

Biosecurity Amendment (Extension of Non‑prescribed Goods) Regulations 2022

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 01 September 2022

David Hurley

Governor‑General

By His Excellency’s Command

Murray Watt

Minister for Agriculture, Fisheries and Forestry

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1 Name

This instrument is the *Biosecurity Amendment (Extension of Non-prescribed Goods) Regulations 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. | 6 September 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Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 After paragraph 22(3)(a)

Insert:

(aa) the baggage leaves the first point of entry for the purposes of carrying out a biosecurity measure mentioned in subsection 138(1) of the Act in accordance with paragraph 138(1)(b) or (c); or

(ab) the baggage leaves the first point of entry for the purposes of export from Australian territory in accordance with paragraph 135(2)(a) of the Act; or

2 At the end of subsection 22(3) (before the notes)

Add:

Note 1A: Subsection 138(1) of the Act applies in relation to a biosecurity measure under section 132 (movement), 133 (treatment) or 136 (destruction) of the Act or under a regulation made for the purposes of section 137 of the Act.

3 After paragraph 22(5)(a)

Insert:

(aa) the goods leave the international mail centre for the purposes of carrying out a biosecurity measure mentioned in subsection 138(1) of the Act in accordance with paragraph 138(1)(b) or (c); or

4 At the end of subsection 22(5) (before the notes)

Add:

Note 1A: Subsection 138(1) of the Act applies in relation to a biosecurity measure under section 132 (movement), 133 (treatment) or 136 (destruction) of the Act or under a regulation made for the purposes of section 137 of the Act.

5 In the appropriate position in Chapter 10

Insert:

122 Amendments made by the *Biosecurity Amendment (Extension of Non‑prescribed Goods) Regulations 2022*

The amendments of section 22 made by the *Biosecurity Amendment (Extension of Non‑prescribed Goods) Regulations 2022* apply in relation to:

(a) goods that become subject to biosecurity control on or after the commencement of that instrument; and

(b) goods that became subject to biosecurity control before the commencement of that instrument but have not been released from biosecurity control as at that commencement.

Note: Goods include baggage (see the definitions of ***baggage*** and ***goods*** in sections 9 and 19 of the Act).