**Schedule 1 – Increasing Protection from diseases and pests**

| **Provision** | **Summary** | **Subsection** | **Current civil penalty**  **(penalty units / $)** | **New civil penalty**  **(penalty units / $)** | **Current criminal penalty**  **(fault-based offence)**  **(penalty units / $)** | **New criminal penalty (fault-based offence)**  **(penalty units / $)** |
| --- | --- | --- | --- | --- | --- | --- |
| **Chapter 4 - Managing biosecurity risks: conveyances**  **Part 2 - Conveyances entering Australian territory etc.**  **Division 3A – Entry requirements: persons entering Australian territory on board conveyances** | | | | | | |
| 196C | A person to whom a requirement determined under s 196A applies must comply with the requirements relating to diseases or pests. | 196C | - | 120 pu $26,640 | - | - |
| **Chapter 6 - Managing biosecurity risks: monitoring, control and response**  **Part 6A – Preventative biosecurity measures**  **Division 2 – Preventative biosecurity measures** | | | | | | |
| 393C | A person to whom a biosecurity measure specified in accordance with s 393B(2) applies must comply with the biosecurity measure | 393C | - | 120 pu  $26,640 | - | - |

**Schedule 2 – Pratique and Pre-arrival Reporting**

| **Provision** | **Summary** | **Subsection** | **Current civil penalty**  **(penalty units / $)** | **New civil penalty**  **(penalty units / $)** | **Current criminal penalty**  **(fault-based offence)**  **(penalty units / $)[[1]](#footnote-1)** | **New criminal penalty (fault-based offence)**  **(penalty units / $)2** |
| --- | --- | --- | --- | --- | --- | --- |
| **Chapter 2 – Managing biosecurity risks: human health**  **Part 2—Preventing risk to human health**  **Division 4 – Pratique** | | | | | | |
| 48 (1) | The operator, or person in charge, of an incoming aircraft or vessel must not allow anything to be unloaded or loaded, or any person to disembark or embark, the aircraft or vessel unless pratique has been granted | 48(1)(a) (operator) | 120 pu  $26,640 | 1,000 pu  $222,000 |  |  |
| 48(1)(b)  (person in charge) |  | 300 pu  $66,600 |  |  |
| **Chapter 4 – Managing biosecurity risks: conveyances**  **Part 2—Conveyances entering Australian territory etc**  **Division 3 – Pre-Arrival reporting etc** | | | | | | |
| 193 | The operator of an aircraft or vessel required to give an initial pre-arrival report under s193(1) or other report under s193(1A) must give the report in accordance with s193(2) | 193(5) |  |  | 120 pu 1  $26,640 | 1,000 pu [[2]](#footnote-2)  222,200 |
| 193 | 193(6) | 120 pu $26,640 | 1,000 pu  $222,200 |  |  |
| 194 | The operator of an aircraft or vessel required to give additional or corrected pre-arrival reporting information to a biosecurity officer under s194(1) or further information under s194(1A) must give the information as required | 194(3) |  |  | 120 pu  $26,640 | 1000 pu 2  $222,000 |
| 194(4) | 120 pu  $26,640 | 1000 pu  $222,000 |  |  |

**Schedule 3 – Information Management**

| **Provision** | **Summary** | **Subsection** | **Current civil penalty**  **(penalty units / $)** | **New civil penalty**  **(penalty units / $)** | **Current criminal penalty**  **(penalty units / $)** | **New criminal penalty**  **(penalty units / $)** |
| --- | --- | --- | --- | --- | --- | --- |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Chapter 11 – Miscellaneous**  **Part 2 – Information management**  **Division 2 – Offences and civil penalties** | | | | | | |
| 580 | A person who is, or has been an entrusted person (or other person specified in s 580(2)), and who has obtained protected information in the course of, or for the purposes of, performing functions or duties, or exercising powers under the Act (or assisting another person to do so) must not make an unauthorised use or disclosure of that information. | 580(5)  (Fault-based offence) | - | - | - | 120 pu  $26,640  2 years imprisonment  (Fault-based offence) |
| 580(6)  (Strict Liability offence) | - | - | - | 60 pu  $13,320  (Strict Liability offence) |
| 580(7) | - | 120 pu  $26,640 | -- | - |

