



Australian Capital Territory

Biosecurity Legislation Amendment Act 2024

A2024-11

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Australian Capital Territory

Biosecurity Legislation Amendment Act 2024

A2024-11

An Act to amend legislation because of the enactment of the *Biosecurity Act 2023*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Biosecurity Legislation Amendment Act 2024*.

2 Commencement

This Act commences on the commencement of the *Biosecurity Act 2023*, section 3.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the legislation mentioned in schedules 1 to 3.

Schedule 1 **Minor amendments**

(see s 3)

Part 1.1 **Biosecurity Act 2023**

[1.1] Section 31 (5)

omit

biosecurity event

substitute

presence of notifiable biosecurity matter

[1.2] New section 204A

in division 13.1, insert

204A Time for beginning prosecution for certain offences

- (1) This section applies to an offence against the following provisions:
 - (a) section 27 (1);
 - (b) section 31 (1);
 - (c) section 34 (1);
 - (d) section 36 (1).
- (2) A prosecution for the offence must be begun not later than 2 years after the day the offence is committed.

[1.3] New part 15A

insert

Part 15A Information sharing

222A Information sharing entities may give information to director-general etc

- (1) An information sharing entity may give protected information to the director-general or an authorised person if the entity is satisfied on reasonable grounds that the information is necessary for the exercise of the director-general's or authorised person's functions under this Act.

Note 1 An authorised person may require a person to give the authorised person information (see s 179).

Note 2 The director-general may disclose to another entity information disclosed to, or obtained by, the director-general in the exercise of a function under this Act (see s 223).

- (2) However, the information sharing entity must not disclose sensitive information or personal health information under this section.

- (3) In this section:

biosecurity-related Act means any of the following Acts:

- (a) the *Animal Welfare Act 1992*;
- (b) the *Domestic Animals Act 2000*;
- (c) the *Environment Protection Act 1997*;
- (d) the *Fisheries Act 2000*;
- (e) the *Nature Conservation Act 2014*;
- (f) the *Stock Act 2005*;
- (g) the *Urban Forest Act 2023*.

information sharing entity means any of the following:

- (a) an authorised officer under either of the following Acts:
 - (i) the *Animal Welfare Act 1992*;
 - (ii) the *Environment Protection Act 1997*;
- (b) an authorised person under any of the following Acts:
 - (i) the *Domestic Animals Act 2000*;
 - (ii) the *Fisheries Act 2000*;
 - (iii) the *Stock Act 2005*;
 - (iv) the *Urban Forest Act 2023*;
- (c) a conservation officer under the *Nature Conservation Act 2014*;
- (d) an inspector under the *Animal Welfare Act 1992*;
- (e) a director-general responsible for a biosecurity-related Act;
- (f) a veterinary practitioner exercising a function, or carrying out a procedure, under a biosecurity-related Act;
- (g) any other entity prescribed by regulation.

Examples—par (f)

- *Animal Welfare Act 1992*, s 84A, s 86 and s 86D
- *Domestic Animals Act 2000*, s 115

personal health information—see the *Health Records (Privacy and Access) Act 1997*, dictionary.

protected information means information about a person that is given to, or obtained by, an information sharing entity in the exercise of the entity's functions under a biosecurity-related Act.

sensitive information—see the *Information Privacy Act 2014*, section 14.

[1.4] Sections 223 and 224

relocate to part 15A

[1.5] Dictionary, note 2

insert

- veterinary practitioner.

Part 1.2 Stock Act 2005

[1.6] Section 22 heading

substitute

22 Use of earmark

[1.7] Section 22 (1) (a)

omit

large

[1.8] Section 23

omit

[1.9] Section 26A

substitute

26A Definitions—pt 4

In this part:

NLIS requirements means the requirements prescribed by regulation under the *Biosecurity Act 2023* that give effect to the national livestock identification system for identifying and tracing stock for the purpose of disease control, food safety and market access.

travel, in relation to stock, means drive or transport the stock (other than in a vehicle) outside the holding where the stock is normally kept.

[1.10] New section 28

insert

28 Director-general may exempt travel

- (1) The director-general may, on application or on their own initiative, exempt a circumstance of travel from a provision of this part.
- (2) In making an exemption, the director-general must consider the requirements of any relevant code of practice under the [Animal Welfare Act 1992](#), section 22 or section 23.
- (3) An exemption is a disallowable instrument.

