customs officer.

(7) If the notice is given using an electronic system, the notice is taken to have been given to a biosecurity official or a customs officer.

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When notice must be given

(8) The notice may be given before the goods arrive in Australian territory, but must be given no later than 35 business days after the person giving the notice becomes aware of the first unloading of the goods in Australian territory.

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Division 3—Goods to be unloaded in certain external Territories

15 Notice of goods to be unloaded in Norfolk Island, Christmas Island or Cocos (Keeling) Islands

Application

(1) This section makes provision in relation to a notice of goods (the ***goods***) that are, or are intended to be:

(a) brought into Norfolk Island, Christmas Island or Cocos (Keeling) Islands (the ***relevant external Territory***) on an aircraft or vessel from a place outside the relevant external Territory (including a place that is in another part of Australian territory); and

(b) unloaded at a landing place or port in the relevant external Territory.

Note 1: Under the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* and subsection 618(1) of the Act, goods that move from certain parts of Australian territory to another part of Australian territory (for example, from a place on mainland Australia to Christmas Island) are treated as having entered Australian territory from outside Australian territory.

Note 2: A failure to give a notice containing the information referred to in this section in relation to the goods may contravene subsection 120(5) of the Act.

Note 3: Notice is not required to be given in relation to certain kinds of goods (see section 16).

Note 4: This section applies in relation to goods that are, or are intended to be, brought into Norfolk Island on or after 1 July 2016 and unloaded at a landing place or port in Norfolk Island (see subsection 4(2)).

Who may give notice

(2) Each of the following persons is prescribed for the purposes of subsection 120(2) of the Act in relation to the goods:

(a) the operator of the aircraft or vessel on which the goods are, or are intended to be, brought into the relevant external Territory;

(b) each slot charterer (if any) who arranged for the transport of the goods into the relevant external Territory;

(c) each freight forwarder (if any) who arranged for the transport of the goods into the relevant external Territory;

(d) each person who is responsible for arranging to bring the goods into the relevant external Territory;

(e) each customs broker (if any) who arranged for the goods to be brought into the relevant external Territory.

Information that must be included in notice

(3) The information in relation to the goods that must be included in the notice is the information prescribed in subsection (4) that the person giving the notice is aware of or could reasonably be expected to be aware of.

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(4) For subsection (3), the information in relation to the goods is as follows:

(a) information identifying the aircraft (including the flight number) or vessel (including the voyage number);

(b) the place where the goods were, or are intended to be, loaded onto the aircraft or vessel;

(c) the first landing place or port in the relevant external Territory where the goods are intended to be brought;

(d) each landing place or port in the relevant external Territory where the goods are intended to be unloaded;

(e) the estimated day of arrival at each landing place or port referred to in paragraphs (c) and (d) of the aircraft or vessel bringing the goods to the landing place or port;

(f) the name and contact details of the person giving the notice;

(g) the number of the waybill or bill of lading (however described) for the goods;

(h) a description of the goods;

(i) the place of origin of the goods, and any additional information about where the goods were manufactured, grown or obtained required by the approved form;

(j) whether the goods are unaccompanied personal effects;

(k) if the goods are, or are intended to be, brought into the relevant external Territory on a vessel:

(i) whether the goods are, or are intended to be, a full container load or less than a full container load, or carried as bulk cargo or break-bulk cargo; and

(ii) whether the goods are defined within both Australian and international standards as being hazardous;

(l) if the goods are intended to be transhipped to a place outside Australian territory:

(i) information identifying the aircraft (including the flight number) or vessel (including the voyage number) on which the goods are intended to be transhipped; and

(ii) the landing place or port where it is intended the aircraft or vessel will leave Australian territory; and

(iii) the estimated day the aircraft or vessel is intended to leave Australian territory;

(m) the number and type of packages containing the goods;

(n) the number of each container containing the goods;

(o) if the goods include animals:

(i) the number of the permit authorising the goods to be brought or imported into Australian territory; and

(ii) the address in Australian territory where the goods are intended to be kept; and

(iii) the species of each kind of animal.

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Manner in which notice must be given

(5) The notice must be given in writing and may be given electronically.

Note: The notice must be in a form or forms approved by the Director of Biosecurity (see paragraph 120(3)(d) of the Act).

Person to whom notice must be given

(6) A notice must be given to a biosecurity official or a customs officer.

(7) If the notice is given using an electronic system, the notice is taken to have been given to a biosecurity official or a customs officer.

When notice must be given

(8) The notice must be given:

(a) if the goods are, or are intended to be, brought into the relevant external Territory on an aircraft—no later than 2 hours before the aircraft is estimated to arrive at its first landing place in the relevant external Territory; or

(b) if the goods are, or are intended to be, brought into the relevant external Territory on a vessel—no later than:

(i) 60 hours before the vessel is estimated to arrive at its first port in the relevant external Territory; or

(ii) if the voyage is shorter than 60 hours—24 hours before the vessel is estimated to arrive at its first port in the relevant external Territory.

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Division 4—Exceptions

16 Exceptions to requirement to give notice of goods

Notice is not required to be given under section 120 of the Act in relation to any of the following goods:

(a) baggage;

(b) goods included in a consignment to which paragraph 68(1)(e) of the *Customs Act 1901* applies;

(c) waste;

(d) goods that are, or are intended to be, brought into Australian territory on an aircraft or vessel that is an exempt exposed conveyance;

(e) goods that are, or are intended to be, brought into Australian territory on an aircraft or vessel that would have been an exempt exposed conveyance except that there are human remains, or persons with signs or symptoms of a listed human disease, on board;

(f) elasmobranch or teleost fish that:

(i) are caught by a vessel that is not an exposed conveyance; and

(ii) are brought, or are intended to be brought, into Australian territory on the vessel in the course of a voyage that commences in Australian territory and ends, or is intended to end, in Australian territory;

(g) goods on board an aircraft or vessel at the commencement of a flight or voyage that commences in Australian territory and is intended to end at a place outside Australian territory if:

(i) the aircraft or vessel returns to Australian territory during the flight or voyage; and

(ii) on return the goods are, or are intended to be, unloaded at a landing place or port in Australian territory; and

(iii) the aircraft or vessel is not an exposed conveyance;

(h) goods that are, or are intended to be, brought from a part of Australian territory that is in the protected zone into another part of Australian territory;

(i) goods that are, or are intended to be, brought from the Torres Strait permanent biosecurity monitoring zone into another part of Australian territory.

Note 1: Section 120 of the Act applies in relation to goods referred to in paragraph (h) or (i) because of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* and subsection 618(1) of the Act. The goods are treated as having entered Australian territory from outside Australian territory.

Note 2: This section does not affect any requirement to report a reportable biosecurity incident in relation to the goods under subsection 155(1) or 156(1) of the Act. That requirement does not apply in relation to goods referred to in paragraph (h) or (i) that do not become subject to biosecurity control because of section 118 of this instrument.

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Part 2—Goods brought into Australian territory

17 Other biosecurity measures relating to goods—isolation

Biosecurity officer may require goods to be isolated

(1) For section 137 of the Act, a biosecurity officer may require goods to which section 131 of the Act applies to be isolated in or on premises specified by the biosecurity officer during a period (the ***isolation period***) specified by the biosecurity officer.

Note 1: Premises include a conveyance (see paragraph (a) of the definition of ***premises*** in section 9 of the Act).

Note 2: A reference to premises in this section includes a reference to a part of the premises (see subsection (9)).

Note 3: The following provisions of the Act apply if a biosecurity officer requires goods to be isolated for a period under this subsection:

(a) section 138 (powers of biosecurity officer if biosecurity measures are required);
(b) section 139 (biosecurity officer may affix notice to goods);
(c) section 140 (person must comply with direction to take biosecurity measures);
(d) section 141 (unauthorised persons must not move etc. goods to which notice has been affixed).

Notice may be affixed to goods or at entry and exit of premises

(2) If a biosecurity officer requires goods to be isolated in or on premises under subsection (1), a biosecurity officer may:

(a) direct a person in charge of the goods to do either or both of the following:
(i) affix a notice to, or as near as reasonably practicable to, the goods;
(ii) affix a notice at each entry and exit point of the premises; or
(b) affix a notice at each entry and exit point of the premises.

Note: A biosecurity officer may also affix a notice to, or as near as reasonably practicable to, the goods under section 139 of the Act.

(3) An isolation notice in relation to goods that are required to be isolated in or on premises under subsection (1) must state the following:

(a) the goods to which the notice applies;
(b) that the level of biosecurity risk associated with the goods is unacceptable;
(c) that the goods have been required to be isolated in accordance with Chapter 3 of the Act for the purpose of managing that biosecurity risk;
(d) the premises in or on which the goods are required to be isolated;
(e) the isolation period;
(f) any requirements imposed under subsection (4);
(g) the effect of sections 18 to 21.

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Requirements that may be imposed in relation to isolated goods

(4) If a biosecurity officer requires goods to be isolated in or on premises under subsection (1), a biosecurity officer may impose any of the following requirements in relation to the premises in or on which the goods are to be isolated:

(a) a requirement that persons entering or leaving the premises do so at specified places;

(b) a requirement that specified classes of persons not enter the premises;

(c) a requirement that persons entering, or in, the premises wear specified clothing or equipment (or both) that is designed to prevent a disease or pest from entering the premises, or establishing itself or spreading in, on or outside the premises;

(d) a requirement that persons not interfere with the premises;

(e) a requirement that persons bringing goods on to the premises do so at specified places;

(f) a requirement that specified classes of goods not be brought on to the premises;

(g) a requirement that conveyances entering or leaving the premises do so at specified places;

(h) a requirement that specified classes of conveyances not enter the premises.

(5) If the requirement referred to in paragraph (4)(c) is imposed, an isolation notice must also state the following:

(a) the circumstances in which a person is required to wear the clothing or equipment;

(b) the period during which, or the times at which, the person is required to wear the clothing or equipment;

(c) instructions for wearing the clothing or equipment.

(6) Except as permitted by paragraph (4)(b) or (c), a biosecurity officer must not require an individual to be subject to a biosecurity measure of a kind set out in Subdivision B of Division 3 of Part 3 of Chapter 2 of the Act.

Note: That Subdivision sets out the biosecurity measures that may be included in a human biosecurity control order.

(7) However, subsection (6) does not prevent the Director of Biosecurity or a biosecurity officer exercising a power under Subdivision B of Division 2 of Part 4 of Chapter 10 of the Act.

Note: Under that Subdivision, a biosecurity officer may request an individual to be decontaminated, and may require an individual's clothing and any personal effects to be decontaminated.

Extension of isolation period

(8) A biosecurity officer may extend the isolation period in relation to goods that are subject to a requirement under subsection (1) if the biosecurity officer continues to suspect, on reasonable grounds, that the level of biosecurity risk associated with the goods is unacceptable.

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References to premises

(9) In this section, a reference to premises includes a reference to a part of the premises.

18 Person must comply with direction to affix isolation notice

(1) A person who is given a direction under paragraph 17(2)(a) must comply with the direction.

Fault-based offence

(2) A person commits an offence if:
  (a) the person is given a direction under paragraph 17(2)(a); and
  (b) the person engages in conduct; and
  (c) the conduct contravenes the direction.

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 50 penalty units.

19 Contravention of requirement relating to entering or leaving etc. premises where goods have been isolated

(1) A person must comply with a requirement stated in an isolation notice under subsection 17(3) if the requirement applies to the person.

Fault-based offence

(2) A person commits an offence if:
  (a) an isolation notice is affixed:
    (i) to, or as near as reasonably practicable to, goods; or
    (ii) at an entry or exit point of premises in or on which goods have been isolated; and
  (b) the isolation notice states a requirement; and
  (c) the requirement applies to the person; and
  (d) the person engages in conduct; and
  (e) the conduct contravenes the requirement.

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 50 penalty units.

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20 Unauthorised persons must not move etc. goods that have been isolated in or on premises where isolation notice has been affixed

(1) A person contravenes this subsection if:

(a) an isolation notice has been affixed under subsection 17(2):

(i) to, or as near as reasonably practicable to, goods; or

(ii) at an entry or exit point of premises in or on which goods have been isolated; and

(b) the person moves, deals with or interferes with the goods; and

(c) none of the following applies:

(i) the person is authorised to engage in the conduct referred to in paragraph (b) in accordance with an approved arrangement;

(ii) the person needs to engage in that conduct to comply with a direction given under the Act by a biosecurity official;

(iii) the person has been given permission to engage in that conduct by a biosecurity officer.

Note: The physical elements of an offence against subsection (3) are set out in this subsection (see section 534 of the Act).

(2) Subsection (1) does not apply if the person is authorised to engage in the conduct referred to in paragraph (1)(b) under the Act or under another Australian law.

Note 1: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

Note 2: Section 141 of the Act applies if an isolation notice has been affixed by a biosecurity officer to, or as near as reasonably practicable to, the goods under subsection 139(1) of the Act.

Fault-based offence

(3) A person commits an offence if the person contravenes subsection (1).

Penalty: 50 penalty units.

Civil penalty provision

(4) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 50 penalty units.

21 Interfering with, removing or defacing isolation notice

(1) A person is liable to a civil penalty if:

(a) an isolation notice is affixed under subsection 17(2):

(i) to, or as near as reasonably practicable to, goods; or

(ii) at an entry or exit point of premises in or on which goods have been isolated; and

(b) the person interferes with, removes or defaces the notice; and

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(c) none of the following applies:

(i) the person is authorised to engage in the conduct referred to in paragraph (b) in accordance with an approved arrangement;

(ii) the person needs to engage in that conduct to comply with a direction given under the Act by a biosecurity official;

(iii) the person has been given permission to engage in that conduct by a biosecurity officer.

Civil penalty: 50 penalty units.

(2) Subsection (1) does not apply if the person is authorised to engage in the conduct referred to in paragraph (1)(b) under the Act or under another Australian law.

Note 1: A defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

Note 2: Subsections 139(3) and (4) of the Act apply if an isolation notice is affixed by a biosecurity officer to, or as near as reasonably practicable to, goods under subsection 139(1) of the Act.

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Part 3—Release of goods from biosecurity control

22 Release of goods brought into Australian territory from biosecurity control

(1) This section is made for the purposes of paragraph 162(1)(c) and subsection 162(4) of the Act.

Baggage

(2) Subject to subsection (3):
  (a) baggage brought into a first point of entry is prescribed; and
  (b) the boundary of the first point of entry is a designated biosecurity control release area for the baggage.

