



Reference: 10089/11

Department of
**Employment, Economic
Development and Innovation**

07 FEB 2012

Mrs Carryn Sullivan MP
Chair
Environment Agriculture Resources
and Energy Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mrs Sullivan

Inquiry into the Biosecurity Bill 2011

Thank you for your letter of 22 November 2011 regarding the Environment, Agriculture, Resources and Energy Committee's (the Committee) inquiry into the Biosecurity Bill 2011 (the Bill), as introduced into the Legislative Assembly by the Minister for Agriculture, Food and Regional Economies, the Honourable Tim Mulherin MP on 25 October 2011.

I understand that our departmental contact for the Committee's Inquiry into the Bill, Elton Miller, General Manager, Biosecurity Queensland has been liaising with the Committee Secretariat.

As requested in the letter, I now enclose information for the Committee regarding the background and major policy drivers of the Bill and the public consultation process conducted during the development of the Bill.

As these documents indicated, public consultation on the development of the Bill commenced in July 2008 and continued until September 2011, just prior to the Bill being introduced into the Legislative Assembly. The extensive consultation process has been integral to the development of the Bill.

I also enclose the department's written advice on the points raised in the submissions to the Committee's inquiry for the Committee's consideration.

If you require any further information regarding the departmental response, or any other documents supplied for the Committee's inquiry, please do not hesitate to contact Elton Miller on telephone 07 3239 3057.

Yours sincerely



Robert Setter

Associate Director-General

Department of Employment, Economic Development and Innovation

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**ENVIRONMENT, AGRICULTURE, RESOURCES
AND ENERGY COMMITTEE**

INQUIRY INTO THE BIOSECURITY BILL 2011

**SUMMARY OF SUBMISSIONS 1-7
PREPARED BY EAREC SECRETARIAT 22.12.11**

This Summary is designed to be read in conjunction with the submissions.
DEEDI comments provided by Biosecurity Queensland, a service of the Department of Employment, Economic
Development and Innovation (DEEDI) on 7 February 2012.

Comments in clause order

**(3, 4, 6, 7, 11, 13-16, 22-46, 64, 68, 69, 76, 100, 106, 114, 115, 118, 120, 121, 123, 125-130,
131, 143, 144, 166, 171, 173, 180, 181, 196-200, 207, 219-231, 236, 322, 330, 381, 449, 460-
497, 515, Sch.1 and other issues)**

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
3	Purposes of Act	Submission No. 3 Queensland Murray Darling Committee Inc	QMDC submits that section 3 (at p.32) of the Act needs to be strengthened to reflect the need to primarily prevent impact caused by biosecurity risks and not merely reflect a minimisation objective. Although the action to prevent the impacts of biosecurity risks is clearly indicated in section 4 (at p.33) of the Act, QMDC suggests that this action needs to be mirrored in section 3 . (Sub 3, p.2)	<p>The Biosecurity Bill 2011 (the Bill) is a framework for managing risks associated with emerging, endemic and exotic pests and diseases, the transfer of diseases from animals to humans and biological, chemical and physical contaminants in carriers.</p> <p>Prevention is only one of the ways that the Bill achieves its purposes of providing an effective biosecurity system for Queensland. Minimising biosecurity risks includes taking preventative measures to reduce the impact caused by biosecurity risks.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
		Submission No. 2 Gold Coast City Council Waste and Resource Management Branch	The Gold Coast City Council's Waste and Resource Management Branch (W&RMB) Supports the purpose of the proposed Biosecurity Bill (Sub 2, p.2)	Noted
4	How purposes are primarily achieved	Submission No. 2 Gold Coast City Council Waste and Resource Management Branch	W&RMB is concerned that there is no clear indication that biosecurity is a core function of the State and not Local Government. They suggest modification of S.4(h) to read: <i>..providing for a framework that improves the capacity of Local Government, industry and the community generally to support the State's response to biosecurity risks.</i> (Sub 2, p.2).	<p>The central objective in development of the Bill is a seamless biosecurity system that fully involves all stakeholders including primary industry participants, the three levels of government and persons generally.</p> <p>The Bill empowers all stakeholders to take an active role in preventing, managing and responding to biosecurity risks that can have a negative impact on Queensland.</p> <p>The function of local governments in administering the Bill is clearly defined in chapter 3. The functions prescribed under chapter 3 are consistent with the current functions of local government under the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>

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6	Act binds all persons	Submission No. 2 Gold Coast City Council Waste and Resource Management Branch	Commend the inclusion of a clear requirement on the State and Commonwealth to fulfill the requirements of the proposed bill. There is a concern however with the ability of Local Government to ensure the provisions of Biosecurity Plans for invasive Biosecurity Matter (S.52) are met by the State and Commonwealth Departments. W&RMB look forward to the existing arrangements within the Memorandum Of Understanding between Local Government Association of Queensland, Commonwealth, State and NRM groups and the State Land Pest Management Committee being confirmed under S.76 of this legislation. (Sub 2, p.2)	<p>The Bill expressly binds the Crown and, to the extent the legislative power of the Parliament permits, the Commonwealth and other States. The Bill goes on to provide that while the Bill binds the Crown, the Commonwealth or a State cannot be prosecuted for an offence against the Bill.</p> <p>While the Crown cannot be prosecuted, the intention of binding the Crown in this instance is to ensure that the Crown and officers of the Crown are bound by and subject to the same obligations under the Bill as ordinary persons.</p> <p>Biosecurity Queensland, in consultation with other government agencies, has developed a new draft State Land Pest Management Framework as a non-legislative approach to the issue of invasive plants and animals on State land. The framework is currently in its final stages of consultation with Local Government Association Queensland (LGAQ) and Biosecurity Ministerial Advisory Council (BQMAC).</p> <p>Biosecurity Queensland will also continue to work closely with local governments and LGAQ to improve the governance arrangements for the Land Protection Fund. This includes reviewing and re-negotiating the Memorandums of Understanding (MOU) between the department, LGAQ and the Natural Resource Collective to ensure a strategic approach to the ongoing management of invasive plants and animals.</p> <p>MOUs are developed by parties in consultation and negotiation with one another. A MOU regarding governance arrangements for the Land Protection Fund would not become a government and industry agreement under clause 76 of the Bill.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
		Submission No. 3 Queensland Murray	QMDC supports regulation as a necessary support mechanism to ensure compliance and participation, especially when a voluntary and proactive	Achieving sound biosecurity outcomes is achieved in the Bill in a number of ways. The central objective in

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		Darling Committee Inc	<p>approach is not capable of achieving full participation. The Act therefore must clearly enforce not only the responsibility of local governments but also the State and Commonwealth's responsibilities, as important functions in supporting the adoption and delivery of both mandatory and voluntary implementation of biosecurity activities. Although past legislation has supported regulatory roles which have promoted compliant participation in pest management; it has generally not been sufficiently fulfilled to act as a disincentive to non-compliance and participation in coordinated pest management activities. The decision to withdraw State Land Protection Officers, for example, from Warwick compromised successful biosecurity delivery. In QMDC's opinion such Officers and State commitment are clearly needed to support landholders dealing with pests such as rabbits.</p> <p>QMDC recognises the key role of the State to enforce a fair and equitable participation of all people and sectors. Non participation is a risk which needs specific management and enforcement to achieve a complementary and successful biosecurity system.</p> <p>Biosecurity Queensland through its legislative processes is in a strong position to ensure that priorities are reflected through 'incentives' and 'disincentives' within the biosecurity framework. A range of measures to assist with establishing ownership of risk within the various legislations should clearly identify roles with regard to investment. (Sub 3, p.3)</p>	<p>development of the Bill is a seamless biosecurity system that fully involves all stakeholders including primary industry participants, the three levels of government and persons generally. The Bill empowers all stakeholders to take an active role in managing and responding to biosecurity risks that can have a negative impact on Queensland.</p> <p>The Bill achieves this purpose by imposing obligations on people and regulating people's activities when they deal with biosecurity matter or carriers of biosecurity matter. These obligations support the notion that the biosecurity of the State is a responsibility shared by all Queenslanders.</p> <p>Obligations can be discharged by complying with relevant requirements of the Act, a regulation, a code of practice or a guideline. Where there is a failure to discharge that obligation, the Bill provides appropriate step in powers through the use of regulatory instruments and, where necessary, for the prosecution of an offender.</p> <p>The Bill introduces mechanisms, such as biosecurity programs, whereby government and stakeholders can implement more effective flexible measures to prevent, control or manage particular biosecurity risks or risk activities. The development and adoption of codes of practice and guidelines, including those developed by industry, enable the recognition of best practice ways of mitigating risks.</p> <p>This greater range of regulatory tools available under the Bill enables government and industry to respond to changing policies or risk. The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months.</p> <p>It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further</p>

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				<p>consultation with stakeholders throughout the development of the subordinate legislation. This will include Natural Resource Management Groups during the development of any possible codes of practice relating to invasive plants and animals.</p> <p>Resourcing is a policy and budgetary matter beyond the scope of the Bill.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
		Submission No. 3 Queensland Murray Darling Committee Inc	QMDC does not support the immunity for the State and Commonwealth from prosecution afforded by section 6(2) at (p.35) of the Act. QMDC is also concerned that section 6(2) may interfere with compensation allowed in section 322 (at p.264) of the Act. (Sub 3, p.3)	<p>It is a long-established common law principle that a statute does not bind the Crown unless expressly mentioned. In Australia, the Crown refers to the Commonwealth and State and Territory Governments.</p> <p>In the case of the Biosecurity Bill, the Bill expressly binds the Crown and, to the extent the legislative power of the Parliament permits, the Commonwealth and other States. The Bill goes on to provide that while the Bill binds the Crown, the Commonwealth or a State cannot be prosecuted for an offence against the Bill.</p> <p>While the Crown cannot be prosecuted, the intention of binding the Crown in this instance is to ensure that the Crown and officers of the Crown are bound by and subject to the same obligations under the Bill as ordinary persons.</p> <p>Biosecurity Queensland, in consultation with other government agencies, has developed a new draft State Land Pest Management Framework as a non-legislative approach to the issue of invasive plants and animals on State land. The framework is currently in its final stages of consultation with LGAQ and BQMAC.</p> <p>Immunity of the State or Commonwealth from prosecution does not impact on an individual's ability</p>

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				to seek compensation under clause 322 of the Bill. The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.
7	General application of Act to ships	Submission No. 2 Gold Coast City Council Waste and Resource Management Branch	Re 7(2) W&RMB is concerned with the general application of the Bill to ships in Queensland waters and other waters. Local Government will be unable to meet the considerable resourcing implications of managing invasive biosecurity matter on ships. W&RMB suggest providing exemption/clarification regarding the management of "invasive biosecurity matter" by Local Government on ships. This role should be fulfilled by the Queensland Government Department of Transport and Main Roads — Maritime Safety, Queensland (MSQ), Customs and Australian Quarantine Inspection Service (AQIS). These departments will be responsible for identifying biosecurity matter that is outside the responsibility of Local Government (marine pests) and should retain responsibility for invasive biosecurity matter under the proposed Bill. ((sub 2, p.2)	The Bill does not transfer the current responsibilities of agencies, such as Australian Quarantine Inspection Service (AQIS) or Marine Safety Queensland (MSQ) to local governments or to Biosecurity Queensland. Queensland marine waters come under the jurisdiction of the State and as such are not part of a local government area as defined in clause 47 (Main function of local government). Local Governments are only required to manage invasive biosecurity matter within their jurisdiction. The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.
11	Community involvement in administration of Act	Submission No. 3 Queensland Murray Darling Committee Inc	QMDC seeks clarification of the resources that the Queensland Government will provide community organisations like the QMDC to ensure the community involvement is meaningful and relevant in accordance with the Act (Sub 3, p.3)	Resourcing is a policy and budgetary matter beyond the scope of the Bill. Biosecurity Queensland recognises the key role that community organisations play in the ongoing management of invasive plants and animals and is committed to continue to work closely with community organisations including natural resource management bodies, local governments and the LGAQ to improve the strategic approach to this issue.
13	What is a <i>biosecurity event</i>	Submission No. 1 Zoo and Aquarium Association Queensland Branch	This is exceptionally broad (seemingly limitless) definition. It would seem to provide infinite opportunity to the department to implement things such as biosecurity programs and prevention and control programs; even in relation to things that "may happen". This could include anything to do with zoo animals. This is not consistent with the <i>Legislative Standards Act 1992</i> Part 2, Legislative standards 4 (3)(a) which requires that legislation does not affect rights and liberties of individuals by not sufficiently defining administrative power under the legislation. It further fails in that it is not 'unambiguous' and 'sufficiently clear' as it appears to have no defined limit at all.	A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill. The Biosecurity Bill was not developed to regulate which species (either native or exotic) can be kept by the exhibited animals industry. The broad definition of biosecurity event will not impede the normal operation of the exhibited animals

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			How will the exhibited animals industry be able to confidently operate when virtually anything to do with core business (in the past, present and future) may be deemed, at any time, to be a <i>biosecurity event</i> and subsequently subject to a range of actions that can follow such a declaration? (Sub 1, p.3)	<p>industry. However, there may be emergent biosecurity threats (e.g. disease outbreaks) that may require a response under the Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
14	What is <i>biosecurity matter</i>	Submission No. 1 Zoo and Aquarium Association Queensland Branch	This is [an] exceptionally broad (seemingly limitless) definition. (Sub 1, p.3)	<p>The definition of biosecurity matter is deliberately broad. However, the presence of biosecurity matter does not, in itself, impose any obligations or enliven any government powers. In essence, obligations and powers in relation to "biosecurity matter" only arise where the matter poses a biosecurity risk or causes a biosecurity event and action is required to address those risks.</p> <p>The shift to using the term biosecurity matter (as opposed to the current framework that requires the identification and scheduling of specifically identified exotic pest and diseases before action can be taken) increases the capacity to take action quickly to reduce the impact and ultimately the cost of a biosecurity risk to Queensland. The scope of the Bill applies to both listed and declared biosecurity matter. It allows government to respond, if required, to unprescribed biosecurity matter present in Queensland or that exists outside of Queensland and is a threat to a biosecurity consideration.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
15	What is a <i>biosecurity risk</i>	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Under this all-encompassing definition all core business of the exhibited animal industry can be determined to be a biosecurity risk. What protections are there for the exhibited animal industry to continue given the apparent biosecurity risk of core business? (Sub 1, p.3)	Under the Biosecurity Bill, the zoo and aquarium industry will be required to abide by the general biosecurity obligation to take reasonable and practical measures to prevent or minimize a biosecurity risk and to not do anything that may exacerbate the risk.

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
				<p>If part of a zoo's business constitutes a biosecurity risk, it will be incumbent on the zoo to take reasonable and practicable steps to minimize the risk. This is consistent with the principle of shared responsibility between government, industry and community that underpins the Bill.</p> <p>Provided a zoo manages, to an appropriate extent, the biosecurity risks associated with its operations, its ability to lawfully keep and display animals will not be affected.</p> <p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
		Submission No. 3 Queensland Murray Darling Committee Inc	QMDC would like the definition of biosecurity risk broadened to include failing to respond to a known risk, and the absence of scientific knowledge about a potential risks. (Sub 3, pp.3-4, clarified with QMDC staff 22.12.11)	<p>Clause 15 (What is a biosecurity risk) defines what a risk is for the purpose of the Bill. Failure by a person to respond to a known risk is a failure to discharge their general biosecurity obligation under clause 22. The general biosecurity obligation will apply to a person who deals with biosecurity matter or a carrier, or carries out an activity if the person knows or ought reasonably to know that the biosecurity matter; carrier or activity poses or is likely to pose a biosecurity risk.</p> <p>The general biosecurity obligation means that the owner of the risk must manage that risk. Establishing a general biosecurity obligation on all persons encourages people to take a proactive role in preventing, managing and addressing biosecurity risks.</p> <p>A person also has a general obligation to take all reasonable and practical measures to prevent or minimise the biosecurity risk. A person may discharge their biosecurity obligation through complying with the requirements of the Act, a regulatory provision (for</p>

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				<p>example a compulsory code of practice) or through a guideline.</p> <p>Existing education tools that assist industry and the community to understand how they know or ought to know about biosecurity risks posed by biosecurity matter, will still be utilized under the Bill (such as the public awareness campaigns and other community engagement practices).</p> <p>The absence of scientific knowledge about a risk does not mean that measures to address the risk cannot be taken. The precautionary principle embodied in clause 4, provides that a lack of scientific certainty should not be used as a reason to postpone taking action to prevent a biosecurity event or postpone a response to a biosecurity risk. The practical implication for this approach is that the Bill allows for swifter responses to emergent situations.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>

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16	What is a <i>carrier</i>	Submission No. 1 Zoo and Aquarium Association Queensland Branch	This is [an] exceptionally broad (seemingly limitless) definition. What protections are there for the exhibited animal industry to continue given the apparent biosecurity risk of core business? (Sub 1, p.4)	<p>The presence of a carrier does not, in itself, impose any obligations nor does it enliven any government powers. In essence, obligations and powers in relation to a "carrier" arise only where there is a biosecurity risk associated with the presence of the carrier.</p> <p>Where part of a zoo's business constitutes a biosecurity risk, it will be incumbent on the zoo to take reasonable and practicable steps to minimize the risk. This is consistent with the principle of shared responsibility between government, industry and community that underpins the Bill.</p> <p>Provided a zoo can demonstrably minimize the biosecurity risks associated with their operations, its ability to lawfully keep and display animals will not be affected by the Biosecurity Bill.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
22	What is a <i>general biosecurity obligation</i>	Submission No. 3 Queensland Murray Darling Committee Inc	QMDC recommends that "reasonable and practical measures" need to be further qualified in the Act to reflect the likelihood and degree of ecological and economic impact that could be caused by either the introduction or spread of a weed or pest. The seeds of rats tail grasses, for example, remain viable for 40 years and should it be deemed reasonable and practical for a landholder to manage to his/her best means ONLY some of the infested area the likely future risk is ongoing infestation or spread. QMDC in such a scenario would be concerned if the Act considered the landholders initial action as "reasonable". QMDC suggests the Act needs to provide a mechanism which clearly outlines the parameters of a reasonable and practical measure relating those parameters to the nature of the biosecurity risk. (Sub 3, p.4)	<p>The ordinary meaning of 'reasonable' and 'practical' will be adopted under the Bill and will encompass the 'reasonable person' test. This is consistent with current legislative practices and as such represents contemporary best practice.</p> <p>What is reasonable and practical may vary depending on circumstances. Any attempt to define these terms may lead to inflexibility, which in turn could lead to more serious biosecurity risks or impacts being realized.</p> <p>Under the provisions of the general biosecurity obligation, the Bill imposes obligations that apply to a person who deals with biosecurity matter or a carrier, or carries out an activity if the person knows or ought reasonably to know that the biosecurity matter, carrier or activity poses or is likely to pose a biosecurity risk.</p>

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				<p>What is reasonable and practical in particular circumstances may be provided for in the Bill by a regulatory provision, through codes of practice or through non-regulatory measures such as public education campaigns.</p> <p>The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>

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22-46	Chapter 2 Significant obligations and offences	Submission No. 6 BSES Limited	The section in the Bill on general biosecurity obligations (Chapter 2) has good intents but we believe it would be difficult to enforce because of its general nature. Many biosecurity matters (diseases, pests or contaminants) are difficult to identify and if the person from an industry or the general public cannot identify the risk then they could not be expected to discharge their obligation. Once a biosecurity threat has been identified by suitable trained specialists, and a management plan or code of practice is developed, the specific obligations under the program or code of practice are defined and the general biosecurity obligation no longer applies. (Sub 5, p.1)	<p>The general biosecurity obligation will apply to a person who deals with biosecurity matter or a carrier, or carries out an activity if the person knows or ought reasonably to know that the biosecurity matter, carrier or activity poses or is likely to pose a biosecurity risk.</p> <p>A person also has an obligation to take all reasonable and practical measures to prevent or minimise the biosecurity risk. The reasonable and practical measures needed to discharge a person's biosecurity obligation would be tailored to the biosecurity risk and individual biosecurity matter. A person may discharge their biosecurity obligation through complying with requirements of the Act, a regulatory provision (for example a compulsory code of practice) or through a guideline.</p> <p>The general biosecurity obligation is enduring regardless of other biosecurity mechanisms that may be finalized over a particular biosecurity matter or relating to a biosecurity risk.</p> <p>Under chapter 4 of the Bill, codes of practice and guidelines will be made or adopted that enable persons to understand how their obligations in relation to specific matters relating to biosecurity may be discharged.</p> <p>A compulsory code of practice prescribes how a person must discharge their general biosecurity obligation in relation to particular biosecurity matter, carrier or activity. However, a code of practice does not alleviate a person from complying with their general biosecurity obligation under clause 22. A compulsory code of practice means that the general biosecurity obligation may be enforced through measuring compliance with the compulsory code of practice.</p> <p>It is important to note that the Bill also allows, through application of the precautionary principle in clause 4, for swifter responses to emergent situations as the absence of scientific knowledge about a risk should</p>

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				<p>not mean that measures to address the risk cannot be taken. The precautionary principle provides that a lack of scientific certainty should not be used as a reason to postpone taking action to prevent a biosecurity event or postpone a response to a biosecurity risk.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
45	Designated animals feeding on animal matter	Submission No. 1 Zoo and Aquarium Association Queensland Branch	It would appear that feeding zoo animals that are by definition under the Act, designated animals (e.g. a corn snake, a wedge-tailed eagle, an alligator etc) animal matter (meat) would be illegal under this Part. This would seem to be an unintended consequence of this Part. How will these kinds of unintended consequences for the exhibited animals industry be resolved? (Sub 1, p.4)	<p>Biosecurity Queensland acknowledges that this provision captures some designated animals (such as raptors) that are typically fed whole prey and commits to providing exemptions to enable the zoo industry to feed animal matter to animals that will not enter the food chain.</p> <p>Advice is currently being sought to determine how to resolve this issue.</p>
45	Designated animals feeding on animal matter	Submission No. 5 Local Government Association of Queensland Ltd	<p>The State made a commitment to limit local government functions in biosecurity matters to invasive plants and animals. The Bill's attempt to define this in S.45 however, is not definitive enough to avoid the potential for re-interpretation of these responsibilities through statements in other sections of the Bill.</p> <p><i>Recommendation:</i> Amend wording in Section 45 (S.45) to clearly limit local government functions to invasive plants and animals only. Review terminology in the remainder of the Bill to clearly reflect local government functions as defined in S.45. (Sub 5, p.2)</p>	<p>Biosecurity Queensland believes that these comments from LGAQ relate to clause 47 and not clause 45 as stated.</p> <p>Clause 47 states that "The main function under this Act of each local government is to ensure that invasive animals and plants (<i>invasive biosecurity matter</i> for the local government's area), whether or not they are prohibited matter or restricted matter, are managed within the local government's area in compliance with this Act."</p> <p>The wording of this section limits the responsibilities of local governments to "invasive animals and plants" only.</p> <p>References to local governments elsewhere within the Bill may or may not relate only to invasive animals and plants. For example, powers of authorised persons appointed by a local government may be exercised in a response to an outbreak of a disease that affects animals or plants, rather than just dealing with invasive animals and plants. In this case, the</p>