[1.11] Section 29 (2)

substitute

- (2) This section does not apply to a person if—
 - (a) the stock is restrained by the person; or
 - (b) the person travels the stock in a way that complies with an NLIS requirement that applies to the stock; or
 - (c) the person travels the stock to or from a veterinary practitioner.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

[1.12] New section 30 (1A)

insert

- (1A) This section does not apply to a person if—
- (a) the person travels the stock in a way that complies with an NLIS requirement that applies to the stock; or
 - (b) the person travels the stock to or from a veterinary practitioner.

[1.13] Dictionary, note 2

insert

- veterinary practitioner.

[1.14] Dictionary, new definition of *camelid*

insert

camelid means a member of the family Camelidae other than a vicuna or a guanaco.

Note Camelidae includes camels, alpacas and llamas.

[1.15] Dictionary, definition of *large stock*

omit

alpaca,

substitute

camelid

[1.16] Dictionary, new definition of *NLIS requirements*

insert

NLIS requirements, for part 4 (Travelling stock)—see section 26A.

Schedule 2 Consequential amendments

(see s 3)

Part 2.1 Administrative Decisions (Judicial Review) Act 1989

[2.1] New section 10 (2A)

insert

- (2A) An application to the Supreme Court for an order of review in relation to a decision made under the [Biosecurity Act 2023](#), part 3 (Biosecurity emergency declarations) or part 4 (Biosecurity control declarations) must be made within the period beginning on the day the decision is made and ending 10 business days after the relevant day.

[2.2] Schedule 1, item 16

omit

[2.3] Dictionary, note 2

insert

- business day

Part 2.2 Biosecurity Act 2023

[2.4] New part 16A

insert

Part 16A Transitional

234A Meaning of *commencement day*—pt 16A

In this part:

commencement day means the day section 3 commences.

234B Beekeepers registered under repealed Act

- (1) This section applies to a beekeeper registered under the repealed Act, part 5A as in force immediately before the commencement day.
- (2) The registration continues in force under the repealed Act, and that Act, part 5A continues to apply in relation to the registration.
- (3) The beekeeper's registration ends on the earlier of the following:
 - (a) 3 years after the day the registration was approved;
 - (b) the day the beekeeper's biosecurity registration in relation to beekeeping is approved.
- (4) In this section:

repealed Act means the [Animal Diseases Act 2005](#).

234C Authorised people and inspectors under repealed Acts

- (1) This section applies to a person—
 - (a) appointed as an authorised person or inspector under a repealed appointment provision; and

- (b) who was an authorised person or inspector immediately before the commencement day.
- (2) The person is taken to be appointed as an authorised person under this Act, section 168 and the appointment continues in force until the end of the term of the appointment under the repealed appointment provision unless ended earlier.
- (3) The following are taken to be statutory instruments made under this Act, section 168:
- *Animal Diseases (Authorised People) Appointment 2023 (No 1)* (NI2023-593)
 - *Pest Plants and Animals (Authorised People) Appointment 2023 (No 1)* (NI2023-595)
 - *Plant Diseases (Inspectors) Appointment 2023 (No 1)* (NI2023-596).
- (4) In this section:
- repealed appointment provision*** means any of the following provisions:
- (a) the *Animal Diseases Act 2005*, section 64;
 - (b) the *Pest Plants and Animals Act 2005*, section 30;
 - (c) the *Plant Diseases Act 2002*, section 19.

234D Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.

- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

Note A transitional provision under s (1) continues to have effect after its repeal, however, a modification under s (2) has no ongoing effect after its repeal (see [Legislation Act](#), s 88).

234E Expiry—pt 16A

This part expires 3 years after the commencement day.

[2.5] Section 235 (3)

substitute

- (3) All other statutory instruments, other than the following instruments, under the legislation mentioned in subsection (1) are repealed:

- *Animal Diseases (Authorised People) Appointment 2023 (No 1)* (NI2023-593)
- *Pest Plants and Animals (Authorised People) Appointment 2023 (No 1)* (NI2023-595)
- *Plant Diseases (Inspectors) Appointment 2023 (No 1)* (NI2023-596).

Note The transitional provisions in this Act provide that certain statutory instruments made under the repealed appointment provisions are taken to be made under this Act (see s 234C).

Part 2.3 Environment Protection Act 1997

[2.6] Schedule 1, section 1.1, new definition of *pest*

insert

pest—see the [Biosecurity Act 2023](#), section 11.

[2.7] Dictionary, new definition of *pest*

insert

pest, for schedule 1 (Activities requiring environmental authorisation)—see the [Biosecurity Act 2023](#), section 11.