(3) The baggage is not prescribed if:
  (a) a direction given under the Act is in force in relation to the baggage at the time the baggage leaves the first point of entry; or
  (aa) the baggage leaves the first point of entry for the purposes of carrying out a biosecurity measure mentioned in subsection 138(1) of the Act in accordance with paragraph 138(1)(b) or (c); or
  (ab) the baggage leaves the first point of entry for the purposes of export from Australian territory in accordance with paragraph 135(2)(a) of the Act; or
  (b) the baggage is conditionally non-prohibited goods that are authorised to be brought or imported into Australian territory subject to a condition:
    (i) relating to the use of the goods for laboratory, research or propagation purposes; or
    (ii) requiring the goods to be kept at a post-entry quarantine facility while they are in Australian territory.

Note 1A: Subsection 138(1) of the Act applies in relation to a biosecurity measure under section 132 (movement), 133 (treatment) or 136 (destruction) of the Act or under a regulation made for the purposes of section 137 of the Act.

Note 1: Conditions on the bringing in or importation of goods may be imposed in a permit (see section 180 of the Act) or by a determination made under subsection 174(1) of the Act.

Note 2: Baggage covered by this subsection will not be released from biosecurity control on leaving the first point of entry to which the baggage was brought. The baggage may be released from biosecurity control under paragraph 162(1)(a), (b), (d) or (e) of the Act.

International mail

(4) Subject to subsection (5):
  (a) goods brought to an international mail centre are prescribed; and
  (b) the boundary of the international mail centre is a designated biosecurity control release area for the goods.

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Section 22

(5) The goods are not prescribed if:

(a) a direction given under the Act is in force in relation to the goods at the time the goods leave the international mail centre; or

(aa) the goods leave the international mail centre for the purposes of carrying out a biosecurity measure mentioned in subsection 138(1) of the Act in accordance with paragraph 138(1)(b) or (c); or

(b) the goods are conditionally non-prohibited goods that are authorised to be brought or imported into Australian territory subject to a condition:

(i) relating to the use of the goods for laboratory, research or propagation purposes; or

(ii) requiring the goods to be kept at a post-entry quarantine facility while they are in Australian territory.

Note 1A: Subsection 138(1) of the Act applies in relation to a biosecurity measure under section 132 (movement), 133 (treatment) or 136 (destruction) of the Act or under a regulation made for the purposes of section 137 of the Act.

Note 1: Conditions on the bringing in or importation of goods may be imposed in a permit (see section 180 of the Act) or by a determination made under subsection 174(1) of the Act.

Note 2: Goods covered by this subsection will not be released from biosecurity control on leaving the international mail centre to which the goods were brought. The goods may be released from biosecurity control under paragraph 162(1)(a), (b), (d) or (e) of the Act.

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Part 4—Biosecurity import risk analyses

Division 1—Process for conducting a BIRA

23 Purpose of this Division

For paragraph 169(1)(a) and section 170 of the Act, this Division prescribes the process for conducting a BIRA.

Note 1: ***BIRA*** (short for Biosecurity Import Risk Analysis) is defined in section 166 of the Act.

Note 2: The Director of Biosecurity may conduct a BIRA in relation to particular goods or a particular class of goods (see section 167 of the Act).

Note 3: The Agriculture Minister may direct the Director of Biosecurity to commence a BIRA in relation to particular goods, or a particular class of goods, if the Agriculture Minister is satisfied that the BIRA should be commenced (see section 168 of the Act).

24 Notice of intention to conduct a BIRA and issues paper

If the Director of Biosecurity proposes to conduct a BIRA in relation to particular goods or a particular class of goods, the Director:

(a) must publish a notice on the Agriculture Department's website stating:
  (i) that the Director of Biosecurity is proposing to conduct the BIRA in relation to the goods or the particular class of goods; and
  (ii) the opportunities for consultation with stakeholders that will be given in conducting the BIRA; and

(b) must prepare an issues paper in relation to the BIRA and publish it on the Agriculture Department's website.

25 Draft BIRA report

(1) The Director of Biosecurity:
  (a) must prepare a draft BIRA report, in accordance with section 30, in relation to a BIRA conducted in accordance with this Division; and
  (b) must publish on the Agriculture Department's website:
    (i) the draft BIRA report; and
    (ii) an invitation to the public to make written submissions, within the period specified in the invitation, about the assessment of the level of biosecurity risk associated with the goods, or the class of goods, to which the report relates.

(2) The period specified in an invitation published under subparagraph (1)(b)(ii) must be at least 60 days, including the day the invitation is published.

(3) The Director of Biosecurity may extend the period for public submissions to be made in relation to a draft BIRA report by a period the Director of Biosecurity considers appropriate. The Director of Biosecurity may extend the period only once.

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26 Provisional BIRA report

(1) After the end of the period for making submissions in relation to a draft BIRA report, the Director of Biosecurity must prepare a provisional BIRA report in accordance with section 30.

(2) In preparing the provisional BIRA report, the Director of Biosecurity must consider:
  (a) any information received in the course of conducting the BIRA; and
  (b) any submissions received in relation to the draft BIRA report; and
  (c) if the Director of Biosecurity requested the scientific advisory group to examine and comment on an aspect of the BIRA under section 29—the comments and any findings given to the Director of Biosecurity by the scientific advisory group.

(3) The Director of Biosecurity must publish the provisional BIRA report on the Agriculture Department's website.

Note 1: A person may request the Inspector-General to review the process of conducting a BIRA after the publication of the provisional BIRA report (see Division 2).

Note 2: Unless a review of the process of conducting the BIRA is conducted by the Inspector-General under Division 2, the provisional BIRA report will be published as the final BIRA report in relation to the BIRA (see section 27).

27 Final BIRA report

(1) The Director of Biosecurity must publish a final BIRA report, in accordance with section 30 and within the time permitted under section 31, in relation to a BIRA conducted in accordance with this Division.

(2) If:
  (a) the period for requesting the Inspector-General to review the process of conducting the BIRA has ended; and
  (b) either:
    (i) no request for a review has been made; or
    (ii) a request for a review has been made but the Inspector-General has decided not to conduct a review;

the Director of Biosecurity must publish the provisional BIRA report in relation to the BIRA as the final BIRA report as soon as practicable after the end of the period for requesting a review.

Note 1: The period for requesting the Inspector-General to review the process of conducting a BIRA is 30 days after the provisional BIRA report is published (see section 34).

Note 2: Division 2 deals with reviews by the Inspector-General.

(3) If the Inspector-General conducted a review of the process of conducting the BIRA, the Director of Biosecurity must, in preparing the final BIRA report, consider any recommendations made in the Inspector-General's final BIRA review report.

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28 Further information, research or expert advice

If the Director of Biosecurity considers that further information, research or expert advice is necessary to complete a BIRA, the Director must request, in writing, an appropriate person to provide the information, carry out the research or provide the advice.

29 Scientific advisory group

(1) The Director of Biosecurity must appoint, in writing, external persons to be members of a scientific advisory group.

(2) At any stage in the process of conducting a BIRA, the Director of Biosecurity may (orally or in writing) request the scientific advisory group to examine and provide comments on any aspect of the BIRA.

(3) If the scientific advisory group receives a request to examine and provide comments on an aspect of a BIRA, the scientific advisory group must, after completing its examination, give its comments and any findings to the Director of Biosecurity in the form requested by the Director of Biosecurity.

Note: The comments and any findings given by the scientific advisory group must be considered by the Director of Biosecurity in preparing the provisional BIRA report (see paragraph 26(2)(c)).

30 Content of a BIRA report

(1) A BIRA report prepared by the Director of Biosecurity in relation to goods or a class of goods:

(a) must set out the findings of the BIRA, including the potential for any economic consequences associated with the entry, establishment or spread of a disease or pest if the goods, or goods included in the class of goods, were to be imported into Australian territory; and

(b) must include the information and other material on which the findings are based; and

(c) if a statement of the human health risks associated with the goods, or the class of goods, was prepared by the Director-General of the CDC under subsection 169(5) of the Act—must include the statement; and

(d) may set out conditions that must be complied with to manage the level of biosecurity risk associated with the goods, or goods included in the class of goods, to a level that achieves the ALOP for Australia; and

(e) may include any other material the Director of Biosecurity considers relevant.

Note: ***ALOP*** (short for Appropriate Level of Protection) has the meaning given by section 5 of the Act.

(2) The findings and any conditions set out in the BIRA report may vary according to the place where the goods, or goods included in the class of goods, are to enter Australian territory or be unloaded.

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(3) Subject to subsection (4), the BIRA report must state that the findings and any conditions apply in relation to Australian territory.

(4) If any findings or conditions apply in relation to a part only of Australian territory, the BIRA report must:
  (a) specify the part, or parts, of Australian territory to which the findings and conditions apply; and
  (b) identify the findings and any conditions that apply in relation to that part of Australian territory.

31 Time within which a BIRA must be completed

(1) A final BIRA report in relation to a BIRA must be published on the Agriculture Department's website within the period of 30 months commencing on the day the notice in relation to the BIRA was given under section 24.

(2) The following periods are to be disregarded for the purpose of calculating the period of 30 months:
  (a) if a request is made to the Inspector-General under section 34 to review the process of conducting the BIRA—the period beginning when the Inspector-General notifies the Director of Biosecurity that the request has been received and ending when (as the case may be):
    (i) the Inspector-General notifies the Director that the Inspector-General is not satisfied that it is appropriate to conduct the review; or
    (ii) the Inspector-General gives the final BIRA review report to the Director under section 38;
  (b) the period beginning on the day the counting of time stops in accordance with a notice published under subsection (3) and ending on the day the counting of time resumes in accordance with a notice published under subsection (7).

(3) If the Director of Biosecurity believes it will not be possible, or it is likely not to be possible, for the Director to complete the BIRA within the period provided under subsections (1) and (2) because:
  (a) the Director has made a request under section 28 or 29 in relation to the BIRA; or
  (b) a biosecurity circumstance of national or international significance has occurred;

  the Director may publish a notice in accordance with subsection (4) on the Agriculture Department's website.

(4) A notice published under subsection (3) in relation to a BIRA must:
  (a) identify the BIRA; and
  (b) state that the Director of Biosecurity believes that it will not be possible, or it is likely not to be possible, for the Director to complete the BIRA within the period provided under subsections (1) and (2); and
  (c) state the reason for issuing the notice; and

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(d) state that the counting of time for this section is to stop on the day the notice is published or on a later day specified in the notice.

(5) If the Director of Biosecurity publishes a notice under subsection (3) in relation to a BIRA, the counting of time for this section stops in accordance with the notice.

(6) The Director of Biosecurity may revoke a notice published under subsection (3) in relation to a BIRA if, as the case may be:
(a) the Director has been given an adequate response to a request made under section 28 or 29; or
(b) the Director is satisfied that a response to a request made under section 28 or 29 is no longer necessary; or
(c) the biosecurity circumstance of national or international significance has ceased to exist or to have an impact on the process of conducting the BIRA.

(7) If the Director of Biosecurity proposes to revoke a notice published under subsection (3) in relation to a BIRA, the Director must publish on the Agriculture Department's website a notice:
(a) identifying the BIRA; and
(b) stating the reason for revoking the notice; and
(c) stating that the counting of time for this section is to resume on the day the notice is published or on a later day specified in the notice.

(8) If the Director of Biosecurity publishes a notice under subsection (7) in relation to a BIRA, the counting of time for this section resumes in accordance with the notice.

32 Termination of a BIRA

(1) The Director of Biosecurity may terminate a BIRA before it is completed if the Director is satisfied that:
(a) there is insufficient information or policy rationale to complete the BIRA; or
(b) it not appropriate to complete the BIRA for any other reason.

(2) If the Director of Biosecurity terminates a BIRA, the Director of Biosecurity must publish on the Agriculture Department's website a notice stating:
(a) that the BIRA has been terminated; and
(b) the reasons for the termination.

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Division 2—Reviews by the Inspector-General

33 Purpose of this Division

For subsection 567(4) of the Act, this Division makes provision for and in relation to:

(a) requests to the Inspector-General to review the process of conducting a BIRA; and

(b) the reports that must be prepared after a review is completed.

Note: See Division 2 of Part 6 of Chapter 10 of the Act in relation to the Inspector-General's review powers.

34 Person may request Inspector-General to review BIRA process

(1) Within 30 days after the provisional BIRA report in relation to a BIRA is published under subsection 26(3), a person may request the Inspector-General to review the process of conducting the BIRA if the person considers that:

(a) the process did not accord with the process required by Division 1; and

(b) the departure from the process was significant; and

(c) the person's interests were, are or may be adversely affected by the failure to conduct the BIRA in accordance with the process required by Division 1.

(2) A request under subsection (1) must:

(a) be in writing; and

(b) set out the grounds for making the request.

35 Inspector-General must consider request for review

(1) If a request to review the process of conducting a BIRA is made under section 34, the Inspector-General must, as soon as practicable after receiving the request:

(a) notify the Director of Biosecurity that the request has been received; and

(b) consider the request.

(2) If the Inspector-General is satisfied, having regard to the grounds set out in the request, that it is appropriate to review the process of conducting the BIRA, the Inspector-General must:

(a) notify the Director of Biosecurity that the Inspector-General is satisfied that it is appropriate for the review to be conducted; and

(b) review the process of conducting the BIRA.

Note: The time taken by the Inspector-General to conduct the review is to be disregarded for the purpose of calculating the 30 month period for the completion of the BIRA (see subsections 31(1) and (2)).

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(3) If the Inspector-General is not satisfied, having regard to the grounds set out in the request, that it is appropriate to review the process of conducting the BIRA, the Inspector-General must:
  (a) notify the person who made the request, in writing, of the decision and of the reasons for the decision; and
  (b) notify the Director of Biosecurity of the decision.

36 Time within which review of BIRA process must be completed

(1) If the Inspector-General decides to review the process of conducting a BIRA, the Inspector-General must complete the review and give the final BIRA review report to the Director of Biosecurity within 45 days (excluding the period referred to in subsection (2)) after the Inspector-General received the request to review the process of conducting the BIRA.

(2) The period of 45 days referred to in subsection (1) does not include the period during which the Director of Biosecurity is considering the draft BIRA review report given to him or her under subsection 37(1).

37 Draft BIRA review report

(1) After completing a review of the process of conducting a BIRA, the Inspector-General must prepare a draft report (a ***draft BIRA review report***) on the review and give it to the Director of Biosecurity.

