



Biosecurity (Negative Pratique) Instrument 2016

made under subsection 49(1) of the

Biosecurity Act 2015

Compilation No. 1

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About this compilation

This compilation

This is a compilation of the *Biosecurity (Negative Pratique) Instrument 2016* that shows the text of the law as amended and in force on 3 March 2022 (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. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

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.

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. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This is the *Biosecurity (Negative Pratique) Instrument 2016*.

3 Authority

This instrument is made under subsection 49(1) of the *Biosecurity Act 2015*.

4 Definitions

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

- (a) incoming aircraft or vessel;
- (b) landing place;
- (c) listed human disease;
- (d) operator;
- (e) port.

In this instrument:

Act means the *Biosecurity Act 2015*.

assessing officer means a biosecurity officer, chief human biosecurity officer or human biosecurity officer.

cruise vessel means a passenger vessel that is usually used to provide a service of sea transportation, being a service that:

- (a) is provided in return for a fee payable by persons using the service; and
- (b) is available to the general public.

non-commercial vessel has the same meaning as in the *Biosecurity (Human Health) Regulation 2016*.

pre-arrival report, in relation to an aircraft or vessel, means a report given by the operator of the aircraft or vessel under section 193 of the Act.

Note: The information that must be included in a pre-arrival report, and other requirements in relation to the report, are prescribed by Part 1 of Chapter 3 of the *Biosecurity Regulation 2016*.

prescribed disinsection measures, for an incoming aircraft, means the disinsection measures prescribed for the aircraft for the purposes of section 204A of the Act.

Note: See section 7 of the *Biosecurity (Human Health) Regulation 2016*.

5 Classes of incoming aircraft or vessels and requirements that must be complied with for pratique to be granted

- (1) The classes of incoming aircraft or vessels in relation to which pratique is to be granted by a biosecurity officer are specified in column 1 in the following table.

Section 5

Note: Certain incoming aircraft and vessels are exempt from the pratique requirements in sections 48 and 49 of the Act (see section 6 of the *Biosecurity (Human Health) Regulation 2016*).

- (2) The requirements with which an incoming aircraft or vessel, in a class specified in an item in column 1 in the following table, must comply, for pratique to be granted by a biosecurity officer, are the requirements specified in column 2 of that item.

Classes of incoming aircraft or vessels and requirements that must be complied with for pratique to be granted

Item	Column 1 Classes of incoming aircraft or vessels	Column 2 Requirements that must be complied with
1	Aircraft in relation to which the prescribed disinsection measures were not taken, or will not have been taken, before the aircraft arrives at its first landing place in Australian territory (other than an aircraft in relation to which the prescribed disinsection measures are not required to be taken because of subsection 7(3) of the <i>Biosecurity (Human Health) Regulation 2016</i>)	The operator of the aircraft must, on arrival at the landing place, arrange for the prescribed disinsection measures for the aircraft to be carried out: <ul style="list-style-type: none">(a) in a manner, and at a time or within a period, approved by the Director of Human Biosecurity; and(b) under the supervision of a biosecurity officer
2	Aircraft or vessels in relation to which: <ul style="list-style-type: none">(a) a pre-arrival report was given in accordance with Part 1 of Chapter 3 of the <i>Biosecurity Regulation 2016</i> that included details about an individual on board who:<ul style="list-style-type: none">(i) has, or had during the flight or voyage, signs or symptoms of a listed human disease; or(ii) died during the flight or voyage;or(b) additional or corrected information that was given under section 194 of the Act before the aircraft or vessel arrives at its first landing place or port in Australian territory included details about an individual on board who:<ul style="list-style-type: none">(i) has, or had during the flight or voyage, signs or symptoms of a listed human disease; or(ii) died during the flight or voyage;or(c) a biosecurity officer has, before the aircraft or vessel arrives at its first landing place or port in Australian territory, notified, or attempted to notify, the person in charge that the biosecurity officer is aware, or suspects, that an	The operator of the aircraft or vessel must: <ul style="list-style-type: none">(a) satisfy an assessing officer that the level of human health risk associated with the aircraft or vessel is acceptable; and(b) if requested, orally or in writing, by an assessing officer for the purpose of assessing or managing the level of human health risk associated with the aircraft or vessel:<ul style="list-style-type: none">(i) allow a thing mentioned in the request to be unloaded from or loaded onto the aircraft or vessel; or(ii) allow an assessing officer, or another person mentioned in the request, to disembark from or embark onto the aircraft or vessel

Classes of incoming aircraft or vessels and requirements that must be complied with for pratique to be granted

Item	Column 1 Classes of incoming aircraft or vessels	Column 2 Requirements that must be complied with
	individual on board: <ul style="list-style-type: none"> (i) has, or had during the flight or voyage, signs or symptoms of a listed human disease; or (ii) has been exposed to a listed human disease; or (iii) died during the flight or voyage 	
3	Vessels that are: <ul style="list-style-type: none"> (a) cruise vessels; or (b) non-commercial vessels; or (c) vessels (other than non-commercial vessels) in relation to which a pre-arrival report was required to be given, but was not given, in accordance with Part 1 of Chapter 3 of the <i>Biosecurity Regulation 2016</i> 	The operator of the vessel must: <ul style="list-style-type: none"> (a) satisfy an assessing officer that the level of human health risk associated with the vessel is acceptable; and (b) if requested, orally or in writing, by an assessing officer for the purpose of assessing or managing the level of human health risk associated with the vessel: <ul style="list-style-type: none"> (i) allow a thing mentioned in the request to be unloaded from or loaded onto the vessel; or (ii) allow an assessing officer, or another person mentioned in the request, to disembark from or embark onto the vessel
	Note 1:	A failure to give a pre-arrival report in accordance with Part 1 of Chapter 3 of the <i>Biosecurity Regulation 2016</i> may contravene subsection 193(4) of the Act.
	Note 2:	A failure to give additional or corrected information as required by subsection 194(1) of the Act may contravene subsection 194(2) of the Act.
	Note 3:	An effect of items 2 and 3 of the table is that the unloading or loading of a thing, or the disembarkation or embarkation of a person, in accordance with a request under paragraph (b) of column 2 of those items is authorised for the purpose of subsection 48(3) of the Act.

Endnotes

Endnote 1—About the endnotes

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 the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (Negative Pratique) Instrument 2016	14 June 2016 (F2016L01023)	16 June 2016 (s 2(1) item 1)	
Biosecurity (Negative Pratique) Amendment (2022 Measures No. 1) Instrument 2022	2 Mar 2022 (F2022L00234)	3 Mar 2022 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 4.....	am F2022L00234
s 5.....	am F2022L00234