**Schedule 4 – Strengthening Penalties**

| **Provision** | **Summary** | **Subsection** | **Current civil penalty**  **(penalty units / $)** | **New civil penalty**  **(penalty units / $)** | **Current criminal penalty**  **(fault-based offence)**  **(penalty units / $)1** | **New criminal penalty (fault-based offence)**  **(penalty units / $)2** |
| --- | --- | --- | --- | --- | --- | --- |
| **Chapter 3 – Managing biosecurity risks: goods**  **Part 1 —Goods brought into Australian territory**  **Division 3 – Notice of goods to be unloaded in Australian territory** | | | | | | |
| 120 | Person must give notice of goods that are or are intended to be brought into and unloaded in Australian territory | 120(6) | - | - | 120 pu  $26,640 | 300 pu  $66,600 |
| 120(7) | 120 pu  $26,640 | 300pu  $66,600 | - | - |
| 121 | Person (*who provided notice under s 120*) must provide additional or corrected information where the information provided in the original notice is incomplete or incorrect | 121(3) | - | - | 120 pu  $26,640 | 300 pu  $66,600 |
| 121(4) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 122 | Person (*when required to by a biosecurity officer*) must provide additional information (answer questions and produce documents) in relation to goods that are subject to a notice under s 120, prior to the goods becoming subject to biosecurity control | 122(6) | - | - | 120 pu  $26,640 | 300 pu  $66,600 |
| 122(7) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| **Chapter 3 – Managing biosecurity risks: goods**  **Part 1 – Goods brought into Australian territory**  **Division 6 – Unloading goods at landing places or ports** | | | | | | |
| 143 | Person in charge of an aircraft or vessel must comply with a direction given by a biosecurity officer relating to the unloading of the goods from the aircraft or vessel | 143(5) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 143(6) | 120 pu  $26,640 | 300 pu  $66,600 | - |  |
| 144 | Person must comply with a direction given by a biosecurity officer or person in charge of an aircraft or vessel relating to the unloading of goods from the aircraft or vessel | 144(6) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 144(7) | 120 pu  $26,640 | 300 pu  $66,600 | - |  |
| 145 | Person in charge of an aircraft of vessel must not allow the goods to be unloaded from the aircraft or vessel at a landing place or port that is not a first point of entry | 145(2) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 145(3) | 120 pu  $26,640 | 300 pu  $66,600 | - |  |
| 146 | Person in charge of an aircraft or vessel must comply with the conditions specified in a notice giving permission for the goods to be unloaded from the aircraft or vessel at a requested landing place or port | 146(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 146(5) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 146(6) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 146(7) | 120 pu  $26,640 | 300 pu  $66,600 | - |  |
| 147 | Person in charge of an aircraft or vessel must ensure that goods that are to be unloaded from the aircraft or vessel are brought to the biosecurity entry point for those goods | 147(2) | 120 pu  $26,640 | 300 pu  $66,600 | - |  |
| 147(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 147(5) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 147(6) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 147(7) | 120 pu  $26,640 | 300 pu  $66,600 | - |  |
| 148 | Person in charge of an aircraft or vessel must comply with the conditions specified in a notice giving permission for the goods to be brought to a requested alternative biosecurity entry point | 148(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 148(5) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 148(6) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 148(7) | 120 pu  $26,640 | 300 pu  $66,600 | - |  |
| 149 | Person must not receive or possess goods unloaded from an aircraft or vessel in contravention of Division 6 of Part 1 of Chapter 3 | 149(1) | 120 pu  $26,640 | 300 pu  $66,600 |  |  |
| **Chapter 3 – Managing biosecurity risks: goods**  **Part 1 – Goods brought into Australian territory**  **Division 8 – Reporting biosecurity incidents** | | | | | | |
| 155 | Person in charge of an aircraft or vessel carrying goods must report to a biosecurity officer or the Director of Biosecurity a reportable biosecurity incident as soon as practicable after becoming aware of the incident | 155(2) | - | - | 120 pu  $26,640 | 1000 pu **2**  $222,000 |
| 155(3) | 120 pu  $26,640 | 300 pu  $66,600 | - |  |
| 156 | Person in charge of the goods must report to a biosecurity officer or the Director of Biosecurity a reportable biosecurity incident as soon as practicable after becoming aware of the incident | 156(2) | - | - | 120 pu  $26,640 | 1000 pu **2**  $222,000 |
| 156(3) | 120 pu  $26,640 | 300 pu  $66,600 | - |  |
| **Chapter 4 – Managing biosecurity risks: conveyances**  **Part 2—Conveyances entering Australian territory etc.**  **Division 4 – Assessment of level of biosecurity risk** | | | | | | |
| 198 | Person in charge or the operator of the conveyance must comply with a direction given by a biosecurity officer relating to securing the conveyance | 198(2) | 120 pu $26,640 | 300 pu  $66,600 | - | - |
| 200 | Person who the biosecurity officer suspects, on reasonable grounds, has information in relation to the conveyance must answer questions, or provide information in writing, in relation to the conveyance. | 200(2) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 201 | Person must produce documents relating to conveyances when required by biosecurity officer if biosecurity officer suspects, on reasonable grounds, that the person has custody or control of documents in relation to the conveyance | 201(3) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 202 | Person must comply with direction given under s 202(1)(a) in relation to the movement of conveyance. | 202(2) | 120 pu  $26,640 | 300 pu  $66,600 |  |  |
| 203 | Person must not interfere or remove or deface a biosecurity control notice affixed to a conveyance under s 203(1)(a) unless the exceptions in s 203(2)(c) apply. | 203(2) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 204 | Unauthorised person must not move, deal with or interfere with a conveyance in relation to which direction has been given unless the exceptions in s 204(2)(b) apply. | 204(2) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| **Chapter 4 – Managing biosecurity risks: conveyances**  **Part 2 – Conveyances entering Australian territory etc.**  **Division 5 – Biosecurity measures to manage unacceptable level of biosecurity risk** | | | | | | |
