

Impact Analysis Statement

Summary IAS

Lead department	Department of Primary Industries
Name of the proposal	<i>Biosecurity (Prohibited and Restricted Matter) Amendment Regulation 2026</i>
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Biosecurity Regulation 2016</i>
Date of issue	30 March 2026

Proposal type	Details
Minor and machinery in nature	<p>A 2019 review of the <i>Biosecurity Act 2014</i> (Biosecurity Act) recommended the prohibited and restricted matter lists be repositioned from the Biosecurity Act to the Biosecurity Regulation 2016 (Biosecurity Regulation) to improve responsiveness to changes in biosecurity risks, such as new or emerging pests, pathogens or diseases.</p> <p>Commencing automatically on 27 April 2026, the <i>Agriculture and Fisheries and Other Legislation Amendment Act 2024</i> (AFOLA Act) makes the necessary amendments to the Biosecurity Act for the prohibited and restricted matter lists to be lifted from the Biosecurity Act and repositioned into the Biosecurity Regulation, and updates the definitions and technical criteria for prohibited matter and restricted matter in sections 19 and 21 of the Biosecurity Act respectively.</p> <p>The Department of Primary Industries conducted a review and subsequent public consultation to update the prohibited and restricted matter lists according to the definitions and technical criteria of prohibited and restricted matter as amended by the AFOLA Act. Biosecurity matter was assessed against the amended technical criteria to determine whether the existing biosecurity risk management approaches remain appropriate for each species. Other high priority pests, pathogens and diseases were also assessed for inclusion on the lists as new entries, while other biosecurity matter was assessed as suitable for delisting.</p> <p>The amendment of the prohibited and restricted matter lists to reflect technological developments and contemporary scientific understanding is minor and machinery in nature as per the Queensland Government Better Regulation Policy.</p> <p>The retention of existing listings is considered 'minor' as it is a routine update with no substantive regulatory or policy change. New listings, delisted matter, or restricted matter listings subject to category changes are considered machinery in nature as the Minister is satisfied, under sections 19(2) and 21(2) of the Biosecurity Act as amended by the AFOLA Act, that the biosecurity matter meets the criteria for listing as prohibited or restricted matter. One listing (white spot disease) is utilising the transitional provision in section 117A of the AFOLA Act.</p> <p>Listings that are undergoing a nomenclature change are considered minor as the changes reflect naming conventions determined by the Queensland Herbarium or externally either in Commonwealth legislation or by internationally recognised scientific organisations.</p>

What is the nature, size and scope of the problem? What are the objectives of government action?

Noxious fish

There are two lists containing species of fish that are prohibited in Queensland and share similar management and regulation such as a prohibition on possession of the fish. They are:

1. Schedule 1, Part 6 'Noxious fish' of the Biosecurity Act; and
2. Schedule 5 'Non-native invasive ornamental fish' of the Biosecurity Regulation.

Having multiple lists for noxious fish under Queensland's biosecurity framework creates a requirement on the public to refer to multiple sources to understand which species of fish are prohibited in Queensland.

On 26 April 2026 necessary amendments in the AFOLA Act will omit Schedule 1 'prohibited matter' from the Biosecurity Act and the Amendment Regulation will insert the prohibited matter list into the Biosecurity Regulation. Part 6 'Noxious fish' of Schedule 1 'prohibited matter' of the Biosecurity Act will transfer to the Biosecurity Regulation through this process.

The Amendment Regulation will also insert the biosecurity matter that were listed in Schedule 5 'Non-native invasive ornamental fish' of the Biosecurity Regulation into Part 6 of the repositioned prohibited matter list. This will have the effect of combining the two lists into one location in the Biosecurity Regulation. No non-native invasive ornamental fish are present in Queensland and therefore meet the prohibited matter criteria under the Biosecurity Act.

The objective of government action is to streamline regulation of noxious fish species to support stakeholders in understanding their requirements and obligations for noxious fish in Queensland.

What options were considered?

Noxious fish

In the development of the AFOLA Act, the following options were considered:

Option 1 – Status quo

This option would maintain the two separate listings. This option would maintain the burden on stakeholders through a requirement to view multiple sources to understand their obligations to deal with certain fish species. This increases the risk of non-compliance with biosecurity legislation where the public may not know of or consult each relevant source when seeking to understand their obligations.