(2) The draft BIRA review report must set out:
  (a) the subject and findings of the review; and
  (b) the information and other material on which those findings are based; and
  (c) any recommendations resulting from the review.

(3) The Director of Biosecurity may give the Inspector-General comments on the draft BIRA review report or further information relating to the BIRA to which the report relates.

38 Final BIRA review report

(1) The Inspector-General must prepare a final report (a ***final BIRA review report***) on a review of the process of conducting a BIRA and give it to the Director of Biosecurity.

(2) In preparing the final BIRA review report, the Inspector-General must consider any comments or further information given to the Inspector-General under subsection 37(3).

(3) The final BIRA review report must set out:
  (a) the subject and findings of the review; and
  (b) the information and other material on which those findings are based; and
  (c) any recommendations resulting from the review.

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(4) As soon as practicable after the final BIRA review report has been given to the Director of Biosecurity:

(a) the Director of Biosecurity must publish the final BIRA review report on the Agriculture Department's website; and

(b) the Inspector-General must, in writing, notify the person who made the request for the review that the final BIRA review report has been published on the Agriculture Department's website.

39 Failure to comply with this Division does not affect validity of a BIRA review report

A failure to comply with this Division in relation to the conduct of a review of the process of conducting a BIRA does not affect the validity of a BIRA review report prepared by the Inspector-General in relation to the review.

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Part 5—Permits to bring or import goods into Australian territory

40 Information that must be included in application for permit to bring or import conditionally non-prohibited goods into Australian territory

For paragraph 177(2)(b) of the Act, an application for a permit to bring or import conditionally non-prohibited goods into Australian territory must include the following information:

(a) the applicant's name;

(b) the applicant's physical address in Australia;

(c) the applicant's Australian Business Number or Australian Company Number (if applicable);

(d) a description of the goods to which the application relates;

(e) the information required by the form approved under paragraph 177(2)(a) of the Act;

(f) if the application is submitted by a person (the ***agent***) acting on behalf of the applicant:

(i) the agent's name; and

(ii) the agent's physical address (which may be in a foreign country); and

(iii) the agent's Australian Business Number or Australian Company Number (if applicable).

41 Period for making decision on application for permit

For paragraph 178(2)(b) of the Act, the period for making a decision in relation to an application for a permit under section 177 of the Act is 123 business days.

Note: For the definition of ***business day***, see section 2B of the *Acts Interpretation Act 1901*.

42 Extension of period for deciding application for permit—prescribed activities

For subsection 178(5) of the Act, the following activities are prescribed:

(a) determining whether an applicant is a fit and proper person (having regard to the matters referred to in section 530 of the Act);

(b) requesting and waiting for scientific advice, testing or an expert review for the purpose of assessing the level of biosecurity risk associated with the goods, or the class of goods, to which the application relates;

(c) assessing premises or a facility used for a purpose relating to the goods to which the application relates;

(d) assessing a process used in relation to the goods to which the application relates;

(e) negotiating or liaising with a government authority of a foreign country in relation to management of the biosecurity risks associated with the goods, or the class of goods, to which the application relates;

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(f) waiting for a fee charged in relation to a fee-bearing activity in relation to the application to be paid.

43 Maximum period within which requested information or documents must be given

For paragraph 178(7)(b) of the Act, the period is 123 business days.

Note: For the definition of ***business day***, see section 2B of the *Acts Interpretation Act 1901*.

44 Varying or revoking conditions of, or imposing further conditions on, permit

(1) This section is made for the purposes of subsection 180(2) of the Act.

(1A) Before the Director of Biosecurity varies or revokes a condition of a permit, or imposes a further condition on a permit, granted under section 179 of the Act:

(a) a risk assessment must be conducted by a biosecurity worker in relation to the goods to which the permit relates; and

(b) the Director of Biosecurity must be satisfied that the ALOP for Australia was applied in the conduct of the risk assessment.

Note: ***ALOP*** (short for Appropriate Level of Protection) has the meaning given by section 5 of the Act.

(2) In deciding whether to vary or revoke a condition of a permit granted under section 179 of the Act, the Director of Biosecurity must consider:

(aa) the risk assessment that was conducted in relation to the goods to which the permit relates; and

(a) the level of biosecurity risk associated with the goods to which the permit relates; and

(b) whether the condition imposed on the permit is necessary to reduce the level of biosecurity risk associated with the goods to an acceptable level; and

(c) personal information that was required to be provided with the application for the permit under section 531 of the Act.

(3) In deciding whether to impose a further condition on a permit granted under section 179 of the Act, the Director of Biosecurity must consider:

(aa) the risk assessment that was conducted in relation to the goods to which the permit relates; and

(a) the level of biosecurity risk associated with the goods to which the permit relates; and

(b) whether imposing a further condition on the permit is necessary to reduce the level of biosecurity risk associated with the goods to an acceptable level; and

(c) personal information that was required to be provided with the application for the permit under section 531 of the Act.

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(5) In deciding whether to vary or revoke a condition of, or impose a further condition on, a permit, the Director of Biosecurity may also consider:
  (a) whether the holder of the permit is a fit and proper person (having regard to the matters referred to in section 530 of the Act); and
  (b) whether the holder of the permit is an associate of a person who applied under section 177 of the Act for a permit and whose application was refused (whether or not the person's application related to goods of the same kind); and
  (c) any other matters relating to the goods or the holder of the permit that the Director considers relevant.

45 Variation, suspension or revocation of permit

(1) This section is made for the purposes of subsection 181(1) of the Act.

(1A) Before the Director of Biosecurity varies, suspends or revokes a permit granted under section 179 of the Act:
  (a) a risk assessment must be conducted by a biosecurity worker in relation to the goods to which the permit relates; and
  (b) the Director of Biosecurity must be satisfied that the ALOP for Australia was applied in the conduct of the risk assessment.

Note: ***ALOP*** (short for Appropriate Level of Protection) has the meaning given by section 5 of the Act.

(2) In deciding whether to vary, suspend or revoke a permit granted under section 179 of the Act, the Director of Biosecurity must consider:
  (aa) the risk assessment that was conducted in relation to the goods to which the permit relates; and
  (a) the level of biosecurity risk associated with the goods to which the permit relates; and
  (b) whether it is necessary to impose a condition, or further conditions, on the permit to reduce the level of biosecurity risk associated with the goods; and
  (c) personal information that was required to be provided with the application for the permit under section 531 of the Act.

(4) In deciding whether to vary, suspend or revoke a permit, the Director of Biosecurity may also consider:
  (a) whether the holder of the permit is a fit and proper person (having regard to the matters referred to in section 530 of the Act); and
  (b) whether the holder of the permit is an associate of a person who applied under section 177 of the Act for a permit and whose application was refused (whether or not the person's application related to goods of the same kind); and
  (c) any other matters relating to the goods or the holder of the permit that the Director considers relevant.

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Chapter 3—Managing biosecurity risks: conveyances

Part 1—Pre-arrival reporting

46 Purpose of this Part

This Part makes provision for and in relation to reports and information that must be given by an operator of an aircraft or vessel under sections 193 and 194 of the Act.

47 Pre-arrival report under subsection 193(1) of the Act—aircraft

Application

(1) This section makes provision in relation to a report under subsection 193(1) of the Act in relation to an aircraft.

Note 1: A failure to give a report containing the information referred to in this section may contravene subsection 193(4) of the Act.

Note 2: A report is not required to be given in certain circumstances (see subsection 50(1)).

Information that must be included in report

(2) The information in relation to the aircraft that must be included in the report is as follows:

(a) details of any person on board the aircraft who has, or had, signs or symptoms of a listed human disease during the flight;

(b) details of any person on board the aircraft who died during the flight;

(c) if there are animals or plants (or both) in the cabin of the aircraft—that fact;

(d) if any animal in the cabin of the aircraft died during the flight—that fact;

(e) if the aircraft is an incoming aircraft and the prescribed disinsection measures for the aircraft have not been taken, or will not have been taken, before the aircraft arrives at its first landing place in Australian territory—that fact.

Manner in which report must be given

(4) The report must be given orally or in writing (including electronically).

Note: The report must be in a form or forms approved by the Director of Biosecurity (see paragraph 193(2)(d) of the Act).

Person to whom report must be given

(5) The report must be given to a biosecurity official.

(6) If the report is given using an electronic system, the report is taken to have been given to a biosecurity official.

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When report must be given

(7) The report must be given:
  (a) at the earlier of:
    (i) as close to the top of descent as is operationally practicable before the aircraft is estimated to arrive at its first landing place in Australian territory; and
    (ii) 30 minutes before the aircraft is estimated to come to a standstill after arriving at its first landing place in Australian territory; or
  (b) at the time specified by a biosecurity official.

47A Additional pre-arrival report under subsection 193(1A) of the Act for aircraft on non-scheduled flight

(1) For the purposes of subsection 193(1A) of the Act, the operator of the aircraft must give another report under that subsection in relation to the aircraft in the circumstances covered by subsection (2) of this section.

Note: A report is not required to be given in certain circumstances (see subsection 50(2)).

(2) For the purposes of paragraph 193(1A)(b) of the Act, the prescribed circumstances are that it is intended that the aircraft enter Australian territory on a non-scheduled flight.

Information that must be included in other report

(3) The information in relation to the aircraft that must be included in the other report is as follows:
  (a) information identifying the aircraft;
  (b) the intended first landing place of the aircraft in Australian territory;
  (c) the estimated day and time of arrival of the aircraft at the place referred to in paragraph (b);
  (d) the name and contact details of:
    (i) the operator of the aircraft; and
    (ii) if the operator is not the owner of the aircraft—the owner of the aircraft;
  (e) details about any animals or plants that are in the cabin of the aircraft at the time the report is given.

Manner in which other report must be given

(4) The other report must be given orally or in writing (including electronically).

Note: The report must be in a form or forms approved by the Director of Biosecurity (see paragraph 193(2)(d) of the Act).

Person to whom other report must be given

(5) The other report must be given to a biosecurity official.

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(6) If the other report is given using an electronic system, the other report is taken to have been given to a biosecurity official.

When other report must be given

(7) The other report must be given prior to the aircraft commencing the flight from outside Australian territory.

48 Pre-arrival report under subsection 193(1) of the Act—vessels other than certain vessels travelling from certain areas in the Torres Strait

Application

(1) This section makes provision in relation to a report under subsection 193(1) of the Act in relation to a vessel (other than a vessel referred to in subsection 49(1)).

Note 1: Section 49 applies in relation to certain vessels on, or intending to make, a voyage commencing in the protected zone or the Torres Strait permanent biosecurity monitoring zone.

Note 2: A failure to give a report containing the information referred to in this section may contravene subsection 193(4) of the Act.

Note 3: A report is not required to be given in relation to certain vessels (see section 51).

Information that must be included in report

(2) The information in relation to the vessel that must be included in the report is as follows:

(a) information identifying the vessel and a description of the vessel;

(b) the name of the person in charge of the vessel and other information identifying the person;

(c) the name of the officers and crew on board the vessel and other information identifying those persons;

(d) details of the vessel's intended voyage in Australian territory;

(e) the name and contact details of each agent of the vessel at each port the vessel intends to visit during the voyage;

(f) details of any intended crew changes while the vessel is in Australian territory;

(g) details of any intended disembarkation of passengers in Australian territory, including:

(i) the number of passengers intending to disembark; and

(ii) the ports where the passengers are intending to disembark;

(h) whether the vessel has, in the previous 24 months, visited a port in any region of seasonal pest concern referred to in the approved form;

(i) if fertiliser, grain, stock feed, seeds or other dry bulk agricultural goods are intended to be loaded onto the vessel at a port in Australian territory and then carried by the vessel to be unloaded at another port in Australian territory—that fact;

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(j) if livestock or fertiliser, grain, stock feed, seeds or other dry bulk agricultural goods (the ***relevant goods***) are, or are intended to be, carried on the vessel during the voyage (the ***current voyage***) to which the report relates, or have been carried on the vessel on any previous voyage:
  (i) details of any relevant goods carried, or intended to be carried, by the vessel on the current voyage, including the place of origin of the goods and any additional information about where the goods were manufactured, grown or obtained required by the approved form, each port where the goods are, or are intended to be, loaded onto the vessel, and each port in Australian territory where the goods are, or are intended to be, unloaded; and
  (ii) details of cleaning, disinfection and disinsection processes carried out, or intended to be carried out, during the current voyage before the vessel's arrival in Australian territory; and
  (iii) details of any goods carried in the holds of the vessel on the vessel's 15 previous voyages, or on any lower number of the vessel's previous voyages that may be required by the approved form;

(k) details of any live plants, or plants that have died, on board the vessel during the voyage, including details of the maintenance history of the plants;

(l) details of any person on board the vessel who has, or had, during the voyage signs or symptoms of a listed human disease, or signs or symptoms of any other disease that are, or were, not due to:
  (i) a pre-existing physical condition; or
  (ii) an injury; or
  (iii) inebriation; or
  (iv) the effects of a drug other than alcohol; or
  (v) motion sickness;

(la) details of any medication or treatment provided by the officers and crew of the vessel to any person on board the vessel in respect of a disease;

(m) details of any person on board the vessel who died during the voyage;

(n) details of any animals on board the vessel, including the health and condition of the animals and details of any animals that died during the voyage;

(o) details of any insects on board the vessel since the vessel's last departure from a port before the report is given;

(oa) details of any inspections of the vessel for biofouling, cleaning of biofouling or treatment for biofouling undertaken before the vessel's arrival in Australian territory;

(ob) details of any inspections of the vessel for biofouling, cleaning of biofouling or treatment for biofouling intended while the vessel is in Australian territory;

(oc) practices included in any plan of biofouling management for the vessel that is currently in use;

(od) details of the voyage history of the vessel in the past 12 months;

(p) details of whether waste on board the vessel is securely contained;

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(q) if the vessel is a foreign vessel—details of any ship sanitation certificate that is in force for the vessel, including:
(i) details of any treatment or other biosecurity measures that have been taken, or are required to be taken, in relation to the vessel; and
(ii) any extensions of the certificate.

Manner in which report must be given

(3) The report must be given in writing (including electronically).

Note: The report must be in a form or forms approved by the Director of Biosecurity (see paragraph 193(2)(d) of the Act).

Person to whom report must be given

(4) The report must be given to a biosecurity official or a customs officer.

(5) If the report is given using an electronic system, the report is taken to have been given to a biosecurity official or a customs officer.