| 214 | Person must not interfere with, remove or deface the notice affixed to a conveyance under s 214(1) unless the exceptions in s 214(3)(c) apply. | 214(3) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 215 | Person who is given a direction in relation to a conveyance under ss 206(2)(a), 207(2)(a) or 213(1)(a) to (c) must comply with the direction. | 215(2) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 215(3) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 215(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 215(5) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 215(6) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 215(7) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 215(8) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 216 | Unauthorised persons must not move, deal with or interfere with a conveyance in relation to which a biosecurity notice has been affixed to under s 214(1) unless the exceptions in s 216(1)(c) apply. | 216(3) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 216(4) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| **Chapter 4 – Managing biosecurity risks: conveyances**  **Part 2—Conveyances entering Australian territory etc.**  **Division 6 – Leaving conveyances** | | | | | | |
| 217 | Person in charge of conveyance must not leave conveyance if a biosecurity officer has directed the person not to do so. | 217(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 217(5) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| **Chapter 4 – Managing biosecurity risks: conveyances**  **Part 2—Conveyances entering Australian territory etc.**  **Division 8 – Miscellaneous** | | | | | | |
| 220 | Person in charge or the operator of an incoming aircraft or vessel that is subject to biosecurity control must provide information about biosecurity requirements to persons on board incoming aircraft or vessels | 220(1) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 221 | Person in charge of a vessel that is within Australian territory must ensure that the prescribed quarantine signal is displayed on the vessel in the circumstances and in the manner prescribed by the regulations. | 221(3) | - | - | Strict liability  50 pu  $11,100 | Strict liability  60 pu  $13,320 |
| **Chapter 4 – Managing biosecurity risks: conveyances**  **Part 4—Entry points for incoming aircraft and vessels**  **Division 2—Entry points for aircraft that intend to land in Australian territory** | | | | | | |
| 237 | Aircraft that is subject to biosecurity control must not land at a landing place in Australian territory that is not a first point of entry for the aircraft unless if a direction or permission has been given for the aircraft to land at that landing place. | 237(2) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 237(3) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 237(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 237(5) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 238 | Aircraft that is subject to biosecurity control must be brought to relevant biosecurity entry point (if any) at first point of entry. | 238(2) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 238(3) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 238(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 238(5) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 239 | Person in charge or the operator of an aircraft that has been given permission to land at a landing place that is not a first point of entry for the aircraft must comply with the conditions specified in the notice giving this permission. | 239(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 239(5) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 239(6) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 239(7) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 243 | Person who is given a direction under a provision of Division 2 of Part 4 of Chapter 4 (which includes sections 240, 241 and 242) must comply with the direction. | 243(2) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 243(3) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| **Chapter 4 – Managing biosecurity risks: conveyances**  **Part 4—Entry points for incoming aircraft and vessels**  **Division 3—Entry points for vessels that intend to be moored in Australian territory** | | | | | | |
| 245 | Vessel subject to biosecurity control must not be moored at a port in Australian territory that is a first point of entry for the vessel unless if a direction or permission has been given for the vessel to be moored at that port. | 245(2) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 245(3) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 245(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 245(5) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 246 | Vessel that is subject to biosecurity control must be brought to relevant biosecurity entry point (if any) at first point of entry. | 246(2) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 246(3) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 246(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 246(5) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 247 | Person in charge or the operator of a vessel that has been given permission to be moored at a port that is not a first point of entry for the vessel must comply with conditions specified in the notice giving this permission. | 247(4) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 247(5) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 247(6) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 247(7) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| 251 | Person who is given a direction under a provision of Division 3 of Part 4 of Chapter 4 (which includes sections 248, 249 and 250) must comply with the direction. | 251(2) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 251(3) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |
| **Chapter 4 – Managing biosecurity risks: conveyances**  **Part 4—Entry points for incoming aircraft and vessels**  **Division 4—Miscellaneous** | | | | | | |
| 252A | Operator of a first point of entry must comply with direction to carry out specified activities to control vectors if the Director of Human Biosecurity or a chief human biosecurity officer has reasonable grounds to believe that carrying out those activities in that area is necessary to ensure that the vector has not spread into, or is not likely to become established in, the area. | 252A(3) | - | - | 300 pu  $66,600 | 1000 pu **2**  $222,000 |
| 252A(4) | 120 pu  $26,640 | 300 pu  $66,600 | - | - |

