

Biosecurity Amendment (2022 Measures No. 1) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 15 December 2022

David Hurley

David Hurley

Governor‑General

By His Excellency’s Command

Murray Watt

Murray Watt

Minister for Agriculture, Fisheries and Forestry

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Biosecurity Regulation 2016 2

1 Name

This instrument is the *Biosecurity Amendment (2022 Measures No. 1) Regulations 2022*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The later of:  (a) the day after this instrument is registered; and  (b) the day on which Schedule 5 to the *Biosecurity Amendment (Strengthening Biosecurity) Act 2022* commences. | 20 December 2022  (paragraph (a)) |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Biosecurity Regulation 2016

1 Section 5 (definition of *health certificate*)

Omit “*Biosecurity (Prohibited and Conditionally Non‑prohibited Goods) Determination 2016*”, substitute “*Biosecurity (Conditionally Non‑prohibited Goods) Determination 2021*”.

2 After subsection 44(1)

Insert:

(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.

3 Before paragraph 44(2)(a)

Insert:

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

4 Before paragraph 44(3)(a)

Insert:

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

5 Subsection 44(4)

Repeal the subsection.

6 After subsection 45(1)

Insert:

(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.

7 Before paragraph 45(2)(a)

Insert:

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

8 Subsection 45(3)

Repeal the subsection.

9 In the appropriate position in Chapter 10

Insert:

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).