

TASMANIA

BIOSECURITY REGULATIONS 2022
STATUTORY RULES 2022, No. 83

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SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES

BIOSECURITY REGULATIONS 2022

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Biosecurity Act 2019*.

Dated 24 October 2022.

B. BAKER
Governor

By Her Excellency's Command,

JO PALMER
Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Biosecurity Regulations 2022*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

(1) In these regulations –

Act means the *Biosecurity Act 2019*;

animal fitting includes –

- (a) any box, stall, cage, enclosure, tank, pen, hive, water, or other thing, that has been used for containing an animal; and
- (b) any harness, saddlery, rope, net, aquarium pump, bucket, trough, bedding, utensil, implement, equipment, or other thing, that has been used in the transportation, capture, breeding, feeding, handling or keeping of an animal or animal product;

animal food business means a business, enterprise or activity that consists, in whole or in part, of the commercial manufacturing, production or wholesale supply of animal food;

artificial breeding of an animal means –

- (a) the artificial insemination of an animal; and
- (b) the implantation of an embryo in a recipient animal; and
- (c) the collection, processing, handling, storing, sale or

distribution of semen, ova or embryos for a purpose specified in paragraph (a) or (b);

bag includes a box or other form of packaging;

commercially sterile, in relation to animal food, means animal food that is free from any living organisms that are capable of growing in, or on, the animal food in the conditions to which the animal food is likely to be subjected during its storage and distribution;

declared disease – see regulation 4;

declared pest – see regulation 4;

declared weed – see regulation 4(7);

farming of an animal means keeping, hatching or raising an animal for any one or more of the following purposes:

- (a) the sale or other supply of the animal while it is alive;
- (b) the use of the animal for biological control, vegetation management, pollination or other similar agricultural services;
- (c) the slaughtering and supply of the slaughtered animal;
- (d) the harvesting of the animal or the products of the animal and the

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sale or other supply of the
harvested animal or products;

feeding, in relation to any material, includes –

- (a) allowing, directing or causing the material to be fed to an animal;
and
- (b) if the material may be ingested by an animal, failing to prevent the animal from having access to the material;

fish means any aquatic animal, whether dead or alive, of any species (other than amphibians, birds, mammals or reptiles) which, in the normal course of events, spends part or all its life in the aquatic environment;

horticultural material includes any plant and any –

- (a) animal product and animal fitting; and
- (b) harvest-equipment, machinery, vehicle, container, pot, soil, structure, tool or other thing –

that is, or has been, used to carry, hold, handle, cultivate, propagate, grow, harvest, process or produce any plant or plant product;

horticulture includes any form of agriculture involving plants, including apiculture and viticulture;

inland waters has the same meaning as in the *Inland Fisheries Act 1995*;

mammal does not include a human being;

old legislative scheme has the same meaning as in Part 2 of the *Biosecurity (Consequential and Transitional Provisions) Act 2020*;

oyster includes the spat and the seed of an oyster and any part of the flesh or shell of an oyster;

oyster product means any animal product comprised wholly or partly of oyster;

pet has the same meaning as in the *Primary Produce Safety Act 2011*;

pet food has the same meaning as in the *Primary Produce Safety Act 2011*;

poultry means muttonbird and any chicken, turkey, duck, squab (pigeon), goose, pheasant, quail, guinea fowl and other domesticated avian species used for the production of food for human or animal consumption;

prohibited pig feed includes –

- (a) any animal food, or fodder, comprising, in part or in whole,

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any mammal or animal product from a mammal; and

