



## **Biosecurity (Foot and Mouth Disease Biosecurity Response Zone) Determination 2022**

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I, Andrew Edgar Francis Metcalfe AO, Director of Biosecurity, make the following determination.

Dated 22 July 2022

A. Metcalfe

Andrew Edgar Francis Metcalfe AO  
Director of Biosecurity

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## 1 Name

This instrument is the *Biosecurity (Foot and Mouth Disease Biosecurity Response Zone) Determination 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.	

Note: This table relates only to the provisions of this instrument as originally made.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 365(1) of the *Biosecurity Act 2015*.

## 4 Definitions

Note: A number of expressions used in this instrument are defined in the definitions section of the Act, including *biosecurity response zone*.

In this instrument:

*Act* means the *Biosecurity Act 2015*.

*foot mat* means a mat that contains a solution that treats equipment, fabric, surfaces and other things for the purposes of addressing the biosecurity risk posed by foot and mouth disease.

*relevant landing place* means the following airports:

- (a) Sydney (Kingsford-Smith) Airport;
- (b) Melbourne (Tullamarine) Airport;
- (c) Brisbane Airport;
- (d) Perth Airport;
- (e) Adelaide Airport;
- (f) Darwin Airport;
- (g) Cairns Airport.

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*specified biosecurity response zone* means the specified area determined in section 5.

## 5 Specified biosecurity response zone

- (1) For the purposes of subsection 365(1) of the Act, the specified area set out in subsection (2) in relation to each relevant landing place is determined to be a *biosecurity response zone*.
- (2) The specified area is the area at a relevant landing place that includes:
  - (a) the airside area within the meaning of the *Aviation Transport Security Act 2004* of the relevant landing place; and
  - (b) the landside security zone within the meaning of that Act that is known as the sterile area of the relevant landing place; and
  - (c) any other areas of the relevant landing place:
    - (i) that are under the control of the Australian Border Force; or
    - (ii) within which the Australian Border Force manages and undertakes customs or immigration activities.

## 6 Biosecurity risk

- (1) For the purposes of subsection 366(1) of the Act:
  - (a) a biosecurity officer suspects, on reasonable grounds, that:
    - (i) foot and mouth disease may be present in or on goods in the specified biosecurity response zone, in particular on footwear worn by travellers entering Australia from Indonesia; and
    - (ii) foot and mouth disease poses an unacceptable level of biosecurity risk; and
  - (b) the Director of Biosecurity is satisfied it is necessary to make the determination for the purpose of managing the biosecurity risk posed by the disease or pest.
- (2) For the purposes of paragraph 366(2)(a) of the Act, foot and mouth disease is identified as a disease that poses an unacceptable level of biosecurity risk.
- (3) For the purposes of paragraph 366(2)(b) of the Act, the nature of the biosecurity risk that needs to be managed is that foot and mouth disease:
  - (a) may be present in or on goods in the specified biosecurity response zone, in particular on footwear worn by travellers entering Australia from Indonesia; and
  - (b) is not present in Australia; and
  - (c) is a highly contagious viral disease of cloven-hoofed mammals that has a great potential for causing severe economic loss if it enters Australia; and
  - (d) poses an unacceptable level of biosecurity risk.

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## **7 Exercise of powers**

- (1) For the purposes of paragraph 366(2)(c) of the Act, the powers set out in Division 2 of Part 3 of the Act that may be exercised in relation to goods or premises in the specified biosecurity response zone in accordance with that Division are:
  - (a) the power set out in section 333 of the Act may be exercised in relation to premises in the specified biosecurity response zone to require that persons entering or leaving the premises do so at specified places; and
  - (b) the power set out in section 335 of the Act may be exercised in relation to goods in the specified biosecurity response zone.
- (2) For the purposes of paragraph 366(2)(f) of the Act, the powers set out in section 367 of the Act that may be exercised in, or in relation to goods or premises in, the specified biosecurity response zone in accordance with that section are:
  - (a) the power set out in paragraph 367(a) of the Act may be exercised to cause the specified biosecurity response zone to be identified (whether by affixing notices or by markings or otherwise); and
  - (b) the power set out in paragraph 367(d) of the Act may be exercised to set up foot mats for use in the specified biosecurity response zone.

## **8 Period of effect**

For the purposes of paragraph 366(2)(g) of the Act, this instrument is in force for a period of 3 months beginning on the day this instrument commences.

## **9 Repeal**

This instrument is repealed at the end of the period of 3 months beginning on the day this instrument commences.