Time report must be given

(6) The report must be given:
(a) if the report relates to a vessel other than a non-commercial vessel—at least 12 hours, but no earlier than 96 hours, before the vessel is estimated to arrive at its first port in Australian territory; or
(b) if the report relates to a non-commercial vessel:
(i) before the vessel departs from its intended last port before arriving in Australian territory but no earlier than 90 days before the vessel is estimated to arrive at its first port in Australian territory; or
(ii) at least 12 hours before the vessel is estimated to arrive at its first port in Australian territory; or
(c) in any case—at the time specified by a biosecurity official.

49 Pre-arrival report under subsection 193(1) of the Act—certain vessels travelling from certain areas in the Torres Strait

Application

(1) This section makes provision in relation to a report under subsection 193(1) of the Act in relation to a vessel that:
(a) is 7 metres or longer; and
(b) is on, or intends to make, a voyage that:
(i) commences in the protected zone or the Torres Strait permanent biosecurity monitoring zone; and
(ii) ends at a place in Australian territory other than a place in the protected zone or the Torres Strait permanent biosecurity monitoring zone.

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Note 1: Section 193 of the Act applies in relation to vessels referred to in this subsection because of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* and subsection 618(1) of the Act. The vessels are treated as having entered Australian territory from outside Australian territory.

Note 2: A failure to give a report containing the information referred to in this section may contravene subsection 193(4) of the Act.

Note 3: A report is not required to be given in relation to certain vessels (see section 51).

Information that must be included in report

(2) The information in relation to the vessel that must be included in the report is as follows:

(a) information identifying the vessel and a description of the vessel;

(b) the name of the person in charge of the vessel and other information identifying the person;

(c) details of the vessel's intended voyage;

(d) details of any intended crew changes while the vessel is in a place in Australian territory that is south of the Torres Strait permanent biosecurity monitoring zone;

(e) details of any intended disembarkation of passengers in a place in Australian territory that is south of the Torres Strait permanent biosecurity monitoring zone, including:

(i) the number of passengers intending to disembark; and

(ii) the ports where the passengers are intending to disembark;

(f) details about any of the following goods that are on board the vessel:

(i) fresh fruit or vegetables;

(ii) live plants;

(iii) plant products;

(iv) animals;

(v) meat, poultry, eggs, dairy products or other animal products;

(vi) soil;

(vii) goods contaminated by soil;

(g) details, as required by the approved form, about any other goods that are on board the vessel;

(h) if there is any evidence of insect infestation on board the vessel—details of the evidence.

Manner in which report must be given

(3) The report must be given orally or in writing (including electronically).

Note: The report must be in a form or forms approved by the Director of Biosecurity (see paragraph 193(2)(d) of the Act).

Person to whom report must be given

(4) The report must be given to a biosecurity official or a customs officer.

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(5) If the report is given using an electronic system, the report is taken to have been given to a biosecurity official or a customs officer.

Time report must be given

(6) The report must be given at least 12 hours, but no earlier than 96 hours, before the vessel is estimated to arrive at its first port in Australian territory.

50 Exceptions to requirement to give pre-arrival reports—aircraft

Report under subsection 193(1) of the Act

(1) The operator of an aircraft that is intended to enter, or that enters, Australian territory is not required to give a report under subsection 193(1) of the Act if:
  (a) at the time the report is required to be given, there is no information to give; or
  (b) the aircraft is not intended to land at a landing place in Australian territory; or
  (c) the aircraft is an exempt exposed conveyance.

Report under subsection 193(1A) of the Act

(2) The operator of an aircraft that is intended to enter, or that enters, Australian territory on a non-scheduled flight is not required to give another report under subsection 193(1A) of the Act if:
  (a) the aircraft is not intended to land at a landing place in Australian territory; or
  (b) the aircraft is an exempt exposed conveyance.

51 Exceptions to requirement to give pre-arrival report—vessels

The operator of a vessel that is intended to enter, or that enters, Australian territory is not required to give a report under section 193 of the Act if:
  (a) the vessel is not intended to be moored at a port in Australian territory or to be stationary at any place in Australian territory; or
  (b) the vessel is an exempt exposed conveyance.

51A Requirements for further information—vessels

(1) This section is made for the purposes of subsection 194(1A) of the Act.

(2) The operator of a vessel must give further information in relation to a report under subsection 193(1) if the operator becomes aware, before the vessel moors at a port, that the information included in the report is no longer current.

(3) The operator must provide the updated information as soon as practicable.

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Part 2—Conveyances entering Australian territory

52 Conveyance becomes subject to biosecurity control if exposed to certain goods

For subparagraph 192(1)(a)(iii) of the Act, the following kinds of goods are prescribed in relation to a conveyance that is exposed to the goods:

(a) prohibited goods that are in physical contact with the conveyance;

(b) suspended goods that are in physical contact with the conveyance;

(c) animals that are:

(i) conditionally non-prohibited goods; and

(ii) in physical contact with the conveyance;

(d) goods in or on which a pest is present, if the pest, or any part of the pest, is transferred onto the conveyance;

(e) goods from which animal material, plant material or soil is transferred onto the conveyance.

53 Persons on incoming aircraft or vessel required to provide information to assess level of biosecurity risk

For paragraph 196(1)(b) of the Act, the following classes of person are prescribed:

(a) persons who were, are, or will be, passengers on an incoming aircraft or vessel;

(b) persons who were, are, or will be, members of the crew of an incoming aircraft or vessel;

(c) the person who was, is, or will be, the person in charge of an incoming aircraft or vessel.

54 Biosecurity officer may require trap to be set in or on certain conveyances for monitoring or assessment purposes

(1) This section applies in relation to a conveyance:

(a) that is subject to biosecurity control; and

(b) in relation to which biosecurity measures have been taken under Division 5 of Part 2 of Chapter 4 of the Act.

(2) A biosecurity officer may require a trap to be set in or on the conveyance, for a period specified by the biosecurity officer, for the purpose of monitoring or assessing:

(a) the effect of the biosecurity measures that were taken in relation to the conveyance; and

(b) the level of biosecurity risk associated with the conveyance.

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Note: A biosecurity officer may also exercise powers under Division 4 of Part 2 of Chapter 4 of the Act for the purpose of assessing the level of biosecurity risk associated with the conveyance.

(3) If a biosecurity officer requires a trap to be set in or on a conveyance under subsection (2), the biosecurity officer must give a written notice to the person responsible for the conveyance that:
  (a) identifies, or describes, the conveyance; and
  (b) specifies the period during which the trap must remain in or on the conveyance.

Note: ***Person responsible for a conveyance*** is defined in section 9 of the Act.

(4) The notice given under subsection (3) may also specify either or both of the following:
  (a) the kind of trap that must be set in or on the conveyance;
  (b) the places in or on the conveyance where the trap is to be set.

(5) If a biosecurity officer requires a trap to be set in or on a conveyance under subsection (2), a biosecurity officer may:
  (a) direct a person responsible for the conveyance to set the trap; or
  (b) direct a person responsible for the conveyance to arrange for the trap to be set; or
  (c) set the trap himself or herself; or
  (d) arrange for another person with appropriate qualifications or expertise to set the trap.

(6) If, under subsection (5), a biosecurity officer:
  (a) gives a direction to a person to set a trap or arrange for a trap to be set; or
  (b) arranges for another person with appropriate qualifications or expertise to set a trap;

a biosecurity officer may supervise the setting of the trap.

55 Person must comply with direction in relation to setting trap in or on conveyance for monitoring or assessment purposes

(1) A person who is given a direction under paragraph 54(5)(a) or (b) in relation to a conveyance must comply with the direction.

Fault-based offences

(2) A person commits an offence if:
  (a) the person is the person in charge, the operator or the owner of a conveyance; and
  (b) the person has been given a direction under paragraph 54(5)(a) or (b) in relation to the conveyance; and
  (c) the person engages in conduct; and
  (d) the conduct contravenes the direction.

Penalty: 50 penalty units.

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(3) A person in charge of a conveyance commits an offence if:
  (a) the operator of the conveyance has been given a direction under paragraph 54(5)(a) or (b) in relation to the conveyance; and
  (b) the direction is not complied with.

  Penalty: 50 penalty units.

(4) The operator of a conveyance commits an offence if:
  (a) the person in charge of the conveyance has been given a direction under paragraph 54(5)(a) or (b) in relation to the conveyance; and
  (b) the direction is not complied with.

  Penalty: 50 penalty units.

(5) The operator of a conveyance commits an offence if:
  (a) the owner of the conveyance has been given a direction under paragraph 54(5)(a) or (b) in relation to the conveyance; and
  (b) the direction is not complied with.

  Penalty: 50 penalty units.

(6) The owner of a conveyance commits an offence if:
  (a) the operator of the conveyance has been given a direction under paragraph 54(5)(a) or (b) in relation to the conveyance; and
  (b) the direction is not complied with.

  Penalty: 50 penalty units.

Civil penalty provisions

(7) The person in charge and the operator of a conveyance are each liable to a civil penalty if:
  (a) the person in charge or the operator of the conveyance has been given a direction under paragraph 54(5)(a) or (b) in relation to the conveyance; and
  (b) the direction is not complied with.

  Civil penalty: 50 penalty units.

(8) The operator and the owner of a conveyance are each liable to a civil penalty if:
  (a) the operator or the owner of the conveyance has been given a direction under paragraph 54(5)(a) or (b) in relation to the conveyance; and
  (b) the direction is not complied with.

  Civil penalty: 50 penalty units.

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Part 3—First points of entry

56 Requirements that must be met before determining a landing place to be first point of entry

(1) For paragraph 223(2)(a) of the Act, this section prescribes the requirements that must be met in relation to a landing place that the Director of Biosecurity or the Director of Human Biosecurity proposes to determine to be a first point of entry under subsection 223(1) of the Act.

Note: The Director may make the determination only if the Director is satisfied that the prescribed requirements in relation to the landing place are met.

(2) There must be appropriate procedures in place providing for biosecurity measures to be taken to manage the level of biosecurity risk associated with operations carried out at the landing place.

Note: The management of biosecurity risks also includes the management of waste.

(3) There must be adequate facilities and amenities available at the landing place for biosecurity officials and human biosecurity officers to perform functions or exercise powers under the Act.

(4) There must be appropriate procedures in place for:
(a) ensuring that each person who carries out operations at the landing place is able to identify biosecurity risks associated with those operations; and
(b) informing biosecurity officials or human biosecurity officials of any identified biosecurity risks associated with operations carried out at the landing place; and
(c) managing any other factors that may contribute to, or affect, the level of biosecurity risk associated with operations carried out at the landing place.

57 Circumstances for variation and revocation of first point of entry determinations in relation to landing places

For paragraph 227(e) of the Act, each of the following is a circumstance in which the relevant Director may vary or revoke a determination made under subsection 223(1) of the Act in relation to a landing place, or vary the conditions specified in the determination:
(a) there has been a material change in the operations carried out at the landing place;
(b) there has been material change in the infrastructure or services available at the landing place;
(c) the operator of the landing place has requested the variation or revocation of the determination, or the variation of the conditions;
(d) the *Biosecurity Regulations 2026* have been registered.

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58 Requirements that must be met before determining a port to be first point of entry

(1) For paragraph 229(2)(a) of the Act, this section prescribes the requirements that must be met in relation to a port that the Director of Biosecurity or the Director of Human Biosecurity proposes to determine to be a first point of entry under subsection 229(1) of the Act.

Note: The Director may make the determination only if the Director is satisfied that the prescribed requirements in relation to the port are met.

(2) There must be appropriate procedures in place providing for biosecurity measures to be taken to manage the level of biosecurity risk associated with operations carried out at the port.

Note: The management of biosecurity risks also includes the management of waste.

(3) There must be adequate facilities and amenities available at the port for biosecurity officials and human biosecurity officers to perform functions or exercise powers under the Act.

(4) There must be appropriate procedures in place for:

(a) ensuring that each person who carries out operations at the port is able to identify biosecurity risks associated with those operations; and

(b) informing biosecurity officials or human biosecurity officials of any identified biosecurity risks associated with operations carried out at the port; and

(c) managing any other factors that may contribute to, or affect, the level of biosecurity risk associated with operations carried out at the port.

59 Circumstances for variation and revocation of first point of entry determinations in relation to ports

For paragraph 233(e) of the Act, each of the following is a circumstance in which the relevant Director may vary or revoke a determination made under subsection 229(1) of the Act in relation to a port, or vary the conditions specified in the determination:

(a) there has been a material change in the operations carried out at the port;

(b) there has been material change in the infrastructure or services available at the port;

(c) the operator of the port has requested the variation or revocation of the determination, or the variation of the conditions;

(d) the *Biosecurity Regulations 2026* have been registered.

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Chapter 5—Managing biosecurity risks: monitoring, control and response

78 Other biosecurity measures relating to goods or conveyances—export from Australian territory

(1) This section applies in relation to the following goods or conveyances:
  (a) goods that have been released from biosecurity control;
  (b) goods that include, or have been constructed or manufactured using, goods that have been released from biosecurity control;
  (c) a conveyance that has been released from biosecurity control;
  (d) a conveyance that has on board, or has been built or manufactured using, goods that have been released from biosecurity control.

(2) For section 346 of the Act, a biosecurity officer may require the goods or conveyance to be exported from Australian territory.

  Note 1: Limitations apply to the exercise of a power provided by this subsection (see subsection 346(5) of the Act).

  Note 2: Division 4 of Part 3 of Chapter 6 of the Act provides for other powers that may be exercised in relation to goods or a conveyance in relation to which the biosecurity measure under this subsection has been required.

  Note 3: Division 5 of Part 3 of Chapter 6 of the Act provides for offences and civil penalty provisions that may apply if the biosecurity measure under this subsection has been required to be taken in relation to goods or a conveyance. These are in addition to subsections (5) and (6) of this section.

(3) If a biosecurity officer requires a conveyance to be exported from Australian territory, a biosecurity officer may direct the owner of the conveyance to arrange for the conveyance to be exported from Australian territory.

  Note: The power in this subsection is in addition to the power given by subparagraph 347(1)(b)(i) of the Act. Under that subparagraph, a biosecurity officer may direct the person in charge or the operator of the conveyance to arrange for the conveyance to be exported from Australian territory.

(4) A person who is given a direction under subsection (3) must comply with the direction.

  Fault-based offence

(5) A person commits an offence if:
  (a) the person is given a direction under subsection (3); and
  (b) the person engages in conduct; and
  (c) the conduct contravenes the direction.

  Penalty: 50 penalty units.