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				<p>local government is not responsible for the response, but may assist the State at a local level. The function of local government, however, is restricted to the terms of clause 47 and is no broader.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
64	Purpose and administration of fund	Submission No. 5 Local Government Association of Queensland Ltd	<p>While S.64 (1) states the Minister "may...require a local government to pay an amount for a financial year..." this has been a mandated requirement by the State for many decades and the LGAQ believes the State intends to continue to require these payments under the new legislation. To the author's knowledge, no other State government department incurs a general charge to provide non-negotiated services that are for broader public benefit and we would argue are a State responsibility. In a modern society, requiring payment from local governments to the State for largely unspecified works with undefined outcomes is difficult to justify. The Association notes the inclusion of S.66 and S.68 in the Bill which now provides for consultation with local government on what activities are to be funded by local government money collected through precept payments and that the state will report annually on the achievement of the activities it was funded to undertake. However, local government is concerned about the level of consultation that is likely to be undertaken and the detail to be included in the annual reporting.</p> <p><i>Recommendation:</i></p> <ul style="list-style-type: none"> - That the State in consultation with the LGAQ, develop and include in the regulations for the Bill a fair, representative and transparent system for the consultation of local government in the activities to be funded by local government payments. - That the State in consultation with the LGAQ, develop and include in the regulations for the Bill a fair, and transparent system for the calculation of local government contributions to the activities to be funded by local government payments. - That the State, in consultation with the LGAQ, develop and include in the regulations for the Bill the detail that must be supplied in the annual report required under S.66. (Sub 5, p.3) 	<p>The Bill provides for the continuation of the Land Protection Fund. Local government annual payments though the fund represent a key aspect of the shared responsibility vision for biosecurity under the Queensland Biosecurity Strategy 2009-2014.</p> <p>Under the Bill, the Land Protection Fund is to provide for activities that support local governments in meeting their biosecurity obligations relating to invasive plants and animals through research, education and training, preventative control of established pests and other programs supported by the chief executive.</p> <p>During the development of the Bill, LGAQ's concerns were acknowledged and commitments made to amend the Bill to improve the level of consultation regarding the activities to be funded by local government through the fund. Clause 66 has been included in the Bill to specifically address this concern.</p> <p>Clause 67 states what may be taken into account by the Minister when determining the amount payable by the local government to the chief executive. The Bill, at clause 68, requires the department to provide regular reports on outcomes achieved through expenditure of the fund in the local government's area.</p> <p>The maximum amount a local government can be required to contribute will continue to be capped through regulation.</p>

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				<p>Biosecurity Queensland is committed to working closely with local governments and the LGAQ during development of the subordinate legislation to improve the transparency and fairness of governance arrangements for the fund.</p> <p>This commitment will be carried forward into the negotiations for the next Memorandum of Understanding between the department, LGAQ and the Natural Resource Collective to ensure a more representative, fair and transparent system for the calculation of local government contributions to the fund.</p> <p>Biosecurity Queensland considers that the current wording of the clause reflects the changes requested by LGAQ and is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
68	Minister must give local government report about activities	Submission No. 2 Gold Coast City Council Waste and Resource Management Branch	W&RMB state that reporting and prioritisation of expenditure by Biosecurity Queensland (BQ) requires greater detail and transparency. They request the inclusion of a clause formally requiring the State to provide an annual itemised report on the expenditure of funds. (Sub 2, p.4)	<p>The Bill provides for the department to consult with local governments in setting priorities for the Land Protection Fund and requires the department to provide regular reports on outcomes achieved through expenditure of the fund.</p> <p>Biosecurity Queensland is required under the <i>Financial Accountability Act 2009</i> to report annually to Parliament on expenditure of funds. The Financial and Performance Management Standard 2009 requires that the annual report contains certified annual financial statements audited by an authorized auditor and information on the performance of the department as required under the document called 'Annual report requirements for Queensland Government Agencies'.</p> <p>Biosecurity Queensland will continue to work closely with local governments and the LGAQ to improve governance arrangements for the fund. A part of this commitment is re-negotiating the Memorandum of Understanding between the department, LGAQ and the Natural Resource Collective to ensure a strategic</p>

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				<p>approach to the ongoing management of invasive plants and animals.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
69	Making codes of practice	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Does this mean that the exhibited animal industry will likely be subject to another Code of Practice in addition to the National Standards being developed by DAFF? (Sub 1, p.5)	<p>The Bill introduces mechanisms, such as codes of practice, whereby government and stakeholders can implement more effective measures to prevent, control or manage particular biosecurity risks or risk activities. The development and adoption of codes or practice and guidelines, including those developed by industry, enable the recognition of best practice ways of mitigating risks.</p> <p>The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.</p> <p>Any codes developed under the Biosecurity Bill will not be directed at animal welfare outcomes but rather at meeting obligations in relation to biosecurity. Codes under the Bill will only assist the zoo industry to meet their obligations and not overlap with the animal welfare objectives of the proposed Australian Animal Welfare Standards and Guidelines – Exhibited Animals.</p> <p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill. Biosecurity Queensland is committed to further consultation with the exhibited animals industry.</p> <p>The drafting of this clause in the Bill is consistent with</p>

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				the government's position in this area. Accordingly, no changes are proposed.
76	Entering into government and industry agreements	Submission No. 2 Gold Coast City Council Waste and Resource Management Branch	W&RMB commends the inclusion of this provision to continue the State's capacity and commitment to protecting the lifestyle, health, environment and economy of Queenslanders from biosecurity matter. (Sub 2, p.4)	Noted
100	Matters for inclusion in biosecurity emergency order	Submission No. 7 Queensland Racehorse Owners' Association	<p>Industry believes that recognition of OHS, Animal safety and welfare and specifically the needs of horses and young stock has been poorly considered with the establishment of current biosecurity check points. Check point gates have been subject to serious issues as described above in this submission. We submit that the bill [should] include the wording as follows:</p> <p><i>b) include objective criteria to apply for the stopping and checking of vehicles at the biosecurity emergency checkpoints... criteria to include OH&S animal safety and welfare and handler and animal safety to the highest recognised industry standards.</i></p> <p>Horse deaths and injuries have and are occurring at biosecurity check points under the current legislation. Industry believes the DEEDI standards for expensive livestock are atrocious compared to the standards on our own properties. The issue is also relevant to clauses 103. The wording "OH&S, Animal Safety and Welfare and Handler Safety to the highest recognised industry standards" [should be] included where appropriate in the bill. (sub 7, p.7-8)</p>	<p>Under clause 100, check points may be established to regulate the movement of biosecurity matter and carriers when a biosecurity emergency order is in place. Similar provisions exist in the <i>Exotic Diseases in Animal Act 1989</i> which were used during the response to Equine Influenza (EI).</p> <p>Under clause 103, police officers and authorized transport officers may be used to stop vehicles at a biosecurity emergency check point. The purpose of prescribing police officers and authorized transport officers as inspectors during a biosecurity emergency is to address any work place health and safety issues that may arise from stopping vehicles on roads.</p> <p>The occupational health and safety for DEEDI employees and animal handlers is regulated under the <i>Work Health and Safety Act 2011</i> and animal safety and welfare is regulated under the <i>Animal Care and Protection Act 2001</i>. The Biosecurity Bill 2011 has been developed to operate in addition to other Queensland legislation, including these two Acts, to ensure optimal outcomes in relation to a range of considerations in any given situation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
106	Requirement to answer question or give information	Submission No. 7 Queensland Racehorse Owners' Association	Clause 106(6) the definition of <i>required document</i> , should provide for web based or electronic documents as well as paper documents. (Sub 7, p.4)	Clause 106 relates to providing information or answering questions when a biosecurity emergency order is in place. This provision allows inspectors to obtain information which may assist in the tracing of carriers of stated biosecurity matter which is the subject of the order. Any delay in obtaining this

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				<p>information can severely hamper attempts to contain the spread of biosecurity matter which is the subject of the biosecurity emergency.</p> <p>Under section 20 of the <i>Electronic Transaction (Queensland) Act 2001</i>, if a document is required to be kept under a State law then that requirement is met if the person keeps an electronic form of the document providing that its integrity is maintained, it is readily accessible and can be reliably reproduced.</p> <p>Clause 106(6) refers to documents that are to be kept under this Bill. The forms of the documents to be kept under the Bill are prescribed under the relevant provisions rather than under clause 106(6). Where possible, the documents that are to be kept under the Bill can be stored electronically. It may be necessary for evidentiary purposes, however, that electronic documents will need to be produced in hard copy.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
114	Regulation may include provisions for biosecurity zones	Submission No. 1 Zoo and Aquarium Association Queensland Branch	<p>For a number of years the exhibited animal industry in Queensland has been unable to maintain the same range of exotic species (non-indigenous) as almost all other state and territory jurisdictions. For a lesser number of years dialogue with senior Officers in DEEDI has indicated strong support from them for the schedules to be expanded to reflect the schedules of other jurisdictions this being largely supported due to the professional conduct of the Queensland exhibited animals industry in terms of managing animal collections and managing risk effectively. Despite such dialogue little practical progress on the schedules has occurred. Biosecurity zones clearly have the capacity to continue the practical effect of the schedules albeit under another instrument.</p> <p>How will biosecurity zones affect the exhibited animal industry and the oft promulgated by DEEDI schedule changes? Will policy settings in relation to biosecurity zones be such that the Queensland exhibited animal industry is able to both participate in Australia-wide animal management as well as financially compete more equally with businesses in other jurisdictions?</p> <p>Is clause 114(3) where the exhibited animal industry could reasonably</p>	<p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill. The Biosecurity Bill was not developed to regulate what species may be kept by the exhibited animals industry</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>

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			expect to not be constrained by the <i>biosecurity zone</i> provisions? (Sub 1, pp.5-6)	
115	Matters for inclusion in biosecurity zone regulatory provisions	Submission No. 1 Zoo and Aquarium Association Queensland Branch	How will the policy settings around these clauses affect the exhibited animal industry? (Sub 1, p.6)	<p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
118	Biosecurity instrument permit	Submission No. 1 Zoo and Aquarium Association Queensland Branch	<p>The <i>Exhibited Animals Discussion Paper</i> released in 2009 stated the following; 'It is proposed that new legislation would build on established best practice in the industry and not create a significant additional burden for operators'. Should the exhibited animal industry be required to apply for and maintain a biosecurity instrument permit this would be in conflict with the <i>Exhibited Animals Discussion Paper</i>. In addition to the discussion paper it is also the intention of the Queensland Government to reduce red-tape (e.g. http://www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html & www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf) for industry to facilitate private sector business operations, productivity and continuance.</p> <p>Is it intended that exhibited animal industry be required to apply for and maintain a <i>biosecurity instrument permit</i>? (Sub 1, pp.6-7)</p>	<p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
120	What is a <i>designated animal</i>	Submission No. 1 Zoo and Aquarium Association Queensland Branch	<p>Given the definition of designated animals it is clear that many exhibited animal industry businesses will become biosecurity entities under the <i>Act</i> and therefore be required to be registered. The <i>Exhibited Animals Discussion Paper</i> released in 2009 stated the following; 'It is proposed that new legislation would build on established best practice in the industry and not create a significant additional burden for operators'. Should the exhibited animal industry be required to apply for and maintain a biosecurity instrument permit this would be in conflict with the <i>Exhibited Animals Discussion Paper</i>. In addition to the discussion paper it is also the</p>	<p>Registration requirements for biosecurity entities under the Bill represent a consolidation of current property and beekeeper registration requirements under the <i>Stock Act 1915</i> and the <i>Apiaries Act 1982</i>. Therefore, only zoos and wildlife parks that are currently required to register under section 16 of the <i>Stock Identification Regulation 2005</i> or section 7 of the <i>Apiaries Act 1982</i>, will be required to register under the Bill. This applies if the threshold number, or a greater number, of designated stock are held at a</p>

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			<p>intention of the Queensland Government to reduce red-tape (e.g. http://www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html & www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf) for industry to facilitate private sector business operations, productivity and continuance.</p> <p>Is this another permit to apply for and pay for? What restrictions apply in relation to threshold birds? Is this any and all birds? If so any zoo with 101 finches will be a biosecurity entity. (Sub 1, p.7)</p>	<p>registrable place (defined in section 7 as including (a) a holding and (n) an animal park, theme park or zoo) or for the keeping of bees.</p> <p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
121	What is a <i>specified animal</i>	Submission No. 1 Zoo and Aquarium Association Queensland Branch	<p>Given the definition of specified animals it is clear that many exhibited animal industry businesses will become <i>biosecurity entities</i> under the <i>Act</i> and therefore be required to be registered. The <i>Exhibited Animals Discussion Paper</i> released in 2009 stated the following; 'It is proposed that new legislation would build on established best practice in the industry and not create a significant additional burden for operators'. Should the exhibited animal industry be required to apply for and maintain a <i>biosecurity instrument permit</i> this would be in conflict with the <i>Exhibited Animals Discussion Paper</i>. In addition to the discussion paper it is also the intention of the Queensland Government to reduce red-tape (e.g. http://www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html & www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf) for industry to facilitate private sector business operations, productivity and continuance. (sub 1, pp.8-9)</p>	<p>Registration requirements for biosecurity entities under the Bill represent a consolidation of current property and beekeeper registration requirements under the <i>Stock Act 1915</i> and the <i>Apiaries Act 1982</i>. Therefore, only zoos and wildlife parks that are currently required to register under section 16 of the <i>Stock Identification Regulation 2005</i> or section 7 of the <i>Apiaries Act 1982</i> will be required to register under the Bill. This applies if the threshold number, or a greater number, of designated stock are held at a registrable place (defined in section 7 as including (a) a holding and (n) an animal park, theme park or zoo) or for the keeping of bees.</p> <p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
		Submission No. 2 Gold Coast City Council Waste and Resource Management Branch	<p>W&RMB are concerned deer have not been identified as a specified animal. Currently there is no requirement for deer to be fit with an approved device. This is a major issue for Council when enforcing feral deer. Currently captive deer (deer kept within a deer-proof enclosure) are not declared, the exception to this is class one species which cannot be kept. However if deer escape or are released, they then become declared feral deer and the landholder is responsible for control. The issue arises whereby Council wishes to ensure the owner of the deer and not the impacted landholder is responsible for the control. Without a legal requirement to fit an approved device it is nigh on impossible to prove ownership of the deer. This creates undue costs for the community which should be met by the party responsible for the deer escaping/released from the deer proof enclosure. W&RMB seek the inclusion of deer as a specified animal in section 121. (sub 2, p.4)</p>	<p>An identification system, such as the National Livestock Identification System (NLIS), is mandated for movement of specified animals to assist with disease tracing purposes not as an ownership identification tool. A system like NLIS could be useful to identify ownership of straying or lost animals but as deer are generally born, raised and sent direct to an abattoir from their place of birth, and not moved from property to property as part of production practices, approved device requirements would not apply even if deer were to become specified animals.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly,</p>

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				no changes are proposed. Local government may be able to address the issue of feral deer through other avenues such as a pest management plan or through a local government animal management law. Public education programs relating to deer could also be used by local governments to promote awareness of the problems relating to deer in their area.
123	What is the <i>threshold number</i> of designated animals	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Given the definition of threshold number of designated animals it is clear that many exhibited animal industry businesses will become biosecurity entities under the <i>Act</i> and therefore be required to be registered. The <i>Exhibited Animals Discussion Paper</i> released in 2009 stated the following: 'It is proposed that new legislation would build on established best practice in the industry and not create a significant additional burden for operators'. Should the exhibited animal industry be required to apply for and maintain a biosecurity instrument permit this would be in conflict with the <i>Exhibited Animals Discussion Paper</i> . In addition to the discussion paper it is also the intention of the Queensland Government to reduce red-tape (e.g. http://www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html & www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf) for industry to facilitate private sector business operations, productivity and continuance. (Sub 1, p.9)	The threshold number of designated animals under the Bill remains the same as the number currently used in the <i>Stock Identification Regulation 2005</i> . No additional regulatory burden is imposed by clause 123. A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill. Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation. The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.
125 - 130		Submission No. 1 Zoo and Aquarium Association Queensland Branch	The <i>Exhibited Animals Discussion Paper</i> released in 2009 stated the following: 'It is proposed that new legislation would build on established best practice in the industry and not create a significant additional burden for operators'. Should the exhibited animal industry be required to apply for and maintain a biosecurity instrument permit this would be in conflict with the <i>Exhibited Animals Discussion Paper</i> . In addition to the discussion paper it is also the intention of the Queensland Government to reduce red-tape (e.g. http://www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html &	A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill. Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.

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			www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf for industry to facilitate private sector business operations, productivity and continuance. Is this another permit to apply for and pay for? (Sub 1, p.10)	The drafting of these clauses in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.
131	Approval for registerable biosecurity entity to remain unregistered	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Very few exhibited animal industry members will apparently be able to apply for a registration exemption. Even if they are not registerable they will still need to apply. Additional red-tape when seeking to avoid yet more red-tape! Surely such things do not fit with the government's stated intention to reduce compliance costs? (Sub 1, p.11)	<p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
143	Term of registration	Submission No. 1 Zoo and Aquarium Association Queensland Branch	A further requirement to go through the red-tape exercise every three years. Surely such things do not fit with the government's stated intention to reduce compliance costs? (Sub 1, p.11)	<p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
144	Renewal of registration	Submission No. 1 Zoo and Aquarium Association Queensland Branch	This section provides for the chief executive (and presumably his/her delegates) to require the red-tape whenever they wish. At what level within DEEDI will authorisation sit to force the registered biosecurity entity to provide confirming information? What will be the policy settings for this to be enacted? (Sub 1, pp.11-12)	<p>The authorisation requiring more information relating to a registration renewal sits with the chief executive and would be carried out in writing.</p> <p>Clause 144 states that the chief executive may require information the chief executive reasonably requires for confirming the continuing accuracy of any aspect of the entity's registration. If the department</p>

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				<p>becomes aware that an entity may not be meeting the requirements of its registration under clause 130 (such as now holding more than the threshold amount of designated biosecurity matter of another type not the subject of the registration) then the chief executive is reasonably able to seek confirmation of the information to ensure the continued accuracy of the entities registration.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
166	Meaning of <i>approved device</i>	Submission No. 1 Zoo and Aquarium Association Queensland Branch	What are the implications of Part 3 for the exhibited animal industry? Will this impose additional conditions to the current requirements for the exhibited animal industry? (Sub 1, p.12)	<p>Part 3 'specified animal identification and tracing system' relates to identification requirements for specified animals. Specified animals are defined under clause 121 as cattle, sheep, pigs, goats, bison, buffalo, alpacas and llamas.</p> <p>Animal identification requirements are aimed at tracing movements of these animals in the event of a disease outbreak. If an animal exhibitor holds a specified animal then it is required to comply with the appropriate identification requirements for that animal to enable its movements to be traced in the event of a disease outbreak.</p> <p>The identification requirements apply to the movement of these animals from the place of origin to another place. These requirements are a continuation of current requirements under the <i>Stock Identification Regulation 2005</i>. A travel approval may be issued by the chief executive, providing an exemption to these requirements, if the chief executive is satisfied that the specified animal can be traced under the National Livestock Identification System (NLIS) and the movement does not pose a biosecurity risk (clause 173).</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed</p>

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				<p>legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
171	Approved device requirements	Submission No. 1 Zoo and Aquarium Association Queensland Branch	What are the implications of this clause for the exhibited animal industry? Will this impose additional conditions to the current requirements for the exhibited animal industry? (Sub 1, p.12)	<p>Identification requirements for specified animals under the Bill represent a continuation of current requirements under the <i>Stock Identification Regulation 2005</i>. Therefore, there should be no additional conditions or requirements upon the exhibited animals industry.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
173	Obtaining a travel approval	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Exhibited animals are presently moved under the authority of a self-issued movement advice or a wildlife movement permit. Will this clause change the status quo? And if so will it lessen, or increase, the regulatory burden? (sub 1, p.13)	<p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
180	Movement record requirement	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Exhibited animals are presently moved under the authority of a self-issued movement advice or a wildlife movement permit. Will this clause change the status quo? And if so will it lessen, or increase, the regulatory burden? (Sub 1, p.13)	<p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p>

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				Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.
		Submission No. 7 Queensland Racehorse Owners' Association	<p>We believe the wording SHOULD NOT have the words 'a copy'. We are in the age of a paperless society. Many of us operate without the need for paper copies and for businesses that do many movements the accumulation of paper copies can become superfluous rubbish that is never referred to for future biosecurity. We DID clearly state this to biosecurity officers and general agreement was reached that alternative forms of permanent records are a better way to go. These records could be web based, or logged into databases that can be accessed by biosecurity officers if needed in the future. And innovation such as GPS and palm pilots can be used, or texted messages and information held on a mobile phone or palm computer/ipad. This would take some innovation and investment in web based data bases but as compared to the printing and distributing paper booklets and printing and distributing of faxed permits the benefits far greater to go to a paperless route (come on we are meant to be the smart state?).</p> <p>The wording keep a copy is located elsewhere in the bill and these may need to be revisited also. A suggested wording could be: <i>"...an appropriate copy in a form suitable for the purpose".</i> (sub 7, pp.2-3)</p>	<p>The definition of a movement record in clause 180 (Movement record requirement), is not limited to a paper copy. The clause states:</p> <p>(2) The relevant person must ensure that, if the animal is moved from the place where the animal is kept –</p> <p>(a) there is created, before the movement starts, a record of the proposed movement (the movement record) in the appropriate form.</p> <p>A movement record is in the appropriate form if it meets the requirements of clause 181. None of the requirements in clause 181 limit the form of a movement record to a paper copy (see comments for clause 181 below).</p> <p>Section 20 of the <i>Electronic Transaction (Queensland) Act 2001</i> provides clarification of how a document is required to be kept under a State law. It states that if a document is required to be kept then that requirement is met if the person keeps an electronic form of the document providing that its integrity is maintained, it is readily accessible and can be reliably reproduced.</p> <p>Horse industry members will be required to carry a movement record under clause 180(2)(b) (Movement record requirement) in situations where a biosecurity emergency order, movement control order or biosecurity zone regulatory provision is in effect and one of these regulatory provisions requires the person to carry the document with the person. In all other cases, they will not be required to carry the record.</p> <p>Application of section 20 of the <i>Electronic Transaction Act 2001</i> connotes that a requirement to</p>

