



Biosecurity (Reportable Biosecurity Incidents) Determination 2016

I, Daryl Quinlivan, Director of Biosecurity, make the following determination.

Dated 24 May 2016

Daryl Quinlivan
Director of Biosecurity

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Definitions	1
5	Application of this instrument.....	2
6	Events that are reportable biosecurity incidents in relation to relevant goods.....	2
7	Requirements for reporting reportable biosecurity incidents	3

1 Name

This is the *Biosecurity (Reportable Biosecurity Incidents) Determination 2016*.

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	At the same time as section 3 of the <i>Biosecurity Act 2015</i> commences.	16 June 2016

Note: This table relates only to the provisions of this instrument as originally made.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 sections 154 and 157 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) conditionally non-prohibited goods;
- (b) conveyance;
- (c) goods;
- (d) premises;
- (e) prohibited goods;
- (f) subject to biosecurity control;
- (g) suspended goods.

In this instrument:

Act means the *Biosecurity Act 2015*.

import permit has the same meaning as in the *Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016*.

manifest means a list of goods that are intended to be brought or imported into Australian territory.

relevant goods means goods in relation to which this instrument applies under section 5.

5 Application of this instrument

This instrument applies in relation to:

- (a) goods that are subject to biosecurity control; and
- (b) exposed goods in relation to which an exposed goods order is in force.

Note: See subsection 161(1) of the Act in relation to exposed goods in relation to which an exposed goods order is in force.

6 Events that are reportable biosecurity incidents in relation to relevant goods

Events relating to prohibited goods, conditionally non-prohibited goods or suspended goods

- (1) Each of the following events is a reportable biosecurity incident in relation to relevant goods that are prohibited goods, conditionally non-prohibited goods or suspended goods:
 - (a) the goods are in a container, a conveyance or other premises and are not as described on a manifest or an import permit relating to the goods;
 - (b) the goods are in a container, a conveyance or other premises that is damaged and the goods are no longer secure;
 - (c) the goods have been lost or stolen;
 - (d) the goods have been destroyed in circumstances other than in compliance with a direction given by a biosecurity officer.

Events relating to conditionally non-prohibited goods

- (2) A change to the intended use of relevant goods that are conditionally non-prohibited goods is a reportable biosecurity incident in relation to the goods.

Events relating to goods generally

- (3) Each of the following events is a reportable biosecurity incident in relation to any relevant goods:
 - (a) the goods or any container holding the goods, or the conveyance or other premises in which the goods are being held, have been, or are likely to have been, exposed to contamination, infestation or infection from prohibited goods, conditionally non-prohibited goods or suspended goods;
 - (b) the goods are infested with a live pest (for example, an insect, invertebrate or other animal), except if the goods, as infested with the live pest, were authorised to be brought or imported into Australian territory by an import permit;
 - (c) biosecurity measures that have been required to be taken in relation to the goods under Chapter 3 of the Act have not been taken (including because it was not possible for the biosecurity measures to be taken in relation to the goods).

7 Requirements for reporting reportable biosecurity incidents

Information that must be included in a report

- (1) The following information must be included in a report of a reportable biosecurity incident in relation to goods that is required by subsection 155(1) or 156(1) of the Act:
 - (a) details of the goods;
 - (b) the location of the goods;
 - (c) a description of the incident;
 - (d) if known, when and where the incident occurred;
 - (e) when the person making the report became aware of the incident;
 - (f) whether the goods have been moved since the incident occurred;
 - (g) the name and contact details of:
 - (i) the person making the report; and
 - (ii) any other person who may have information about the incident;
 - (h) details of any steps taken to manage the incident.

How a report must be made

- (2) A report of a reportable biosecurity incident required by subsection 155(1) or 156(1) of the Act must be made orally or in writing.
- (3) If:
 - (a) a report is made orally; and
 - (b) the Director of Biosecurity, or a biosecurity officer, asks the person who made the report to also provide the report in writing within a specified period;the report must also be made in writing within the period specified in the request.