

## EXPLANATORY STATEMENT

### *Biosecurity Act 2015*

### *Biosecurity (Negative Pratique) Instrument 2016*

The *Biosecurity Act 2015* (the Act) provides the primary legislative means and a regulatory framework for the Australian Government to manage the risk of pests and diseases from entering Australian territory and causing harm to animal, plant and human health, the environment and the economy. The Act manages biosecurity risks – including the risk of listed human diseases – entering Australian territory, or emerging, establishing themselves, or spreading in Australian territory or a part of Australian territory.

Section 49(1) of the Act specifies that the Director of Human Biosecurity may prescribe, in writing, classes of incoming aircraft or vessel subject to negative pratique and requirements that must be complied with for pratique to be granted. Under section 49(3), the requirements must be consistent with Articles 28.2 and 43 of the International Health Regulations which can be found in Australian Treaty Series 2007 No. 29 ([2007] ATS 29) and could, at the time of making this instrument, be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

The purpose of the instrument is to set requirements to be complied with for pratique to be granted to incoming aircraft and vessels.

The legislative instrument refers to the *Biosecurity (Human Health) Regulation 2016* and the *Biosecurity Regulation 2016*. These Regulations are available on the Federal Register of Legislation.

During the development of the instrument, the Department of Health consulted with the Department of Agriculture and Water Resources, the Office of Parliamentary Counsel, and State and Territory health departments.

The instrument was also released as an exposure draft on the Department of Health's website, providing key non-government stakeholders (including air and sea ports, airlines, shipping companies and individual travellers) the opportunity to comment on the draft instrument.

The Act specifies no conditions that need to be satisfied before the power to make the instrument may be exercised.

This instrument commences at the same time as Section 3 of the Act; that is 16 June 2016.

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003*.

Authority: Section 49 of the *Biosecurity Act 2015*

**Details of the *Biosecurity (Negative Pratique) Instrument 2016***

**1 Name of Determination**

Section 1 states that the name of the legislative instrument is *Biosecurity (Negative Pratique) Instrument 2016*.

**2 Commencement**

Section 2 provides that this legislative instrument commences at the same time as Section 3 of the *Biosecurity Act 2015* (the Act). Section 3 of the Act will commence on 16 June 2016.

**3 Authority**

Section 3 specifies that this instrument is made under the Act.

**4 Definitions**

Section 4 sets out defined terms used in the legislative instrument. It also notes that a number of terms used in the instrument are defined in the Act and 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**

Section 5 sets out classes of aircraft and vessels that are subject to negative pratique and the requirements that apply. These requirements differ depending on the class of aircraft or vessel. Classes to which negative pratique applies include:

- aircraft that have not disinfected appropriately;
- aircraft or vessels that have an individual who may be ill with a listed human disease on board;
- non-commercial vessels;
- vessels that fail to provide a pre-arrival report.