Part 2.4 Environment Protection Regulation 2005

[2.8] Section 10 (2)

substitute

- (2) Subsection (1) does not apply to anything required to be done under the [Biosecurity Act 2023](#).

[2.9] Section 10 (4) (b)

substitute

- (b) to anything required to be done under the [Biosecurity Act 2023](#);
or

[2.10] Schedule 1, part 1.2, item 5

substitute

5	destroying a thing	the destruction is required under the Biosecurity Act 2023
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Part 2.5 Firearms Act 1996

[2.11] Table 61, item 7, column 3, paragraph (c)

after

a person employed by or within

insert

, or authorised by,

[2.12] Section 140A (1) (c)

substitute

(c) is employed by or in, or authorised by, a government agency for 1 or both of the following purposes (the *relevant purpose*):

- (i) controlling vertebrate pest animals in the ACT;
- (ii) exercising a function as an authorised person under the *Biosecurity Act 2023*; and

Part 2.6 Firearms Regulation 2008

[2.13] Section 15 (2) (c) and note

substitute

(c) a person employed by or within, or authorised by, an administrative unit responsible for any of the following Acts:

- (i) the *Animal Welfare Act 1992*;
- (ii) the *Biosecurity Act 2023*;
- (iii) the *Domestic Animals Act 2000*;
- (iv) the *Environment Protection Act 1997*;

[2.14] Section 16

substitute

16 Government agency responsible for vertebrate pest animal control—Act, s 61

For the [Act](#), table 61, item 4, each administrative unit responsible for the following Acts is a prescribed government agency:

- (a) the [Animal Welfare Act 1992](#);
- (b) the [Biosecurity Act 2023](#);
- (c) the [Domestic Animals Act 2000](#);
- (d) the [Environment Protection Act 1997](#).

[2.15] New section 35 (ca)

insert

- (ca) to exercise the functions of an authorised person under the [Biosecurity Act 2023](#);

[2.16] Section 52A (4), definition of *fauna*, paragraph (b)

substitute

- (b) an animal that is a pest; or

[2.17] Section 52A (4), definition of *pest animal*

substitute

pest—see the [Biosecurity Act 2023](#), section 11.

Part 2.7 Fisheries Act 2000

[2.18] Section 27 (1), definition of *suitability information*, paragraph (d)

substitute

- (d) if the activity involves a native species or an animal that is a declared pest—the number and species of each animal involved in the activity; and

[2.19] Section 27 (2)

substitute

- (2) In this section:

declared pest—see the [Biosecurity Act 2023](#), section 11 (2).

[2.20] Section 78 (3)

substitute

- (3) Subsection (1) does not apply if the person is authorised to possess the fish by a permit or group exemption under the [Biosecurity Act 2023](#).

Part 2.8 Land Titles Act 1925

[2.21] Section 120 (1) (c)

omit

pest plants or pest animals

substitute

a pest

[2.22] Section 120 (3)

substitute

(3) In this section:

pest—see the [Biosecurity Act 2023](#), section 11.

Part 2.9 Nature Conservation Act 2014

[2.23] Section 12, definition of *native animal*, paragraph (b) and note

substitute

(b) does not include an animal that is a declared pest.

[2.24] Section 14, definition of *native plant*, paragraph (b) and note

substitute

(b) does not include a plant that is a declared pest.

[2.25] New section 155 (2) (c)

insert

(c) any biosecurity risk posed by the animal.

[2.26] New section 155 (4)

after the note, insert

(4) In this section:

biosecurity risk—see the [Biosecurity Act 2023](#), section 13.

[2.27] Section 219 (1) (b)

substitute

(b) the plant is a declared pest.

[2.28] Section 266, definition of *suitability information*, new paragraph (a) (iia)

insert

(iia) the *Biosecurity Act 2023*;

[2.29] Dictionary, new definition of *declared pest*

insert

declared pest—see the *Biosecurity Act 2023*, section 11 (2).

[2.30] Dictionary, definitions of *pest animal* and *pest plant*

omit

Part 2.10 Prohibited Weapons Regulation 1997

[2.31] Section 12A (3), definition of *fauna*, paragraph (b)

substitute

(b) an animal that is a pest;

[2.32] Section 12A (3), new definition of *pest*

insert

pest—see the *Biosecurity Act 2023*, section 11.