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Civil penalty provision

(6) A person is liable to a civil penalty if the person contravenes subsection (4).

Civil penalty: 50 penalty units.

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Chapter 6—Approved arrangements

Part 1—Approval of proposed arrangement

79 Requirements for approving proposed arrangement

For paragraph 406(2)(a) of the Act, the requirements that the relevant Director must be satisfied that a proposed arrangement meets are the following:

(a) the applicant has the capability, equipment and facilities necessary to carry out the biosecurity activities covered by the arrangement;

(b) the arrangement will be capable of being effectively monitored by the relevant Director to determine whether the Act has been, or is being, complied with.

80 Transfer of approved arrangement

(1) For section 411 of the Act, this section prescribes the circumstances in which an approved arrangement may be transferred to another person.

(2) If the biosecurity industry participant covered by the approved arrangement dies, the arrangement may be transferred to the legal personal representative of the biosecurity industry participant.

(3) If the biosecurity industry participant covered by the approved arrangement is a body corporate in relation to which a receiver has been appointed, the arrangement may be transferred to the receiver.

(4) If the biosecurity industry participant covered by the approved arrangement is a body corporate of which an administrator has been appointed under section 436A, 436B or 436C of the *Corporations Act 2001*, the arrangement may be transferred to the administrator.

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Part 2—Suspension of approved arrangement

81 Requirements for request to suspend all or a part of an approved arrangement

(1) For paragraph 417(2)(c) of the Act, the notice period for a proposed suspension of an approved arrangement, or a part of an approved arrangement, is 15 business days, starting on the day on which the relevant Director receives the request for the suspension.

Note: A request to suspend an approved arrangement, or a part of an approved arrangement, must specify a proposed date on which the suspension is to take effect (which must not be before the end of the notice period prescribed by the regulations).

(2) For paragraph 417(2)(e) of the Act, a request by a biosecurity industry participant to suspend a part of an approved arrangement covering the biosecurity industry participant must include the following information:

(a) details of the biosecurity activities that the biosecurity industry participant will not be authorised to carry out during the period in which the part of the arrangement is suspended;

(b) information specifying how biosecurity risks associated with goods, premises or other things that the biosecurity industry participant is authorised to deal with in accordance with the part of the approved arrangement proposed to be suspended will be managed during the suspension period.

82 Period for making decision on request to suspend a part of an approved arrangement

For subsection 417(4) of the Act, the period for making and notifying a decision in relation to a request to suspend a part of an approved arrangement is 30 days starting on the day on which the relevant Director receives the request for suspension.

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Part 3—Revocation of approved arrangement

83 Notice period for request to revoke approved arrangement

For paragraph 422(2)(b) of the Act, the notice period for a proposed revocation of an approved arrangement is 15 business days, starting on the day on which the relevant Director receives the request for the revocation.

Note: A request to revoke an approved arrangement must specify a proposed date on which the revocation is to take effect (which must not be before the end of the notice period prescribed by the regulations).

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Part 4—General provisions about applications

84 Applications to which this Part applies

This Part applies to:

(a) an application for approval of a proposed arrangement under Part 2 of Chapter 7 of the Act; and

(b) an application for approval of a varied arrangement under Division 1 of Part 3 of Chapter 7 of the Act.

85 Information to be included in applications

For paragraph 434(1)(b) of the Act, an application must include the following information:

(a) the applicant's name;

(b) contact details for the applicant;

(c) the proposed biosecurity activities to be carried out by the applicant;

(d) the proposed places where the biosecurity activities are to be carried out;

(e) if the application is for approval of a varied approved arrangement—details of the proposed variations of the arrangement.

86 Dealing with applications

Initial consideration period

(1) For subsection 435(3) of the Act, the initial consideration period for an application is:

(a) if the application requires scientific or technical advice to be provided to assess the application—120 days; or

(b) in any other case—90 days.

Maximum period for giving further information or documents

(2) For paragraph 435(6)(b) of the Act, the period is 60 days.

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Chapter 7—Compliance and enforcement

87 Period for paying an amount under certain infringement notices given at a first point of entry

(1) Subsection (2) applies to an infringement notice for the following alleged contraventions by an individual who is at a first point of entry:

(a) an alleged contravention of subsection 126(2), 127(3) or 128(2) of the Act;

(b) an alleged contravention of subsection 533(1) of the Act when the individual produces a document in compliance, or purported compliance, with a requirement under subsection 127(1) of the Act;

(c) an alleged contravention of subsection 532(1) or 533(1) of the Act when:

(i) the individual gives information or produces a document in compliance, or purported compliance, with a requirement under subsection 126(1) or 196(2) of the Act; and

(ii) the contravention relates to goods that are not category 1 goods or category 2 goods.

(2) For paragraph 524(2)(b) of the Act, the prescribed period is:

(a) if the individual is in a section 234AA place (within the meaning of the *Customs Act 1901*)—the period ending when the individual leaves the place for the first time after being given an infringement notice for the alleged contravention; or

(b) in any other case—the period ending when the individual leaves the first point of entry for the first time after being given an infringement notice for the alleged contravention.

88 Amount payable under certain infringement notices given at a first point of entry

(1) For the purposes of paragraph 524(4)(c) of the Act, 2 penalty units are prescribed for an infringement notice for the following alleged contraventions by an individual who is at a first point of entry:

(a) an alleged contravention of subsection 126(2), 127(3) or 128(2) of the Act;

(b) an alleged contravention of subsection 533(1) of the Act when the individual produces a document in compliance, or purported compliance, with a requirement under subsection 127(1) of the Act.

(2) For the purposes of paragraph 524(4)(c) of the Act, the following amounts are prescribed for an infringement notice for an alleged contravention of subsection 532(1) or 533(1) of the Act by an individual who is at a first point of entry, when the individual gives information or produces a document in compliance, or purported compliance, with a requirement under subsection 126(1) or 196(2) of the Act:

(a) if the contravention relates to goods that are not category 1 goods or category 2 goods—2 penalty units;

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(b) if the contravention relates to category 2 goods—6 penalty units.

Note: For an alleged contravention referred to in subsection (2) that relates to category 1 goods, the amount is 12 penalty units as determined by subsection 524(4) of the Act.

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Chapter 8—Governance and officials

Part 1—Preliminary

89 Purpose of this Chapter

(1) For subsection 567(4) of the Act, this Chapter makes provision in relation to reviews that may be conducted by the Inspector-General under section 567 of the Act. In particular, this Chapter makes provision for and in relation to:

(a) the process to be followed in conducting a review under section 567 of the Act; and

(b) the content of reports of reviews conducted under that section.

Note: Subsection 567(1) of the Act provides that the Inspector-General may review the performance of functions, or exercise of powers, by biosecurity officials under one or more provisions of the Act. A biosecurity official is a biosecurity officer, a biosecurity enforcement officer, the Director of Human Biosecurity or the Director-General of the CDC (see section 9 of the Act).

Section 567 of the Act does not permit the Inspector-General to review the performance of functions, or exercise of powers, by human biosecurity officers, chief human biosecurity officers or the Director of Human Biosecurity under the Act (because they are not biosecurity officials for the purposes of section 567 of the Act).

(2) This Chapter does not apply in relation to a review of the process of conducting a BIRA.

Note: Division 2 of Part 4 of Chapter 2 of this instrument deals with reviews by the Inspector-General of the process of conducting a BIRA.

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Part 2—Annual review program

90 Annual review program

(1) Each year, the Inspector-General must set a review program (an ***annual review program***).

(2) An annual review program must be in writing.

(3) The Inspector-General must consult the Director of Biosecurity and the Agriculture Minister before setting an annual review program. The Inspector-General may also consult any other person the Inspector-General considers appropriate.

(4) The Inspector-General is not subject to direction by the Agriculture Minister or the Director of Biosecurity in relation to:
  (a) an annual review program; or
  (b) whether or not a particular subject is included on an annual review program; or
  (c) the priority to be given to a particular review.

(5) An annual review program must be published on the Inspector-General's website.

91 Variation of annual review program

(1) If the Inspector-General is satisfied that it is appropriate to do so, the Inspector-General may vary an annual review program.

(2) A variation of an annual review program must be in writing.

(3) The Inspector-General must consult the Director of Biosecurity and the Agriculture Minister before varying an annual review program. The Inspector-General may also consult any other person the Inspector-General considers appropriate.

(4) The Inspector-General is not subject to direction by the Agriculture Minister or the Director of Biosecurity in relation to a variation of:
  (a) an annual review program; or
  (b) the priority to be given to a particular review.

(5) If the Inspector-General varies an annual review program, the varied review program must be published on the Inspector-General's website.

92 When reviews are to be conducted

(1) The Inspector-General must conduct reviews in accordance with the current annual review program.

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Section 92

(2) The Inspector-General is not subject to direction by the Agriculture Minister or the Director of Biosecurity in relation to:

(a) the way in which a particular review is to be conducted; or

(b) the priority to be given to a particular review.

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Part 3—Process for conducting review

93 Inspector-General may invite submissions

Inviting submissions

(1) The Inspector-General may invite members of the public generally, or particular persons or organisations, to make submissions relevant to a review.

(2) The Inspector-General has discretion in deciding matters connected with the process for inviting or making submissions, including:
  (a) how to communicate an invitation; and
  (b) how submissions may be made.

Note: For example, the Inspector-General may:
  (a) advertise in the press or other media seeking written submissions from the public; or
  (b) contact particular persons or organisations inviting them to attend a meeting at which they may make oral submissions.

Submissions containing confidential information

(3) If a person makes a submission, the person may request the Inspector-General:
  (a) not to make the submission, or a part of the submission, available under section 94 and not to include the submission, or a part of the submission, in a review report, because of the confidential information contained in the submission; or
  (b) not to publish or make available the person's name, or otherwise specifically identify the person, in any information made available under section 94 or in a review report.

(4) However, a request under paragraph (3)(a) in relation to confidential information contained in a submission made in relation to a review does not prevent the Inspector-General from having regard to the information in conducting the review.

(5) If a person makes a request under subsection (3) in relation to a submission, or a part of a submission, and the Inspector-General refuses the request:
  (a) in the case of a written submission—the person may require the submission, or the part of the submission, to be returned to the person; or
  (b) in the case of an oral submission—the person may withdraw the submission or the part of the submission.

94 Submissions may be made publicly available

(1) Subject to subsections (2), (3), (4) and (5), the Inspector-General may, in any way he or she thinks appropriate, make available to the public generally, or to particular persons or organisations, a submission, or a part of a submission

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(including a written record of an oral submission), made in response to an invitation under subsection 93(1).

(2) The Inspector-General must not make available under subsection (1) a submission, or a part of a submission, to the extent that:
  (a) it names, or otherwise specifically identifies:
    (i) an officer (other than the Director of Biosecurity) or an employee of a Commonwealth body; or
    (ii) an officer or employee of a State or Territory body; or
    (iii) a consultant to the Department; or
    (iv) a member of the Australian Defence Force; or
  (b) it contains information in relation to which a direction given by the Agriculture Minister under paragraph 101(3)(c) applies.

(3) The Inspector-General must not make available under subsection (1) a submission, or a part of a submission, made by a person if:
  (a) the person requested the Inspector-General not to make the submission, or the part of the submission, available or include it in a review report, and the Inspector-General agreed to the request; or
  (b) the submission, or the part of a submission, was returned to, or withdrawn by, the person under subsection 93(5).

(4) The Inspector-General must not make available under subsection (1) a written record of an oral submission made by a person unless the person has verified the content of the record.

(5) If a person who made a submission in response to an invitation under subsection 93(1) made a request under paragraph 93(3)(b), the Inspector-General must not make available the person's name, or otherwise specifically identify the person, in any information made available under this section.

95 Assistance from the Director of Biosecurity

(1) The Director of Biosecurity must comply with any reasonable request from the Inspector-General for assistance for the purposes of conducting a review.

(2) Without limiting subsection (1), the Inspector-General may request the Director of Biosecurity to give information or documents to the Inspector-General, or answer questions, relevant to the review.

(3) Information or a document given to the Inspector-General in response to a request under this section does not cease to be the subject of legal professional privilege merely because the information or document is given to the Inspector-General in response to that request.

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Part 4—Review reports

96 Draft review report

(1) After completing a review, the Inspector-General must prepare a draft report (a ***draft review report***) on the review and give it to the Director of Biosecurity.

(2) The draft review report must set out:
  (a) the subject and findings of the review; and
  (b) the information and other material on which those findings are based; and
  (c) any recommendations resulting from the review.

Note: Certain material must not be included in a draft review report (see sections 98, 99, 101 and 102).

(3) Within 28 days after receiving the draft review report, the Director of Biosecurity must give the Inspector-General comments on the draft review report. The Director of Biosecurity may also give the Inspector-General further information in relation to the subject of the review.

97 Final review report

(1) The Inspector-General must prepare a final report (a ***final review report***) on a review and give it to the Director of Biosecurity and the Agriculture Minister.

(2) In preparing the final review report, the Inspector-General must consider the comments and any further information given to the Inspector-General under subsection 96(3).

(3) The final review report must set out:
  (a) the subject and findings of the review; and
  (b) the information and other material on which those findings are based; and
  (c) any recommendations resulting from the review.

Note: Certain material must not be included in a final review report (see sections 98, 99, 101 and 102).

(4) As soon as practicable after the final review report has been given to the Director of Biosecurity and the Agriculture Minister, the final review report must be published on the Inspector-General's website.

Note: If a request has been made to the Agriculture Minister under subsection 101(1) for a decision about whether it would be prejudicial to the public interest if information about a specified matter were made publicly available, the final review report must not be published until the Inspector-General has been notified of the Agriculture Minister's decision (see subsection 101(4)).

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98 Certain material to be excluded from review reports

(1) A review report must not name, or otherwise specifically identify:
  (a) an officer (other than the Director of Biosecurity) or an employee of a Commonwealth body; or
  (b) an officer or employee of a State or Territory body; or
  (c) a consultant to the Department; or
  (d) a member of the Australian Defence Force;
as being a person whose conduct has been considered in the course of the review.

(2) A review report must not include information (including information contained in a document or a submission) given to the Inspector-General for the purposes of the review if:
  (a) the person who gave the information to the Inspector-General requested that the information not be included in a review report because the information is confidential, and the Inspector-General agreed to the request; or
  (b) the information was contained in a submission, or a part of a submission, made by a person that was returned to, or withdrawn by, the person under subsection 93(5); or
  (c) a direction given by the Agriculture Minister under paragraph 101(3)(c) applies in relation to the information.