- (b) any animal food, or fodder, that has come into contact with any mammal or animal product from a mammal –

but does not include –

- (c) any milk, milk product or by-product of milk processing that is of Australian provenance, or that has been lawfully imported into Australia for use as animal food; or
- (d) tallow; or
- (e) any other material or class of material declared by the Chief Veterinary Officer not to be prohibited pig feed by notice published in the *Gazette*;

proprietor of a business means –

- (a) the owner of, or the entity carrying on, the day-to-day operation of the business; or
- (b) if that entity cannot be identified, the person apparently in charge of the business;

quarantine place means premises or a part of premises used primarily for the

quarantine of any biosecurity matter or carrier that –

- (a) has been identified as posing a biosecurity risk; or
- (b) is intended for export from Tasmania to another state or to Macquarie Island; or
- (c) has arrived in Tasmania from another state, or from Macquarie Island, and is required under the Act or a corresponding law to be –
 - (i) inspected by a biosecurity certifier or authorised officer before being exported or moved from the premises to another part of Tasmania; or
 - (ii) destroyed or treated in order to prevent, eliminate or minimise any biosecurity risk that it may pose;

ratite means any emu, ostrich or cassowary;

registered quarantine place means a quarantine place that is the subject of a current registration in accordance with regulation 35;

Rendering Standard means the Australian Standard entitled Australian Standard for Hygienic Rendering of Animal Products AS5008:2007 published by Standards Australia on 31 December 2007, as amended or substituted from time to time;

restricted animal material means animal food or material comprising, in whole or in part, a vertebrate animal or any product derived from a vertebrate animal, but does not include –

- (a) animal food produced for supply to –
 - (i) caged birds, other than poultry; or
 - (ii) aquarium fish; or
- (b) animal food produced for supply to non-ruminant laboratory animals; or
- (c) pet food for supply to non-ruminant pets; or
- (d) tallow; or
- (e) gelatin; or
- (f) any milk, milk product, or by-product of milk processing, that is of Australian provenance or that has been lawfully imported

into Australia for use as animal food; or

- (g) any other material or class of material declared by the Chief Veterinary Officer not to be restricted animal material by notice published in the *Gazette*;

ruminant means a herbivorous, mammalian animal that can acquire nutrients from plant-based food by fermenting it in a specialised stomach prior to digestion, and includes farmed stock animals such as cattle, goats, sheep and deer;

ruminant food means any animal food that is intended for feeding to, or consumption by, a ruminant;

salmonid means fish of the following species, in part or whole, and whether dead or alive:

- (a) Atlantic salmon (*Salmo salar*);
- (b) Rainbow trout (*Oncorhynchus mykiss*);
- (c) Brook trout (*Salvelinus fontinalis*);
- (d) Brown trout (*Salmo trutta*);
- (e) any hybrid of the species above;

soil means the top layer of the earth, consisting of rock and mineral

particulates that may be mixed with organic matter in which plants grow or are grown;

tag means a tag that measures at least 45 millimetres by 120 millimetres;

tallow means a product (including, but not limited to, a product known as tallow, yellow grease or acid oil) that contains –

(a) fats and oils from an animal that have been rendered in accordance with the Rendering Standard; or

(b) used cooking oil that is –

(i) filtered or otherwise treated to remove visible particulate matter; and

(ii) contains a combination of insoluble impurities and moisture that does not exceed 2% of the volume of the product;

unknown disease means an animal disease or a plant disease that is not known or identified;

unknown pest means a species or subspecies of invasive pest that is not known or identified.

(2) For the purpose of paragraph (b) of the definition of **stock animal** in the Act, the following

animals are prescribed if the animals are kept or managed by a person, regardless of whether the animal is kept or managed for a commercial or non-commercial purpose:

- (a) any bovid, camelid, equine animal, porcine animal or poultry;
- (b) animals kept or managed in connection with animal racing, animal shows, rodeos, circuses and other similar events;
- (c) animals kept or managed in a zoo, wildlife park, fauna park or similar premises, for the purpose of public exhibition, public education or public entertainment on payment of a fee or otherwise;
- (d) animals kept for a research or educational purpose.

