



# **Biosecurity Amendment (2022 Measures No. 1) Regulations 2022**

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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 15 December

2022

David Hurley  
David Hurley  
Governor-General

By His Excellency's Command

Murray Watt  
Murray Watt  
Minister for Agriculture, Fisheries and Forestry

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# Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules.....	1
	<b>Schedule 1—Amendments</b>	<b>2</b>
	<i>Biosecurity Regulation 2016</i>	2



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## 1 Name

This instrument is the *Biosecurity Amendment (2022 Measures No. 1) 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 later of: (a) the day after this instrument is registered; and (b) the day on which Schedule 5 to the <i>Biosecurity Amendment (Strengthening Biosecurity) Act 2022</i> commences.	20 December 2022 (paragraph (a))

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Omit “*Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016*”, substitute “*Biosecurity (Conditionally Non-prohibited Goods) Determination 2021*”.

#### **2 After subsection 44(1)**

Insert:

- (1A) Before the Director of Biosecurity varies or revokes a condition of a permit, or imposes a further condition on a permit, granted under section 179 of the Act:
- (a) a risk assessment must be conducted by a biosecurity worker in relation to the goods to which the permit relates; and
  - (b) the Director of Biosecurity must be satisfied that the ALOP for Australia was applied in the conduct of the risk assessment.

Note: *ALOP* (short for Appropriate Level of Protection) has the meaning given by section 5 of the Act.

#### **3 Before paragraph 44(2)(a)**

Insert:

- (aa) the risk assessment that was conducted in relation to the goods to which the permit relates; and

#### **4 Before paragraph 44(3)(a)**

Insert:

- (aa) the risk assessment that was conducted in relation to the goods to which the permit relates; and

#### **5 Subsection 44(4)**

Repeal the subsection.

#### **6 After subsection 45(1)**

Insert:

- (1A) Before the Director of Biosecurity varies, suspends or revokes a permit granted under section 179 of the Act:
- (a) a risk assessment must be conducted by a biosecurity worker in relation to the goods to which the permit relates; and
  - (b) the Director of Biosecurity must be satisfied that the ALOP for Australia was applied in the conduct of the risk assessment.

Note: *ALOP* (short for Appropriate Level of Protection) has the meaning given by section 5 of the Act.

#### **7 Before paragraph 45(2)(a)**

Insert:

- (aa) the risk assessment that was conducted in relation to the goods to which the permit relates; and

**8 Subsection 45(3)**

Repeal the subsection.

**9 In the appropriate position in Chapter 10**

Insert:

**123 Amendments made by the *Biosecurity Amendment (2022 Measures No. 1) Regulations 2022***

- (1) The amendments of section 44 made by Schedule 1 to the *Biosecurity Amendment (2022 Measures No. 1) Regulations 2022* apply in relation to the variation or revocation of a condition of a permit, or the imposition of a further condition on a permit, on or after the commencement of this section (whether the permit was granted before, on or after that commencement).
- (2) The amendments of section 45 made by Schedule 1 to the *Biosecurity Amendment (2022 Measures No. 1) Regulations 2022* apply in relation to the variation, suspension or revocation of a permit on or after the commencement of this section (whether the permit was granted before, on or after that commencement).