does not include terms of imprisonment

**2** New penalty departs from the Australian Government Guide to Framing Commonwealth Offences, Infringement Notices and Enforcement Powers

**Schedule 8 – Government Amendments**

| **Provision** | **Summary** | **Subsection** | **Current civil penalty**  **(penalty units / $)** | **New civil penalty**  **(penalty units / $)** | **Current criminal penalty**  **(penalty units / $)** | **New criminal penalty**  **(penalty units / $)** |
| --- | --- | --- | --- | --- | --- | --- |

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| --- | --- | --- | --- | --- | --- | --- |
| **Chapter 3 – Managing biosecurity risks: goods**  **Part 3 – Prohibited goods etc.**  **Division 5 – Offences and civil penalty provisions** | | | | | | |
| 186A | Person is liable to a civil penalty if the person brings or imports into Australian territory conditionally non-prohibited goods and a condition specified under subsection 174(1) has not been complied with and the goods are concealed for the purpose of preventing the goods from being found, or preventing the true nature of the goods from being determined, by a biosecurity official. | 186A(1) | - | 1,200 pu  $266,400 | - | - |

1. does not include terms of imprisonment [↑](#footnote-ref-1)
2. **2** New penalty departs from the Australian Government Guide to Framing Commonwealth Offences, Infringement Notices and Enforcement Powers [↑](#footnote-ref-2)