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
				<p>carry a copy does not equate to carrying a hard paper copy. The record could be stored on a transportable electronic device as long as it is readily available for inspection as required by the provisions of the Bill and is able to be accurately reproduced for evidentiary purposes if required at a later stage.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
181	Appropriate form of movement record	Submission No. 7 Queensland Racehorse Owners' Association	<p>We DID clearly state our position on this to biosecurity officers and general agreement was reached but this has not been included. We noted in the purposes in:</p> <p>Part 2 Purposes of Act and achieving the purposes -</p> <p>4 How purposes are primarily achieved -</p> <p>"providing for flexible and timely ways of minimising and mitigating biosecurity risks"</p> <p>We think the wording of this aspect is very inflexible and needs to be amended. The bill reads:</p> <p><i>For the movement record requirement, a movement record that relates to the movement of a designated animal other than a specified animal is in the appropriate form if it is a document that clearly sets out the following information and is signed by the person completing the record—</i></p> <p><i>(a) details sufficient to identify the place from which the designated animal is being moved;</i></p> <p><i>(b) where the designated animal is being moved to, and the name and address of the person who is to receive the animal;</i></p> <p><i>(c) the proposed date of the movement of the designated animal;</i></p> <p><i>(d) the species and breed of the designated animal;</i></p> <p><i>(e) details of any identification mark on the designated animal;</i></p> <p><i>(f) any illness the designated animal is known to be suffering, or any illness the person who created the movement record reasonably suspects the designated animal may be suffering;</i></p> <p><i>(g) other information prescribed under a regulation</i></p>	<p><i>Response to statement 1:</i></p> <p>According to section 14 (Requirement for signature) of the <i>Electronic Transactions (Queensland) Act 2001</i>, should a person's signature be required, the requirement is taken to have been met for an electronic communication if:</p> <p>(a) a method is used to identify the person and to indicate the person's approval of the information communicated; and</p> <p>(b) having regard to all the relevant circumstances when the method was used, the method was as reliable as was appropriate for the purposes for which the information was communicated; and</p> <p>(c) the person to whom the signature is required to be given consents to the requirement being met by using the method mentioned in paragraph (a).</p> <p>Therefore, no change to wording with regard to signatures is recommended.</p> <p><i>Response to statement 2:</i></p> <p>A reference to a person generally includes a reference to a corporation as well as an individual, as per s32D of the <i>Acts Interpretation Act 1954</i> (References to persons generally). Therefore, it would be appropriate in the example to use the name and address of "Darley Stud" as the corporation intended to receive the animal. No change to the Bill is recommended.</p> <p><i>Response to Suggested amendment – "identification</i></p>

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
			<p>1. Signed is inflexible if a person is making an application for movement over the phone or on the web how does the person sign, is it necessary other than identifying who the person is?</p> <p>2. Name and address of the person receiving the animal is often unknown, for example if we move a horse to say Darley Stud in the Hunter Valley, they have literally hundreds of staff and the principle over Darley is a sheik in the Royal family of Saudi - the address is necessary.</p> <p>“Details of any identification mark on the designated animal” This issue was discussed in detail and agreement was reached (and biosecurity officers were involved in the discussions). The wording should be: <u>“an industry recognised method of identifying the animal or details of any identification mark on the designated animal.</u> WE are very adamant on this issue. The reason for this is that for example thoroughbred horses are named and a comprehensive data base for such is maintained by industry. There can only be one Black Caviar. There is no need to list this horse's brands, colour and markings. When a Hendra vaccination rolls out, horses will be micro-chipped and a database maintained with a microchip number or the industry identification name associated with that number. The issue of indentifying marks is also in section “185 Show organiser to record designated animal movements” and this could also be changed. (Sub 7, pp.3-4)</p>	<p><i>mark on the designated animal”:</i> Traceability requirements are in keeping with the government policy in this area. Therefore, no change to the Bill is recommended.</p> <p>Biosecurity Queensland is committed to further consultation with the horse industry to facilitate an understanding of the application of the Biosecurity Bill.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
196 - 199	Prohibited and restricted matter permits	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Will these clauses change the status quo? And if so will it lessen, or increase, the regulatory burden? Are these additional permits and will they need to be applied for and at what financial cost? (Sub 1, p.13)	<p>Sections 36 and 44 of the Biosecurity Bill make provision for prohibited or restricted matter to be lawfully kept under another law.</p> <p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p>
200	What is a <i>permit plan</i> for prohibited or restricted matter	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Is there an example of a permit plan? Will a permit plan be required by exhibited animal industry members? Will a permit plan require preparation by, for example, a scientist? 9Sub 1, p.14)	<p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p>
207	Criteria for decision	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Will this clause change the status quo? And if so will it lessen, or increase, the regulatory burden? (Sub 1, p.15)	<p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p>
219 - 231	Chapter 8 Programs for surveillance, prevention and control	Submission No. 7 Queensland Racehorse Owners' Association	<p>[There is] no definition for what is "Controlled biosecurity matter" and what is "regulated biosecurity matter"? What are these [matters], how do they become classed as controlled or regulated and what is the process for review consultation and industry involvement?</p> <p>The term "Significant biosecurity risk" is conjecture. This section mentions the biosecurity risk as the need for a prevention and control program. The</p>	The 2008 Beale Review of Australia's Quarantine and Biosecurity Arrangements was commissioned to ensure that the strongest possible quarantine and biosecurity arrangements underpin Australia's favorable animal and plant health status.

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
			<p>problem is there is no format for determining the economic veracity of a program [and if it] "is it worth doing". There needs to be a risk analysis and an economic assessment. We do not need to experience another EI crisis with such costs to government and industry when a vaccination and or "do nothing" would be a viable option.</p> <p>We believe the new legislation has failed to consider BEALE. The federal review of biosecurity by Beale et.al. [for the] Australian Government clearly identifies a number of areas where the current biosecurity can be improved. Beale's recommendations:</p> <p>a. Biosecurity should be a continuum – pre-border, border and post-border.</p> <p>The current systems used by biosecurity Queensland are based in what is called end point inspection. This method of <i>quality control</i> has been superseded over the past 20 years in nearly all agricultural industries by <i>quality assurance</i>. Programs like Cattlecare and Livestock Production Assurance in the cattle industry and Dairy Quality First in the dairy industry have been working for years and have reduced compliance costs and are very farmer friendly.</p> <p>The current cattle tick biosecurity system focuses primarily on the border. This approach sends the wrong market signals the cattle industry. It draws attention away from practices on farm pre border in the cattle tick areas and on farm in post border cattle tick areas. It also penalises unrelated industries like the horse industry. In fact some of the current regulations actually impose on farm restrictions (pre border) on the horse industry, for the horse industry it is hard to understand that the regulations make horse farms do what cattle farms should do post border. This approach is inefficient and fails to build post border capacity, post and pre- border knowledge and transfers responsibility to governments and industries unconnected to the biosecurity risk. The bill does not recognise Quality assurance and the concept of a continuum. The drafting of the legislation looks as if it is just putting in place the old system in the new Bill and we will have the same debacle and inefficacies.</p> <p>b. Biosecurity measures should be based on rigorous science-based assessments</p> <p>For example:</p> <ol style="list-style-type: none"> 1. The horse industry is concerned that whilst the knowledge base around cattle tick management is substantial there has been no adequate scientific and statistical analysis of the risks associated with horse movements. This has lead to a situation where decisions have been made in establishing the current system that are based on best estimates of biosecurity officers and the opinions of members of cattle farmer committees. This situation is untenable in the future. 	<p>The Biosecurity Bill embodies the recommendation passed down by the Beale review for a need for a system that is a working partnership, has enhanced governance, uses resources more effectively and responds to changing operational arrangements.</p> <p>The central objective in development of the Bill was a seamless biosecurity system that fully involves all stakeholders including the three levels of government, industry participants and persons generally.</p> <p>The Bill empowers all stakeholders to take an active role in preventing, managing and responding to biosecurity risks that can have a negative impact on Queensland.</p> <p>The Bill is placed at the centre of Beale's biosecurity continuum as the State can only legislate within its jurisdiction.</p> <p>The scope of the Bill applies to both listed and declared biosecurity matter. It allows government to respond, if required, to unprescribed biosecurity matter present in Queensland or that exists outside of Queensland and is a threat to a biosecurity consideration. This increased response ability facilities a pre-border, border and post border approach.</p> <p>A lack of scientific certainty about a risk should not mean that measures to address the risk cannot be taken. By not focusing solely on scientific certainty the Bill allows for swifter responses to emergent situations.</p> <p>Beale recommend a risk return approach to targeting resources to secure the biggest possible reduction in the risks posed by pests or diseases.</p> <p>The Bill takes a preventative rather than a reactive approach to managing biosecurity risks. Biosecurity risk mitigation will be determined by the adverse effects or possible adverse effects to one or more</p>

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
			<p>2. The current Hendra research has been based on fruit bats and despite continued calls from the horse industry to focus on horse management aspects the biosecurity team continues to focus on bats. This has lead to a failure of the concept of rigorous science based assessments</p> <p>c. Shared responsibility (governments, industry and the broader community) The horse industry appreciates the concept of share responsibility and understands its role in for example cattle tick biosecurity and are prepared to contribute and have proposed a "code of practice for horse movements" but shared responsibility does not mean we should pay for the program.</p> <p>d. A Risk and Return Approach. Beale is specific about cost recovery and resourcing biosecurity the report states: (see above) In the past and currently the full cost of movement restrictions have been carried by the horse industry with no dispensation from the cattle industry this situation is grossly unfair and untenable in the future and against the principles outlined by Beale above. When costs are disassociated and imposed on an ancillary industry there is no mechanism for market signals back to the beneficiary of the regulation. Further there is no scope for efficiency measures to be implemented, where is the incentive to makes practices less expensive if another industry is paying for the activities and the benefits are effectively free. When costs are applied to beneficiary of an activity that beneficiary investigates, manages, lobbies and applies pressure to reduce those costs, as such the efficiency of the activity will be improved. (Sub 7, pp. 8-9)</p>	<p>biosecurity considerations, not to individual industries.</p> <p>Controlled biosecurity matter is defined within clause 110 (Movement control orders), as the matter being managed, reduced or eradicated by the movement control order. This definition is only applicable to movement control orders.</p> <p>Regulated biosecurity matter is defined within clause 114 (Regulation may include provisions for biosecurity zones) as the stated matter for which the zone is established. Provisions relating to biosecurity zones will be developed for inclusion in the regulations.</p> <p>Provisions relating to cattle tick will be developed for inclusion in the regulations.</p> <p>The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.</p> <p>The drafting of these clauses in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
222	Authorising and carrying out biosecurity program	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Will we now also have to deal with local government agencies in relation to our animal collections? Will we have council inspectors regulating our industry now also? (Sub 1, p.15)	<p>Biosecurity programs prevent the entry and establishment of biosecurity matter that poses or is likely to pose a significant biosecurity risk and are therefore critical to the ongoing biosecurity of the State.</p> <p>The Biosecurity Bill will empower local governments to authorise and carry out a biosecurity program. Local governments are primarily responsible, under the Bill (chapter 3), for ensuring compliance with functions relating to invasive plants and animals.</p> <p>If a zoo's property should be found to contain restricted or prohibited biosecurity matter then the zoo could be subject to a biosecurity program to prevent that biosecurity matters establishment, control its establishment or to confirm the absence of that biosecurity matter. It is possible that a program could be authorised by a local council if that biosecurity matter is an invasive plant or animal brought onto the zoo that then becomes established in the zoo.</p> <p>Currently, local councils have similar powers in relation to declared pest plants and animals under the Land Protection (Pest and Stock Route Management) Act 2002.</p> <p>It is unlikely that local governments should be concerned with the general business of exhibited animals unless breaches to obligations occur that relate to their area of responsibility.</p>
236	Appointment and qualifications [This clause appeared in the exposure draft of the Bill as clause 247]	Submission No. 3 Queensland Murray Darling Committee Inc	<p>QMDC and Queensland Rural Industry Training Council QRITC) are currently working on defining what the "necessary expertise or experience" should be for "inspectors" particularly when it comes to vehicle inspections for weed spread prevention. QMDC recommends that the relevant regulations reflect not only current best practices but are also informed by localised and regionalised knowledge and research. 9Sub 3, p.4)</p> <p>QMDC recommends the implementation of regulations which build the capacity to deliver further important knowledge and technological advances to Queensland and its regional communities. (sub 3, p.4)</p>	<p>Clause 232 (6) provides that the Chief Executive may appoint a person as an inspector only if the Chief Executive is satisfied that the person has the necessary expertise and experience to be appointed as an Inspector.</p> <p>Biosecurity Queensland recognises the key role that industry and community organisations play in the ongoing management of invasive plants and animals and is committed to continue to work closely with</p>

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
				<p>them to ensure that their technological knowledge and best practice expertise are integrated into the subordinate legislation.</p> <p>The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill.</p>
		Submission No. 6 BSES Limited	BSES has provided inspectors under the Plant Protection Act to assist DEEDI manage regulations as they apply to sugarcane. BSES would continue to offer its staff to provide suitable people as inspectors under the new Biosecurity Bill. The draft Bill allows in s247e [now 236(1)(b)] for inspectors to be appointed from "a person or member of a class of persons prescribed under a regulation". We believe that this provision should allow the Chief executive to appoint suitable BSES staff as inspectors. (Sub 5, p.1)	This is correct. Clause 232 (formerly clause 247) allows the chief executive to prescribe under a regulation a class of persons the chief executive believes have the necessary experience or qualifications to be appointed as Inspectors under the legislation (or as authorized persons under clause 236).
322	Compensation	Submission No. 7 Queensland Racehorse Owners' Association	<p>322(1)</p> <p>Industry believes the issue of compensation needs to be reconsidered and is NOT adequate under this bill. This is especially relevant after the ombudsman's report which was made after the drafting of this legislation. Compensation for the destruction of animals under a biosecurity program/action and compensation for a business as a result of a quarantine was highlighted in the report. Clearly the value of the destroyed horse "Tamworth" was poorly handled and industry believes this issue needs to be far more robust in its guidance in the bill. The losses incurred by the Redlands Bay Vet clinic are substantial and the issue of exgratia payments for such losses needs to be addressed in the bill. The current wording does not recognise these 2 issues. (Sub 7, p.8)</p>	<p>Please see comments in relation to clause 330 below for further information.</p> <p>Clause 322 of the Bill is consistent with the government's position in this area.</p> <p>As such, no changes are proposed.</p>
330	What is a <i>notional value</i> or <i>notional reduction in value</i> of property	Submission No. 7 Queensland Racehorse Owners' Association	Horses are not valued by their meat value!! The valuation of a horse should be based on an "auditable cost base". For example if I pay \$15,000 for a service fee to my mare and I had purchased that mare for \$20,000 and had incurred costs of 10,000 for the breeding and ownership of that mare she is worth \$45,000. She is not worth 100,000 because this is what I could get for the foal when sold as a yearling, but when the foal is born it is worth the costs to breed the mare plus the foaling costs and the cost of the service fee not what I could sell it for. A similar value can be obtained for most other horses. This is a major issue for the horse industry. The bill should not opt out of compensation as is the case for some of the wording and as is the wording now legally	<p>Clause 330 (What is a <i>notional value</i> or <i>notional reduction in value</i> of property) identifies the formula to be applied to value the 'property' (defined to include a wide range of possessions including animals, plants, crops etc).</p> <p><i>Notional value</i> of property refers to loss. It is the amount that would have been received for the sale of the property had it been lawfully sold immediately before it was destroyed.</p>

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
			we believe compensation may be limited and unfair. (Sub 7, p.8)	<p>Notional reduction in value of property refers to damage. It is the difference between the amount that would have been received for the property if it was sold under a lawful direction at the place it was damaged, and, the amount that would have been received for the property if it was sold under lawful direction immediately after it was damaged.</p> <p>This approach removes the possibility for inconsistency and ambiguity that could be associated with either state-based or scheme compensation.</p> <p>This section as drafted is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
381	What is a <i>biosecurity certificate</i>	Submission No. 1 Zoo and Aquarium Association Queensland Branch	A <i>biosecurity certificate</i> ; is this yet another piece of paper for which to apply and pay for? (Sub 1, p.15)	<p>Currently, biosecurity legislation does not restrict exotic animals entering the state from another state if a person is licensed to keep those animals. An exotic animal may be brought into the state from overseas if it meets the requirements imposed by the Commonwealth. Licenses for the keeping of native and exotic animals and federal quarantine matters are not within the scope of the Biosecurity Bill.</p> <p>A requirement for a biosecurity certificate may be imposed in the future if it becomes necessary for a zoo to prove the disease free status of an animal before it can be brought into Queensland from another state that may be experiencing an outbreak of a disease not present in Queensland.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p>
449	Failure to decide application	Submission No. 1 Zoo and Aquarium Association Queensland Branch	Is this really correct? If the chief executive (read 'delegate') does not make a decision within 30 days the applicant is to assume that the application has been refused? If this is correct it defies belief. In addition it fails to satisfy the	This clause provides certainty for applicants that if the delegate takes more than 30 days to decide the application, the applicant's appeal rights (which hinge on the existence of a decision) are triggered.

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
			requirement to be 'consistent with principles of natural justice' as required under the <i>Legislative Standards Act 1992</i> . (Sub 1, p.16)	<p>Biosecurity Queensland does not agree with the assertion that the clause is not consistent with the principles of natural justice. It is Biosecurity Queensland's view that the clause in fact facilitates the "fair hearing" requirement of natural justice by providing a "decision" which enlivens internal and external merit review rights.</p> <p>Without this clause, it would be more difficult for an applicant to take action in relation to a failure to decide the application. For example, in the absence of the clause, it is unclear whether there would be a "decision" for the purpose of triggering the internal and external merit review processes under Chapter 11 of the Bill.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
460 - 497	Chapter 16 Invasive animal barrier fencing - Part 1 The barrier fence board	Submission No. 5 Local Government Association of Queensland Ltd	LGAQ states that Chapter 16 does not clearly identify the State or any other parties as being responsible for the funding of the fences or board. LGAQ feels it would be appropriate for the State to increase its contribution to the fences and board, to at least match local governments' and seek additional funding from direct beneficiaries of the fences from within relevant industries.(Sub 5, p.2)	<p>Under the Bill, the funding of fences and boards continues to be from the Land Protection Fund, as is currently the case for the Darling Downs Moreton Rabbit Board and the Wild Dog Barrier Fence.</p> <p>The topic of State funding allocations is outside the legislative process, therefore, outside the scope of the Bill.</p> <p>As such, no changes are proposed.</p>
471	Appointment of directors other than chairperson	Submission No. 5 Local Government Association of Queensland Ltd	<p>Local government currently contributes the majority of funding to the existing wild dog and rabbit fences but under the proposed make up of directors, will not have the majority representation, with only three local government directors, one state government employee as a director and two directors to be appointed by the Minister. This is unacceptable to local government.</p> <p><i>Recommendation:</i></p> <ul style="list-style-type: none"> - Include a clause identifying the key funding stakeholders for the invasive animal fences and board. - That the balance of local government representation be increased on the board to better reflect current financial contributions. 	<p><i>Background</i> – The clause is consistent with the recommendations of the 'Kenny-Watson Report' ('Governance Arrangements for Pest Animal Barrier Fences') dated 5 April 2010. Appendix B of the Kenny-Watson Report outlines the consultation process undertaken by Mr Peter Kenny and Dr David Watson. Appendix B states that LGAQ was consulted on 11 March 2010.</p> <p><i>Response to recommendation 1</i> – The composition of the board provides an indication as to the key</p>

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
			<ul style="list-style-type: none"> - That the State increases its contribution to the fences and board, to at least match that of local governments. (Sub 5, p.2) 	<p>funding stakeholders.</p> <p><i>Response to recommendation 2</i> – Proposed Board membership is in line with the Kenny-Watson recommendations. The proposal of three local government representatives and one state government representative on the board adequately reflects the ratio of financial contributions.</p> <p><i>Response to recommendation 3</i> – Increases to financial contributions are outside the scope of the Bill.</p> <p>This clause is consistent with the government's position in this area. As such, no changes are proposed.</p>
485	Estimate of board's operational costs	Submission No. 2 Gold Coast City Council Waste and Resource Management Branch	<p>W&RMB considers that the provision of a written estimate of operational costs two months prior to the start of the financial year is untenable. Budget development with Council begins eight months before the end of the financial year. The current arrangements under the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> see demands for funding arriving up to six months into the current financial year without any previous consultation with Local Government. The demands are not itemised and there is no transparency or accountability regarding the expenditure of these public funds. While funds will be paid from the Land Protection Fund (S.64(d) and S.65(b)), there is no requirement for consultation with Local Government regarding the operational costs of the barrier fence board.</p> <p>If Chapter 16 is to remain in the proposed Bill, W&RMB seek the following amendments:</p> <ul style="list-style-type: none"> - S.485(1) The board must consult with each of the contributing Local Governments during the preparation of the Board's estimate of operational costs. - S.485(2) The estimate must be given to the Minister six months before the start of the financial year to which the estimate relates. - New addition — The minister must provide Local Governments with the estimate and a written statement of this estimate as per S.485(3) four months before the start of the financial year to which the estimate relates. (Sub 2, p.6) 	<p><i>Response to amendment 1</i> The amendment suggested for clause 485(1) is more adequately addressed by the terms of reference for the Board which will be developed in consultation with stakeholders.</p> <p><i>Response to amendments 2-3</i> The timeframes outlined in the Bill are the minimum mandatory legislative requirements only. More generous timeframes may be negotiated between parties outside the legislative process.</p> <p>The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.</p>
515	When regulatory impact statement not	Submission No. 1 Zoo and Aquarium	<p>This clause is clearly intended to circumvent the intent of the <i>Statutory Instruments Act 1992</i>, section 43 when the declaration of <i>biosecurity</i></p>	<p>This clause is not intended to circumvent the intent of the <i>Statutory Instruments Act 1992</i> (see response</p>

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Cl.	Section/initiative	Submitter	Key Points	DEEDI Comments
	required	Association Queensland Branch	<i>matter as prohibited matter</i> could impose appreciable costs on the community or part of the community. Under this section species forming part of exhibited animal industry collections could be declared to be <i>prohibited matter</i> with no requirement for a RIS. This could have devastating consequences for the industry or individual businesses within the industry. Sub 1, pp. 16-17)	below to Queensland Racehorse Owners' Association Submission No. 7 for further information). The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.
		Submission No. 7 Queensland Racehorse Owners' Association	The wording here is a cop out for good decision making, the ombudsman's report and the EI case clearly show that without a RIS poor decisions can be made. The legislation needs to be more robust and put in place some methods for economic assessment and industry consultation as it is now biosecurity Queensland will be a loose cannon. We suggest an upgrade to the wording and make it necessary to consult and make an economic assessment of some sort for biosecurity programs and activities. (sub 7, pp.9-10)	Clause 515 is in reference to prohibited matter. The criteria for declaring biosecurity matter as prohibited matter is that: <ul style="list-style-type: none"> - <i>the biosecurity matter is not currently present or known to be present in the State;</i> - <i>there are reasonable grounds to believe that if it did enter the state or part of the State the biosecurity matter may have significant adverse effect on a biosecurity consideration.</i> Prohibited matter, by definition, should not be present in Queensland. Its presence has potential for significant adverse impacts on one or more biosecurity considerations. While a RIS is not required in this instance, there is adequate opportunity for decisions made under clause 515 to be reviewed under chapter 11. This allows the Bill to maintain flexibility for swift action to be taken when there is a potential emergency, without a breach of fundamental legislative principles. The drafting of this clause in the Bill is consistent with the government's position in this area. Accordingly, no changes are proposed.
Sch 1 Pt 1	Aquatic diseases, parasites and viruses	Submission No. 2 Gold Coast City Council Waste and Resource Management Branch	The Invasive Animals Cooperative Research Centre is coordinating a project with CSIRO to determine the potential of Koi Herpesvirus or Cyprinid Herpes virus 3 (CyHV-3) as a biocontrol agent for carp in Australia. W&RMB suggest the removal of the listing of Koi Herpesvirus disease as prohibited matter if it will negatively impact on the success of this project. (Sub 2, p.6)	Under clause 198 (Types of prohibited matter permits) permits will be available for the purposes of scientific research.