99 Including criticism in review reports

Criticism to which section applies

(1) This section applies if it is proposed to include material in a review report that is expressly or impliedly critical of any of the following persons:
  (a) the Director of Biosecurity;
  (b) the Director of Human Biosecurity;
  (ba) the Director-General of the CDC;
  (c) a chief human biosecurity officer, a human biosecurity officer or a group of such officers;
  (d) a biosecurity officer, a biosecurity enforcement officer or a group of such officers;
  (e) any other officer or employee of a Commonwealth body;
  (f) a member of the Australian Defence Force;
  (g) an officer or employee of a State or Territory body;
  (h) a consultant to the Department;
  (i) a biosecurity industry participant.

Opportunity for submissions to be made

(2) The material must not be included in the review report unless:
  (a) in the case of criticism relating to the Director of Human Biosecurity, the Director-General of the CDC or a person mentioned in paragraph (1)(c)—

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the Inspector-General has given the Director of Human Biosecurity a reasonable opportunity to make submissions to the Inspector-General in relation to the material; and

(b) in any other case—the Inspector-General has given the Director of Biosecurity a reasonable opportunity to make submissions to the Inspector-General in relation to the material.

(3) A submission may be made orally or in writing.

(4) An oral submission may be made:

(a) by the Director of Human Biosecurity or the Director of Biosecurity personally; or

(b) by another person on behalf of the Director of Human Biosecurity or the Director of Biosecurity.

Protection from liability for persons making submissions

(5) If the Director of Human Biosecurity or the Director of Biosecurity makes a submission, in good faith, under this section, the Director of Human Biosecurity or the Director of Biosecurity (as the case may be) is not liable:

(a) to any proceedings for contravening a law of the Commonwealth because of making the submission; or

(b) to civil proceedings for loss, damage or injury of any kind suffered by another person because of making the submission.

No loss of legal professional privilege

(6) Information or a document does not cease to be the subject of legal professional privilege merely because it is included or referred to in a submission made under this section.

100 Failure to comply with this Chapter does not affect validity of a review report

A failure to comply with this Chapter in relation to the conduct of a review does not affect the validity of a review report prepared by the Inspector-General in relation to the review.

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Part 5—Other matters

101 Information that would be prejudicial to the public interest

(1) The Agriculture Minister may, on request by the Director of Biosecurity, direct that information relating to a specified matter connected with a review conducted by the Inspector-General should not be made publicly available on the grounds that doing so would:

(a) prejudice the security, defence or international relations of the Commonwealth; or

(b) prejudice negotiations relating to a treaty or other international agreement; or

(c) be contrary to a treaty or other international agreement to which Australia is a party; or

(d) prejudice relations between the Commonwealth and a State or Territory; or

(e) involve the disclosure of deliberations or decisions of the Cabinet or of a Committee of the Cabinet; or

(f) involve the disclosure of deliberations or advice of the Executive Council; or

(g) prejudice the prevention, investigation or prosecution of an offence against any law; or

(h) prejudice the prevention or investigation of, or the conduct of proceedings for recovery of civil penalties for, a contravention of any law; or

(i) be contrary to an order of a court or tribunal; or

(j) be contrary to the public interest for any other reason that could form the basis for a claim in a judicial proceeding that information relating to the matter should not be disclosed or documents relating to the matter should not be produced; or

(k) endanger the safety of any person; or

(l) prejudice the revenue of the Commonwealth.

(2) If the Director of Biosecurity makes a request under subsection (1), the Director of Biosecurity must notify the Inspector-General, in writing, that the request has been made.

(3) If the Agriculture Minister receives a request under subsection (1) in relation to information relating to a specified matter, the Agriculture Minister must:

(a) decide whether or not to give a direction in relation to the information; and

(b) notify the Director of Biosecurity and the Inspector-General, in writing, of the decision; and

(c) if the Agriculture Minister decides that making the information publicly available would be prejudicial to the public interest on a ground referred to in any of paragraphs (1)(a) to (l)—give the Director of Biosecurity and the Inspector-General, in writing, a direction to that effect and the reasons for the direction.

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(4) The Inspector-General must not make information relating to the specified matter publicly available, or publish a review report including information relating to the specified matter, unless the Inspector-General has been notified of the Agriculture Minister's decision under paragraph (3)(b).

(5) If the Agriculture Minister gives the Inspector-General a direction under paragraph (3)(c) in relation to information relating to a specified matter, the Inspector-General must not make the information publicly available or include it in a review report.

102 Legal professional privilege

(1) Information or a document that was given to the Inspector-General for the purposes of a review must not be made publicly available, or included in a review report, if the information or document is:
  (a) the subject of legal professional privilege; or
  (b) derived from information or a document that is the subject of legal professional privilege.

(2) Despite subsection (1), the Inspector-General may include in information or a document that is made publicly available, or in a review report, a statement:
  (a) that legal advice contained in information or a document that was given to the Inspector-General for the purposes of a review was considered in the course of the review; and
  (b) outlining, in general terms, the relevance of that advice, or of any aspect of it, to the review.

(3) If a statement relating to legal advice is included in information or a document, or a review report, under subsection (2), the advice does not cease to be the subject of legal professional privilege merely because:
  (a) the statement is included in the information or document or review report; or
  (b) in the case of a statement that is included in a review report:
    (i) the report is given to the Director of Biosecurity or the Agriculture Minister; or
    (ii) the report is published under subsection 97(4).

103 Inspector-General to have regard to minimising disruption during review

In performing functions or exercising powers in relation to a review, the Inspector-General must have regard to the desirability of minimising any resulting disruption to the performance of functions, or the exercise of powers, by any of the following:
  (a) the Director of Biosecurity;
  (b) the Director of Human Biosecurity;
  (ba) the Director-General of the CDC;
  (c) a chief human biosecurity officer, a human biosecurity officer or a group of such officers;

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(d) a biosecurity officer, a biosecurity enforcement officer or a group of such officers;
(e) any other officer or employee of a Commonwealth body;
(f) a member of the Australian Defence Force;
(g) an officer or employee of a State or Territory body;
(h) a consultant to the Department;
(i) a biosecurity industry participant.

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Chapter 9—Miscellaneous

Part 2—Cost recovery

Division 1—Fees

105 Meaning of *consignment*

(1) For the purposes of this Part, one or more animals or eggs are not a consignment unless:
  (a) they are all consigned by the same person to the same consignee; and
  (b) they all arrive at a post-entry quarantine facility on the same day.

(2) To avoid doubt, for the purposes of this Part, a single animal or egg may constitute a consignment of bees, birds or eggs.

106 Fees that may be charged in relation to fee-bearing activities

(1) For subsection 592(1) of the Act, the fee that may be charged in relation to a fee-bearing activity referred to in column 1 of an item in the following table is the amount set out in, or worked out in accordance with, column 2 of the item.

Fees that may be charged in relation to fee-bearing activities

Item	Column 1 Fee-bearing activity	Column 2 Amount
1	In-office activity provided during ordinary hours of duty, including the following: (a) inspection, examination, assessment, analysis, diagnostic activity, clearance, treatment, audit, supervision, training, and any other activity carried out in relation to goods or a conveyance (other than an activity referred to in another item in this table); (b) assessing a proposed arrangement under section 406 of the Act	For each person carrying out the activity—$37 for each quarter hour or part of a quarter hour
2	In-office activity referred to in paragraph (a) or (b) of column 1 of item 1 provided on a weekday outside ordinary hours of duty	For each person carrying out the activity: (a) if the activity is carried out immediately before or immediately after an in-office activity carried out by the person during ordinary hours of duty—$55 for each quarter hour or part of a quarter hour; or (b) in any other case: (i) for any period up to and including 30 minutes—an

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Fees that may be charged in relation to fee-bearing activities		
Item	**Column 1** **Fee-bearing activity**	**Column 2** **Amount**
		amount that is twice the dollar amount specified in paragraph (a); and (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—$55
3	In-office activity referred to in paragraph (a) or (b) of column 1 of item 1 provided on a Saturday, Sunday or a Departmental holiday	For each person carrying out the activity: (a) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (b); and (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—$60
4	Assessment of a category 1 permit application	For each application—$74
5	Assessment of a category 2 permit application	For each application—$148
6	Assessment of a category 3 permit application	For each application—$296
7	Assessment of a category 4 permit application	For each application—$444
8	Assessment of a category 5 permit application	For each application—$592
9	Assessment of a permit application referred to in any of items 4 to 8 that is not completed within the initial assessment period for the application	For each application—for each quarter hour, or part of a quarter hour, after the initial assessment period for the application—$37
10	Assessment of a permit application referred to in any of items 4 to 8 provided on a weekday outside ordinary hours of duty	For each application—in addition to the initial assessment fee for the application and any fee that applies to the application under item 9: (a) if the assessment is provided immediately before or immediately after ordinary hours of duty—$18 for each quarter hour or part of a quarter hour; or (b) in any other case: (i) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (a); and (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—$18
11	Assessment of a permit application referred to in any of items 4 to 8 provided on a Saturday, Sunday or a Departmental holiday	For each application—in addition to the initial assessment fee for the application and any fee that applies to the

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Fees that may be charged in relation to fee-bearing activities		
Item	**Column 1** **Fee-bearing activity**	**Column 2** **Amount**
		application under item 9: (a) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (b); and (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—$23
12	Out-of-office activity carried out during ordinary hours of duty, including the following: (a) inspection, examination, assessment, analysis, diagnostic activity, clearance, treatment, audit, supervision, training, and any other activity carried out in relation to goods or a conveyance (other than an activity referred to in another item in this table); (b) assessing a proposed arrangement under section 406 of the Act	For each person carrying out the activity: (a) for less than a working day—$62 for each quarter hour or part of a quarter hour; or (b) for: (i) each working day—$1 221; and (ii) each additional quarter hour, or part of a quarter hour, on that day—$62
13	Out-of-office activity referred to in paragraph (a) or (b) of column 1 of item 12 provided on a weekday outside ordinary hours of duty	For each person carrying out the activity: (a) if the activity is provided immediately before or immediately after an out-of-office activity provided by the person during ordinary hours of duty—$80 for each quarter hour or part of a quarter hour; or (b) in any other case: (i) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (a); and (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—$80
14	Out-of-office activity referred to in paragraph (a) or (b) of column 1 of item 12 provided on a Saturday, Sunday or a Departmental holiday	For each person carrying out the activity: (a) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (b); and (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—$85

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Fees that may be charged in relation to fee-bearing activities		
Item	**Column 1** **Fee-bearing activity**	**Column 2** **Amount**
15	Provision of consumable materials used in performing a diagnostic activity to which any of items 1 to 3 or 12 to 14 applies	A fee equivalent to the cost of the consumable materials
16	Husbandry activities in relation to a horse in a post-entry quarantine facility, for each day after the initial 14 day period during which the horse stayed at the post-entry quarantine facility	For each animal for each day—$44
16A	Husbandry activities in relation to a ruminant in a post-entry quarantine facility	For each animal for each day—$101
17	Husbandry activities in relation to an animal not covered by another item of this table in a post-entry quarantine facility	For each animal for each day—$50
18	Husbandry activities (including entomological testing) in relation to a consignment of bees in a post-entry quarantine facility	For each consignment for each month or part of a month—$469
19	Husbandry activities in relation to a consignment of birds in a post-entry quarantine facility	For each consignment for each day—$57
20	Husbandry activities in relation to a consignment of birds' eggs for hatching in a post-entry quarantine facility	For each consignment for each day—$76
21	Husbandry activities in relation to a plant, or plants, in a post-entry quarantine facility	For each square metre, or part of a square metre, of space occupied by the plant or plants for each month or part of a month—$60
23	Temporary storage at premises owned or managed by the Commonwealth of baggage brought into Australian territory that is suspected of posing an unacceptably high level of biosecurity risk	For each piece of baggage for each period of 30 days, or part of a period of 30 days—$45
24	Activity referred to in another item in this table that is carried out by a person on behalf of the Commonwealth	A fee equivalent to the cost incurred by the Commonwealth in arranging and paying for the person to carry out the activity on behalf of the Commonwealth
25	Assessment and management of biosecurity risks associated with mail received by Australia Post from places outside Australian territory in a financial year	For each financial year beginning on or after 1 July 2019—$15,300,000

(1A) If an amount of a fee (the ***increased fee***) specified in paragraph (a) of item 2, 10 or 13 of the table in subsection (1) is increased under section 107A, the increased fee is to be used for the purposes of working out the amount of the fee under subparagraph (b)(i) of the item.

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(1B) If an amount of a fee (the ***increased fee***) specified in paragraph (b) of item 3, 11 or 14 of the table in subsection (1) is increased under section 107A, the increased fee is to be used for the purposes of working out the amount of the fee under paragraph (a) of the item.

(2) If a person asks for a fee-bearing activity to be carried out at a particular time, and the carrying out of the activity at that time would mean that the person would be liable to pay a fee under item 2, 3, 10, 11, 13 or 14 in the table in subsection (1), the activity must not be carried out until the person has been informed about the fee.

(3) Unless the contrary intention appears, each fee that may be charged under this instrument in relation to a fee-bearing activity is in addition to any other fee that may be charged under this instrument in relation to the activity.

106A Fee-bearing activities carried out in special processing areas

(1) This section applies if, at the request of a person, the Director of Biosecurity arranges for a fee-bearing activity to be carried out:
  (a) in a special processing area of a landing place or port for the carrying out of the fee-bearing activity; and
  (b) in relation to one or more international travellers arriving at the landing place or port and their baggage.

(2) For the purposes of subsection 592(1) of the Act, the person may be charged an agreed fee in respect of the carrying out of the fee-bearing activity and any other fee-bearing activity in relation to the international travellers and their baggage.

Note: An agreed fee in respect of the carrying out of the fee-bearing activity and other fee-bearing activities may be charged in anticipation of the carrying out of the activity.

(3) The amount of the agreed fee must be:
  (a) for any period up to 3 hours during which one or more fee-bearing activities are carried out—at least $516 but not more than $1,032 for each person carrying out those activities; and
  (b) for each quarter hour (or part of a quarter hour) immediately following the first 3 hours during which those activities are carried out—at least $43 but not more than $86 for each person carrying out those activities.

(4) A fee that may be charged under subsection (2) in relation to a fee-bearing activity is in addition to any other fee that may be charged under this instrument in relation to the activity.

