



## **Biosecurity (Electronic Decisions) Determination 2023**

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I, Adam Phillip Fennessy PSM, Director of Biosecurity, make the following determination.

Dated 13 December 2023

Adam Phillip Fennessy PSM  
Adam Phillip Fennessy PSM  
Director of Biosecurity

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## 1 Name

This instrument is the *Biosecurity (Electronic Decisions) Determination 2023*.

## 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 seventh 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Note: This table relates only to the provisions of this instrument as originally made.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 541A(2) of the *Biosecurity Act 2015*.

## 4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Agriculture Department;
- (b) biosecurity officer;
- (c) conveyance;
- (d) person in charge.

In this instrument:

*Act* means the *Biosecurity Act 2015*.

**authorised computer program**: see subsection 5(1).

## 5 Use of computer programs to make decisions

*Relevant provisions under which decisions may be made by operation of a computer program*

- (1) For the purposes of paragraph 541A(2)(a) of the Act, a decision under the following relevant provisions of the Act may be made by the operation of a computer program (an **authorised computer program**) under an arrangement made under subsection 541A(1) of the Act:
- (a) subsection 195(2) or (3);

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- (b) subsection 200(1);
- (c) subsection 201(1).

### *Classes of persons who may use computer program*

- (2) For the purposes of paragraph 541A(2)(b) of the Act, each of the following is a class of persons that may use an authorised computer program for a decision referred to in subsection (1) of this section:
- (a) persons:
    - (i) who are a biosecurity officer; and
    - (ii) who have a unique identifier issued by the Agriculture Department that enables the person to access the computer program;
  - (b) persons:
    - (i) who are an APS employee of the Agriculture Department; and
    - (ii) who have a unique identifier issued by the Agriculture Department that enables the person to access the computer program;
  - (c) persons:
    - (i) who are performing services for the Agriculture Department under a contract; and
    - (ii) who have a unique identifier issued by the Agriculture Department that enables the person to access the computer program;
  - (d) persons:
    - (i) who are a registered agent (within the meaning of the *Shipping Registration Act 1981*) in relation to a ship (within the meaning of that Act); and
    - (ii) who have a unique identifier issued by the Agriculture Department that enables the person to access the computer program;
  - (e) persons:
    - (i) who are a master (within the meaning of the *Admiralty Act 1988*) in relation to a ship (within the meaning of that Act); and
    - (ii) who have a unique identifier issued by the Agriculture Department that enables the person to access the computer program;
  - (f) persons:
    - (i) who are an aircraft operator or airline (within the meaning of the *Aviation Transport Security Act 2004*); and
    - (ii) who have a unique identifier issued by the Agriculture Department that enables the person to access the computer program;
  - (g) persons:
    - (i) in charge of a conveyance or acting on behalf of a person in charge of a conveyance; and
    - (ii) who have a unique identifier issued by the Agriculture Department that enables the person to access the computer program.

### *Conditions of use of computer program*

- (3) For the purposes of paragraph 541A(2)(c) of the Act, a person in a class of persons who may use an authorised computer program under subsection (2) of this section must:

- (a) be satisfied on reasonable grounds that information entered into the computer program by the person for the purpose of enabling decisions to be made by operation of the computer program is true and correct; and
- (b) ensure that the information is accurately entered into the computer program.