Other comments – clause not specified or unclear		
Submitter	Key Points	DEEDI Comments
Submission No. 4 Queensland Beekeepers' Association Inc	<p>Adverse impacts on beekeepers</p> <p>The QBA is concerned that there are aspects of the Apiaries Act of 1982, which the new Biosecurity Bill is aimed at replacing, that will not be in the best interest of our Industry. In recent years we did get some briefing and when the exposure draft of the Bill came out, the QBA put in a submission which raised many questions. To date, these questions have not been answered. From our perusal of the Bill, it would seem that there is only one point in our first submission that has been included. We have been told that some aspects we have raised will be addressed by Codes of Practice (COP) but there is no guarantee that this will happen. (Sub 4, p.1)</p>	<p>The inclusion of the Queensland Beekeeper's Association's recommendations will be considered by Biosecurity Queensland in the development of the subordinate legislation.</p> <p>The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.</p>
Submission No. 7 Queensland Racehorse Owners' Association	<p>Authorised persons</p> <p>Industry believes the bill has failed to recognise a group of persons that undertake authorise biosecurity functions under permit, and is loose in nature in the current legislation but needs to be included in this legislation. This person is an industry person that is not an employee of or a contractor to DEEDI or a police officer or under TORUM. They are an independent trained industry person. Currently horse managers, owners and industry specialists are authorised under permit and have completed a training course and are registered to undertake a cattle tick inspection and treatment of horses and then under this inspection and treatment move across a biosecurity border. There would be many hundreds of people undertaking this task. They have not been recognised in the legislation. DEEDI have been informed of this issue.</p> <p>... would like a section to be included in the bill similar in wording to the police section that recognises industry trained and qualified persons for biosecurity tasks. These persons to be registered on a DEEDI maintained register, to have a licence renewal every say 5 years and to be a class below an authorised person with restricted powers for specific tasks.</p> <p>These persons may also exist in industries other than the horse industry. For example a staff member who works for a seed company may be such a person. They may be able to undertake a certification of a consignment of seed that is free of a weed species.</p> <p>If this aspect is not included in the legislation there will be many persons currently disenfranchised from the system. It makes sense to have industry involved in self regulation and this regulation to be controlled and registered. Why not recognise this in the Bill? (Sub 7, pp.6-7)</p>	<p>Under clause 236 (Appointment and qualifications), the chief executive may appoint a person or member of a class of persons prescribed under a regulation to be an authorised person.</p> <p>Biosecurity Queensland is committed to continue to work closely with industry partners to ensure that their technological knowledge and best practice expertise are integrated into the subordinate legislation.</p> <p>Provisions relating to the class of persons to be appointed under the regulations as authorised persons and provisions relating to cattle tick will be developed for inclusion in the regulations.</p> <p>The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.</p>

Inquiry into the Biosecurity Bill 2011: Summary of submissions

<p>Submission No. 1 Zoo and Aquarium Association Queensland Branch</p>	<p>Consultation A significant issue we need to highlight is that throughout the Bill's development the exhibited animals industry has been reassured of the intent for this document to dove-tail with the proposed Exhibited Animals Act; however we were informed recently by the Department that an Exhibited Animal's Act is now unlikely to be rolled out until 2014 at the earliest. Given there is no official commitment to any timeframes for the exhibited animals legislation the zoo and aquarium industry must now consider the implementation of the Biosecurity Bill very differently. With this in mind we have some strong reservations pertaining to the very broad definitions provided within the Biosecurity Bill and would like written clarification of how this is likely to be applied to our industry given the lag time now evident with an Exhibited Animals Act. (Sub 1, p.1)</p>	<p>A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill.</p> <p>Biosecurity Queensland is committed to further consultation with the exhibited animals industry to facilitate an understanding of how the Biosecurity Bill will work in conjunction with current and proposed legislation.</p>
<p>Submission No. 7 Queensland Racehorse Owners' Association</p>	<p>Cost sharing by biosecurity beneficiaries Whilst the legislation has general obligation which applies to any person dealing with a biosecurity matter that poses a biosecurity risk it does not state that the cost should be apportioned to a non-beneficiary or that it should be to the economic and social detriment of the ancillary participant (secondary host species). The issue can be made clearer by examining the current issues with cattle ticks. The primary responsibility for cattle tick biosecurity should be assigned to the cattle industry. Cattle Tick zones and the imposts imposed on the horse industry serve no benefit to the horse industry and are principally for the benefit of the cattle industry. The horse industries view is that an economic analysis of the current cattle tick biosecurity investigating the costs and impacts of controls on horse movements will yield a result that highlights the significant costs horse owners and government currently incur for the very small risk/return. The calculated annual cost to the horse industry is \$500,000 in fees and this is effectively a subsidy from the horse industry to the cattle industry.</p> <p>Further Beale is specific about cost recovery and resourcing biosecurity. The report states:</p> <p style="padding-left: 40px;"><i>The general principle should be that Australians who use or consume high risk, high regulatory cost imports, pay for those costs, rather than taxpayers" , "Equally, ...those who earn income from markets as a consequence of the regulatory services provided by the Australian government should pay for them.</i></p> <p>An application of this principle to cattle tick biosecurity clearly indicates that the cattle industry being the primary beneficiary of the cattle tick biosecurity should be the primary agent in cost sharing arrangements. The horse industry is mutually exclusive, that is it derives no benefit from cattle tick biosecurity and as such should not pay for any costs, or for services provided by government.</p> <p>We wish to note that cattle ticks are OUTSIDE Emergency Animal Disease Response Agreement (EADRA) and are a biosecurity program under the state</p>	<p>Biosecurity risk mitigation will be determined by the adverse effects or possible adverse effects to one or more biosecurity considerations, not to individual industries.</p> <p>The horse and cattle industries are not the only industries that share a biosecurity risk. For instance, Papaya ringspot disease is a risk to the papaya industry, but is carried by cucumbers. It would not be reasonable for the cucumber industry to waive their biosecurity obligations, simply because they are not impacted by the disease.</p> <p>Cost apportionment is outside the scope of the Bill.</p> <p>Provisions relating to cattle tick will be developed for inclusion in the regulations.</p> <p>The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.</p>

	<p>system. We note that there is a disease in horses in the UK Epizootic Lymphangitis that is very significant for horses. It is carried by cattle but does not affect cattle. The horse industry would not expect the cattle industry to pay for the control of or any aspects of inspection and testing for this disease if it were or a similar disease were to become an issue. Clearly legislation needs to include information about cost sharing and apportionment of such costs and BE FAIR as it is not the case now.</p> <p>We can only find one area in the bill that specifies fees and this is [clause] 388. (Sub 7, pp.8-9)</p>	
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Submission No. 4 Queensland Beekeepers' Association Inc	Enforcement One of the biggest worries is the enforcement of the Biosecurity Bill. Currently the Department does not enforce the Apiaries Act despite urging by our Industry, which is a source of frustration for us. (Sub 4, p.1)	Current enforcement of the <i>Apiaries Act 1982</i> is outside the scope of the Biosecurity Bill. Biosecurity Queensland will continue to engage with the Queensland Beekeepers' Association to seek to allay their concerns regarding enforcement of the Bill.
Submission No. 1 Zoo and Aquarium Association Queensland Branch	General comment Whilst we are confident the State Government has intention to deliver what was discussed with industry within the Stakeholder Workshops, in the absence of the dual operation of an Exhibited Animals Act there are some major concerns for our industry surrounding interpretation of sections within the Biosecurity Bill. It is also unclear as to whether aspects of the Biosecurity Bill will now require additional reporting and licensing for our industry. Reading the document in isolation it would appear there are several areas that will require additional red tape procedures for the exhibited animals industry, a contradiction with the Service Delivery and Performance Commission review of 2006 and current whole of Government policy. This has been clearly outlined in our submission and requires specific attention. (Sub 1, p.1)	A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill. Biosecurity Queensland is committed to further consultation with the exhibited animals industry.
Submission No. 6 BSES Limited	General comment Legislation has been pivotal in the management of endemic sugarcane diseases and responding to incursions of exotic diseases. BSES supports the maintenance of a strong legislative base to assist industry manage biosecurity issues in the future. We believe that the draft Biosecurity Act 2011 will provide the basis for management of biosecurity threats in Queensland. 9sub 1, p.2)	Noted.
Submission No. 1 Zoo and Aquarium Association Queensland Branch	Need for concurrent use of legislation Without the concurrent use of legislation specific to our industry (Exhibited Animals Act) the Biosecurity Bill has the ability to potentially cripple our industry or individual facilities with little notification or compensation depending upon the individual interpreting the document. (sub 1, p.1)	A proposal for legislation regarding exhibited animals is under consideration by the department with the intention for the proposed legislation to commence simultaneously with the Biosecurity Bill. Biosecurity Queensland is committed to further consultation with the exhibited animals industry.
Submission No. 5 Local Government Association of Queensland Ltd	Non compliance by State government departments and underfunding by the State of State government departments for the management of invasive plants and animals Unfortunately, this is a perennial issue for Queensland local governments where their own management and enforcement efforts and the efforts of private landowners and regional NRM bodies are undermined by the inconsistencies in and frequent failure of State government departments to meet obligations under State legislation on lands under their management.	<i>Response to Recommendation 1</i> The ongoing issue of management of invasive plants and animals on state land has previously been noted (see response to QMDC regarding this matter at clause 6). Biosecurity Queensland, in consultation with other government agencies, has developed a new draft State Land Pest Management Framework as a non-legislative approach to the issue of invasive

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	<p>While the new Bill places a general obligation on all persons, that obligation is unable to be enforced against State or Federal departments allowing a level of unaccountability that is currently exploited. Local governments have come to question the value of legislation when some of the largest land holdings in their local government area (in particular national parks) are outside of the law. LGAQ notes that the state is currently preparing a new State Land Pest Management Framework. The Association has only recently been invited to a briefing about the Framework and appreciates the opportunity to provide input, however at this time we are unable to comment on whether the framework is likely to address local governments' concerns.</p> <p>A chief concern is that the Queensland State Government has chronically underfunded Biosecurity Queensland and in particular Queensland Parks and Wildlife, sending a clear signal that biosecurity matters, in particular invasive plants and animals, are not an important issue. This contradicts with the State's own environmental policies and the Queensland Biosecurity Strategy. Additionally, Biosecurity Queensland currently appears to be reducing its workforce, with voluntary redundancies and unfilled vacancies.</p> <p><i>Recommendation:</i></p> <ul style="list-style-type: none"> - Amend the Bill to require all State government departments with land holdings to prepare Biosecurity Plans in consultation with local government and other key stakeholders. <p>That the State sets an example and increases funding to Biosecurity Queensland to ensure implementation and enforcement of the new Bill reflects the level of seriousness with which all biosecurity and invasive plant and animal matters are regarded.</p> <p>That the State increases funding to State departments, in particular Queensland Parks and Wildlife to enable an acceptable level of compliance with the new Bills obligations. (Sub 5, pp.3-4)</p>	<p>plants and animals on State land. The framework is currently in its final stages of consultation with LGAQ and BQMAC.</p> <p>.</p> <p><i>Response to Recommendation 2-3</i></p> <p>Departmental funding allocation is not within the scope of the legislative process.</p>
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<p>Submission No. 5 Local Government Association of Queensland Ltd</p>	<p>Power to state and local government authorised officers to serve Penalty Infringement Notices (PINS) for invasive plants and animals offences</p> <p>The LGAQ believe the State has not reflected the level of seriousness or significance of biosecurity matters and particularly invasive plants and animals in the current legislation or in the new draft Bill, because it does not provide the head of power for authorised persons to issue Penalty Infringement Notices (PINS).</p> <p><i>Recommendation:</i></p> <p>Amend the Bill to provide for the power to issue Penalty Infringement Notices by both State and local government authorised officers. (Sub 5, p.3)</p>	<p>The possible use of Penalty Infringement Notices will be considered during development of the regulations.</p> <p>The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.</p>
<p>Submission No. 7 Queensland Racehorse Owners' Association</p>	<p>Right of appeal and/or a review mechanism, and the method for making such application – applies to numerous sections including Chapter 5 Part 3 Biosecurity Zone regulatory provisions [clauses 114-116]</p> <p>The bill relies on recommendations from the CEO and or at the minister's direction for many biosecurity actions, for example: Declaration of a biosecurity zone; Declaration of biosecurity matter; what is controlled; prohibited matter declaration; restricted matter declaration; declaring a biosecurity emergency etc. But the justification for undertaking this is based on a premise that the action is required for "significant biosecurity risk" but it [the Bill] does not define what significant is and what measure should be taken to determine the risk. Does the risk hold up to economic scrutiny? Is the risk an industry shared risk? There is no requirement for a RIS and as such a major check and balance approach is forgone. This may not be the best way to have legislation.</p> <p>Why do we need an appeal mechanism</p> <p>Example - The Equine Influenza outbreak was caused by a failure of biosecurity at a quarantine facilities, as such the Federal government was the primary cause and thus came a responsibility to eradicate and control. What industry learnt was that the cost to industry was enormous for a disease with limited economic impact and very little animal impact. If a disease of this nature was occur again industry would have to argue that an eradication program not worth the cost.</p> <p>Example - Cattle Ticks</p> <p>For the past 20 years the horse industry has been forced to undertake cattle tick management protocols with no way of making appeal against such despite significant issues and failures of the system, to highlight this we have provide the following, Controlling and eradicating cattle ticks is extremely important for the viability of the cattle industry in north-eastern NSW and eastern Queensland. Cattle ticks are the most serious external parasite of cattle in Australia. The tick can carry 'tick fever', which can kill cattle and causes significant losses to beef and dairy industries.</p> <p>The current Queensland regulation is based on the <i>Stock Act 1915</i>, Stock</p>	<p>The Bill adopts a preventative rather than a reactive approach to managing risks. A biosecurity risk is referred to in clause 15 (What is a biosecurity risk) of the Bill and the word "significant" is used as per its standard dictionary definition.</p> <p>Avenues for appeal and review are specified under chapter 11 of the Bill, have been drafted in consultation with Office of the Queensland Parliamentary Counsel, and are consistent with current best legislative practice.</p> <p>Animal safety and welfare is regulated under the <i>Animal Care and Protection Act 2001</i>. The Biosecurity Bill 2011 has been developed to operate in addition to other Queensland legislation, including this Act, to ensure optimal outcomes in relation to a range of considerations in any given situation.</p> <p>Provisions relating to cattle tick will be developed for inclusion in the regulations.</p> <p>The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.</p>

	<p>Regulation 1988, Stock (Cattle Tick) Notice 2005 and Stock Identification Regulation 2005. Whilst attempts were made in 2005 to try to recognise changes in the nature of the cattle industry and the significant changes to the horse industry it is fair to say that the legislation is out of date and does not suit the current environment the new bill is to rectify this. The system imposes rules and regulations that paid scant regard to the economic significance of the horse industry, the safety of our livestock and the inconvenience to our businesses and lifestyles.</p> <p>Horse movements between the current cattle tick zones DO have a biosecurity risk as horses are a secondary host species which can carry cattle ticks BUT the risk is minimal. For example at the Kirra and Mt Lindsay NSW border gates operated by NSW DPI staff, in the past 12 months for the 6296 horses inspected 2 carried cattle ticks and a further 7101 travelled on a low risk permit. This is a risk rate of 1 in 10,000 very low.</p> <p>The problems for the horse industry with the current system are:</p> <ul style="list-style-type: none"> - Horse owners charged \$250,000 to \$500,000 dollars in fees and charges for horse cattle tick movements per annum. This charge is unfair to the horse industry as the cattle industry is the primary beneficiary. Expenditure at this level by the horse industry could be directed to projects that benefit the horse industry. - In regard to cattle ticks on horses <ul style="list-style-type: none"> o Almost all horse movements are low risk for cattle ticks, Racehorses and horses stabled in and daily groomed for competition pose virtually no risk at all but all these horses travelling for greater than 5 days must be inspected and sprayed at the biosecurity zone border, (this was even case Black Caviar when the mare raced last year Brisbane and was stabled inside the Eagle Farm Race track) o Statistics show that only 1 horse in 10,000 are a cattle tick risk. The Queensland horse industry believes it is a better use of resources to focus on the 1 in 10,000 horse and use a quality assurance system to identify these high risk horses o All horses travelling greater than 5 days must be sprayed with acaricide chemicals. Horses have had adverse reactions and in example cases racehorses and competition horses have been unable to race (Star of Florida for trainer Pat Duff) or compete. o To add horse industry discontent to the issue spraying is ineffective as most ticks are resistant to the spray thus a worthless exercise. o Spray gate facilities are very unsafe. Horses have been seriously injured and at least 1 horse had to be destroyed by a Racing Queensland veterinary. o The tick gate facilities are very inconvenient they effect travel times for transport and limit safe transport 	
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	<ul style="list-style-type: none"> ○ The tick gates have no loading facilities or barrier gates and the facilities do not provide safe holding yards or stallion yards and fences are not designed for foals. Often trucks and floats are required to park on roadways and parking facilities are inadequate with poor barriers to roadside traffic and potential horse disturbance and fright. ○ The concrete floors a smooth and surfaces are unsafe for effective handling and ramparts and corners do not have rubber lined safety guards. ○ The tick gates regulations require horses to be tractable which for foals at foot is near impossible to achieve and weanlings yearlings and other young stock have not had the life experience to deal with the tick gate environment ○ There are issues with occupation health and safety and chemical compliance and it is anticipated that sooner or later legal action will be taken by a horse owner. <p>For these reasons we were desperate to get change and because there was no effective mechanism to have the biosecurity action reviewed or to make an appeal this situation has continued for at least 10 years regardless of our vigorous and constant letter writing and requests. An appeal or review mechanism <u>must</u> be included in the Bill. (Sub 7, pp.4-7)</p>	
<p>Submission No. 4 Queensland Beekeepers' Association Inc</p>	<p>System for classifying apiary sites and distances is not covered by the Bill</p> <p>One area we have raised is the retention of some system of apiary site classification and distances between apiary sites as is currently in the Apiaries Act of 1982. We see this as a biosecurity issue that needs inclusion in the new Bill. (Sub 4, p.1)</p>	<p>These elements of the <i>Apiaries Act 1982</i> will be considered for inclusion in the regulations.</p> <p>The process of developing the full suite of subordinate legislation will be extensive and is expected to take at least 12 months. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.</p>

SUMMARY OF STAKEHOLDER CONSULTATION
PROVIDED BY DEEDI TO

**THE ENVIRONMENT, AGRICULTURE, RESOURCES
AND ENERGY COMMITTEE**

FOR THE INQUIRY INTO THE BIOSECURITY BILL 2011

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1.0 Background

The development of a single cohesive legislative framework for biosecurity is a 2006 election commitment and a key plank of the *Queensland Biosecurity Strategy 2009 – 2014* (Attachment 1). The proposed legislative framework will protect Queensland's primary industries, natural environment, social amenity and human health from the impacts of biosecurity risks – plant and animal diseases, invasive pest animals and plants and contaminants.

The current biosecurity legislative framework consists of a number of Acts and subordinate instruments; each being developed independently of one another in response to specific events over many years. This has resulted in inconsistent approaches to biosecurity issues, which presents difficulty for stakeholders and an administrative burden for Government. Furthermore, the current framework lacks the flexibility to enable efficient and effective responses to future biosecurity risks across the broad spectrum of Biosecurity Queensland's responsibility.

The following Acts will be repealed by the Bill:

- *Agricultural Standards Act 1994*
- *Apiaries Act 1982*
- *Diseases in Timber Act 1975*
- *Exotic Diseases in Animals Act 1989*
- *Land Protection (Pest and Stock Route Management) Act 2002*
- *Plant Protection Act 1989*
- *Stock Act 1915*

A new single piece of legislation, the Biosecurity Bill 2011 (the Bill), has therefore been prepared to ensure Queensland has the flexibility to respond to evolving biosecurity risks. It is built on the strategic concept of mitigating the risk of biosecurity matter (e.g. diseases of animals and plants, invasive plants and animals) impacting on the economy, the environment, social amenity and human health (each a biosecurity consideration). It will provide the framework for managing risks associated with emerging, endemic and exotic pests and diseases, the transfer of diseases from animals to humans, and biological, chemical and physical contaminants in carriers e.g. stock feed.

