

**SENATE RURAL & REGIONAL AFFAIRS & TRANSPORT
LEGISLATION COMMITTEE**

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

Canberra, Friday 08 February 2013

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**Rural and Regional Affairs and Transport Legislation Committee
Inquiry into the Biosecurity and Inspector-General of Biosecurity Bills
Department of Agriculture, Fisheries and Forestry's opening statement
8 February 2012**

Thank you Chair, I welcome this inquiry as an opportunity to provide more information on the Biosecurity and Inspector-General of Biosecurity Bills.

The department plays a critical role in sustaining the integrity of Australia's natural environment, the amenity of Australia's urban communities, and the productivity of Australia's agricultural, fisheries and forestry industries. Effective biosecurity management is a key part of ensuring we are able to do this.

This new legislation, if enacted, provides a robust framework for the management of biosecurity risks inherent in the movement of people, goods and vessels before they arrive in Australia, as they come across the border and the within our borders. This is critical given its importance in maintaining competitive and sustainable industries, protecting our environment, and ensuring the health and urban amenity of the Australian population.

Collaboration between the future Director of Biosecurity and Director of Human Biosecurity in managing biosecurity risks is extremely important. As such, the legislation has been developed in conjunction with the Department of Health and Ageing, which has also provided a submission into this Inquiry and is here with us today.

You would be aware that the department made a submission to this inquiry on 19 December 2012. In the department's submission, we indicated the existing Act has provided for the effective management of biosecurity risk. However, we need to ensure the department can best respond to biosecurity risks in an ever-changing and complex environment.

The department believes the existing Act is difficult to interpret and administer in places – resulting in compliance and administrative difficulties for industry, clients and government. There are also areas where the Commonwealth does not have powers to manage threats to our favourable pest and disease status. These issues could potentially compromise the department's ability to manage contemporary biosecurity risks.

In the department's view, the Bills being considered by the Committee address these issues and fill gaps by introducing regulatory measures where necessary. Therefore, if enacted, the Bills will provide an important enabler in managing biosecurity risks into the future.

Overall, the two Bills form an integrated legislative framework aimed at ensuring better protection of Australia's productive assets and environment. This will provide for integrated and modern risk management in a complex environment and ensure more flexible,

transparent and accountable decision making for the benefit of the Australian community. Specifically, the Biosecurity Bill will, if enacted:

- assign equal weight to the management of biosecurity risks associated with human, animal and plant health, and the environment;
- enshrine Australia's Appropriate Level of Protection for the purposes of conducting a biosecurity import risk analysis, or any risk assessment, when determining whether goods can come into Australia;
- explicitly state the set of constitutional powers available, providing certainty about the Commonwealth's ability to manage biosecurity risk across the biosecurity continuum – offshore, at the border and onshore – and address more contemporary biosecurity risks;
- allow the Commonwealth, in consultation with state and territory governments, to utilise additional powers to manage onshore incursions of pests or diseases – complementing existing arrangements to respond to incursions of pests or diseases under the Emergency Plant Pest Response Deed, the National Environmental Biosecurity Response Agreement and the Emergency Animal Disease Response Agreement; and
- allow for more transparent decision making by clearly outlining roles and responsibilities and regulatory processes that must be followed.

At the same time, the Inspector-General of Biosecurity Bill will, if enacted, allow for review of the performance of functions and exercise of powers by the Director of Biosecurity.

I would like to draw your attention to some of the key new inclusions under the legislation that will benefit business, the community and the department:

- For the first time, the Commonwealth will regulate ballast water and the management of sediment by Australian and foreign vessels within Australian seas – allowing us to better manage any potential introduction or spread of an invasive marine pest;
- The new legislation will result in a process for proclaiming first points of entry and the requirements that a first point must meet. This will allow for the biosecurity risks associated with its operation to be managed at an acceptable level and determinations to be made in a transparent and consistent way;
- The inclusion of new provisions for approved arrangements extends current co-regulatory arrangements – such as Quarantine Approved Premises – and provides industry participants with the opportunity to voluntarily enter into partnership with the Commonwealth to manage biosecurity risks associated with their operations. These arrangements will include measures to ensure:
 - industry participants can manage biosecurity risks to an appropriate level
 - that people operating an approved arrangement are the right people by conducting a fit and proper person test, and
 - that the conditions of an approved arrangements are being met by applying an audit regime.

- The introduction of civil penalties, where previously only criminal penalties were available, will ensure that biosecurity officials have the powers necessary to respond to non-compliance in a way that is proportionate to the severity of the breach – for example, the department will be able to take action for offences that are not serious enough to warrant criminal prosecution.

I would like the Committee to note the focus the department has had on co-designing this legislation. Since 2009, we have been working with a range of stakeholders – from the primary production, environment, supply chain and logistics sectors – to write the legislation. And of course, our own staff who will administer the legislation were involved in the development process. Since the release of the draft legislation, we have continued to work with stakeholders and the public to hear their views before introducing the Bill – holding approximately 20 forums with over 400 people attending.

It is important to note that the development of the Bills is the first step in improving our regulatory framework. The next step is to work with stakeholders on developing a suite of outcomes-focussed subordinate legislation – including regulations and determinations. These will further articulate how biosecurity risks will be managed without placing unnecessary burden on stakeholders and officials.