



# The Hon. David Littleproud MP

Minister for Agriculture, Drought and  
Emergency Management  
Deputy Leader of the Nationals

# The Hon. Alan Tudge MP

Minister for Population, Cities and Urban Infrastructure  
Acting Minister for Immigration, Citizenship, Migrant  
Services and Multicultural Affairs

## JOINT MEDIA RELEASE

Wednesday 11<sup>th</sup> November 2020

### **Don't be sorry; just declare it: New penalties for travellers who don't declare high-risk biosecurity goods**

The Australian Government has today passed legislation that will see penalties significantly increase for travellers who fail to declare high-risk biosecurity goods at the Australian border. Powers to cancel the visas of people bringing in these dangerous goods will also be expanded.

From 1 January 2021, biosecurity officers will be able to issue infringement notices up to \$2664 where travellers fail to declare potential high biosecurity risks (like uncanned meat or live plant material) when arriving at Australian international air and sea ports.

Minister for Agriculture, Drought and Emergency Management, David Littleproud, said the *Biosecurity Amendment (Traveller Declarations and Other Measures) Bill 2020* was about protecting Australia.

“Our biosecurity system is critical to supporting the health of Australians, the environment and the competitiveness of our agricultural industries,” Minister Littleproud said.

“Australia produces the best agricultural products in the world, but we need to be vigilant to protect Australia from an ever-increasing number of pests and diseases that threaten our country and way of life.”

“Currently all infringement notices issued at first points of entry to Australia are for two penalty units (\$444), regardless of the biosecurity risk posed by undeclared goods,” Minister Littleproud said.

“However, under the new legislation the Director of Biosecurity will be able to determine which goods or classes of goods pose a high level of biosecurity risk for the purpose of higher infringement notice amounts. From 1 January 2021, infringement notices may be up to 12 penalty units (\$2664), depending on the undeclared goods.

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“By being aware of the risk items, passengers and crew can help keep pests and diseases out of Australia. They can assist Australia maintain its global reputation for producing high quality food and protect our unique environment.”

The powers to cancel visas on biosecurity-related grounds will also be expanded to student and temporary work visa holders from 1 January 2021. Currently these powers only apply to visitor visas.

Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, Alan Tudge said the powers will only be used for serious or deliberate breaches but will provide another important layer of protection at the border.

“Visa cancellation decisions are not taken lightly, but breaches of biosecurity can have serious consequences to Australia, and we need everyone to do the right thing,” Mr Tudge said.

“If you really must bring food or any other high-risk goods with you, you must declare them on your incoming passenger card or crew declaration.

“If in doubt, just declare it. If you don’t, you could face heavy penalties, have your visa cancelled and be sent home.”

Any decision to cancel a temporary visa on biosecurity grounds will only be made after taking into consideration factors such as the seriousness of the breach, the potential impact on Australian business and agriculture, and the individual circumstances of the traveller.

Further communication material will be rolled out at air and sea ports to educate travellers about biosecurity risks, the changes in penalties and their obligation to comply with Australia’s biosecurity laws.

A list of the goods or classes of goods posing a high level of biosecurity risk at the Australian border that will attract a higher penalty amount will be published on the Department of Agriculture, Water and the Environment website ([www.agriculture.gov.au](http://www.agriculture.gov.au)) and on the Federal Register of Legislation ([www.legislation.gov.au](http://www.legislation.gov.au)).

Before travelling to Australia, check what you need to do by visiting [www.agriculture.gov.au/travelling/to-australia](http://www.agriculture.gov.au/travelling/to-australia) and [www.immi.homeaffairs.gov.au/entering-and-leaving-australia/entering-australia](http://www.immi.homeaffairs.gov.au/entering-and-leaving-australia/entering-australia).

Media Contact:

0455 448 985 (Minister Littleproud)

0466 385 097 (Minister Tudge)



# **Biosecurity Amendment (Traveller Declarations and Other Measures) Act 2020**

**No. 99, 2020**

**An Act to amend the *Biosecurity Act 2015*, and for  
related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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## Contents

1	Short title.....	2
2	Commencement.....	3
3	Schedules.....	3
<b>Schedule 1—Amendments</b>		4
	<i>Biosecurity Act 2015</i>	4



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## 2 Commencement

- (1) Each provision of this Act 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 Act	1 January 2021.	1 January 2021

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendments

### *Biosecurity Act 2015*

#### **1 At the end of subsection 524(3)**

Add “, including, but not limited to, prescribing different periods depending on the kind of goods or class of goods to which an alleged contravention relates”.

#### **2 At the end of section 524**

Add:

- (6) Regulations made for the purposes of paragraph (4)(c) may prescribe different numbers of penalty units for different kinds of contraventions of provisions mentioned in subsection 523(1), including, but not limited to, **prescribing different numbers of penalty units depending on the kind of goods or class of goods to which an alleged contravention relates.**

*Regulations may apply Director of Biosecurity determination as in force from time to time*

- (7) Despite subsection 14(2) of the *Legislation Act 2003*, regulations made for the purposes of paragraph (2)(b) or (4)(c) of this section may make provision in relation to a matter by applying, adopting or incorporating any matter contained in a determination made by the Director of Biosecurity under subsection 524A(1), as in force from time to time.

#### **3 After section 524**

Insert:

#### **524A Director of Biosecurity may determine list of goods for purposes of infringement notices**

- (1) The Director of Biosecurity may, in writing, determine a list of goods, or classes of goods, for the purposes of section 524.



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- (2) The Director of Biosecurity may list particular goods or a particular class of goods in a determination under subsection (1) only if the Director is reasonably satisfied that there is a high level of biosecurity risk associated with the goods or the class of goods.
- (3) A determination under subsection (1) must specify the period during which the determination is to be in force. The period must not be longer than 12 months.
- (4) A determination under subsection (1) is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the determination.

Note: For variation and revocation of a determination made under subsection (1), see subsection 33(3) of the *Acts Interpretation Act 1901*.

#### **4 Subsection 542(3) (after table item 26)**

Insert:

26AA To determine a list of goods or classes of goods      Subsection 524A(1)

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*[Minister's second reading speech made in—  
House of Representatives on 17 June 2020  
Senate on 7 October 2020]*

(88/20)

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No. 99, 2020      *Biosecurity Amendment (Traveller Declarations and Other Measures)  
Act 2020*      5