4. Declaration of pests and diseases

- (1) The Minister may, by notice published in the *Gazette*, declare for the purposes of these regulations any –
 - (a) pest that is not prohibited matter; or
 - (b) animal disease or plant disease that is not prohibited matter –

to be a declared pest or declared disease, if the Minister is satisfied on reasonable grounds that –

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- (c) the pest or disease poses a biosecurity risk to Tasmania; and
 - (d) the declaration is necessary to prevent, eliminate, minimise, control or manage the biosecurity risk posed by the pest or disease.
- (2) A declaration under this regulation may be made subject to such conditions, requirements or restrictions as the Minister considers reasonable in the circumstances.
- (3) At least 28 days before making a declaration under this regulation, the Minister must –
 - (a) publish a notice of the proposed declaration in the *Gazette*; and
 - (b) specify, in the notice, a period of not less than 28 days from the publication of the notice during which the Minister will accept comments and submissions on the proposed declaration.
- (4) Before making a declaration under subregulation (1), the Minister is to take into account –
 - (a) any comments and submissions received under subregulation (3); and
 - (b) any advice of the Chief Plant Protection Officer and Chief Veterinary Officer in respect of the proposed declaration.
- (5) A declaration under subregulation (1) takes effect –

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- (a) on the day on which notice of the declaration is published in the *Gazette*; or
- (b) at such later date as is specified in that notice.
- (6) A declaration under subregulation (1), notice of which is published under this regulation, ceases to have effect –
- (a) on the date specified in the notice; or
- (b) on the expiry of the period specified in the notice; or
- (c) if no such date or period is specified in the notice, on the revocation of the declaration.
- (7) In any Act or any instrument made or administered under an Act, a reference to a ***declared weed*** is, unless the contrary intention appears, to be taken as a reference to a weed that is a declared pest under this regulation.
- (8) For the removal of doubt, a declared pest or declared disease may include –
- (a) an invasive pest, or a disease, that is not known to be established in Tasmania; and
- (b) a pest or disease that is known to be established in Tasmania or a part of Tasmania.

PART 2 – PROHIBITED DEALINGS

Division 1 – Prohibited imports

5. Importing suspected carrier of prohibited matter

The import of –

- (a) any animal fitting; or
- (b) any horticultural material; or
- (c) any other thing –

that may reasonably be suspected of being a carrier of prohibited matter is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

6. Importing pest or disease

The import of –

- (a) a declared pest; or
- (b) a declared disease; or
- (c) an unknown pest; or
- (d) an unknown disease; or
- (e) any thing that may reasonably be suspected of being a carrier of any biosecurity matter referred to in paragraph (a), (b), (c) or (d) –

is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

Division 2 – Prohibited dealings with animals

7. Feeding offal to dogs

- (1) Feeding offal to a dog is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.
- (2) Subregulation (1) does not apply if the offal is contained in pet food and the pet food, or the offal component of the pet food –
 - (a) is commercially sterile; or
 - (b) has been treated by the application of a process approved by the Chief Veterinary Officer.
- (3) A certificate issued by –
 - (a) the Chief Veterinary Officer; or
 - (b) a biosecurity certifier authorised to issue biosecurity certificates for the purposes of this regulation –

certifying that any batch, consignment, lot or quantity of pet food complied with subregulation (2) on the date specified in the certificate, is evidence of that fact.

8. Feeding prohibited pig feed to pigs

- (1) Feeding prohibited pig feed to a pig is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.
- (2) Subregulation (1) does not apply if the prohibited pig feed is contained in animal food and the animal food, or the prohibited pig feed component of the animal food –
 - (a) is commercially sterile; or
 - (b) treated by the application of a process approved by the Chief Veterinary Officer.
- (3) A certificate issued by –
 - (a) the Chief Veterinary Officer; or
 - (b) a biosecurity certifier authorised to issue biosecurity certificates for the purposes of this regulation –

certifying that any batch, consignment, lot or quantity of animal food complied with subregulation (2) on the date specified in the certificate, is evidence of that fact.

9. Feeding restricted animal material to ruminants

- (1) Feeding restricted animal material or chicken litter to a ruminant is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

- (2) Subregulation (1) does not apply to a person allowing a ruminant access to material if it would not be reasonable in the circumstances for the person to prevent the ruminant from having access to the material, including in, but not limited to, the following circumstances:
- (a) a ruminant having access to a placenta;
 - (b) a ruminant licking another ruminant;
 - (c) a ruminant finding the bones of wildlife or herd mates;
 - (d) a ruminant having access to the naturally deposited faeces of wildlife or herd mates.

