

Prohibited Matter (Diagnostics) Exemption Order 2019

under the
Biosecurity Act 2015

I, **BRUCE M. CHRISTIE**, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries, with the power the Secretary has delegated to me under section 379 of the *Biosecurity Act 2015*, and pursuant to section 402 of the *Biosecurity Act 2015*, make the following Exemption Order.

Dated this 4 day of December 2019

A handwritten signature in black ink, appearing to be 'Bruce M. Christie', written in a cursive style.

BRUCE M. CHRISTIE
Deputy Director General, Biosecurity and Food Safety
Department of Primary Industries
within the Department of Planning, Industry and Environment

Prohibited Matter (Diagnostics) Exemption Order 2019

under the

Biosecurity Act 2015

1. Name of Exemption

Prohibited Matter (Diagnostics) Exemption Order 2019.

2. Commencement and Duration

- (1) This Order commences on 13 December 2019.
- (2) This Order has effect until revoked or amended.

3. Revocation

This Order revokes the Prohibited Matter (Diagnostics) Exemption Order 2017 dated 29 June 2017.

4. Interpretation

- (1) In this Order:

activities ancillary means actions or conduct that assists or facilitates the carrying out of activities for the purposes described in clause 5(1) of this Order.

approved laboratories means:

- a) laboratories operated by or on behalf of a Commonwealth or State government agency, or
- b) laboratories which hold a current accreditation with the National Association of Testing Authorities (NATA) to test for a particular prohibited matter, in relation to testing for the particular prohibited matter to which the accreditation applies.

the Act means the *Biosecurity Act 2015*.

- (2) Words and expressions used in this Order have the same meaning as they have in the *Biosecurity Act 2015* unless otherwise specified in this Order.

5. Application

This Order applies to the following class of persons:

- (1) A person in their professional capacity dealing with prohibited matter for the purposes of undertaking the diagnosis of that matter.

- (2) A person who carries out activities ancillary to the purposes outlined in clause 5(1) and is in possession of prohibited matter.
- (3) In respect to clause 6(1)(d) of this Order, registered veterinary practitioners and authorised officers only.

6. Terms of Order

- (1) Specific persons identified in clause 5 of this Order are exempt from section 28 of the Act only to the extent that:

they conduct the following activities:

- a) collect diagnostic samples;
- b) move diagnostic samples to approved laboratories;
- c) undertake activities in approved laboratories necessary for the diagnosis of prohibited matter;
- d) use the anthrax immunochromatographic test (ICT); or
- e) test humans for prohibited matter,

in the following circumstances:

- a) For a person referred to in clause 5(1), in the course of undertaking any activity outlined in clause 6(1); and
- b) For a person referred to in clause 5(2), in the course of carrying out activities ancillary to the purposes outlined in clause 6(1).