107 When sections 106 and 106A do not apply

General

(1) A fee may not be charged in relation to an activity referred to in any of items 1 to 24 in the table in subsection 106(1) if the activity relates to:
  (a) goods brought or imported into Australian territory:
    (i) for the official use of a diplomatic mission in Australian territory; or

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(ii) for the personal use of a diplomatic agent of the mission; or

(iii) for the personal use of a member of the diplomatic agent's family, if the person forms part of the diplomatic agent's household and is not an Australian citizen; or

(b) goods brought or imported into Australian territory for the personal use of a member of the administrative or technical staff (the ***staff member***) of a diplomatic mission at the time of first placement, if the staff member is neither an Australian citizen nor permanently resident in Australia; or

(c) goods brought or imported into Australian territory for the personal use of a member of the staff member's family at the time of first placement, if the person forms part of the staff member's household and is neither an Australian citizen nor permanently resident in Australia; or

(d) conveyances or equipment used by the defence force of a foreign country that is engaged in a combined military activity if the Australian Defence Force has informed the Director of Biosecurity of the combined military activity; or

(e) a disability assistance dog brought or imported into Australian territory.

Examination of baggage

(2) A fee may not be charged in relation to the examination of baggage that is brought or imported into Australian territory on the same aircraft or vessel as the owner of the baggage or the person who brought or imported the baggage.

Activities carried out in, or in relation to goods, conveyances or other things brought or imported into Norfolk Island, Christmas Island or Cocos (Keeling) Islands

(3) A fee may not be charged in relation to any of the following:

(a) an activity carried out in relation to goods that are brought or imported into Norfolk Island, Christmas Island or Cocos (Keeling) Islands;

(b) an activity carried out in relation to a conveyance that is in Norfolk Island, Christmas Island or Cocos (Keeling) Islands;

(c) the assessment of an application for an import permit to bring or import goods into Norfolk Island, Christmas Island or Cocos (Keeling) Islands;

(d) the approval of a proposed arrangement under section 406 of the Act to carry out biosecurity activities to manage biosecurity risks associated with goods, conveyances or other things that are brought or imported into Norfolk Island, Christmas Island or Cocos (Keeling) Islands;

(e) an activity carried out in Norfolk Island, Christmas Island or Cocos (Keeling) Islands.

Note: This section applies in relation to an activity carried out in relation to goods, conveyances or other things that are brought or imported into Norfolk Island on or after 1 July 2016, or an activity carried out in Norfolk Island on or after that date (see subsection 4(2)).

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Assessment of application for import permit to bring or import goods from the protected zone or the Torres Strait permanent biosecurity monitoring zone to certain other parts of Australian territory

(4) A fee may not be charged under any of items 4 to 11 in the table in subsection 106(1) in relation to the assessment of an application for an import permit to bring or import goods:

(a) from a part of Australian territory specified in column 1 of item 9 of the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* into a part of Australian territory specified in column 2 of that item; or

(b) from a part of Australian territory specified in column 1 of item 10 of the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* into a part of Australian territory specified in column 2 of that item; or

(c) from a part of Australian territory specified in column 1 of item 11 of the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* into a part of Australian territory specified in column 2 of that item.

107A Indexation of fees

Indexation of fees

(1) If the indexation factor for an indexation day is greater than 1, the dollar amounts mentioned in items 1 to 23 of the table in subsection 106(1) and paragraphs 106A(3)(a) and (b) are each replaced by the amount worked out using the following formula:

$$\text{The dollar amount of the fee immediately before the indexation day} \times \text{Indexation factor for the indexation day}$$

(2) The amount worked out under subsection (1) is to be rounded to the nearest whole dollar (rounding 50 cents upwards).

Indexation factor

(3) The indexation factor for an indexation day is the number worked out using the following formula:

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

(4) The indexation factor is to be worked out to 3 decimal places (rounding up if the fourth decimal place is 5 or more).

Changes to CPI index reference period and publication of substituted index numbers

(5) Amounts are to be worked out under this section:

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(a) using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and

(b) disregarding index numbers published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

Application of replacement amount

(6) Subject to subsection (8), if a dollar amount mentioned in item 18 or 21 of the table in subsection 106(1) is replaced under this section on an indexation day, the replacement amount applies in relation to each month, or part of a month, that begins on or after the indexation day.

(7) If a dollar amount mentioned in item 23 of the table in subsection 106(1) is replaced under this section on an indexation day, the replacement amount applies in relation to each period of 30 days, or part of a period of 30 days, that begins on or after the indexation day.

(8) If a dollar amount (the ***old fee***) mentioned in items 1 to 14 and 16 to 21 of the table in subsection 106(1) is replaced under this section on an indexation day, the old fee applies instead of the replacement amount in relation to a fee-bearing activity that is carried out on or after the indexation day if:

(a) an invoice was issued by the Agriculture Department in relation to the fee-bearing activity before that day; or

(b) demand for payment had been made in relation to the fee-bearing activity before that day.

(9) If a dollar amount mentioned in paragraph 106A(3)(a) or (b) is replaced under this section on an indexation day, the replacement amount applies in relation to any request made by a person on or after the indexation day.

Definitions

(10) In this section:

base quarter means the last December quarter before the reference quarter.

December quarter means a period of 3 months starting on 1 October.

indexation day means 1 July 2024 and each later 1 July.

index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

reference quarter means the December quarter immediately before the indexation day.

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Division 2—Payment of cost-recovery charges

108 Time for payment of certain cost-recovery charges

(1) For paragraph 593(a) of the Act, this section prescribes the time when certain cost-recovery charges are due and payable.

Fees

(2) A fee prescribed in relation to an activity referred to in any of items 1 to 24 in the table in subsection 106(1) is due and payable:
  (a) if the Agriculture Department issues an invoice in relation to the fee that specifies the last day for payment of the fee—by close of business on that day; or
  (b) in any other case—when a demand for payment of the fee is made.

(3) If the fee prescribed in relation to an activity referred to in any of items 1 to 24 in the table in subsection 106(1) can be worked out before the activity is carried out:
  (a) the activity must not be carried out until the person for whom the activity is to be carried out, or the person's agent, has been informed of the amount of the fee; and
  (b) the activity is not required to be carried out until the fee has been paid.

(4) The fee prescribed in relation to the activity referred to in item 25 in the table in subsection 106(1) is due and payable:
  (a) by a single payment; or
  (b) in 2 or more equal instalments;

within 30 days after the day the demand for payment of the fee or the instalment is made.

Charges

(4A) A charge in relation to a biosecurity matter prescribed by item 1 or 2 of the table in subsection 9(1) of the *Biosecurity Charges Imposition (Customs) Regulation 2016* or item 1 or 2 of the table in subsection 9(1) of the *Biosecurity Charges Imposition (General) Regulation 2016* is due and payable on or before the 21st day after the end of the month in which the import declaration was made, if, at the time the declaration was made, a trusted trader agreement (within the meaning of the *Customs Act 1901*) is in force, and not suspended, between the Comptroller-General of Customs (within the meaning of that Act) and the entity.

(5) Subject to subsection (6), a charge imposed by the *Biosecurity Charges Imposition (Customs) Act 2015* or the *Biosecurity Charges Imposition (General) Act 2015*, other than a charge covered by subsection (4A) of this section, is due and payable:

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(a) if the Agriculture Department issues an invoice in relation to the charge that specifies the last day for payment of the charge—by close of business on that day; or

(b) in any other case—when a demand for payment of the charge is made.

Note: For charges prescribed for the purposes of these Acts see the *Biosecurity Charges Imposition (Customs) Regulation 2016* and the *Biosecurity Charges Imposition (General) Regulation 2016*.

(6) For:

(a) a charge in relation to a biosecurity matter prescribed by item 2A of the table in subsection 9(1) of the *Biosecurity Charges Imposition (Customs) Regulation 2016*; or

(b) a charge in relation to a biosecurity matter prescribed by item 2A of the table in subsection 9(1) of the *Biosecurity Charges Imposition (General) Regulation 2016*;

the invoice referred to in paragraph (5)(a) of this section must not be issued, or the demand referred to in paragraph (5)(b) of this section must not be made, until after the end of the period of 3 months beginning on 1 January, 1 April, 1 July or 1 October in which the self-assessed clearance declaration was given.

109 Person liable to pay certain cost-recovery charges

(1) For paragraph 593(b) of the Act, this section prescribes the persons who are liable to pay the cost-recovery charges referred to in section 108.

Fees

(2) The person who is liable to pay a fee prescribed in relation to an activity referred to in any of items 1 to 24 in the table in subsection 106(1) is the person for whom the activity is, or is to be, carried out.

(3) Australia Post is liable to pay the fee prescribed in relation to the activity referred to in item 25 in the table in subsection 106(1).

Charges

(4) The persons who are liable to pay the charge in relation to a biosecurity matter prescribed by the table in subsection 9(1) of the *Biosecurity Charges Imposition (General) Regulation 2016* or the table in subsection 9(1) of the *Biosecurity Charges Imposition (Customs) Regulation 2016* are as follows:

(a) in relation to the biosecurity matter prescribed by any of items 1, 2 and 4 to 11 in the table:

(i) the owner of the goods to which the charge relates; or

(ii) if the goods to which the charge relates are owned by 2 or more persons—the owners of the goods;

(aa) in relation to the biosecurity matter prescribed by item 2A in the table—the person who gave the self-assessed clearance declaration;

(b) in relation to the biosecurity matter prescribed by item 3 in the table—the person who made the application for the permit to which the charge relates;

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(c) in relation to the biosecurity matter prescribed by item 12 in the table—the person who made the application to which the charge relates;

(d) in relation to a biosecurity matter prescribed by any of items 13, 13AA and 13AB in the table—the person who is covered by the relevant arrangement or agreement, or the relevant arrangements or agreements, to which the charge relates;

(da) in relation to the biosecurity matter prescribed by item 13A in the table—the person covered by an approved arrangement who made the entry of information to which the charge relates;

(e) in relation to the biosecurity matter prescribed by item 14 in the table—the operator of the vessel to which the charge relates.

Note: An agent of a person who is liable to pay a cost-recovery charge under this section is jointly and severally liable with that person to pay the charge (see section 112).

(5) For the purposes of paragraph (4)(a), the owner of goods includes the following:

(a) any person being, or holding himself or herself out to be, the owner, importer, exporter or consignee of the goods;

(b) any person having a beneficial interest in the goods;

(c) any person in possession or control of the goods, or having a power of disposition over the goods, other than:

(i) a biosecurity official; or

(ii) a biosecurity industry participant who is in possession or control of the goods as authorised by an approved arrangement covering the biosecurity industry participant but is not a person referred to in paragraph (a) or (b); or

(iii) any other person who is in possession or control of the goods as authorised under the Act or another Australian law.

110 Late payment fee for certain unpaid cost-recovery charges

(1) For subsection 595(1) of the Act, this section provides for a late payment fee in relation to certain cost-recovery charges.

(2) If a cost-recovery charge referred to in section 108 is not paid at or before the time the charge is due and payable, a late payment fee, worked out in accordance with subsection (4), is due and payable in addition to the charge.

(3) If an instalment of a cost-recovery charge referred to in paragraph 108(4)(b) is not paid at or before the time the instalment is due and payable, a late payment fee, worked out in accordance with subsection (4), is due and payable in addition to the instalment.

(4) The late payment fee is:

$$\frac{0.2 \times \text{Relevant charge} \times \text{Days overdue}}{365}$$

where:

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days overdue is the number of days after the relevant charge is due and payable that elapse before the day on which the relevant charge is paid.

relevant charge means a cost-recovery charge referred to in subsection (2) or an instalment referred to in subsection (3).

111 Person liable to pay late payment fee

For paragraph 593(b) of the Act, the person who is liable to pay a cost-recovery charge under section 109 is liable to pay any late payment fee in relation to the charge.

Note: An agent of a person who is liable to pay a late payment fee under this section is jointly and severally liable with that person to pay the late payment fee (see section 112).

112 Agent's liability to pay certain cost-recovery charges

(1) For subparagraph 593(c)(i) of the Act, an agent of a person who is liable to pay a cost-recovery charge (other than a fee charged under subsection 106A(2)) is jointly and severally liable with that person to pay the charge.

(2) For subparagraph 593(c)(ii) of the Act, if:

(a) an agent of a person who is liable to pay a cost-recovery charge (other than a fee charged under subsection 106A(2)) pays the charge on behalf of the person; and

(b) at the time when the payment is made, the agent has not collected an amount equivalent to the charge from the person;

the agent may recover such an amount from the person as a debt due to the agent.

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Part 3—Compensation

113 Compensation for certain animals destroyed at a post-entry quarantine facility

(1) For subparagraph 633(4)(a)(ii) of the Act, paragraph 633(3)(a) of the Act does not apply in relation to an animal (other than an animal to which subsection (2) applies) that was destroyed at a post-entry quarantine facility.

(2) This subsection applies to the following animals:
- (a) horses;
- (b) asses, mules and hinnies;
- (c) pigs;
- (d) ruminants;
- (e) animals brought or imported into Australian territory for the purposes of a zoo or circus;
- (f) animals brought or imported into Australian territory by an organisation engaged in scientific research for the purposes of that research.

114 Division of compensation between owners

For paragraph 634(2)(b) of the Act, compensation in respect of a compensable item that is owned by 2 or more owners must be divided among those owners so that each owner is paid an amount of compensation that is equal to the proportion that the Director of Biosecurity is satisfied represents the owner's interest in the item at the time the item was damaged or destroyed.

115 Amount of compensation

(1) For subsection 634(5) of the Act, the amount of compensation payable under section 632 or 633 of the Act in respect of a compensable item is to be determined in accordance with this section.

Damaged goods

(2) The amount of compensation payable in respect of goods that are damaged by a person in the course of performing functions or duties, or exercising powers, under the Act is the lesser of the following amounts:
- (a) the amount that the Director of Biosecurity determines was the market value of the goods immediately before the goods were damaged;
- (b) the cost to repair the damage.

Note: Compensation is not payable in respect of goods that are damaged as a result of treatment carried out on the goods under section 133, 134, 335 or 336 of the Act (see subsection 632(2) of the Act).

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Destroyed goods

(3) The amount of compensation payable in respect of goods (other than goods referred to in subsection (4) or (5)) that are destroyed under the Act is the amount that the Director of Biosecurity determines was the market value of the goods immediately before they were destroyed.