Part 2.11 **Unit Titles (Management) Act 2011**

[2.33] Section 32 (1), note

substitute

Note Other territory laws also apply to keeping animals—for example, [Animal Welfare Act 1992](#), [Biosecurity Act 2023](#), [Nature Conservation Act 2014](#) and [Residential Tenancies Act 1997](#).

Part 2.12 **Urban Forest Act 2023**

[2.34] Section 11 (2) (a)

substitute

(a) a declared pest; or

[2.35] Section 11 (3), new definition of *declared pest*

insert

declared pest—see the [Biosecurity Act 2023](#), section 11 (2).

[2.36] Section 18 (1) (d) (v)

substitute

(v) the [Biosecurity Act 2023](#);

[2.37] Section 48 (1) (b), example 5

substitute

5 an emergency declaration, control declaration or biosecurity direction under the [Biosecurity Act 2023](#)

Schedule 3 **Technical amendments**

(see s 3)

Part 3.1 **Administrative Decisions (Judicial Review) Act 1989**

[3.1] Schedule 1, item 4, column 3, 6th and 7th dot points

substitute

- section 95 (Good behaviour orders—community service work—alcohol and drug tests)
- section 96 (Good behaviour orders—community service work—frisk searches).

Explanatory note

This amendment updates cross-references to section headings in the [Crimes \(Sentence Administration\) Act 2005](#).

[3.2] Schedule 1, item 12, column 3, 2nd dot point

omit

section 14 (3) (a)

substitute

section 14 (4) (a)

Explanatory note

This amendment updates the cross-reference to the [Judicial Commissions Act 1994](#).

[3.3] Schedule 1, item 12, column 3, 2nd dot point

omit

section 14 (3) (b)

substitute

section 14 (4) (b)

Explanatory note

This amendment updates the cross-reference to the [Judicial Commissions Act 1994](#).

[3.4] Schedule 2, section 2.6, 5th to 7th dot points

substitute

- section 91 (Good behaviour orders—community service work—director-general directions)
- section 92 (Good behaviour orders—community service work—failure to report etc)
- section 100 (Good behaviour orders—rehabilitation programs—director-general directions)

Explanatory note

This amendment updates cross-references to section headings in the [Crimes \(Sentence Administration\) Act 2005](#).

Part 3.2 Animal Welfare Act 1992

[3.5] New section 21 (2)

insert

(2) In this section:

pest does not include a domestic animal or native animal.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 21. The definition is omitted from the dictionary by another amendment.

[3.6] Dictionary, definition of *pest*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 21 by another amendment.

Part 3.3 Biosecurity Act 2023

[3.7] Section 28 (2)

omit everything after

a proceeding for an

substitute

offence—

- (a) against section 27; or
- (b) arising out of the false or misleading nature of the information, document or thing.

Explanatory note

This amendment corrects the unnecessary duplication of the term ‘an offence’ in subsection (2) and paragraph (b).

[3.8] Section 32 (2)

omit everything after

a proceeding for an

substitute

offence—

- (a) against section 31; or
- (b) arising out of the false or misleading nature of the information, document or thing.

Explanatory note

This amendment corrects the unnecessary duplication of the term ‘an offence’ in subsection (2) and paragraph (b).

Part 3.4 Environment Protection Act 1997

[3.9] Section 8 (3), definition of *road*

substitute

road—see the *Road Transport (General) Act 1999*, dictionary.

Explanatory note

This amendment updates the cross-reference for the definition of *road*.

Part 3.5 Firearms Act 1996

[3.10] Section 75 (4), note

substitute

Note For conditions of category H licences issued for the genuine reason of business or employment, see the [Firearms Regulation 2008](#), s 21 and s 22.

Explanatory note

This amendment updates the reference in this note from the [Firearms Regulation 1997](#) (repealed) to the corresponding provisions of the [Firearms Regulation 2008](#).

Part 3.6 Fisheries Act 2000

[3.11] Section 24, definition of *suitability information*, paragraph (a) (vii), example 3

substitute

3 [Biodiversity Conservation Act 2016](#) (NSW)

Explanatory note

This amendment corrects a cross-reference. The [Threatened Species Conservation Act 1995](#) (NSW) was repealed and replaced by the [Biodiversity Conservation Act 2016](#) (NSW).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 February 2024.

2 Notification

Notified under the [Legislation Act](#) on 19 April 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Biosecurity Legislation Amendment Bill 2024, which was passed by the Legislative Assembly on 9 April 2024.

Acting Clerk of the Legislative Assembly

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