



Biosecurity Amendment (Infringement Notices) Regulations 2020

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 10 December 2020

David Hurley
Governor-General

By His Excellency's Command

David Littleproud
Minister for Agriculture, Drought and Emergency Management

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1 Name

This instrument is the *Biosecurity Amendment (Infringement Notices) Regulations 2020*.

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	1 January 2021.	1 January 2021

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Insert:

category 1 goods means goods that are:

- (a) listed as category 1 goods in a determination made by the Director of Biosecurity under subsection 524A(1) of the Act; or
- (b) included in a class of goods that is listed as category 1 goods in such a determination.

category 2 goods means goods that are:

- (a) listed as category 2 goods in a determination made by the Director of Biosecurity under subsection 524A(1) of the Act; or
- (b) included in a class of goods that is listed as category 2 goods in such a determination.

2 Subsection 87(1)

Repeal the subsection, substitute:

- (1) Subsection (2) applies to an infringement notice for the following alleged contraventions by an individual who is at a first point of entry:
 - (a) an alleged contravention of subsection 126(2), 127(3) or 128(2) of the Act;
 - (b) an alleged contravention of subsection 533(1) of the Act when the individual produces a document in compliance, or purported compliance, with a requirement under subsection 127(1) of the Act;
 - (c) an alleged contravention of subsection 532(1) or 533(1) of the Act when:
 - (i) the individual gives information or produces a document in compliance, or purported compliance, with a requirement under subsection 126(1) or 196(2) of the Act; and
 - (ii) the contravention relates to goods that are not category 1 goods or category 2 goods.

3 Paragraphs 87(2)(a) and (b)

Omit “person” (wherever occurring), substitute “individual”.

4 Section 88

Repeal the section, substitute:

88 Amount payable under certain infringement notices given at a first point of entry

- (1) For the purposes of paragraph 524(4)(c) of the Act, 2 penalty units are prescribed for an infringement notice for the following alleged contraventions by an individual who is at a first point of entry:
 - (a) an alleged contravention of subsection 126(2), 127(3) or 128(2) of the Act;

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- (b) an alleged contravention of subsection 533(1) of the Act when the individual produces a document in compliance, or purported compliance, with a requirement under subsection 127(1) of the Act.
- (2) For the purposes of paragraph 524(4)(c) of the Act, the following amounts are prescribed for an infringement notice for an alleged contravention of subsection 532(1) or 533(1) of the Act by an individual who is at a first point of entry, when the individual gives information or produces a document in compliance, or purported compliance, with a requirement under subsection 126(1) or 196(2) of the Act:
- (a) if the contravention relates to goods that are not category 1 goods or category 2 goods—2 penalty units;
 - (b) if the contravention relates to category 2 goods—6 penalty units.

Note: For an alleged contravention referred to in subsection (2) that relates to category 1 goods, the amount is 12 penalty units as determined by subsection 524(4) of the Act.