



Biosecurity (Negative Pratique) Amendment (2022 Measures No. 1) Instrument 2022

I, Dr Sonya Bennett, Director of Human Biosecurity, make the following instrument.

Dated 28 February 2022

Dr Sonya Bennett
Director of Human Biosecurity

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1 Name

This instrument is the *Biosecurity (Negative Pratique) Amendment (2022 Measures No. 1) Instrument 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 day after this instrument is registered.	3 March 2022

Note: This table relates only to the provisions of this instrument as originally made.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 subsection 49(1) of 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Negative Pratique) Instrument 2016

1 Section 4

Insert:

assessing officer means a biosecurity officer, chief human biosecurity officer or human biosecurity officer.

cruise vessel means a passenger vessel that is usually used to provide a service of sea transportation, being a service that:

- (a) is provided in return for a fee payable by persons using the service; and
- (b) is available to the general public.

2 Section 4 (definition of *prescribed disinsection measures*)

Omit “section 53”, substitute “section 204A”.

3 Subsection 5(2) (table items 2 to 4)

Repeal the items, substitute:

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| <p>2 Aircraft or vessels in relation to which:</p> <ul style="list-style-type: none">(a) a pre-arrival report was given in accordance with Part 1 of Chapter 3 of the <i>Biosecurity Regulation 2016</i> that included details about an individual on board who:<ul style="list-style-type: none">(i) has, or had during the flight or voyage, signs or symptoms of a listed human disease; or(ii) died during the flight or voyage; or(b) additional or corrected information that was given under section 194 of the Act before the aircraft or vessel arrives at its first landing place or port in Australian territory included details about an individual on board who:<ul style="list-style-type: none">(i) has, or had during the flight or voyage, signs or symptoms of a listed human disease; or(ii) died during the flight or voyage; or(c) a biosecurity officer has, before the aircraft or vessel arrives at its first landing place or port in Australian territory, notified, or attempted to notify, the person in charge that the biosecurity officer is aware, or suspects, that an individual on board:<ul style="list-style-type: none">(i) has, or had during the flight or voyage, signs or symptoms of a | <p>The operator of the aircraft or vessel must:</p> <ul style="list-style-type: none">(a) satisfy an assessing officer that the level of human health risk associated with the aircraft or vessel is acceptable; and(b) if requested, orally or in writing, by an assessing officer for the purpose of assessing or managing the level of human health risk associated with the aircraft or vessel:<ul style="list-style-type: none">(i) allow a thing mentioned in the request to be unloaded from or loaded onto the aircraft or vessel; or(ii) allow an assessing officer, or another person mentioned in the request, to disembark from or embark onto the aircraft or vessel |
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listed human disease; or
(ii) has been exposed to a listed human disease; or
(iii) died during the flight or voyage

3	Vessels that are: (a) cruise vessels; or (b) non-commercial vessels; or (c) vessels (other than non-commercial vessels) in relation to which a pre-arrival report was required to be given, but was not given, in accordance with Part 1 of Chapter 3 of the <i>Biosecurity Regulation 2016</i>	The operator of the vessel must: (a) satisfy an assessing officer that the level of human health risk associated with the vessel is acceptable; and (b) if requested, orally or in writing, by an assessing officer for the purpose of assessing or managing the level of human health risk associated with the vessel: (i) allow a thing mentioned in the request to be unloaded from or loaded onto the vessel; or (ii) allow an assessing officer, or another person mentioned in the request, to disembark from or embark onto the vessel
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4 Section 5 (note)

Repeal the note, substitute:

- Note 1: A failure to give a pre-arrival report in accordance with Part 1 of Chapter 3 of the *Biosecurity Regulation 2016* may contravene subsection 193(4) of the Act.
- Note 2: A failure to give additional or corrected information as required by subsection 194(1) of the Act may contravene subsection 194(2) of the Act.
- Note 3: An effect of items 2 and 3 of the table is that the unloading or loading of a thing, or the disembarkation or embarkation of a person, in accordance with a request under paragraph (b) of column 2 of those items is authorised for the purpose of subsection 48(3) of the Act.