(4) The amount of compensation payable in respect of an animal that:
   (a) was not subject to biosecurity control at the time it was destroyed; and
   (b) was destroyed because it was infected, or was suspected of being infected, with a disease or pest;

   is the amount that the Director of Biosecurity determines would have been the market value of the animal immediately before the animal was destroyed if the animal had not been infected, or suspected of being infected, with the disease or pest.

   Note: This subsection applies in relation to an animal that was destroyed under section 342 of the Act.

(5) The amount of compensation payable in respect of an animal that was destroyed at a post-entry quarantine facility, and in relation to which paragraph 633(3)(a) of the Act does not apply because of section 113 of this instrument, is the sum of:
   (a) the amount that the Director of Biosecurity determines was the market value of the animal, in the country from which it was exported, immediately before it left the country; and
   (b) any charges for freight, maintenance or other reasonable expenses incurred in respect of the animal after it left the country until the time it was destroyed.

Destroyed conveyances or premises comprising buildings or other structures

(6) The amount of compensation payable in respect of a conveyance, or premises comprising buildings or other structures, that are destroyed under the Act is the amount that the Director of Biosecurity determines was the market value of the conveyance, or the buildings or other structures, immediately before the conveyance, or the buildings or other structures, were destroyed.

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Part 4—Managing biosecurity risks: Torres Strait

116 References to geographical coordinates

For the purposes of this Part, the position on the surface of the Earth of a point, line or area is to be determined by reference to the Australian Geodetic Datum, as defined in Gazette No. 84 of 6 October 1966 (AGD 66 geodetic data set).

117 Permanent biosecurity monitoring zones

(1) For paragraph 378(1)(e) of the Act, this section prescribes other places that are a permanent biosecurity monitoring zone.

Protected zone permanent biosecurity monitoring zone

(2) The parts of Australian territory that are in the protected zone are a permanent biosecurity monitoring zone.

Note: ***Protected zone*** is defined in subsection 617(4) of the Act.

Torres Strait permanent biosecurity monitoring zone

(3) The parts of Australian territory that are located in the area bounded by the line commencing at the point of Latitude 10°28′S, Longitude 142°00′E, and running:

(a) from there east along the parallel of Latitude 10°28′S to its intersection with the meridian of Longitude 143°00′E; and

(b) from there south along that meridian to its intersection with the parallel of Latitude 10°47′S; and

(c) from there west along that parallel to its intersection with the meridian of Longitude 142°46′E; and

(d) from there north-westerly along the geodesic to the point of Latitude 10°36′S, Longitude 142°27′E; and

(e) from there south-westerly along the geodesic to the point of Latitude 10°52′S, Longitude 142°10′E; and

(f) from there west along the parallel of Latitude 10°52′S to its intersection with the meridian of Longitude 142°00′E; and

(g) from there north along that meridian to the point of commencement;

are a permanent biosecurity monitoring zone (the ***Torres Strait permanent biosecurity monitoring zone***).

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118 Exemptions from the Act—goods or aircraft or vessels moving from the protected zone or the Torres Strait permanent biosecurity monitoring zone to another part of Australian territory

Goods

(1) If a movement of goods described in item 9, 10 or 11 in the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* occurs, the goods are exempt from section 119 of the Act in relation to that movement.

Note: The effect of this subsection is that the goods will not become subject to biosecurity control when they enter the destination part referred to in the relevant item.

Aircraft and vessels

(2) If a movement of an aircraft or vessel described in item 10 or 11 in the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* occurs, the aircraft or vessel is exempt from section 191 of the Act in relation to that movement.

Note 1: The effect of this subsection is that the aircraft or vessel will not become subject to biosecurity control when it enters the destination part referred to in the relevant item.

Note 2: This section is made for the purposes of section 616 of the Act which provides that the regulations may exempt classes of goods or conveyances from provisions of the Act.

119 Exemptions for Torres Strait treaty

(1) This section applies in relation to the following:
- (a) all protected zone vessels;
- (b) all persons on board a protected zone vessel;
- (c) all goods on board a protected zone vessel that are goods referred to in subparagraph 617(1)(c)(i) or (ii) of the Act.

(2) For subsection 617(1) of the Act, the vessels, persons and goods are exempt from the following provisions of the Act:
- (a) Division 3 of Part 1 of Chapter 3 (notice of goods to be unloaded in Australian territory);
- (b) section 145 (goods not to be unloaded except at first point of entry);
- (c) Division 8 of Part 1 of Chapter 3 (reporting biosecurity incidents);
- (d) Division 3 of Part 2 of Chapter 4 (pre-arrival reporting by operator of vessel);
- (e) section 220 (requirement to give biosecurity information to persons on board vessel);
- (f) section 221 (requirements relating to quarantine signal);
- (g) section 245 (vessel to be moored at first point of entry);
- (h) Part 3 of Chapter 11 (cost recovery).

Note: The exemption only has effect while the vessels, persons or goods remain in a protected zone area (see subsection 617(3) of the Act).

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120 Protected zone area

For paragraph (b) of the definition of ***protected zone area*** in subsection 617(4) of the Act, the area that is prescribed is the area bounded by the line commencing at the point of Latitude 10°30′S, Longitude 144°10′E, and running:

(a) from there west along the parallel of Latitude 10°30′S to its intersection with the meridian of Longitude 141°20′E; and

(b) from there north along that meridian to its intersection with the parallel of Latitude 10°28′S; and

(c) from there east along that parallel to its intersection with the meridian of Longitude 144°10′E; and

(d) from there south along that meridian to the point of commencement.

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Chapter 10—Transitional matters

121 Amendments made by the *Customs and Biosecurity Amendment (Deferred Charges for Australian Trusted Traders) Regulations 2021*

The amendments of this instrument made by Schedule 2 to the *Customs and Biosecurity Amendment (Deferred Charges for Australian Trusted Traders) Regulations 2021* apply in relation to goods entered for home consumption on or after the commencement of that Schedule.

122 Amendments made by the *Biosecurity Amendment (Extension of Non-prescribed Goods) Regulations 2022*

The amendments of section 22 made by the *Biosecurity Amendment (Extension of Non-prescribed Goods) Regulations 2022* apply in relation to:

(a) goods that become subject to biosecurity control on or after the commencement of that instrument; and

(b) goods that became subject to biosecurity control before the commencement of that instrument but have not been released from biosecurity control as at that commencement.

Note: Goods include baggage (see the definitions of ***baggage*** and ***goods*** in sections 9 and 19 of the Act).

123 Amendments made by the *Biosecurity Amendment (2022 Measures No. 1) Regulations 2022*

(1) The amendments of section 44 made by Schedule 1 to the *Biosecurity Amendment (2022 Measures No. 1) Regulations 2022* apply in relation to the variation or revocation of a condition of a permit, or the imposition of a further condition on a permit, on or after the commencement of this section (whether the permit was granted before, on or after that commencement).

(2) The amendments of section 45 made by Schedule 1 to the *Biosecurity Amendment (2022 Measures No. 1) Regulations 2022* apply in relation to the variation, suspension or revocation of a permit on or after the commencement of this section (whether the permit was granted before, on or after that commencement).

124 Amendments made by the *Biosecurity Amendment (Fees) Regulations 2023*

(1) Subject to subsection (3), the amendments made by items 18 and 21 of Schedule 1 to the *Biosecurity Amendment (Fees) Regulations 2023* apply in relation to each month, or part of a month, that begins on or after 1 July 2023.

(2) The amendments made by item 23 of Schedule 1 to the *Biosecurity Amendment (Fees) Regulations 2023* apply in relation to each period of 30 days, or part of a period of 30 days, that begins on or after 1 July 2023.

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(3) Despite the amendments made by Schedule 1 to the *Biosecurity Amendment (Fees) Regulations 2023*, items 1 to 14 and 16 to 21 of the table in subsection 106(1), as in force immediately before 1 July 2023, continue to apply in relation to a fee-bearing activity that is carried out on or after 1 July 2023, as if the amendments had not been made, if:

(a) an invoice was issued by the Agriculture Department in relation to the fee-bearing activity before 1 July 2023; or

(b) demand for payment had been made in relation to the fee-bearing activity before 1 July 2023.

125 Amendments made by the *Biosecurity Amendment (2025 Measures No. 1) Regulations 2025*

(1) The amendments of sections 47 and 48 made by Schedule 1 to the *Biosecurity Amendment (2025 Measures No. 1) Regulations 2025* apply in relation to a report that is required to be given under subsection 193(1) of the Act on or after the commencement of that Schedule.

(2) Section 47A, as inserted by Schedule 1 to the *Biosecurity Amendment (2025 Measures No. 1) Regulations 2025*, applies in relation to a non-scheduled flight that is intended to commence on or after the commencement of that Schedule.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

C[x] = Compilation No. x

ch = Chapter(s)

cl = clause(s)

cont. = continued

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

Ord = Ordinance

orig = original

p = page(s)

para = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

pt = Part(s)

r = regulation(s)/Court rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s) /rule(s)/subrule(s)/order(s)/suborder(s)

sch = Schedule(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

sub ch = Sub-Chapter(s)

sub div = Subdivision(s)

sub pt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity Regulation 2016	10 May 2016 (F2016L00756)	16 June 2016 (s 2(1) item 1)	
Biosecurity Amendment (Ballast Water and Other Measures) Regulations 2017	22 May 2017 (F2017L00571)	sch 1: 8 Sept 2017 (s 2(1) item 2)	—
Biosecurity Amendment (Fees) Regulations 2017	18 Dec 2017 (F2017L01633)	19 Dec 2017 (s 2(1) item 1)	—
Biosecurity Amendment (Approved Arrangements) Regulations 2018	17 Aug 2018 (F2018L01123)	1 Sept 2018 (s 2(1) item 1)	—
Biosecurity Amendment (International Mail Fee) Regulations 2020	14 May 2020 (F2020L00576)	15 May 2020 (s 2(1) item 1)	—
Biosecurity Amendment (Infringement Notices) Regulations 2020	17 Dec 2020 (F2020L01630)	1 Jan 2021 (s 2(1) item 1)	—
Customs and Biosecurity Amendment (Deferred Charges for Australian Trusted Traders) Regulations 2021	24 June 2021 (F2021L00832)	sch 2: 1 July 2021 (s 2(1) item 1)	—
Biosecurity Amendment (Biofouling Management) Regulations 2021	15 Dec 2021 (F2021L01784)	15 June 2022 (s 2(1) item 1)	—
Biosecurity Amendment (Extension of Non-prescribed Goods) Regulations 2022	5 Sept 2022 (F2022L01166)	6 Sept 2022 (s 2(1) item 1)	—
Biosecurity Amendment (2022 Measures No. 1) Regulations 2022	19 Dec 2022 (F2022L01681)	20 Dec 2022 (s 2(1) item 1)	—
Biosecurity Amendment (Information Management) Regulations 2023	15 May 2023 (F2023L00550)	5 June 2023 (s 2(1) item 1)	—
Biosecurity Amendment (Fees) Regulations 2023	23 June 2023 (F2023L00845)	1 July 2023 (s 2(1) item 1)	—
Biosecurity Amendment (Pre-arrival Reporting) Regulations 2023	11 Dec 2023 (F2023L01647)	12 Dec 2023 (s 2(1) item 1)	—
Biosecurity Amendment (Extending Cost Recovery to Low Value Goods) Regulations 2024	17 June 2024 (F2024L00694)	1 Oct 2024 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity Amendment (Time for Payment of Charge for Low Value Goods) Regulations 2024	27 Sept 2024 (F2024L01227)	1 Oct 2024 (s 2(1) item 1)	—
Biosecurity Amendment (Cost Recovery) Regulations 2025	27 June 2025 (F2025L00797)	1 July 2025 (s 2(1) item 1)	—
Biosecurity Amendment (2025 Measures No. 1) Regulations 2025	27 Aug 2025 (F2025L00995)	sch 1: 27 Feb 2026 (s 2(1) item 2)	—
Biosecurity Amendment (Australian Centre for Disease Control and Other Measures) Regulations 2026	16 Mar 2026 (F2026L00249)	17 Mar 2026 (s 2(1) item 1)	—

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Endnote 4—Amendment history

Provision affected	How affected
Chapter 1	
Part 1	
s 2	rep LA s 48D
Part 2	
s 5	am F2017L00571; F2017L01633; F2020L01630; F2022L01681; F2023L00845
Chapter 2	
Part 3	
s 22	am F2022L01166
Part 4	
Division 1	
s 30	am F2026L00249
Part 5	
s 44	am F2022L01681
s 45	am F2022L01681
Chapter 3	
Part 1	
s 46	rs F2023L01647
s 47	am F2023L01647; F2025L00995
s 47A	ad F2025L00995
s 48	am F2021L01784; F2023L01647; F2025L00995
s 49	am F2023L01647; F2025L00995
s 50	am F2025L00995
s 51A	ad F2023L01647
Part 3	
s 57	am F2026L00249
s 59	am F2026L00249
Chapter 4	rep F2017L00571
s 60	rep F2017L00571
s 61	rep F2017L00571
s 62	rep F2017L00571
s 63	rep F2017L00571
s 64	rep F2017L00571
s 65	rep F2017L00571
s 66	rep F2017L00571
s 67	rep F2017L00571
s 68	rep F2017L00571
s 69	rep F2017L00571
s 70	rep F2017L00571

Provision affected	How affected
s 71	rep F2017L00571
s 72	rep F2017L00571
s 73	rep F2017L00571
s 74	rep F2017L00571
s 75	rep F2017L00571
s 76	rep F2017L00571
s 77	rep F2017L00571
Chapter 7	
s 87	am F2020L01630
s 88	rs F2020L01630
Chapter 8	
Part 1	
s 89	am F2026L00249
Part 4	
s 99	am F2026L00249
Part 5	
s 103	am F2026L00249
Chapter 9	
Part 1	rep F2023L00550
s 104	rep F2023L00550
Part 2	
Division 1	
s 106	am F2020L00576; F2023L00845
s 106A	ad F2017L01633
	am F2023L00845
s 107	am F2017L01633
s 107A	ad F2023L00845
Division 2	
s 108	am F2021L00832; F2023L00845; F2024L00694; F2024L01227
s 109	am F2018L01123; F2023L00845; F2024L00694; F2025L00797
s 112	am F2017L01633
	ed C2
Part 4	
s 117	ed C1
s 120	ed C1
Chapter 10	
Chapter 10	ad F2021L00832
s 121	ad F2021L00832
s 122	ad F2022L01166
s 123	ad F2022L01681

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Endnote 4—Amendment history

Provision affected	How affected
s 124.....	ad F2023L00845
s 125.....	ad F2025L00995

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