The Bill assists in achieving sound biosecurity outcomes in a number of ways. Firstly, it enshrines the notion of shared responsibility where the owner of a risk must manage the risk. This is achieved by establishing a universal biosecurity obligation on all persons to minimise biosecurity risks. That obligation encourages people to take a proactive role in preventing, managing and addressing biosecurity risks.

A person can discharge their biosecurity obligation by complying with relevant requirements of the Act, a regulation, a code of practice or a guideline. For most people, discharging their obligation will be straightforward as they currently maintain appropriate biosecurity measures, for example, isolating sick stock from healthy stock to prevent the spread of disease. For others, it may require a change in approach to dealing with biosecurity matter likely to create a biosecurity risk. Mitigating the risks associated with biosecurity matter will benefit individuals and the community as a whole by reducing the possibility of loss or damage where a biosecurity risk is left unchecked.

Secondly, where there is a failure to discharge that obligation, the Bill provides for appropriate step-in powers through the use of regulatory instruments and, where necessary, the prosecution of the offender. There is a greater range of regulatory instruments available for responses to failures than currently exist.

Thirdly, the Bill adopts a preventative rather than reactive approach to managing biosecurity risks. It achieves this by applying the precautionary principle to risk-based decision making under the Bill. That principle, as described in the Bill, provides that a lack of full scientific certainty should not be used as a reason to postpone taking action to prevent a biosecurity event or postpone a response to a biosecurity risk. The practical implication of this approach is that the Bill allows for swifter responses to emergent situations.

The new approach places Queensland ahead of other states in terms of modernising biosecurity legislation and has strong support from the wide range of government, industry and local government stakeholders. It enables the State to meet its obligations as part of the national and international biosecurity system and provides for the continuation of the role of local government in managing invasive plants and animals in their area.

The Bill provides a number of scalable statutory instruments for managing biosecurity matter, addressing biosecurity risk and managing biosecurity emergency responses. These statutory instruments can be applied in the management, control or eradication of the wide range of biosecurity risks which are present in Queensland (e.g. endemic pests of sugar cane through biosecurity zones) or to prevent the entry of new pests and diseases into Queensland.

2.0 Stakeholder Consultation

A key feature of the development of the Bill was the extensive consultation that was undertaken with stakeholders. Stakeholder consultation commenced early in the development of the Bill firstly through the Biosecurity Reference Group, the Biosecurity Queensland Ministerial Advisory Council and the Local Government Association of Queensland. Further targeted stakeholder consultation occurred with the release of the first parts of the exposure draft on 30 July 2010. This was followed by more parts of the Bill being released on 17 November 2010.

Broader consultation with stakeholders and the general public occurred during the release of the Exposure Draft of the Bill which was released for comment on 22 July 2011 for a six week period. A number of public forums were held across the State as part of this consultation process.

Stakeholders were informed of the proposed framework of the Bill and there was strong support from across the broad range of stakeholders. Feedback has been collected through a range of mechanisms ranging from verbal feedback through to formal submissions. The context in which this feedback has been utilised, such as how it was addressed at the time or how it has been addressed in the Biosecurity Bill 2011, is outlined as the introduction to each of the respective attachments that contain stakeholder feedback.

2.1 Biosecurity Reference Group

The Biosecurity Reference Group was formed in early 2008 and consists of the key stakeholders across industry, local government, environmental and government interests. The group was initially formed for the purpose of providing advice throughout development of the Queensland Biosecurity Strategy 2009-2014 (Attachment 1) and the development of the Bill regarding the impacts of the legislation on their respective industries.

The group met several times during 2008 and 2009 to discuss issues on the Queensland Biosecurity Strategy and was reformed in July 2010 in order to provide industry advice and feedback on the development of the Bill.

The Biosecurity Reference Group meetings mainly focused on the conceptual framework for the Bill and the statutory instruments and enforcement and monitoring provisions. The meetings also provided an opportunity for stakeholders to raise concerns or issues and to share perspectives on strategic and operational implications of the Bill.

Overall, there was strong support from the Biosecurity Reference Group for the new approach to biosecurity legislation based on a single cohesive Act. These stakeholders welcomed the simplification of the legislation and the broad range of statutory instruments that were proposed.

Attachment 2 lists the stakeholders in the Biosecurity Reference Group.

2.2 Biosecurity Queensland Ministerial Advisory Council

In 2009, the Queensland Government made a commitment to establish a new dedicated Ministerial Advisory Council to provide industry leadership on key biosecurity issues. Previously, biosecurity matters had been considered by a number of separate committees such as the Biosecurity Advisory Council of Queensland and the Land Protection Council. The Biosecurity Queensland Ministerial Advisory Council (BQMAC) was created to provide independent strategic advice to the Minister on the direction and priorities for biosecurity in Queensland.

Membership of BQMAC includes senior representatives from industry, natural resource management groups, local government, and animal welfare and exhibited animal representatives, as well as experts in various fields of biosecurity. The 16 members of BQMAC were appointed for a term of three years in April 2010, following a rigorous selection process. A list of the BQMAC membership is in Attachment 3.

The Council's first meeting was held on 18 June 2010. BQMAC meets regularly to discuss issues relating to biosecurity in Queensland. During the development of the Bill, BQMAC was regularly briefed on the progress and the policy rationale underpinning the Bill. At a meeting on 16 August 2010 the first release of parts of the Bill was discussed. At subsequent meetings on 14 December 2010 and 23 March 2011 further overviews and updates on the progress of the Bill were provided to BQMAC. On 16 August 2011, a special meeting was held to coincide with the release of the Exposure Draft of the Bill so BQMAC could be briefed.

BQMAC indicated throughout the consultation process that the Bill and its underlying policy framework were fundamentally sound and have consistently expressed support for the legislation.

2.3 Public Consultation on Legislation

Queensland Biosecurity: A Discussion Paper (Attachment 4) was released for comment in July 2008. Submissions were received from over 60 organisations and individuals. Overall, there was support from stakeholders for a new legislative framework for biosecurity. A summary and analysis of the stakeholder responses to the discussion paper regarding legislation are outlined in Attachment 5 – *Discussion Paper Submissions*.

A brochure – *Modernising Queensland's biosecurity legislation* (Attachment 6) was released for public consultation on 28 September 2009. This brochure informed stakeholders of the development of a new legislative framework for biosecurity, the Acts to be repealed and the process for introducing the new approach.

The brochure also invited comment on the current legislation dealing with biosecurity and suggestions for the new approach based on a cohesive single Act. Stakeholders were encouraged to organise their responses in terms of the strengths and limitations of the current legislation, suggested areas for improvement, opportunities for co regulation, and opportunities to reduce red tape. It was mailed to some 250 stakeholders (listed in Attachment 7), including all of the respondents to the discussion paper, and was available on the Department's website. It was also promoted through the Biosecurity Reference Group, through LGAQ networks and by Biosecurity Queensland staff in stakeholder related forums.

By 30 November 2009, submissions were received from 24 organisations, government agencies, local governments and individuals. Feedback was also provided through meetings held with specific stakeholders.

Key issues raised in the written responses and discussions held with stakeholders included:

- Harmonisation with national legislation and policy frameworks;
- Interaction with other State legislation;
- Shared responsibility;
- Duty of care;
- Precautionary approach;
- Ministerial Advisory Council;
- Broader range of biosecurity risks;
- New and changing biosecurity risks;
- Vectors and carriers of biosecurity risks;
- Endemic pests and diseases (invasive plants and animals);
- Role of local government;
- Role of other entities in biosecurity;
- Biosecurity programs;
- Emergency response;
- Interstate Certification Assurance;
- Compensation.

Issues raised in submissions responding to the brochure are in Attachment 8 – *Issues raised in submissions made in response to – Modernising Queensland's Biosecurity Legislation* (November 2009) and includes comments as to how the issues have been addressed in the Bill. The feedback provided through this consultation process informed the development of the initial drafting instructions for the Bill.

2.4 Release of Parts of the Bill

Initial releases of parts of the Bill for consultation purposes occurred from July 2010 to January 2011. Releases covered:

- Chapter 1 - Preliminary,
- Chapter 2 - Declaration of prohibited matter, general biosecurity obligations about biosecurity matter and particular offences,

- Chapter 3 - Matters relating to local governments,
- Chapter on investigation and enforcement,
- Chapter 4 - Codes of practice, guidelines and particular agreements,
- Chapter 6 - Biosecurity zone regulatory provisions and movement control orders, and
- Chapter 12 - Biosecurity orders, enforcement orders and injunctions.

The process of releasing particular draft chapters gave stakeholders the opportunity to provide feedback that was industry specific and offering perspectives of how concepts of the Bill may apply on-ground.

Feedback received on these preliminary drafts was generally supportive and encouraging. Comments outlining criticisms were utilised as an opportunity to explain and clarify the policy positions behind the legislation to stakeholders.

The details of this consultation and comments on how issues were addressed are outlined in Attachment 9 – *Stakeholder feedback received on release of parts of the Bill 2011 July 2010 to January 2011*.

2.5 Exposure Draft of the Biosecurity Bill 2011

An Exposure Draft of the Bill was released on 22 July 2011. The consultation period closed on 2 September 2011. Since inception, the biosecurity legislation has been developed with extensive input from stakeholder groups. The public feedback revealed the majority of stakeholders supported the principles of the Bill.

Public forums on the Exposure Draft were led by the Managing Director, Biosecurity Queensland and took place throughout the public consultation period. These meetings provided another opportunity for stakeholders to seek clarification on the proposed Bill and to then provide informed feedback. Details of these meetings are contained within Attachment 10 – *Consultation Meetings – Exposure Draft*. A diagrammatic representation of the Biosecurity Bill framework is contained within Attachment 11 – *Consultation Meetings – Forum Content*. Stakeholders then had the opportunity to make submissions on the Exposure Draft.

Overall, industry members and governments at all levels have been supportive of the Bill and underlying principles of the new legislation. Many stakeholders registered their interest in continued involvement in the collaborative process throughout the Bill's development. Any concerns that were raised with the release of the Exposure Draft of the Bill and the actions taken to address these comments are outlined in Attachment 12 – *Comments on Exposure Draft of the Biosecurity Bill 2011*.

2.6 Biosecurity Bill 2011

The Biosecurity Bill 2011 was tabled in Queensland Parliament on 25 October 2011 by the Minister for Agriculture, Food and Regional Economies, Honourable Tim Mulherin, MP.

The Assembly referred the Bill to the Environment, Agriculture, Resources and Energy Committee (the Committee) for inquiry. The Committee subsequently sought written submissions from the public, with seven submissions received in total.

A Summary of Submissions to the Committee was provided to the Department of Employment, Economic Development and Innovation for comment to which the department provided a written response on 7 February 2012.

3.0 Attachments

- Attachment 1 - Queensland Biosecurity Strategy 2009-2014
- Attachment 2 – Membership Biosecurity Reference Group
- Attachment 3 - Membership Biosecurity Ministerial Advisory Council
- Attachment 4 - Queensland Biosecurity: A Discussion Paper
- Attachment 5 – Discussion Paper Submissions
- Attachment 6 - Modernising Queensland's Biosecurity Legislation
- Attachment 7 – Mail List for consultation
- Attachment 8 – Issues raised in submissions made in response to – *Modernising Queensland's Biosecurity Legislation* (November 2009)
- Attachment 9 – Stakeholder feedback received on release of parts of the Bill 2011 July 2010 to January 2011
- Attachment 10 - Consultation Meetings - Exposure Draft
- Attachment 11 - Consultation Meetings - Forum Content
- Attachment 12 - Comments on the Exposure Draft of the Biosecurity Bill 2011

Department of Primary Industries and Fisheries

Queensland Biosecurity Strategy

2009–14



Queensland Government
Department of Primary Industries and Fisheries

The Department of Primary Industries and Fisheries (DPI&F) seeks to maximise the economic potential of Queensland's primary industries on a sustainable basis.

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Department of Primary Industries and Fisheries

Queensland Biosecurity Strategy

2009–14

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From the Minister

Biosecurity began in Queensland more than 150 years ago when the first sheep scab inspector was appointed in the Moreton Bay region. Biosecurity has certainly changed since then.

Globalisation has increased the trade of goods and movement of people across the world. As well as opening up new opportunities, it has increased our exposure to the spread of pest and diseases. We can no longer rely on the fact that we are an island nation for much of our protection.

Over the past decade, we have seen an escalation of major biosecurity events and spread of established pests and diseases. Major incidents in Queensland are likely to become more frequent as our climate and environment change and globalisation continues.

Biosecurity is important to Queensland as pests and diseases can have a long-term impact on the profitability of our primary industries, our unique biodiversity and our way of life.

Queensland is a frontline state for biosecurity in Australia. We deal with more major biosecurity incidents than any other state. Having a Biosecurity Strategy in place will better prepare us for the future.

Governments around Australia are working together to develop a strong national biosecurity system. With this strategy, Queensland will be well positioned to take advantage of the opportunities such a system offers and to showcase our experience and expertise.

This Biosecurity Strategy, the first of its kind for Queensland, maps out the key areas of focus over the next five years as we build a world-class biosecurity system.

It is a strategy for Queensland, to be owned by Queenslanders.

The new direction for biosecurity outlined in this strategy helps achieve the Queensland Government's targets in *Toward Q2: Tomorrow's Queensland*, particularly the government's ambitions for protecting our lifestyle and environment and creating a strong economy.

This strategy is the product of considerable collaboration between a wide range of stakeholders. More than 70 submissions were received and 24 forums were held. I thank everyone for their contribution.

The strong support from stakeholders for a quality biosecurity system and for developing this strategy is pleasing and provides a solid foundation on which we can all work together to build a world-class biosecurity system for Queensland.

A handwritten signature in black ink, reading "Tim Mulherin". The signature is fluid and cursive, with the first name "Tim" and last name "Mulherin" clearly distinguishable.

The Hon. Tim Mulherin
Minister for Primary Industries and Fisheries

About biosecurity

Biosecurity means mitigating the risks and impacts to the economy, the environment, social amenity or human health associated with pests and diseases.¹

Biosecurity deals with the risks from pests and diseases that impact on:

- plant and animal industries including agriculture, horticulture, aquaculture, fisheries, forestry and racing
- biodiversity and the natural environment (terrestrial and aquatic)
- cultural heritage, recreation, sport and social amenity
- infrastructure and service industries, including power, communication, shipping and water supplies
- tourism, lifestyle and pleasure industries
- the built environment
- human health through transfer of diseases from animals to humans (otherwise known as zoonoses).

While strictly not included in the definition of biosecurity, for the purposes of this strategy biosecurity will also cover biological and chemical contaminants of food-producing plants and animals, and the environment.

¹ Source: *Intergovernmental Agreement on Enhancing the Australian Biosecurity System for Primary Production and the Environment (AusBIOSEC)*—Draft Version 2.0 26 August 2008

Biosecurity continuum

Prevention

Regulatory and physical measures to ensure that outbreaks are prevented or their impacts mitigated.

Preparedness

Arrangements to ensure that, should an outbreak occur, all those resources and services needed to address the outbreak can be efficiently mobilised and deployed.

Surveillance

The systematic investigation of a population or area to collect data and information about the presence, incidence, prevalence or geographical extent of a pest or disease.

Response actions

Taken in anticipation of, during and/or immediately after an outbreak to ensure that its effects are minimised.

Recovery

The reconstruction of the physical infrastructure and environment and restoration of emotional, social, economic, environmental and physical wellbeing following an emergency response to an outbreak of a pest or disease.

Ongoing management

Activities that occur after an initial emergency response to an outbreak of a pest and disease has been unsuccessful, is not considered feasible, or has ceased; and/or the management of established pests and diseases.

About this strategy

This strategy sets out the strategic directions all stakeholders in biosecurity will be working towards over the next five years. It builds on the various national commitments to which Queensland stakeholders are a party, including national animal and plant health deeds and national weeds and pest animal strategies.

The strategy aims to:

- articulate a shared vision for Queensland's biosecurity system
- set out the high level goals and strategies for biosecurity in Queensland
- identify the key strategies that will be pursued to achieve these goals
- position Queensland within the changing national and international biosecurity environment.

This strategy *does not* cover animal welfare. While an important priority in Queensland, a separate strategy will be developed in 2009 to align with the agreed national policies in this area.

This strategy also *does not* cover direct human health issues, but does deal with the animal aspects of zoonoses.

Specific action plans will be developed to implement the strategy and key performance measures will be developed to evaluate its success.

Australian Government biosecurity review

Queensland works collaboratively within a national biosecurity system, collectively referred to as AusBIOSEC, which in turn is linked into international agreements.

At the time of writing, the Australian Government was conducting a major review into Australia's quarantine and biosecurity arrangements. Known as the Beale Inquiry, it is expected to result in the creation of a stronger national biosecurity system.

Queensland strongly supports the creation of such a system.

While elements of this strategy may need to be revisited once the outcomes of the Australian Government review are known, the directions in this strategy are designed to position Queensland within the national biosecurity system and are considered necessary regardless of the final review outcome.

Vision

Queensland is protected from the risks and impacts of pests and diseases through the collaborative efforts of all Queenslanders




Challenges ahead


The number of significant pest and disease incidents has increased over the last decade. Queensland has been the frontline state for biosecurity, mounting more major responses than any other state in Australia. Indications are that we must be prepared for this trend to continue in the future.

We live in an unpredictable environment with a range of factors affecting our biosecurity risk profile, including our geography, climate change, the global movement of people, animals and goods, emerging diseases, new industries and changing demographics and land use.

It is not a matter of 'if' but 'when' a significant biosecurity event will occur in the future. What that event may be and how it will impact on Queensland is not possible to predict with certainty but Queenslanders must be prepared for any contingency. Changes need to be made now to ensure that Queensland is well positioned to protect against these threats.



Foot and mouth disease (FMD) is present in some of our neighbouring countries. Queensland exports approximately 80% of its \$4.3 billion beef production each year. This market could be lost overnight if FMD was detected. It is estimated that a moderate outbreak of FMD anywhere in Australia could cost the Queensland economy at least \$9 billion.



Bees are humble little insects responsible for pollinating plants grown for our food supply. Without them we would starve and ecosystems could collapse. A tiny parasite, the Varroa mite, is already destroying bee populations around the world and it is on our doorstep in New Zealand and Papua New Guinea. The cost of attempting eradication in New Zealand is estimated at \$55–70 million.



The 4th Intergovernmental Panel and Climate Change Report said that the Queensland Fruit Fly could pose a significant threat to southern Australia, with the likely spread into currently fruit fly free zones. Estimates are that some apple, orange and pear growers could face increased fruit fly management costs of up to 80%.

Maintaining market access

Queensland's agricultural production is worth about \$12.5 billion a year, significant proportion of which is exported either overseas or interstate. Queensland trades on the credibility of our biosecurity systems and favourable pest and disease status. However, trading partners and international standards increasingly require us to objectively demonstrate evidence of our status. The biosecurity measures required for exported and imported products as part of our World Trade Organisation rights and obligations must be taken into account.

Prevention of major exotic pest and disease outbreaks is critical. An outbreak could shut markets, causing serious economic loss to local businesses, broader industries and communities.

Managing increasing risk

Biosecurity is fundamentally about risk management. There is no such thing as zero risk when it comes to biosecurity.

No measures or mitigation strategies can completely remove the risk of a pest or disease entering, establishing or spreading in Queensland. Nor may it be possible to remove all biosecurity threats once they enter the state. Nevertheless, the aim should be to keep risk as low as possible and consistent with national policy settings on acceptable levels of risk.


Each biosecurity risk is unique and there are a number of ways that these risks can be addressed. Quite often there is a lack of information at the time decisions need to be made. Deciding what biosecurity risk to address and what measures to use in the biosecurity continuum is becoming increasingly important given the prevalence of risk and finite resources available to tackle them.

A key issue for the future is striking an appropriate balance between prevention, surveillance and preparedness. Everyone can play a role in preventing the establishment or spread of pests and diseases. Early detection is the key to effectively dealing with new incursions and prevention is the best line of defence.

Impact of climate change

For many species, temperature, moisture and carbon dioxide changes will alter their natural distribution and survival in the environment. However, ecosystems are complex and the precise impact of climate change on biosecurity in Queensland is largely unknown at this stage. Possible consequences include invasion of weeds into cyclone devastated regions, southern expansion of species due to increased temperatures and pressure to grow crops for bio-fuels using 'weedy' species.

These factors require a rethink of how biosecurity risk is approached in Queensland. Current and past risk assessments may be inadequate. The inclusion of biosecurity in climate change adaptation plans should be considered.




Many south-east Asian ports harbour marine species that could become pests if they are allowed to enter Australian waters. Diseases such as Avian Influenza and Classical Swine Fever could enter Queensland through Irian Jaya and Papua New Guinea.

Geography

Queensland is the second largest state in area, with the second largest coastline and border. It has the largest marine area and expansive tropical areas that are favourable to many pests and diseases and which are largely inaccessible for much of the wet season. The state also has a vast arid region in the west.

Queensland is close to south-east Asian and Pacific nations. The northernmost Torres Strait Island is just five kilometres from Papua New Guinea. Pests and diseases from neighbouring countries can also be introduced through migratory species or the movement of people and products.



Almost half of Australia's 220 declared noxious weeds were introduced deliberately. Approximately 34 species of alien fish have established in Australian freshwaters and 250 introduced marine organisms have become established in Australian waters.

Demography and changing land use

More than two million international tourists visit Queensland each year. The state has major domestic and international airports as well as several major seaports for commercial or community use.

South east Queensland is the fastest growing region in Australia with more than 1000 people moving there each week. Most of Queensland's population is within the coastal fringe. This contrasts with a sparsely populated state west of the Great Dividing Range.

The 'tree change' trend has seen an increase in the number of small, lifestyle landholders, who may not be fully aware or capable of managing biosecurity issues.

As the global competition for food continues, producers will always seek an economic advantage. Diversification into new crops brings new risks and there may be people tempted to illegally introduce new genetic material to provide that competitive edge.

Queenslanders cherish their gardens, but they should be aware that many of the biosecurity risks may be present. Many species found in home gardens represent 'sleeper' species and the risk of their establishment in the environment as weeds needs to be managed.

Goals

The goals for biosecurity in Queensland are to²:

- prevent exotic pests and diseases from entering, spreading or becoming established in Queensland
- ensure significant pests and diseases already in Queensland are contained, suppressed or managed
- contribute to the maintenance of Australia's favourable national and international reputation for freedom from many pests and diseases, market access for agricultural commodities, product safety and integrity, and diverse ecosystem sustainability.

