



Biosecurity Amendment (Clarifying Conditionally Non-prohibited Goods) Act 2021

No. 33, 2021

**An Act to amend the *Biosecurity Act 2015*, and for
related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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No. 33, 2021

**An Act to amend the *Biosecurity Act 2015*, and for
related purposes**

[Assented to 31 March 2021]

The Parliament of Australia enacts:

1 Short title

This Act is the *Biosecurity Amendment (Clarifying Conditionally
Non-prohibited Goods) Act 2021*.

No. 33, 2021

*Biosecurity Amendment (Clarifying Conditionally Non-prohibited
Goods) Act 2021*

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2 Commencement

- (1) Each provision of this Act 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 Act	The day after this Act receives the Royal Assent.	1 April 2021

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Biosecurity Act 2015

1 After section 639

Insert:

639A Clarifying conditionally non-prohibited goods

- (1) This section applies if a determination purportedly made under subsection 174(1) before the commencement of the *Biosecurity Amendment (Clarifying Conditionally Non-prohibited Goods) Act 2021* would, apart from this section, be wholly or partly invalid only because the Director of Biosecurity and the Director of Human Biosecurity, or either of them, did not:
 - (a) conduct a risk assessment for the purpose of deciding whether to make the determination; or
 - (b) apply, or correctly apply, the ALOP for Australia in conducting a risk assessment for that purpose.
- (2) This section also applies if the determination would, apart from this section, be wholly or partly invalid for any other failure to comply with section 174 or subsection 541(4).
- (3) The determination is taken for all purposes to be, and always to have been, valid.
- (4) To avoid doubt:
 - (a) anything done or purported to have been done by a person (including, but not limited to, any action taken or purportedly taken under section 628) that would have been invalid except for subsection (3) is taken always to have been valid, despite any effect that may have on the accrued rights of any person; and
 - (b) this section applies in relation to civil and criminal proceedings, including proceedings that are pending or concluded.

*[Minister's second reading speech made in—
Senate on 18 March 2021
House of Representatives on 25 March 2021]*

(25/21)

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 Goods) Act 2021*