Option 2 – Combine Schedule 5 fish into prohibited matter Part 6 noxious fish

This option would combine the two lists by repositioning Schedule 1, Part 6 'Noxious fish' of the Biosecurity Act into the Biosecurity Regulation, and transferring the species that were listed in Schedule 5 'non-native invasive ornamental fish' of the Biosecurity Regulation into the newly positioned prohibited matter list in the Biosecurity Regulation.

This option will streamline the regulation of species by condensing two lengthy lists into one shorter list by capturing fish by their umbrella genus or family-level categorisation, rather than the current approach of listing individual species.

Grouping noxious fish at this level is considered appropriate as species in an identified genus or family possess similar ecological traits, climate adaptation potential and risk of hybridisation.

Option 2 will improve regulation of the species by listing all noxious fish in one place, reducing the burden on stakeholders needing to refer to multiple sources in legislation to understand their obligations when dealing with these species.

What are the impacts?

Noxious fish

Under Option 2, there would be minimal impact to individuals, businesses and the community. Fish prescribed under Schedule 5 'Non-native invasive ornamental fish' of the Biosecurity Regulation are managed and regulated similarly to the noxious fish prescribed in Part 6 'Noxious fish' of Schedule 1 of the Biosecurity Act, declared as prohibited matter.

Species listed as prohibited matter require a person to:

- advise an inspector of the presence of the biosecurity matter without delay, unless the person is aware an inspector has already been notified;
- not take any action reasonably likely to exacerbate the biosecurity risk posed by the prohibited matter;
- not deal with prohibited matter, including possessing, growing, raising or feeding the prohibited matter.

Specific requirements for Schedule 5 'Non-native invasive ornamental fish' species listed in the Biosecurity Regulation means a person must not:

- bring a non-native invasive ornamental fish into Queensland; nor
- possess a non-native invasive ornamental fish in Queensland.

Additionally, species listed in Schedule 5 'Non-native invasive ornamental fish' of the Biosecurity Regulation require a person to discharge their general biosecurity obligation. This means a person has an obligation to take all reasonable and practical measures to prevent or minimise the biosecurity risk of the biosecurity matter, as well as other requirements.

The transfer of the non-native invasive ornamental fish listings into the prohibited matter list in the Biosecurity Regulation does increase the requirements and obligations on a person through the additional requirement to notify an inspector of a suspected prohibited matter species without delay. The impact of this requirement on a person, business and the community is not considered significant because noxious fish and non-native invasive ornamental fish are not established in the State and it is unlikely a person will encounter one. The last suspected prohibited noxious fish was reported to the then Department of Agriculture and Fisheries in 2018 which demonstrates the likely impact of this proposed amendment to noxious fish.

Who was consulted?

Noxious fish

The proposed amendment to the prohibited and restricted matter lists was discussed in the *Biosecurity in Queensland: A review of the prohibited and restricted matter list* consultation paper, which was released for public comment from 29 September 2025 to 27 October 2025. Key stakeholders, including local governments, peak industry bodies, fishing industry stakeholders and water supply operators were notified of the consultation paper and invited to make a submission. Additionally, webinars were held for local government and the Queensland Invasive Plants and Animals Committee.

The consultation received 610 survey responses and 158 written submissions. A total of three submissions were received addressing the proposed noxious fish changes and did not raise any significant issues.

What is the recommended option and why?

Noxious fish

Option 2 is the preferred option. Transferring the species listed in 'non-native invasive ornamental fish' into the prohibited matter list in the Biosecurity Regulation will reduce burden on stakeholders by streamlining legislation and producing a single source for dealing with noxious fish species.

Impact assessment

Given a variety of factors, including the very low likelihood of dealing with the prohibited species as they are not present in Queensland and the proportionality principle, the costs involved with the noxious fish amendment are negligible and will be managed from within existing operational budgets.

	First full year	First 10 years**
Direct costs – Compliance costs*	N/A	N/A
Direct costs – Government costs	N/A	N/A

* The *direct costs calculator tool* (available at qpc.qld.gov.au/best-practice-regulation) should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero. **Agency to note where a longer or different timeframe may be more appropriate.

Signed



Graeme Bolton

Director-General
Department of Primary Industries

Date: 26/03/2026



Anthony Perrett MP

Minister for Primary Industries

Date: 30/03/2026