Strategies

All Queenslanders share a responsibility for biosecurity. Over the next five years, the goals for biosecurity in Queensland will be achieved through government, industry and the community working together to improve biosecurity systems and build biosecurity capability and capacity.

Improving biosecurity systems

- build **leadership** and good governance within Queensland and nationally to underpin an effective biosecurity system
- take a more **preventative approach** to biosecurity risk
- pursue **early detection** of new pests and diseases and demonstrate our favourable status through better coordinated and designed surveillance systems
- be more prepared for and mount more efficient and timely **emergency responses** to incursions of pests and diseases²
- improve the **ongoing management** of established pests and diseases and reduce their impacts
- take a particular focus on **tropical biosecurity** to account for the unique climatic and demographic conditions that exist in Queensland.

Building biosecurity capability and capacity

- prioritise biosecurity resources and **investment** to areas of greatest biosecurity risk and impact
- take a more strategic approach to the **science** that underpins biosecurity through stronger partnerships, better linkages with biosecurity priorities and better extension
- increase **awareness** of biosecurity to get more people involved and help them understand the role they play
- provide a contemporary **legislative framework** and reduce the regulatory burden and compliance costs facing Queenslanders when they manage pests and diseases
- build the **capability** of Queenslanders to undertake biosecurity activities and deliver biosecurity services.

² Adapted from AusBIOSEC (2008)

Improving biosecurity systems

- Building strong leadership
- Taking a more preventative approach to biosecurity
- Carrying out better surveillance and early detection
- Improving emergency responses
- Managing established pests and diseases
- Focussing on biosecurity in the tropics

Building strong leadership

Achieving the vision for biosecurity will require strong leadership from government, industry and other key stakeholders—to build and sustain relationships, systems, capacity and capability in biosecurity. Strong leadership and good governance will build resilience and confidence in Queensland's biosecurity system.

A shared responsibility approach means that roles and responsibilities for prevention, surveillance, preparedness and response measures need to be clearly defined, understood and accepted by stakeholders.

There are a large number of stakeholders with a contribution to make to Queensland's biosecurity—three levels of government, various committees, a diverse range of industries, a large number of businesses, natural resource management groups, other community groups and individuals.

A major priority over the next five years will be to construct a biosecurity stakeholder map that clearly defines and communicates the respective roles and responsibilities of all stakeholders. In doing so, the capacity of stakeholders to deliver on their responsibilities will be considered.

Queensland is part of a strong national biosecurity system. Many stakeholders have significant influence on national policy setting and decision making. Ways will be sought to take advantage of these areas for a common purpose.

With changes expected at the national level as a result of the current Australian Government review into quarantine and biosecurity arrangements, it is important that all stakeholders take strong and consistent messages into these forums on agreed matters affecting biosecurity in Queensland. Queensland's rights and obligations in managing our unique biosecurity conditions will need to be considered, particularly within the national and international biosecurity context. It will also be important for stakeholders to work together to maximise any opportunities for collaborative national effort.



Queensland's vision for biosecurity is achieved through strong shared leadership and good governance.

- 1 Governments, industries and communities work together to build Queensland's capacity to manage biosecurity risks.*
- 2 Roles and responsibilities are clearly articulated and understood.*
- 3 Stakeholders have the capacity and capability to deliver on their roles and responsibilities.*
- 4 Stakeholders use their influence in national biosecurity forums to achieve common outcomes for Queensland.*
- 5 Governance and advisory arrangements are in place to support a shared responsibility approach to biosecurity in Queensland.*



Key highlights

- Biosecurity stakeholder map
- Influencing national agenda
- Biosecurity Queensland strategic policy leadership
- Formal consultative mechanisms
- Ministerial Advisory Council

A particular priority for Queensland will be to lead development of national, harmonised arrangements for certification and market access for our produce across state borders.

Biosecurity Queensland is the single point of leadership and coordination for the State Government's role in biosecurity. Over the next five years, Biosecurity Queensland will build systems, capability and relationships to facilitate shared leadership and commitment from other stakeholders.

An important element of this approach will be to build the strategic policy capability of Biosecurity Queensland and to design consultative arrangements that allow better stakeholder input into policy development.

To assist this goal, a Biosecurity Queensland Ministerial Advisory Council will be established to provide independent strategic advice on biosecurity matters to the Minister. The Council will draw from a wide range of stakeholders and expertise and have an independent chair. The Council will be an important conduit for building shared responsibility and leadership for biosecurity in Queensland.

Taking a more preventative approach to biosecurity

Prevention is better than cure—a truism that applies well to biosecurity.

Much of Australia's biosecurity prevention activities are done pre-Australian border or at the Australian border, a responsibility of the Australian Government. Nevertheless, Queensland has an important role in contributing to compliance with Australia's obligations relating to biosecurity.

As part of the national system, Queensland will support the Australian Government where possible—to prevent the spread of pests and diseases within neighbouring countries and to build their biosecurity capability, reducing the risks from that source.

As well, a great deal can be done post-Australian border to prevent the establishment or spread of pests and diseases within and out of the state. Examples of existing strategies include:

- bans on feeding animal matter to livestock to prevent outbreaks of diseases such as foot and mouth disease and bovine spongiform encephalopathy (BSE)
- interstate or intrastate zoning for a range of pests and diseases to prevent their spread
- wash-down areas to prevent spread of weed seeds
- awareness programs for on-farm biosecurity practices, such as separating poultry from wild birds to minimise risk of exposure to avian influenza.

Existing programs tend to be regulatory and/or government driven. Through the duty of care principle³ the opportunity exists to significantly improve preventative measures through education, awareness and market-based approaches.

Biosecurity threats are prevented from becoming established or spreading to new areas.

- 1 *Queenslanders are aware of their duty of care obligations to prevent establishment or spread of pests and diseases.*
- 2 *High risk activities are identified and specific risk mitigation strategies implemented.*
- 3 *Prevention strategies are supported by good science, awareness and education, and are prioritised according to risk.*
- 4 *Market access is supported through efficient pest and disease certification systems.*
- 5 *Queensland supports the Australian Government to improve pre-border, border and post-border biosecurity.*
- 6 *Regional and on-farm biosecurity planning is widely adopted.*
- 7 *Resilience of the natural environment to biosecurity threats is increased.*

³ The duty of care principle means that anyone conducting an activity that has biosecurity implications has a responsibility to take all reasonable measures to mitigate the biosecurity risks associated with that activity.



Key highlights

National obligations
Duty of care—raising awareness
On-farm and regional
biosecurity plans
Research and risk analysis

There are a range of practices that landowners and the community can implement to reduce the risk of pest and disease establishment and spread. Ways will be explored to incorporate these practices into on-farm and regional biosecurity plans, linked into existing assurance, certification or farm management systems. Where possible, incentives will be incorporated that encourage good practices—for example through market-based incentives.⁴

Raising awareness within the general community of what can be done to prevent or lower a biosecurity risk will be a feature of a new biosecurity communications plan.

There will also continue to be a strong focus on research and risk analysis before any new species is released or allowed to be kept in Queensland. If necessary, enforceable management plans will be introduced to ensure such species do not escape or spread.

Ways to improve the resilience of the natural environment to biosecurity threats will be explored.

⁴ Market-based incentives—where market signals are used to positively influence behaviour.

Carrying out better surveillance and early detection


The effectiveness of any biosecurity system is underpinned by the quality of its surveillance systems.

Early detection enables action to be taken to prevent establishment and spread of pests and diseases, thereby reducing the potential long-term impacts and associated response and management costs. In many cases eradication is only possible if the pest or disease is detected before it is widely spread.

As well as detection, an essential surveillance function is to demonstrate proof of freedom or 'evidence of absence' of a pest or disease through structured surveys or other targeted methods. This is an increasing requirement for access to important international markets. Given the high cost of surveillance, more efficient ways of demonstrating proof of freedom will be explored.

Surveillance is also important in the management of established pests and diseases. The ability to predict the possible spread and impact of invasive weeds and pest animals is critical in designing and implementing cost-effective management programs.

An integrated surveillance plan for Queensland will be developed. This plan will clearly define surveillance priorities, coordinate effort, identify opportunities for collaboration between stakeholders, and focus on how to deliver surveillance activities more efficiently and effectively. Improving diagnostic services and capacity for all sectors, drawing on modern technology, good science, strong collaborative arrangements and better risk assessment practices will be a priority.



Queensland's surveillance system provides early detection of biosecurity threats and ensures market access.

- 1 Surveillance activities are coordinated and planned to maximise the early detection of biosecurity threats and to ensure national and international market obligations are met.*
- 2 Stakeholders are actively involved in surveillance and know what to look for and how to report possible biosecurity threats.*
- 3 Queensland has access to the capacity and ability to identify reported pests and diseases.*
- 4 Surveillance activities are grounded in good science and prioritised according to risk.*
- 5 Information on pest and disease risks is shared between interested parties.*
- 6 Surveillance activities are delivered efficiently and effectively and are able to adapt to changing circumstances.*



Key highlights

- Surveillance for proof of freedom
- Remote surveillance technology
- Linking surveillance activities of stakeholders
- Up to date information base
- Property registration and traceability

The plan will ensure Queensland's surveillance efforts take into account the work of other jurisdictions and institutions, such as universities, in surveillance, detection and diagnostics.

There is a significant opportunity to expand and improve informal surveillance with landholders, industry, Indigenous communities, community groups and interested individuals. For this to be successful, consideration will need to be given to providing incentives for reporting, education, information systems to handle the reported data, and appropriate mechanisms to follow through with actions as needed.

Many people and organisations already collect, or have the potential to collect, surveillance data. Accurate and up-to-date spatial information is critical to the effective management of any biosecurity issues. Over the next five years, ways to collect and share surveillance data and to extract maximum value will be pursued.

The ability to identify properties, and what may be on those properties, is critically important in planning for and responding to biosecurity threats. At present, animal industries are required to register their properties. Consideration will be given to the inclusion of plant industries and other segments (e.g. peri-urban properties) to provide the best possible profile on which to build our system.

Improving emergency responses


High quality emergency response systems are important, particularly given Queensland's experience in dealing with a large number of significant pest and disease outbreaks and the expectation that this trend will continue.

Expectations are that emergencies will be dealt with quickly and efficiently with minimal impact on businesses and the community. Stakeholders also expect that core biosecurity services will continue to be delivered during an emergency.

Even though each biosecurity emergency response is different, good preparation, training, communications processes and quality systems will significantly increase the likelihood of mounting a successful response and reduce the costs of that response.

Despite Queensland's success at mounting large scale emergency responses, there is room for improvement. Over the next five years, priority will be given to:

- developing quality information, training and administrative systems to underpin an emergency response
- establishing and maintaining relationships with key stakeholders as it is more difficult to do this once the response has begun
- establishing communications and community engagement processes that provide timely information through a range of channels
- identifying and rapidly mobilising appropriately trained resources during the initial stages of the response
- developing and maintaining 'emergency ready' infrastructure that can be readily deployed
- developing a transparent decision-making framework, based on risk analysis and cost-benefit considerations, to guide decision making during an emergency and for ongoing recovery
- integrating Biosecurity Queensland's emergency response capability into Queensland's emergency management and disaster management networks.



Queensland has a world-class biosecurity emergency management system.

- 1 *Queensland has a high level of preparedness to respond to biosecurity emergencies.*
- 2 *Biosecurity Queensland can rapidly and effectively respond to biosecurity emergencies with the strong support and involvement of stakeholders.*
- 3 *Relief and recovery measures are able to be deployed as appropriate to minimise the impacts of biosecurity emergencies.*
- 4 *National and Queensland policy frameworks are consistent and support best practice biosecurity emergency management.*



Key highlights


- Biosecurity reserve
- Rapid response unit/response systems
- National deed requirements
- Maintaining core services during emergency
- Links to Queensland government disaster management system

While government will nearly always have the lead responsibility in mounting an emergency response, other stakeholders play critical roles—whether through formal cost-sharing arrangements, since they are affected by the outbreak, or because they have particular skills to contribute.

Bringing together relevant stakeholders through incident-specific control groups will continue and will assist communication and decision making during a response and the ensuing recovery period. Better coordination of training and resources will be sought to identify gaps and avoid duplication.

The creation of a ‘biosecurity reserve’ will be investigated. Drawing from people in industry, other government agencies, and the community, the reserve could be trained in emergency management and could be called upon during an emergency. Ways to strengthen the current stakeholder liaison officer network will also be investigated. These initiatives have the potential to provide a significant pool of skilled people to draw upon in an emergency.

Queensland’s emergency response capability is underpinned by a number of existing plans and agreements with the Australian Government, other state and territory governments and industry and works as part of an integrated national system. Queensland will work with national partners to continuously improve the national arrangements in light of our experience with managing a wide range of emergency responses.



The Equine Influenza outbreak: a case study

Early on Saturday 25 August 2007, the Queensland Department of Primary Industries and Fisheries (DPI&F) was notified that horses suspected of having a highly virulent exotic disease called equine influenza (EI) had been detected in an equestrian centre in Sydney.

By that afternoon, DPI&F announced a statewide standstill, which prevented horses from being moved until further notice. That same afternoon, as a precaution based on reports of sick horses at Morgan Park, Warwick, 255 were quarantined on that property. EI was confirmed the following morning, and a seven-month response to eradicate the disease began.

Approximately three weeks into the EI response in Queensland, horse owners were introduced to a series of movement zones—red, green and amber.

At its peak, Queensland had more than 3800 known infected properties and nearly 70,000 horses had been vaccinated. The disease was contained and there have been no new cases of EI in Queensland since 25 December 2007.



The outbreak of EI had a profound financial effect on the horse industry, which is worth \$6.2 billion per year to the Australian economy. With volunteer support, it is worth \$8 billion a year. The response to EI also heavily impacted on social and recreational activities, and the many businesses that support the horse industries.

A key point that has been learnt from the response has been the need to engage with all relevant organisations in open and frank discussions, particularly in relation to striking a balance between minimising the negative impacts of the response and achieving the ultimate goal of eradication. Queensland horse owners responded diligently to the standstill and this high level of compliance was a key factor in containing the spread of the disease.

A number of state and national after-action reviews of the EI response have been held. The major points learnt that will aid future responses include the need for access to suitably trained staff, quality management and information systems tied to spatial and resource management systems, good community engagement mechanisms, fit-for-purpose infrastructure and better sharing of information within the response to improve operational efficiency and effectiveness.

The success of the EI response is reflected in the fact that Australia is one of only a few countries that has successfully eradicated EI.

Managing established pests and diseases


Many pests, diseases and contaminants are already well established in Queensland and continue to have a negative impact on Queensland's economy, biodiversity and way of life. Others are yet to reach their full distribution and impact. Some are managed through containment programs (such as barrier fences and movement controls), others by the minimisation of impacts through measures such as biological control and vaccination.

Established weeds are managed through cooperative programs. Most of the major pest animal and plant programs are coordinated on either a state, regional or local level. Some established pests and diseases of production systems are managed through coordinated programs, but most are dealt with 'on-farm'. Efforts are also made to build resilience in the natural environment to help reduce the risks posed by biosecurity threats.

With so many stakeholders and so many established pests and diseases, a more coordinated and collaborative approach is needed. This will be particularly important given that stakeholders are experiencing difficulties in delivering efficient and effective control programs within existing resources.

Clarifying the roles and responsibilities of each stakeholder and finding ways of effectively bringing people together is important. There is strong support for Biosecurity Queensland to facilitate greater collaboration and planning at the regional level with land owners, natural resource management groups and local governments.

Alongside the work with stakeholders, more effective ways to prioritise established pests and diseases for action will be explored, including more rapid and transparent risk assessment processes. Cost-effective tools and techniques to control priority pests will be developed. Existing control methods will be regularly reviewed to affirm or improve their effectiveness.



Minimise the impact and extent of existing pests and diseases.

- 1 *Long-term policy objectives, investment priorities and management responsibilities are based on an assessment of risk.*
- 2 *Stakeholders share responsibility for managing established pests and diseases.*
- 3 *Stakeholders coordinate their operational initiatives for 'maximum benefit'.*
- 4 *Effective prioritisation and planning underpins management of established pests and diseases.*
- 5 *Innovative measures supported by high quality science improve the management of established pests and diseases.*



Key highlights

Coordinated effort and planning
Roles and responsibilities
Prioritised according to risk
Monitoring and compliance

The application of objective and transparent risk approaches to the management of established pests and diseases will be critical. This will, in turn, help identify the risks by priority and determine the appropriate mix of measures to address a particular pest or disease, or broader pest and disease threats to particular natural assets. This will guide effort and investment across public and private sources.

Once decisions have been made about priorities, ways to enforce and monitor compliance must be found. The development of new biosecurity legislation will seek to provide a more robust regulatory framework for the management of established pests. Within this context, the role and effectiveness of local government pest management plans will also be reviewed.

Measures to encourage better collaboration between scientists and those involved in the management and delivery of pest and disease control programs will be encouraged to spark the development of new and innovative measures which will improve the management of established pests and diseases.

Strategies will also be developed to address new and emerging pest threats, particularly for pest birds, invertebrates, aquatic pests and pathogen threats to the environment.

Focussing on biosecurity in the tropics

Queensland is in a unique position to influence the direction of biosecurity as practised in tropical climates—both in terms of what we have to offer other countries with tropical climates and in how we approach biosecurity in our own state.

Our tropical areas have a different risk profile to the rest of the state, influenced by our proximity to South-East Asia, general inaccessibility, long coastline, sparse population and climatic suitability for a wide range of pests and diseases. The logistics of controlling pests and diseases, undertaking surveillance and mounting a response are difficult.

Significant World Heritage listed areas in North Queensland and the biological diversity and cultural heritage within these areas also need to be protected.

Climate change will impact on the current risk profile and will shift pest and disease distribution and alter conditions for different plants and animals. It is also likely that more agricultural products, particularly fruit and vegetables, could be grown in North Queensland as industry responds to changing temperatures and access to water.

Over the next five years, research will be undertaken on the factors influencing biosecurity in tropical areas, and appropriate mitigation strategies will be developed.

The government has identified *Tropical Futures* as one its six research and development priorities with tropical health, the environment and primary industries highlighted. The biosecurity science action plan will align to this priority. In June 2008, the Minister for Primary Industries and Fisheries announced a new partnership arrangement with James Cook University for tropical biosecurity science. This partnership will be developed over the next few years.



Queensland is a world leader in tropical biosecurity.

- 1 *Queensland has access to leading-edge science and understanding of tropical biosecurity risks and solutions.*
- 2 *Queensland's agricultural production, trade and environmental values are enhanced through leadership in tropical biosecurity and innovation.*
- 3 *A collaborative approach is adopted to tropical biosecurity science and risk management.*
- 4 *The unique contributions of Indigenous Australians to tropical Queensland's biosecurity is recognised and enhanced.*



Key highlights

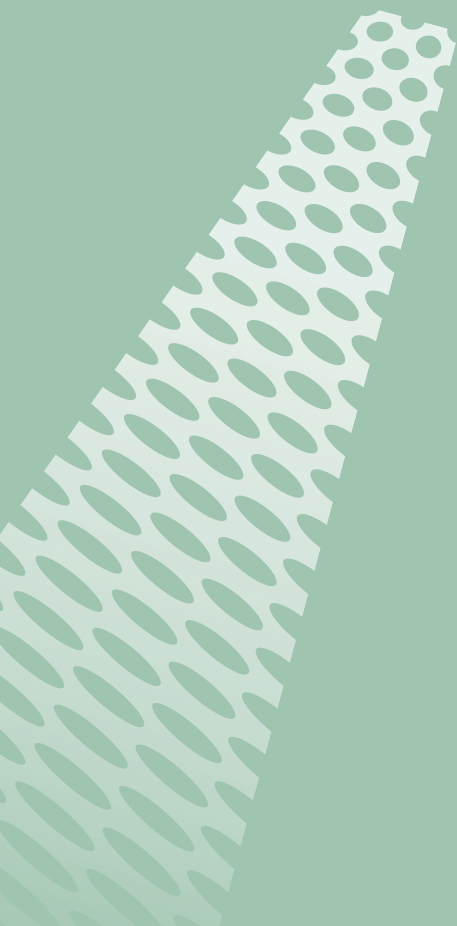
- Impact of climate change
- NAQS/AQIS partnership
- Prevention work with neighbouring countries
- Surveillance/response logistics
- Access to leading-edge science

The Australian Government's existing North Australia Quarantine Strategy (NAQS) focuses attention on these northern border and pre-border risks. Queensland will seek to be more influential in tropical biosecurity, working with NAQS and other agencies to further improve border and pre-border biosecurity and keep the unwanted pests and diseases out of Queensland.

Biosecurity outcomes will be improved through developing and leading cooperative relationships and partnerships with NAQS and our neighbouring tropical countries, assisting our neighbours to improve their own biosecurity while improving our capacity to keep pests and diseases offshore.

Good working relationships will be built between government agencies, local councils and Indigenous communities in the far north to underpin efforts in managing invasive plants and animals and early warning surveillance activities.

Indigenous Australians already have a long and unique relationship with the land and sea. Indigenous communities can make an important contribution to detection and response to biosecurity threats particularly in the Gulf of Carpentaria, Cape York and Torres Strait.



Building biosecurity capability and capacity

- Biosecurity investment
- Biosecurity science
- Raising awareness and capacity building
- Legislation and compliance
- Building capability and enhancing services

Prioritising investment

Biosecurity is resource intensive and there can never be enough funding to adopt a zero risk approach and either rid Queensland of all pests and diseases or stop the entry of new ones.

Biosecurity is fundamentally about managing risk and it is important to ensure that any investment mitigates as much of that risk as possible.


There are a complex set of considerations in making decisions about allocating resources in biosecurity, including:

- the severity of the risk and potential damage that may occur should that event happen
- the costs and benefits of taking early action as opposed to responding once an event happens
- underpinning infrastructure and capability requirements
- legal and regulatory responsibilities
- maintaining profitable primary industries
- protection of the natural environment
- social responsibility
- commitments under national arrangements
- public versus private benefit.

Over the next five years, Biosecurity Queensland will be developing a risk-based decision-making framework that will provide for a more consistent, transparent, robust and fair allocation of resources against all these considerations.

While this framework is primarily about resource allocation within government, the underlying methodologies and tools for analysing and comparing risks are expected to have wider application. Opportunities for sharing this information and different approaches will be considered throughout the development of the new framework.

An important element of this work will be the identification, assessment and comparison of economic, social and environmental impacts of biosecurity events. While economic and social impacts can be relatively easy to identify, environmental impacts are often difficult to quantify and often not known until much later. Linkages will be made with other organisations to build a shared and coherent approach to this complex issue.