10. Supplying ruminant food containing restricted animal material

- (1) Supplying ruminant food that contains restricted animal material is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.
- (2) For the purposes of this regulation, any animal food that is supplied or intended for supply is taken to be ruminant food unless –
- (a) it is prominently labelled or marked as pet food intended for a non-ruminant animal; or
 - (b) it is otherwise prominently labelled or marked with a written warning which states that it contains restricted animal

material, and must not be fed to any ruminants.

- (3) A certificate issued by –
- (a) the Chief Veterinary Officer; or
 - (b) a biosecurity certifier authorised to issue biosecurity certificates for the purposes of this regulation –

certifying that any batch, consignment, lot or quantity of animal food contains, or does not contain, any quantity of restricted animal material on the date specified in the certificate, is evidence of that fact.

11. Supply of certain fish as bait or berley

The supply of bait or berley that contains any of the following fish or fish products is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act:

- (a) abalone or abalone products;
- (b) oysters or oyster products;
- (c) salmonids or salmonid products.

12. Unhygienic management of animal carcasses

- (1) The unhygienic management of the carcass of any –
- (a) stock animal or vertebrate pet; or

- (b) vertebrate game or wildlife; or
- (c) vertebrate animal pest –

on any premises is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

- (2) For the purposes of this regulation, the owner or occupier of premises is taken to be responsible for the unhygienic management of an animal carcass on the premises if –
 - (a) he or she causes or allows the carcass, or part of the carcass, to remain exposed to the environment or other animals on the premises without being buried, incinerated or otherwise disposed of in a suitably hygienic manner; or
 - (b) he or she fails to ensure that the carcass is buried, incinerated or otherwise disposed of in a suitably hygienic manner as soon as reasonably practicable after he or she discovers or becomes aware of the presence of the carcass on the premises.
- (3) In this regulation, the disposal of a carcass in a suitably hygienic manner includes –
 - (a) a method of disposal that prevents, eliminates or minimises biosecurity risk that may be posed by the carcass so far as is reasonably practicable; and
 - (b) the lawful and reasonable use of the carcass as animal food for a carnivorous

pet or stock animal in accordance with the Act, the *Primary Produce Safety Act 2011* and any other applicable law; and

- (c) any method of carcass disposal approved by the Chief Veterinary Officer for the purposes of this regulation.

Division 3 – Prohibited dealings with pests, diseases and carriers

13. Supply of pests, diseases and carriers

- (1) The supply of –
 - (a) a declared pest; or
 - (b) a declared disease; or
 - (c) an unknown pest; or
 - (d) an unknown disease; or
 - (e) any thing that may reasonably be suspected of being a carrier of –
 - (i) any biosecurity matter referred to in paragraph (a), (b), (c) or (d) above; or
 - (ii) any prohibited matter –

is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

- (2) In any proceedings, evidence that a person had possession, care, custody or control of any

biosecurity matter or carrier referred to in subregulation (1) at any particular time is evidence, unless the contrary is established, that the person supplied the biosecurity matter or carrier at or around that time.

14. Propagation, &c., of declared pest or declared disease

- (1) The breeding, propagation, growing, raising, feeding, cloning or culturing of –
- (a) a declared pest; or
 - (b) a declared disease; or
 - (c) an unknown pest; or
 - (d) an unknown disease –

is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

- (2) Without limiting subregulation (1), the owner or occupier of premises is taken to be responsible for the breeding, propagation, growing, raising, feeding, cloning or culturing of a pest or disease that is present on the premises at the time of the alleged dealing, unless he or she establishes that –
- (a) he or she had taken all reasonable and practicable measures to prevent, eliminate or minimise the presence of the pest or disease on the premises; and

- (b) he or she did not know of the presence of the pest or disease on the premises; and
- (c) in the circumstances, he or she could not reasonably be expected to have known of the presence of the pest or disease on the premises.

