Committee Secretary
Senate Rural and Regional Affairs and Transport Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Inquiry into the Biosecurity Bill 2012 and Inspector-General of Biosecurity Bill 2012

The Industry Working Group on Quarantine Ltd (IWGQ) www.iwgq.com.au represents industry groups that are the key stakeholders in the Department of Agriculture, Fisheries and Forestry (DAFF) major activity areas covering cargo, shipping, aviation and related issues.

The IWGQ is, in principle, supportive of the more modern, flexible, responsive and robust legislation, as tabled in the Parliament and referred to the Senate Committee for inquiry and report by 27th February 2013. The legislation is aimed at providing both Government and industry with support for the future management of biosecurity in Australia.

Members of the IWGQ have been involved in the two initial consultation groups (Industry, Shipping and Aviation) since early 2009, and the wider Industry Legislation Working Group formed in early 2011. These consultation processes have been resource intensive and industry has been able to provide extensive input into the drafting processes of the legislation before publication of the exposure drafts and tabling of the legislation in Parliament.

While most of the suggested changes were accepted during the extended consultation processes, some concerns related mainly to the international and national supply and logistics operations have not been addressed in Chapter 6 of the legislation under reference. These include the provision of specific legislative instruments for the establishment of Biosecurity Zones, which would replace Quarantine Approved Premises (QAP) currently operating under Section 46A of the Quarantine Act.

It should be noted that there are currently eight (8) classes of QAPs which in turn cover forty (40) specific criteria, all of which are part of the logistic processes that attach to goods from importation to final release from biosecurity control. Each criterion addresses specific biosecurity requirements relating to premises locations, constructions, security and hygiene provisions to name but a few. – Please refer Attachment 1.

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The Customs Act provides for three specific areas of control in which goods subject to Customs control must be held until released from control of that agency. These are Section. 15 which covers the appointment of ports, airports, wharves and terminals; Section. 77G which covers freight stations / depots which provide services for handling of sea and air cargo off-airport and seaport sites appointed under Section 15; and Section 79 which covers warehouses / bond stores etc. Attachment 2 provides more details on Sections 77G and 79.

It is suggested that the new biosecurity legislation should provide similar provisions as contained in the Customs Act for locations and premises for biosecurity control so as to provide very clear and unambiguous compliance requirements as well as transparency for all parties in the supply chain. These requirements should also make specific references to control measures as provided in the Customs Act, such as the movements of goods between the premises under reference.

With the closer alignment of Biosecurity and Customs barrier control measures (which is regarded by industry as essential), such as the cargo and conveyance reporting requirements, legislative control / directions over the places / premises of landing as well as the subsequent onshore supply chain, better alignment between the Customs and Biosecurity Legislation is deemed essential.

It is noted that the explanatory memorandum provided for the legislation notes that the current QAP arrangements will be accommodated under Chapter 7 Approved Arrangements. There is little, if any, detail as to how this is going to be achieved.

Following the publication of the exposure drafts of some of the legislation, Industry members have also participated in consultation meetings arranged by DAFF in July / August 2012 for specific industry parties and the general public and have provided substantial input.

It is noted that these consultative meetings took place before the release of three substantial legislation areas, these being Chapter 6 Prevention and control measures, Chapter 8 Emergency provisions other than human biosecurity and Chapter 12, Cost recovery and related issues. Whilst these Chapters were released prior to final submissions to DAFF regarding the legislation in October 2012, there has been little opportunity to discuss these issues in interactive sessions such as those arranged by DAFF in July and August 2012.

The IWGQ is aware of submissions lodged by a number of industry associations as part of the original consultation process. It supports many of the issues raised that relate to the Appropriate Level of Protection, Biosecurity Import Risk Assessment, Eminent Science Group, Approved Arrangements, Emergency, Prevention and Control Measures and Cost Recovery to name but some.

The IWGQ is cognisant that the legislation as tabled provides the primary overarching legislative framework and that the effectiveness of the legislation will be determined by subordinate regulation and other legislative processes. The IWGQ considers it essential that DAFF be legally required to enter into a formal consultative process with industry stakeholders for proper consideration of regulation and related guidelines before their introduction.

As noted IWGQ members, representing a wide range of stakeholders, have provided substantial input since the inception of the legislation project and are prepared to meet with the Senate Committee to elaborate further on any issues of mutual interest

Should you require any further information or have any questions please do not hesitate to contact the undersigned

Yours Sincerely

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