Investment is prioritised to maximise Queensland's biosecurity outcomes.

- 1 *Biosecurity investment and activities are evaluated and prioritised through a risk-based decision-making framework.*
- 2 *Opportunities for expanding biosecurity investment are actively pursued.*
- 3 *Collaborative approaches to funding are explored.*



Key highlights

Align resources to risk
Risk-based decision-making
framework

Biosecurity risks are increasing, services are changing and national cost-sharing arrangements are in place for many aspects of biosecurity. As such, the levels and mix of biosecurity investment in the state will continually need to be re-examined.

Continuation of the significant investment in emergency response activities by government will be important and ways to increase resources into prevention, preparedness and surveillance activities will be explored.

There are many investors in biosecurity—public and private. As we move forward with more collaborative approaches to biosecurity, more flexible mechanisms by which partners can co-invest will need to be found.

The development of a risk management approach to biosecurity is likely to raise issues of what amount people or organisations who either exacerbate a biosecurity risk or significantly benefit from a biosecurity activity should contribute. These issues will need to be explored carefully over the next five years, particularly how they relate to any national agreements or legislative provisions.

Biosecurity science

Queensland's future success in addressing the range of biosecurity challenges will be shaped by having access to high quality, multi-disciplinary biosecurity science.

Risk assessments and decision-making need to be underpinned by high quality scientific information. Similarly, new and better ways to prevent, prepare for and manage biosecurity risks require assimilation of the best available information. Access to leading-edge, rapid diagnostics and scientific knowledge to guide treatment and control strategies is important, particularly during an emergency.

Biosecurity science is underpinned by a network of science-based institutions and covers a complex range of areas. Positioning biosecurity science in Queensland will be the subject of a specific action plan to be developed in 2009.

The Biosecurity science action plan will provide guidance on our science direction, priorities, delivery and uptake. It will include the development of innovative ways to adapt existing and new technologies to improve the efficiency of biosecurity programs. It will complement national R&D strategies and position Queensland within the national R&D framework.

A key area of focus will be the development of diagnostic capability, for which gaps exist across the range of sectors where biosecurity must operate, particularly in plant and marine biosecurity.

Collaborative work on climate change aspects of pest and disease distribution will be pursued as there are many unknowns and a holistic approach will be important.



World-class science underpins Queensland's biosecurity system.

- 1 Queensland has access to leading-edge science to underpin biosecurity decision-making and solutions.*
- 2 Biosecurity science investment is focused on priorities based on key risks.*
- 3 Queensland's biosecurity science accesses expertise across a broad range of relevant disciplines including the social sciences.*
- 4 A collaborative and partnership approach is adopted to develop science infrastructure and expertise.*



Key highlights

Science action plan
Strategic partnerships
Diagnostic capability
Social science

Developing scientific knowledge is resource intensive, and will rely heavily on private and public sector cooperation between science providers across state, national and international boundaries. Queensland is already well positioned with many existing linkages. Ways to strengthen these relationships and create new partnerships will be explored.

Queensland has an opportunity to capitalise on the Queensland Government's Smart State science initiatives to establish internationally recognised centres of excellence in biosecurity science. Better linkages will need to be formed with cooperative research centres, universities and the health sector.

Often good basic science remains under-utilised. Ways to improve collating, integrating and communicating existing scientific data and research will be explored.

Another area of growing interest, both nationally and internationally, is the relevance and importance of social sciences in modern biosecurity systems. Solutions to biosecurity risks are inherently social. This means that understanding human behaviours, values and attitudes, particularly in relation to response to risk, provides opportunities to better target biosecurity measures and achieve greater community engagement. Improving social science capacity will support better decision-making, risk management and community engagement.

Raising awareness and capacity building

Many people do not know what biosecurity is or what role they have to play in protecting Queensland from pests and diseases. Some businesses and industries do not pay close attention to good biosecurity practices until something happens that directly affects them.

These attitudes must change if new pests and diseases are going to be quickly detected, if those that are already established are to be controlled or the inadvertent introduction of a new serious biosecurity risk is to be prevented.


A proactive biosecurity system based on shared responsibilities relies on active participation from people across Queensland. Those on the ground are best placed to detect and respond to a biosecurity threat. They must, however, know what to look for, what to do, who to report it to and what might happen after they report the threat.

Education, awareness raising and community engagement will be used to help Queenslanders see the benefits of good biosecurity not only for themselves, but for the community at large. This will help achieve:

- early detection of possible biosecurity issues
- greater compliance during an emergency response
- support for recovery efforts, inspection and enforcement
- expansion in the overall capacity and capability to reduce the establishment and spread of pests and diseases.

A biosecurity communications and community engagement plan will be developed as a priority.

Changing people's attitudes to biosecurity may take a long time, and the transition could be generational. While every effort will be made to increase awareness of people working in industry—along the supply-chain and in the community—a strong focus will be placed on educating younger generations in good biosecurity practices.



Queenslanders are aware of their role in preventing, reporting and responding to biosecurity risks.

- 1 *High levels of community awareness of the importance of biosecurity.*
- 2 *Incentives to encourage people to actively participate in biosecurity.*



Key highlights

Communications and
community engagement plan
Peri-urban engagement models
Incentives to act

More lateral thinking is required to engage the community in biosecurity. From a commercial perspective, if businesses knew they would be rewarded for good biosecurity through greater market returns they might pay more attention to implementing systems on their property. Incentives for people to report suspect biosecurity threats will be explored and better ways of rewarding people for coming together at the community level to tackle biosecurity issues will be considered.

Better social research into community attitudes to biosecurity and understanding what motivates them to act will be critical in ensuring communication effort produces results. Biosecurity Queensland will also adopt a stronger community engagement focus in how it approaches its business.

It will be particularly important to understand and engage with 'peri-urban' landholders, as traditional approaches to biosecurity management may not be effective. Targeted engagement models will need to be pursued, including the use of pre-existing networks and relationships (such as local government and financial institutions) to distribute information.


Legislation and compliance

Regulatory and administrative processes are important tools in changing or influencing people's behaviour. Regular reviews of such processes are needed to ensure that the measures are effective, efficient and of value.

Regulation should only be used where other approaches cannot produce the desired outcome or as part of a mix of strategies to achieve a biosecurity outcome.

A biosecurity regulatory reform program will be implemented to reduce the complexity of biosecurity for all stakeholders, while providing flexible tools and simplified risk-based decision-making processes for taking action regardless of the risk involved.

Legislation will adopt the principle of shared responsibility by recognising that everyone has a duty of care to ensure that Queensland is not exposed to biosecurity risks, or that risks are managed appropriately. A precautionary approach will be incorporated so that, where there are serious threats, lack of full scientific information will not prevent action being taken.



Regulatory systems to achieve biosecurity outcomes are efficient and effective.

- 1 Queensland has best practice biosecurity legislation.*
- 2 Regulations are complemented by education, awareness and other biosecurity systems.*
- 3 Regulatory systems recognise and use industry and community processes.*
- 4 Biosecurity regulatory frameworks are continually improved by stakeholder feedback.*
- 5 Biosecurity systems and processes will be streamlined and client-focussed.*



Key highlights

Single biosecurity Act
Reduced compliance costs
Third party certification

The new biosecurity legislative framework will be designed to:

- make decisions and take actions based on risk analysis
- reduce administrative burden, enhance efficiency and reduce overall costs of biosecurity to government and stakeholders
- streamline processes and mitigate uncertainties for businesses and individuals
- remove regulations that are no longer necessary and where applicable replace them with more efficient regulatory tools
- enhance capability by making laws that are easier to administer, can be consistently applied to a range of biosecurity risks and enable stakeholders to share the responsibilities
- provide for greater use of co-management approaches to enable industry and community groups to more readily take an active role
- provide a range of flexible legal instruments to facilitate appropriate action while holding decision-makers accountable
- improve biosecurity governance and accountability and clarify roles and responsibilities for stakeholders.

Systems and processes will also be reshaped over time to improve efficiency and minimise compliance costs, particularly those relating to intra- and interstate movement of goods and materials. Electronic certification systems, online access to information, consolidation of auditing processes and use of third party providers will be investigated.

Building capability and enhancing services


Underpinning any biosecurity system is the need for a good skills base, quality systems, infrastructure and other resources.

There is a skills and labour shortage in the Queensland biosecurity workforce—across government, industry and the community. There is also a need to develop capability in new skills to reflect the contemporary biosecurity system.⁵

Biosecurity services are changing, particularly for government. Twenty years ago, services focussed on controlling ticks, eradicating brucellosis and tuberculosis, distributing 1080 bait and controlling weeds and other endemic pests. Today, the main focus is on traceability systems, certification services, disease and pest surveillance, planning, building capacity of others to deliver biosecurity services, management tools, and emergency response.

Changes in technology and communication techniques have opened up many channels for providing information or services to clients. It has also fundamentally changed the way business operates, with more transactions being done online and an increased need for access to ‘just-in-time, just-for-me’ information and services.

The needs of diverse biosecurity stakeholders must be understood. In the future, biosecurity services will be more client-focussed, aim to foster greater self-reliance, be viable, provide value for money and focus on areas of high biosecurity risk. Stakeholder feedback must drive the continual improvement of biosecurity tools and services.



Queensland can effectively deliver biosecurity outcomes.

- 1 Queensland has access to appropriate skills, resources and infrastructure.*
- 2 Skills development will cover a broad range of technical, scientific, education and community engagement skills relevant to a contemporary biosecurity system.*
- 3 More can be achieved by working together than working alone.*
- 4 Biosecurity activities are delivered by a range of stakeholders.*
- 5 Biosecurity services are aligned to biosecurity risk.*
- 6 Delivery of biosecurity services is continually improved by stakeholder feedback.*

⁵ These skills include policy development, planning, program evaluation, risk assessment, modelling, conflict management, compliance monitoring, managing third-party delivery mechanisms, education, communications and community engagement.



Key highlights

Service delivery plan
Regional planning
Biosecurity skills plan

Over the next five years, work will be undertaken to better define biosecurity service delivery, based on biosecurity risk and client needs, and to examine the most effective and efficient service delivery models.

Industry organisations, local government, natural resource management groups and other community groups also have a role in building the capabilities of people either within their organisations or in the broader community. The availability of quality education tools or training packages for these groups to use will be important to ensure consistent and up-to-date competencies are being provided across the state. Agricultural colleges and other education providers have an important role to play in providing such training.

A high level biosecurity industry skills plan will be developed to address skills shortages and emerging skills needs.

Recognising the skills and strengths of people and organisations, and bringing them together in a constructive and focussed manner, will achieve far more than if people or organisations work separately. Opportunities for local facilitation, building networks and regional planning will be investigated.

Implementation and monitoring

This strategy outlines a vision for biosecurity in Queensland in five years time and what may be achieved by working together. Many of the goals and objectives in the strategy involve long-term processes and will take a number of years to implement. More detailed action plans and specific strategies will be developed over the next five years in order to implement the strategy.

Key performance measures and evaluation strategies will be developed and reported against as part of the implementation of this strategy. The strategy will be periodically reviewed to ensure it meets stakeholder expectations and our national obligations.

Biosecurity Strategy consultation

Targeted forums

Twenty-four meetings were held around the state with key stakeholders to discuss specific aspects of the biosecurity strategy. Public meetings were held in Bundaberg, Mareeba and Brisbane.

Special interest forums covered were animal biosecurity, including separate forums for the bee and horse industries; plant biosecurity; invasive weeds and pest animals; marine biosecurity; biosecurity science; local government issues; and financial institutions.

Consultation also occurred with staff from the Department of Primary Industries and Fisheries and other government agencies.

Ministerial Dialogue Forum

On 21 October 2008, the Minister for Primary Industries and Fisheries hosted a dialogue forum of around 40 stakeholders to discuss the key themes of the Biosecurity Strategy.



Public submissions

More than 70 submissions were received from a wide range of biosecurity stakeholders: industry, local government, natural resource management groups, government agencies, shipping and ports, conservation groups and members of the public. A list of submitters is on page 38.

Stakeholder Reference Group

A Biosecurity Strategy Stakeholder Reference Group, comprising representatives of around 30 key stakeholder groups, provided advice on the development of the discussion paper and the key themes of the Biosecurity Strategy. The Group met five times. A membership list is shown on page 40.

Inter-governmental Reference Group

A reference group of 16 state government departments was established and met four times to provide advice on key elements of the strategy.

Stakeholder consultation

One hundred and thirteen stakeholders attended one of the consultation meetings and/or lodged a written submission with Biosecurity Queensland.

Submissions received

76 stakeholders lodged a written submission with Biosecurity Queensland.

AgForce
Animal Health Australia
Australian Pig Doggers and Hunters Association
Australian Seed Federation
Australian Shipowners Association
Breeders, Owners, Trainers & Reinspersons Association (Qld) Inc
Brisbane City Council
Brismark
BSES Limited
Cairns Port
CANEGROWERS
Carroll, MG
CSIRO
Circus Federation of Australia
Cunningham, Susan
Darling Downs-Moreton Rabbit Board
Deardon, Natalie
Department of Agriculture, Fisheries and Forestry—Australian Quarantine Inspection Service
Department of Education, Training and the Arts
Department of Housing
Department of Main Roads
Department of Primary Industries and Fisheries staff:
1. Atzeni, Michael
2. Colson, Emma
3. Lawson, Simon
4. McGaw, Clyde
5. Murray, David
Department of Primary Industries (Vic)
Department of Public Works
Department of Territory and Municipal Services (ACT)
Department of Tourism, Regional Development and Industry
Emergency Services Queensland
Environmental Defenders Office (Qld) Inc.
Environmental Protection Authority
Equine Hoofcare Services Pty Ltd
Flinders Shire Council
Flower Association of Queensland Inc
Gladstone Regional Council
Great Barrier Reef Marine Park Authority
Greening Australia Queensland (Ltd)
Growcom
Hodgon, John

Invasive Species Council Australia
 Ipswich City Council
 Local Government Association of Queensland
 Lockyer Valley Regional Council
 Logan City Council
 Minister for the Environment, Heritage and the Arts, Hon Peter Garrett
 Moreton Bay Seafood Industry Association
 Nursery Garden Industry of Queensland
 Ports Corporation of Queensland
 Powerlink Queensland
 Queensland Egg Farmers Association Inc
 Queensland Regional NRM Groups Collective
 Queensland Beekeepers' Association Inc
 Queensland Conservation Council
 Queensland Corrective Services
 Queensland Farmers' Federation
 Queensland Murray-Darling Committee
 Queensland Outdoor Recreation Federation Inc
 Queensland Ports Association
 Queensland Water Commission
 Queensland Weed Spread Prevention Committee
 Queensland Weeds of National Significance Chairs: Hymenchnae,
 Lantana, Parthenium, Prickle Bush and Rubber Vine
 Rockhampton Regional Council
 RSPCA—Queensland
 Safe Food Production Queensland
 Saw, Darryl
 Shipping Australia
 Sugar Milling
 Sun Water
 Sustainable Poultry Alliance
 Thomas, Anthony
 Timber Queensland
 University of Queensland Veterinary School
 Wet Tropics Management Authority
 Wildlife Preservation Society of Queensland

Stakeholders who attended consultation meetings but did not lodge a written submission.

Australian Biosecurity CRC
 Australian Mango Industry Association
 Australian Passionfruit Industry Association
 Australian Plantation Products and Paper Industry Council (A3P)
 Australian Rural Exports Pty Ltd
 Avocados Australia
 Boar Busters
 Brisbane Ports Corporation
 Bundaberg Sugar Growers
 Cairns Regional Council
 Carter Holt Harvey
 Cassowary Coast Regional Council
 Corbek Timber Preservation

Forest Enterprises Australia
Goat Industry Council of Australia
Griffith School of Environment
Gympie Regional Council
Hinchinbrook Shire Council
Hyne Timber
Invasive Animals CRC
Meat and Livestock Australia
Northern Gulf Natural Resource Management
Osmose Australia
Parkside Timber
Plant Health Australia
Queensland Chicken Growers Association
Queensland Dairyfarmers' Organisation
Queensland Oyster Growers Association
Queensland Sea Scallop Ltd
Queensland Seafood Industry Association
Rapid Training
Shipping Australia Limited
Swift Australia Pty Ltd
Tablelands Regional Council
The Ecology Centre
Toowoomba Regional Council
Tropical Invasive Plants Research Project

Queensland Biosecurity Strategy Reference Group membership

AgForce Queensland
Australasian Regional Association of Zoological Parks and Aquaria
Queensland
Australian Banana Growers Council Inc
CANEGROWERS
Cotton Australia
Department of Agriculture Fisheries & Forestry
Department of Premier and Cabinet
Department of the Environment, Water, Heritage and the Arts
DPI&F (Fisheries, Biosecurity Queensland, Strategic Policy)
Environmental Protection Agency
Growcom
Livestock Transporters Association Queensland
Local Government Association of Queensland Inc.
NRM Regional Groups Collective
Nursery Garden Industry of Queensland
Ports Corporation of Queensland
Queensland Conservation Council
Queensland Farmers Federation
Queensland Food, Fibre and Agribusiness Council
Queensland Health
Queensland Horse Council Inc
Queensland Seafood Industry Association
RSPCA Queensland
Timber Queensland
Treasury Queensland

Attachment 2 - Membership Biosecurity Reference Group

AgForce

Australian Banana Growers Council Inc

Australasian Regional Association of Zoological Parks and Aquaria – Queensland

CANEGROWERS

Cotton Australia – Queensland

Department of the Premier and Cabinet

Growcom

Livestock Transporters Association of Queensland

Local Government Association of Queensland

North Queensland Bulk Ports Corporation Limited

Nursery Garden Industry of Queensland

Queensland Conservation Council

Queensland Farmers' Federation

Queensland Regional Natural Resource Management Groups Collective Ltd

Queensland Seafood Industry Association

Queensland Treasury

RSPCA

Attachment 3 - Membership Biosecurity Queensland Ministerial Advisory Council

A/Chair

Peter Milne

(Chair Previously
Peter Kenny)

Government Representative

Kareena Arthy, Managing Director, Biosecurity Queensland

Stakeholder Representatives

AgForce

Brent Finlay
(President)
(Previously John Cotter)

Zoo and Aquarium Association – Queensland

Al Mucci
(President)

Growcom

John Bishop
(Chair)

Local Government Association of Queensland

Brendan McNamara
(Mayor, Flinders Shire
Council)

Natural Resource Management Groups

Andrew Drysdale
(CEO, Regional NRM
Group Collective)

Queensland Conservation Council

Tim Low
(Writer, Environment
Consultant)

Queensland Farmers Federation

Gary Sansom
(Director)

Queensland Indigenous Working Group

Trevor Robinson
(Executive Officer)

Queensland Seafood Industry Association

Steven Murphy
(QSIA Trawl Chair)

RSPCA Queensland

Dr Mandy Paterson
(Scientific Research
Officer)

Expertise-based Membership

- **Dr Peter Allsopp** (Manager, Qcrops, BSES) – technical expertise in biosecurity (particularly plant-biosecurity)
- **Vacant - Previously Peter Milne** (Director, Animal Health Australia, FSANZ) – expertise and networks in national biosecurity arrangements and key biosecurity reform agendas (eg NLIS), trade and marketing

- **Professor Margaret Britz** (Director, BioIndustry Partners) – expertise in chemical/food safety and links into Australian rural leadership foundation
- **Dr Diane Sheehan** (Director and past President, Australian Veterinary Association) veterinary expertise

Queensland Biosecurity

A discussion paper



Queensland Biosecurity

A discussion paper



Queensland Government
Department of Primary Industries and Fisheries

PR08–3764

The Department of Primary Industries and Fisheries (DPI&F) seeks to maximise the economic potential of Queensland's primary industries on a sustainable basis.

While every care has been taken in preparing this publication, the State of Queensland accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained in this report.

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Intellectual Property Commercialisation Unit
Department of Primary Industries and Fisheries
GPO Box 46
Brisbane Qld 4001

Foreword

Biosecurity is a Queensland Government priority. Our ultimate objective is to develop an internationally recognised 21st century biosecurity strategy in which all Queenslanders are confident that our economy, unique environment and way of life are adequately protected from the full range of pests, diseases and contaminants.

The Queensland Government cannot achieve this alone. Biosecurity is everyone's business. The active involvement—and investment—of industry and the community, along with all three levels of government, is critical to achieving sound biosecurity outcomes.

Nor can we achieve our objective in a piecemeal fashion. We need a biosecurity blueprint for the future, and to this end we are developing the first Queensland biosecurity strategy - with a five-year time frame and in consultation with stakeholders.

We need to recognise that biosecurity is not only about protecting agriculture, but managing negative impacts on other industries, our natural and built environments, our biological diversity, the many impacts on human health and amenity and our cultural heritage.

For those who might think biosecurity is not important, perhaps they have not yet identified with the fire ants, red-eared slider turtles, citrus canker, Siam weed, sugarcane smut, tilapia, locusts, wild dogs, equine influenza and a long list of other pests and diseases, not to mention the responsible use of agricultural and veterinary chemicals, the management of food contamination, and satisfying community expectations for animal welfare.

Given the host of potential over-the-horizon threats, such as eucalyptus rust, rabies, foot and mouth disease, avian influenza, witchweed, Japanese encephalitis, salmonella enteritidis, red vented bulbuls, Burmese pythons, Asian tiger mosquitoes and fish eating macaques, Queensland has much to lose if we are not fully prepared.

We can not afford to be complacent.

Major biosecurity incidents are expected to become more frequent as the movements of products and people around the world increases, climates and environments change, trade agreements become more common and market requirements intensify.

Fortunately, Queensland already is well positioned to build a world-class biosecurity system. Clearly though, we can not mitigate against all biosecurity threats—there is no such thing as zero risk or zero impact when it comes to biosecurity. Migratory species that carry pests and diseases cannot be stopped at Queensland's borders. The movements of people and products into Queensland will always bring with them inherent risks that must be managed.

However, we can reduce the likelihood of many biosecurity incidents occurring and we can reduce their negative impacts should they eventuate.

We need to be far smarter in deciding how we direct our biosecurity efforts.

Decision-making in biosecurity is about defining risk as accurately as possible, determining the most appropriate intervention to minimise the risk while tolerating a certain level of risk in the system.

Queensland already is recognised for many of its biosecurity achievements, including our successful response to the recent equine influenza outbreak but we will need to continually build on our experiences if we are to confidently respond to the biosecurity challenges of the future.