15. Release or spread of pest or disease

- (1) The release or spread of –
 - (a) a declared pest; or
 - (b) a declared disease; or
 - (c) an unknown pest; or
 - (d) an unknown disease –

into the environment is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

- (2) Without limiting subregulation (1), a person is taken to be responsible for the release or spread of a pest or disease into the environment if at the time of the alleged dealing –
 - (a) he or she –
 - (i) was the owner or occupier of premises that are reasonably suspected of being a carrier of the pest or disease; or

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- (ii) otherwise had possession, care or control of the pest or disease, or any thing reasonably suspected of being a carrier of the pest or disease; and
- (b) he or she –
 - (i) caused, allowed, or failed to prevent the release, scattering or escape into the environment, or from the premises, of the pest or disease, or any thing reasonably suspected of being a carrier of the pest or disease; or
 - (ii) otherwise dealt with the pest or disease, or any thing reasonably suspected of being a carrier of the pest or disease, in a manner that resulted in the spread or increase of the pest or disease into the environment or from the premises.

PART 3 – REGULATED DEALINGS

16. Regulated animal farming

- (1) The farming of ratites is prescribed as a regulated dealing for the purposes of section 17(1) of the Act.
- (2) Apiculture and beekeeping are prescribed as a regulated dealing for the purposes of section 17(1) of the Act.

17. Operation of a quarantine place

- (1) The operation of a quarantine place is prescribed as a regulated dealing for the purposes of section 17(1) of the Act.
- (2) The owner, occupier or person in charge of a quarantine place is taken to be the person responsible for the operation of the quarantine place for the purposes of this regulation.

PART 4 – MISCELLANEOUS

18. Biosecurity event

For the purposes of section 10(e) of the Act, the presence in Tasmania, or part of Tasmania, of a declared pest or declared disease is a biosecurity event.

19. Production of animal food

The proprietor of an animal food business must ensure that any ruminant food produced, packaged or supplied by the animal food business is not contaminated by any restricted animal material.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues; or
- (b) an individual, a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

20. Packaging and labelling of animal food

- (1) A person must comply with the following requirements in respect of the sale or supply of animal food by the person to another person:

- (a) the invoice or other document relating to the sale or supply in bulk of animal food that contains restricted animal material must have the following statement:

This product contains restricted animal material
– DO NOT FEED TO CATTLE, SHEEP,
GOATS, DEER OR OTHER RUMINANTS

- (b) the invoice or other document relating to the sale or supply in bulk of ruminant food must have the following statement:

This product does not contain restricted animal material

- (c) in the case of animal food that contains restricted animal material being sold in a bag, the following statement must be printed on the bag, a label on the bag, or a tag attached to the bag:

This product contains restricted animal material
– DO NOT FEED TO CATTLE, SHEEP,
GOATS, DEER OR OTHER RUMINANTS

- (d) in the case of ruminant food being sold in a bag, the following statement must be printed on the bag, a label on the bag, or a tag attached to the bag:

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This product does not contain restricted animal material

- (2) All statements referred to in this regulation must be printed on a background of contrasting colour and –
- (a) if the statement is on a woven bag, prominently displayed in letters of at least 10 millimetres in height; or
 - (b) in any other case, prominently displayed in letters of at least 3 millimetres in height.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues; or
- (b) an individual, a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

21. Obscuring or removing animal food label or information

A person must not –

- (a) mark or deface an invoice, or other document relating to the sale or supply of any animal food, in such a way that obscures or alters the information contained in the invoice or document; or
- (b) remove or cause to be removed from a bag that contains animal food any label or tag relating to the contents of the bag or the composition of the animal food.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues; or
- (b) an individual, a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

22. Matter for determining suitability of a person

The following matters are prescribed under section 18(e) of the Act as being matters that may be taken into account when determining whether a person is, or is no longer, a suitable person:

- (a) the previous failure by a person, or if the person is a body corporate, any director of the body corporate, to pay any fees or charges that are, or were, payable by the person or director under the Act;
- (b) the financial capacity of the person to pay any fees or charges that are, or reasonably likely to be, payable by the person under the Act;
- (c) the previous suspension, cancellation or revocation of any of the following:
 - (i) an individual permit held by the person or, if the person is a body corporate, any individual permit held by a director of the body corporate;
 - (ii) a biosecurity registration held by the person or, if the person is a body corporate, any biosecurity registration held by a director of the body corporate;
 - (iii) an approval of the person as an accreditation authority or, if the person is a body corporate, any

- approval of a director of the body corporate as an accreditation authority;
- (iv) an appointment of the person as a biosecurity auditor;
 - (v) an accreditation of the person as a biosecurity certifier;
 - (vi) an appointment of the person as an authorised officer.

23. Infringement notices

For the purposes of section 231 of the Act –

- (a) an offence against a provision of the Act specified in column 1 of the table in Schedule 1 is prescribed as an offence for which an infringement notice may be issued and served; and
- (b) a penalty specified in column 2 of the table in Schedule 1 is prescribed as the penalty for a natural person for the offence specified in column 1 of the table; and
- (c) a penalty specified in column 3 of the table in Schedule 1 is prescribed as the penalty for a body corporate for the offence specified in column 1 of the table.

24. Presumption of state of mind

In any proceedings for an offence established within these regulations, except where the contrary intention appears, it is not necessary for the prosecution to prove any intention, or state of mind, to establish that the offence has been committed.

25. Payments to council or Public Account

- (1) Any payments made in respect of an infringement notice –
 - (a) are payable to a council, if the notice was served by an authorised officer who is an employee of the council; or
 - (b) are otherwise payable into the Public Account.
- (2) A council may charge a person a fee for –
 - (a) the provision by the council to the person of any information requested by the person from the council under the Act; or
 - (b) the carrying out of any inspection, analysis or other function under the Act in respect of the person by an authorised officer who is an employee of the council.
- (3) A fee charged under subregulation (2) is –
 - (a) to be no more than is necessary to cover the reasonable costs and expenses

incurred in connection with the provision of information, or the inspection, analysis or other function that was carried out by the authorised officer under the Act in respect of the person; and

- (b) recoverable in a court of competent jurisdiction as a debt due and owing to the council.

26. Register of registered entities

- (1) The Secretary is to establish a register of entities authorised to engage in regulated dealings.
- (2) The register established under this regulation is to contain the following particulars:
 - (a) the name of the entity;
 - (b) a description of the regulated dealing that the entity is authorised to undertake;
 - (c) any other relevant details.
- (3) The register is to be available for inspection, without charge and during normal business hours, on a written request to the Secretary.
- (4) A person inspecting the register under subregulation (3) may, on payment of any reasonable fee determined by the Secretary that does not exceed 50 fee units, do either or both of the following:

- (a) obtain an extract of an entry in the register;
 - (b) obtain a copy of anything contained in the register.
- (5) The Secretary may refuse to release, or provide access to, information on the register if the release of, or access to, that information may lead to the disclosure of trade secrets or sensitive commercial information.

27. Deemed refusal of permits, registrations and other applications

- (1) For the purposes of section 80(4) of the Act, if the Secretary fails to give an applicant notice of a decision to grant or refuse biosecurity registration within 60 days after receiving the application, the Secretary is taken to have refused to grant the application.
- (2) For the purposes of section 104(6) of the Act, if the relevant decision-maker fails to make a decision in respect of an application within 60 days after receiving it, the application is taken to have been refused.
- (3) For the purposes of clause 6 of Division 2 of Part 2 of Schedule 1 to the Act, if the relevant decision-maker fails to grant an application to renew within 60 after receiving it, the application is taken to have been refused.
- (4) For the purposes of this regulation, any period commencing from a day on which the Secretary

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Part 4 – Miscellaneous

or decision-maker has, in writing, requested additional information from the applicant until the day on which that information is provided, is not counted towards the period of 60 days.

PART 5 – SAVINGS AND TRANSITIONAL PROVISIONS

Division 1 – Miscellaneous

28. Authorised officers

A person holding any of the following appointments immediately before the commencement of this regulation is taken to be appointed by the Secretary to be an authorised officer under section 31 of the Act on the same terms and conditions, and, if any term of appointment is specified, for a term expiring on the same day as specified:

- (a) an inspector appointed under section 8 of the *Animal Health Act 1995*;
- (b) an inspector appointed under section 49 of the *Plant Quarantine Act 1997*;
- (c) an inspector appointed under section 34 of the *Weed Management Act 1999*.

29. Declared pests

Any –

- (a) declared weed within the meaning of the *Weed Management Act 1999*; or
- (b) pest, List A pest or List B pest, all within the meaning of the *Plant Quarantine Act 1997*; or

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Part 5 – Savings and Transitional Provisions

- (c) vermin within the meaning of the *Vermin Control Act 2000*; or
- (d) noxious fish within the meaning of the *Living Marine Resources Management Act 1995*; or
- (e) controlled fish within the meaning of the *Inland Fisheries Act 1995* –

that is in existence immediately before the commencement of this regulation, and has not been declared prohibited matter, is taken to be a declared pest for the purposes of these regulations.

30. Declared diseases

Any –

- (a) List A disease or List B disease within the meaning of the *Animal Health Act 1995*; and
- (b) disease, List A disease or List B disease, all within the meaning of the *Plant Quarantine Act 1997* –

that is in existence immediately before the commencement of this regulation, and has not been declared prohibited matter, is taken to be a declared disease for the purposes of these regulations.

31. Declarations or orders relating to land

(1) Any –

- (a) declaration of an infected place, restricted area, control area or protected area, under the *Animal Health Act 1995*; or
- (b) declaration of a quarantine area, infected area, control area or protected area, all within the meaning or the *Plant Quarantine Act 1997*; or
- (c) declaration of an infested area, or protected area, within the meaning of the *Weed Management Act 1999*; or
- (d) order specifying land under section 6 of the *Vermin Control Act 2000* –

that is in force immediately before the commencement of this regulation is taken to be a control order for the purposes of the Act.

(2) Any restriction, condition or other measure (however described) that is in force under, or in connection with, an order or declaration referred to in subregulation (1) is taken to be a control measure in respect of the applicable control zone under the Act.

32. Permits

(1) Any –

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- (a) permit or special authority issued under the *Animal Health Act 1995*; or
- (b) permit granted or issued under the *Plant Quarantine Act 1997*; or
- (c) exemption granted to a person under section 99 of the *Plant Quarantine Act 1997*; or
- (d) permit issued under the *Weed Management Act 1999* –

that was in force immediately before the commencement of this regulation is taken to be an individual permit that was granted under section 104 of the Act on the same terms and conditions and, if any term of the permit or authority is specified, for a term expiring on the same day as specified.

- (2) Any general authority issued under the *Animal Health Act 1995* that was in force immediately before the commencement of this regulation is taken to be a group permit that was granted under section 110 of the Act on the same terms and conditions and, if any term of the permit or authority is specified, for a term expiring on the same day as specified.

Division 2 – Biosecurity directions, registration and programs

33. Biosecurity directions

Any –

- (a) requirement notice served under section 13 of the *Weed Management Act 1999*; or
- (b) written direction given by an inspector under the *Animal Health Act 1995*; or
- (c) written direction given by an inspector under the *Plant Quarantine Act 1997*; or
- (d) notice served by the Secretary under section 7 of the *Vermin Control Act 1999* –

that has been served and was in force immediately before the commencement of this regulation is taken to be an individual biosecurity direction that was given by an authorised officer under section 193 of the Act.

34. Disease control programs and agreements

- (1) Any –
 - (a) industry disease control program, within the meaning of the *Animal Health Act 1995*; and
 - (b) industry control program, within the meaning of the *Plant Quarantine Act 1997* –

that was in force immediately before the commencement of this regulation is taken to be an approved biosecurity program, within the meaning of the Act, containing the same provisions and measures and, if any term or

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period of the industry disease control program, or industry control program is specified, for a term or period expiring on the same day as specified.

- (2) Any –
- (a) Government disease control program, within the meaning of the *Animal Health Act 1995*; and
 - (b) Government control program, within the meaning of the *Plant Quarantine Act 1997* –

that was in force immediately before the commencement of this regulation is taken to be a Government biosecurity program, within the meaning of the Act, containing the same provisions and measures and, if any term or period of the Government disease control program or Government control program is specified, for a term or period expiring on the same day as specified.

- (3) Any control agreement, within the meaning of the *Plant Quarantine Act 1997*, that was in force immediately before the commencement of this regulation is taken to be a biosecurity control agreement, within the meaning of the Act, containing the same terms and conditions and, if any term or period of the control agreement is specified, for a term or period expiring on the same day as specified.

35. Registered quarantine places

- (1) The following persons or classes of persons are taken to be a registered entity authorised to operate a quarantine place for the purposes of regulation 17:
 - (a) a person who, immediately before the commencement of this regulation, was the operator of an approved facility that is registered under section 53 of the *Weed Management Act 1999*;
 - (b) a person who, immediately before the commencement of this regulation, was the operator of an approved quarantine place within the meaning of the *Plant Quarantine Act 1997*.
- (2) The following premises or classes of premises are taken to be a registered quarantine place for the purposes of regulation 17:
 - (a) premises that, immediately before the commencement of this regulation, were an approved facility registered under section 53 of the *Weed Management Act 1999*;
 - (b) premises that, immediately before the commencement of this regulation, were an approved quarantine place within the meaning of the *Plant Quarantine Act 1997*.

36. Regulated animal farming

- (1) A person who, immediately before the commencement of this regulation, was a registered animal farmer within the meaning of the *Animal Farming (Registration) Act 1994* is taken to be a registered entity authorised to engage in the farming of ratites for the purposes of regulation 16(1).
- (2) The biosecurity registration of a person referred to in this regulation is subject to the same terms and conditions as the person's registration under the *Animal Farming (Registration) Act 1994* and, if any term of the registration was specified, for a term expiring on the same day as specified.

37. Artificial breeding of an animal

- (1) A person who, immediately before the commencement of this regulation, was the holder of a licence in force under section 61 of the *Animal Health Act 1995* is taken to be a permit holder authorised to collect, process or collect and process semen, embryos and ova for sale at the premises specified in the licence.
- (2) A permit taken to be held by a person referred to in subregulation (1) is subject to the same terms and conditions as the person's licence under the *Animal Health Act 1995* and, if any term of the licence was specified, for a term expiring on the same day as specified.

38. Weed management plans

- (1) Any weed management plan within the meaning of the *Weed Management Act 1999* that was in force immediately before the commencement of this regulation is taken to be a Government biosecurity program implemented by the Secretary under section 136 of the Act containing, subject to subregulation (2), the same provisions and measures as the weed management plan and, if any term or period of the plan is specified, for the term or period expiring on the same day as specified.
- (2) A Government biosecurity program under subregulation (1) does not include any reference in a weed management plan to any specific offence against the *Weed Management Act 1999*, or any other Act of the old legislative scheme.

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SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES
Regulation 23

Offence	Penalty (individual)	Penalty (corporation)
1. Section 71(2) (contravention of general biosecurity duty)	20 penalty units	40 penalty units
2. Section 73(1) (failure to notify of a biosecurity event)	20 penalty units	40 penalty units
3. Section 75 (importing restricted matter)	1 penalty unit	10 penalty units
4. Section 225 (make false or misleading claim or act fraudulently)	20 penalty units	40 penalty units
5. All other offences in the Act (including in the regulations)	5 penalty units	10 penalty units

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Notified in the *Gazette* on 2 November 2022.

These regulations are administered in the Department of Natural Resources and Environment Tasmania.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe certain matters as prohibited dealings and regulated dealings for the purposes of the *Biosecurity Act 2019*; and
- (b) prescribe various other miscellaneous matters for the purposes of that Act; and
- (c) provide for various savings and transitional matters consequent on the commencement of that Act.