Queensland needs a highly effective biosecurity system resilient flexible enough to manage new and existing threats to the economy, human health, the environment and, ultimately, our way of life.

I invite you to use this discussion paper as a stimulus for contributing your ideas and views to assist in the development of the biosecurity strategy for Queensland.

Minister for Primary Industries and Fisheries
The Honourable Tim Mulherin MP

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Introduction

To assist you in contributing your ideas and views, the discussion paper:

- Outlines the challenges affecting the future of biosecurity and a vision for the future. Your comments and views are particularly sought on:
 - the vision, outcomes and principles for the Queensland biosecurity strategy (Refer to Part 2 pages 4–6)
 - issues to be considered in developing the Queensland biosecurity strategy (Refer to Part 3 pages 7–19).
- Includes a booklet to provide you with easy access to information about the significance of biosecurity to Queensland, the national biosecurity system, and the role of Biosecurity Queensland.

The public consultation process will run until 30 September 2008 coordinated by a Project Team in Biosecurity Queensland. To make sure that we hear your views you can:

- Send a personal response by mail, fax or online.
- Contribute to a response from a particular group or organisation.
- Take part in a forum (details will be provided on Department of Primary Industries and Fisheries website).

It will greatly assist the Project Team if your responses:

- Include your name and a brief description of the capacity in which you write (e.g. as an individual land owner or an association representative).
- Identify the issue/s that you are responding to—either those issues raised in the discussion paper or other issues you would like to raise. You may like to organise your responses in terms of: current strengths, major limitations, areas for improvement, who should be involved, and other comments you'd like to make.

The material received by the Project Team will be collated and analysed and a report will be published late in 2008.

Your comments relating to Queensland's biosecurity system will be used to inform the drafting of the biosecurity strategy. Those relating to the national biosecurity system will be used to inform Biosecurity Queensland's role in national policy debates and forums.

Project Team contact details

If you have any questions about the consultation process please call the Project Team

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Web: Visit www.dpi.qld.gov.au. Information about public forums is also available on the website.

Part 1: Setting the scene

1.1 What is biosecurity?

Biosecurity is the protection of the economy, the environment, human health and social amenity from the negative impacts of pests, diseases and contaminants.

The Queensland biosecurity strategy will focus on the management of the risks associated with:

- a) exotic and endemic pests and diseases that impact on
 - plant and animal industries, including agriculture, horticulture, aquaculture, fisheries, forestry and racing
 - biodiversity and the natural environment (terrestrial, freshwater and marine)
 - cultural heritage, recreation, sport and social amenity
 - infrastructure and service industries, including power, communication, shipping, and water supplies
 - tourism, lifestyle and pleasure industries
 - built environment.
- b) pests and diseases that transfer from animals to humans (zoonoses)
- c) biological and chemical contaminants of food supplies and the environment
- d) the impacts of pests, diseases, and contaminants, and associated biosecurity activities on the welfare of animals
- e) the keeping of exotic animals.

Communicable pests and diseases that impact on human health are beyond the scope of this biosecurity strategy.

1.2 The need for a Queensland biosecurity strategy

Developing a biosecurity strategy for Queensland is an important step in achieving a shared vision among key stakeholders for biosecurity in Queensland.

This will be the first biosecurity strategy for Queensland. It is the beginning of a longer and more detailed program of work to build on our current biosecurity system to provide a proactive modern 21st century biosecurity system. The biosecurity strategy will be supported by a series of more detailed strategies and action plans.

The biosecurity strategy will take account of Queensland's obligations to national biosecurity policies, actions and priorities, and provide the framework for decision-making and actions at the state level. The roles, responsibilities and actions of Biosecurity Queensland and other key stakeholders will be considered in the development of the strategy.

It will not be a static document—biosecurity risks, responsibilities and pressures on resources, capability and service delivery can change very quickly. The biosecurity strategy will be periodically evaluated and reviewed so that progress against short-, medium- and longer-term objectives and outcomes can be used to inform future iterations of the strategy.

The Queensland biosecurity strategy will:

- Articulate a vision and outcomes for a modern, integrated biosecurity system.
- Set some broad policy principles to underpin our actions.
- Identify areas for immediate and longer-term action.
- Describe the roles and responsibilities of key stakeholder groups—government, non-government, industry and community.
- Define how success will be evaluated and reported.

1.3 The challenges ahead

Queensland's biosecurity strategy will need to address a diverse range of complex factors that are shaping the future directions for biosecurity.

The following points identify the most significant challenges and these are referred to in more detail in the issues discussed in Part 2.

- Biosecurity operates within an uncertain, unpredictable environment—it is not a matter of if but when there is a significant biosecurity event. What that biosecurity event may be and how it will impact on the economy or the environment is not possible to predict with certainty. The challenge is not so much about how to predict future biosecurity events, but how to plan for future biosecurity events.

Between 40 000 and 70 000 people die of rabies worldwide each year, with a further 10 million receiving treatment after being exposed to animals suspected of having rabies. Rabies could profoundly change our way of life and the disease would be difficult to eradicate if it became established in dogs and cats or native wildlife.

- There is no such thing as zero risk when it comes to biosecurity. No measures or mitigation strategies can completely remove the risk of a pest or disease entering or establishing in Queensland. Nor may it be possible to remove all biosecurity threats once they enter the state. The challenge is to ensure appropriate decision-making frameworks are in place, taking into account the best scientific information, sound risk analysis and cost–benefit considerations to support the best approach to prevent or manage a biosecurity event.
- More and more of the state's biosecurity activities are determined locally in response to obligations and commitments nationally and internationally. A challenge is to ensure that sufficient funds are allocated to fulfil national obligations and state priorities. This may require shifts from activities that have been a priority in the past but are now a lower priority when faced with building a strong, integrated biosecurity system.

- Mounting a response to a major biosecurity event is resource intensive. The challenge is ensuring all stakeholders have access to resources, appropriate trained personnel and systems to mount an efficient and effective emergency response. It is also important to ensure that key biosecurity activities continue to be resourced during an emergency response.
- Inability to manage established pests and diseases, invasive plants and animals, or contaminants and maintaining high standards of animal welfare can have a severe negative impact on the state's economy, environment and social amenity. The challenge lies in providing emergency readiness and response capacity as well as adequately resourcing the ongoing management of biosecurity risks.
- Agricultural biosecurity remains a top priority for Queensland; however, biosecurity programs and investment must also cover a much wider range of pests, diseases and contaminants, and their impacts on marine, freshwater, terrestrial and built environments. The extent to which pests, diseases and contaminants already impact on the natural terrestrial and aquatic environments is uncertain and the over-the-horizon threats are potentially devastating to the natural environment (e.g. eucalyptus rust and Varroa mite in bees). Addressing the gaps in Queensland's biosecurity system will be a major challenge and generate additional resourcing pressures.

Bees are humble little insects responsible for pollinating much of the food we eat. Without them, we'd starve. A tiny parasite, the Varroa mite already destroying bee populations around the world is now on our doorstep in New Zealand. The cost of attempting eradication in New Zealand is estimated to be between \$55–70 million.

- Managing the competing interests of stakeholders and ensuring meaningful and useful levels of involvement in preparing for, preventing, and responding to biosecurity events can be difficult. Clearly identifying and understanding the relative roles and responsibilities of Commonwealth, state and local governments, non-government organisations, industry, land owners and the community is critical to achieving sound biosecurity outcomes.

- The national biosecurity policy agenda has shifted to one of shared responsibility between government, industry and the community. Yet, no consistent frameworks exist to determine whether a particular activity is for the public good (and therefore an issue for government) or private benefit (and therefore an issue for industry or individuals). Balancing the two is a challenge, particularly when decisions need to be made about resourcing and who pays.

AusBIOSEC is the Australian Biosecurity System for Primary Production and the Environment. The system is being enhanced through a whole-of-government project, which was established in October 2005. The aim is to bring together, under an overarching national framework, biosecurity activities being undertaken by the Australian Government, state and territory governments, industry, landholders and other key stakeholders in primary production and the environment.

- The shared responsibility notion can only be realised if people actually know more about biosecurity and understand what is at risk, what to look for, how to report, what actions will be taken and what they can do to assist. This can be challenging since biosecurity threats don't tend to focus people's attention until an incident occurs. People don't understand invasive or exotic pests and diseases as easily as they understand floods or cyclones. A major challenge lies in improving community and industry engagement and education about biosecurity risks and impacts.

Almost half of Australia's 220 declared noxious weeds were introduced deliberately, while approximately 34 species of alien fish have established in Australian freshwaters and 250 introduced marine organisms have become established in Australian waters.

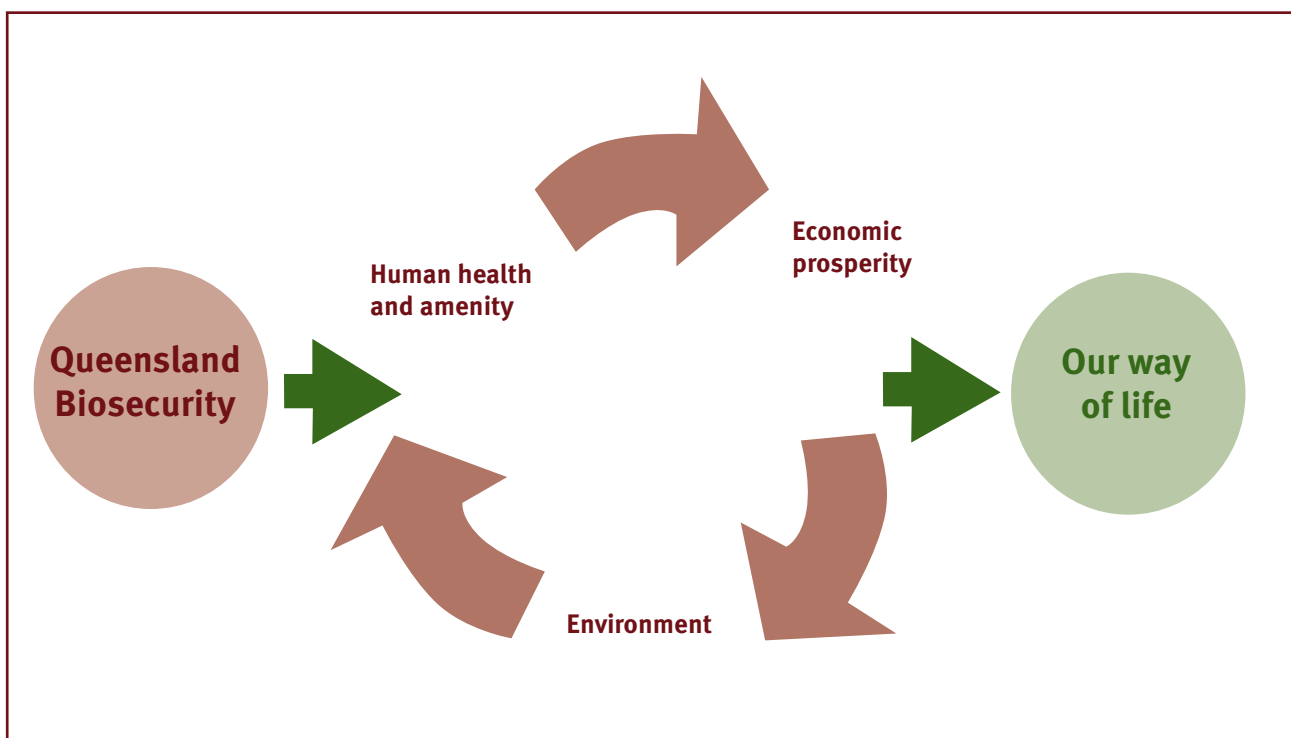
- If biosecurity is everyone's business and a shared responsibility, the challenge is to find a broader range of mechanisms—both formal and informal— to secure a wide range of stakeholder participation in good biosecurity practices including incentives for good practice that encourages voluntary participation and compliance. Queensland's biosecurity legislation will also need to be reviewed to ensure it supports a modern approach to biosecurity management.

Part 2: The future

2.1 A vision for the future

The Queensland biosecurity strategy will articulate a vision for the future of biosecurity. The following statement is proposed – you may like to provide comment or outline your vision for Queensland biosecurity.

Queenslanders are confident that our way of life is adequately protected from the negative impacts of pests, diseases and contaminants.



The vision is for Queensland to have a highly effective biosecurity system with the resilience to manage new and existing biosecurity threats to the economy, human health and amenity, the environment and, ultimately, our way of life.

Part of this vision is for Queenslanders to gain a much better understanding the importance of biosecurity and how they can play their part in protecting Queensland. We will have a clear picture of the biosecurity risks faced by Queensland and a rigorous risk analysis process and good communication mechanisms to inform people about those risks.

Based on risk analysis, Queensland will have an integrated system for preventing, eliminating or managing major threats. Effective detection systems will be in place, taking into account the latest surveillance technologies. Queenslanders will know what to look for and report any serious biosecurity threats.

Emergency responses will be rapidly and effectively mounted for serious incursions and will be underpinned by efficient systems. A network of appropriately skilled people will be called upon in times of emergency. The full range of economic, environmental and social impacts will be taken into account when making decisions during major responses.

When it is not scientifically possible or feasible to eradicate a pest or disease, or when dealing with the management of established species, decisions about what to do will balance the cost and benefits of taking action or no action.

Interstate and international market access issues will be addressed collaboratively between government and industry with the goal of maximising trade opportunities while minimising impacts on business for meeting biosecurity requirements.

Any inspection and certification systems underpinning market access will be streamlined nationally and as client-friendly as possible.

Decisions will be based on good information and sound science and will be transparent. Information will be current, well organised and rapidly communicated.

Queenslanders will be confident that Biosecurity Queensland is effectively managing biosecurity threats facing Queensland while actively contributing to the national biosecurity system.

Biosecurity will be appropriately resourced and a balance of public good and private benefit considerations will be applied to securing necessary investment. Resource allocation decisions will be made within a consistent and transparent prioritisation framework.

2.2 Queensland biosecurity outcomes

Within this vision for Queensland biosecurity, a small number of agreed priority high-level outcomes will drive the strategy. The following outcomes are proposed—you may like to provide comment or to suggest other outcomes.

- Biosecurity threats in Queensland are effectively managed through a proactive, biosecurity system where responsibilities are shared and decision-making is based on sound risk management principles.
- New exotic pests and diseases are prevented from entering, spreading or becoming established in Queensland.
- Contaminants are managed through the development of nationally consistent standards, systems and regulatory frameworks.
- Biosecurity incidents are detected, prioritised and responded to on the basis of sound risk management principles and emergency response frameworks.
- Significant established invasive animal and plant pests, diseases and existing contaminants are contained, suppressed or managed to reduce negative economic, social and environmental impacts.

2.3 Principles to underpin the Queensland biosecurity system

Consistent with the vision for biosecurity and the outcomes we aim to achieve, we can identify several key principles to underpin decision-making processes and resource prioritisation—to guide priority setting—and inform regulatory frameworks. Agreed principles can help to manage the complexities inherent in a modern biosecurity system.

The following principles are proposed—you may like to provide comment or to suggest other principles.

Prevention—Early recognition and intervention of biosecurity threats provide the best return on investment—prevention is better than cure.

Risk management approach—There is no such thing as zero risk and acceptable levels of risk will mean there will be biosecurity incidents. These incidents and their impacts require mitigation within a risk and cost–benefit framework.

Responsiveness—Biosecurity stakeholders respond quickly and confidently to new and emerging biosecurity threats and opportunities.

Sharing of responsibility—Biosecurity is everyone's business. The success of Queensland biosecurity is dependent on government, stakeholders and the community working together to achieve common outcomes. Stakeholders must own the problem and equally own the solution.

Funding responsibilities—The responsibilities for the costs of biosecurity are aligned to ownership of risk, and apportioned according to direct and indirect, and public and private benefits.

Integration and harmonisation—Queensland's biosecurity arrangements work in harmony and are integrated with national biosecurity arrangements and broader objectives of community, government and industry.

Science and knowledge—Queensland's biosecurity decision-making frameworks and associated investments are well informed.

Accountability and transparency—Responsibilities for biosecurity are known and respected by all stakeholders and decisions are transparent, justified and well understood.

To address the challenges facing the future of Australia's biosecurity the Queensland biosecurity strategy will need to deal with a number of key issues.

This section outlines 11 key issues and some actions that could be included in the strategy.

Some of these issues are strategic—relating to critical inputs such as leadership, investment, and decision-making—while others are more operational, relating to the biosecurity delivery initiatives and the underpinning capabilities and capacities needed to achieve Queensland's biosecurity vision.

We would like to hear your views and ideas on these issues and the suggested areas for action. You can respond either as an individual or as an organisation on all of the issues or just the ones that are most relevant to your interests.

You may like to comment in terms of:

- current strengths
- major limitations
- areas for improvement
- who should be involved
- other comments.

3.1 Sharing leadership

Achieving the vision for biosecurity will rely on strong leadership from both government and key stakeholders. This leadership must work to build and sustain the relationships, systems, capacity and capability to adequately manage the biosecurity risks as they affect the economy, the environment and our lifestyle.

Queensland now has a single point of leadership and coordination for the State Government's role in biosecurity through Biosecurity Queensland. One of Biosecurity Queensland's major tasks over the next five years is to build on and improve systems, capabilities and capacities to coordinate and lead the government's biosecurity efforts and to establish mechanisms that facilitate shared leadership and commitment from non-government stakeholders.

Queensland must ensure that it maximises the opportunities from collaborative national arrangements to meet Queensland's biosecurity needs. It must also ensure that policy developments and reviews recognise Queensland's rights and obligations in managing our unique biosecurity status within the national and international biosecurity context. This will be an important leadership role for Biosecurity Queensland. Queensland industry groups also have a strong leadership role in shaping the national policy agenda for biosecurity and this capacity should be harnessed alongside that of government to maximise Queensland's policy leadership.

A shared responsibility approach means that roles and responsibilities for the prevention, preparedness and response measures need to be clearly defined and accepted by stakeholders. Leadership aimed at developing and maintaining effective partnerships as well as co ordination will assist to build resilience and confidence in Queensland's biosecurity system.

Conflicts of interest are common in biosecurity and government must fulfil multiple roles to achieve biosecurity outcomes. For example, Government often seeks voluntary stakeholder participation while at the same time is obliged to ensure regulatory compliance. Leadership from government is important to ensure that while competing interests are recognised and valued, they cannot be an impediment to responsible biosecurity.

The Queensland biosecurity strategy could include:

- building Biosecurity Queensland's capacity and capabilities as the government's point of leadership and coordination for managing biosecurity risks
- government and industry participating in and influencing national biosecurity policy and decision-making processes
- establishing and using governance and advisory arrangements that support a shared responsibility approach to biosecurity in Queensland.

Australia has been free of brucellosis since 1989 as a result of a nationally coordinated eradication program that commenced in 1970.

3.2 Justifying and prioritising investment

What is the appropriate level of investment for Queensland to make in biosecurity and in what activities? These are important questions for stakeholders and government, and must be answered in an environment characterised by the uncertainty of incursions competing interests and increasing pressures on public funding. They also must be answered with a view to the future, recognising and planning for changing climate and land use patterns, and the global business environment. Better use of limited resources through better planning, policies and practices across all stakeholders will be important to the future success of biosecurity in Queensland.

Any assessment of total investment in biosecurity needs to recognise the funds committed by public and industry sources in addition to the efforts, time, and funds contributed by land owners and the general community. The effectiveness of biosecurity investment will depend on the long-term cooperation between government, industry and the community, and between the levels of government, and their willingness to co-invest.

Determining the total investment needed for biosecurity involves not only the questions of how much to invest and who should invest, but also the questions of how investment is justified and prioritised—deciding what is done, when it stops and what is not done. In fact, there is a primary need to determine why there should be any investment in a particular biosecurity issue in the first place.

The assessment of whether to respond to a biosecurity incident needs to consider the economic, social and environmental costs of not responding and the efficiency and feasibility of a response. It also needs to consider the cost of mounting the response, which includes lost income and recovery for industries directly affected by the outbreak, indirect costs to the community or other industries as well as the actual investment in eradication or containment.

The papaya fruit fly incursion cost Queensland industry approx \$110 m from 1995 to 1998 (DPI&F).

Prioritisation of biosecurity investment is currently fragmented and seldom takes into consideration the full range of economic, environmental and social benefits/consequences, the diversity of new and existing biosecurity threats or the myriad of biosecurity functions such as prevention, response and ongoing management, or support processes such as science, communication, regulation. Developing a single decision-making (investment) framework that balances all interests as well as addressing the obligated responsibilities associated with legislation and the requirements imposed by national and international policies should be a priority for the biosecurity strategy.

Traditionally, government has been the major funder of biosecurity. National and international agreements and obligations determine much of this investment, particularly in terms of emergency response capability and the specific activities for the ongoing management of established pests and diseases. Over recent times, investment from private sources has become more significant as expectations grow for user-pays arrangements where there are private benefits and where industry can see the value to their business of adopting sound biosecurity practices.

The ability of locusts to form dense aggregations makes them formidable pests. Locusts can rapidly devastate crops and have the ability to migrate over large distances, which places virtually all agricultural areas at risk. Landholders and local, state and Australian governments share the costs of collaborative control programs aimed at preventing locusts from reaching their plague potential.

When thinking about the future, experience tells us that biosecurity investment must provide for both core capacity and emergency responses. Core funding must support the basic resources (including staff, information systems, and infrastructure) as well as the technical capabilities to support delivery initiatives and program outputs other than emergency responses.

The expanded focus of biosecurity, coupled with the tightening fiscal constraints and the need to prioritise risks, requires rigorous evaluation of all programs and our capacity to make investment decisions based on demonstrated and reported achievements.

Ultimately, Queensland needs an investment model that recognises the full scope of biosecurity activities—beyond the traditional areas of investment—and satisfies the need for adequate and non-competing investments in prevention, preparedness, response and ongoing management. This model needs to recognise both public and private investment and provide investors with confidence that the best use is being made of available resources. It should also work to encourage new sources of investment.

The Queensland nursery industry surveyed its members in 2007 on the impacts of red imported fire ant (RIFA) based on the interstate and intrastate movement protocols imposed. The results show that the industry is investing over \$18 million per year in RIFA inspection and compliance costs, movement protocol implementation and loss of market share that total approximately \$126 million over the past seven years.

The Queensland biosecurity strategy could include:

- developing an integrated risk based decision-making framework that can guide the prioritising and reprioritising of public and private expenditure to meet competing biosecurity demands
- investigating opportunities to expand private investment in biosecurity
- developing ongoing evaluation and cost/benefit analysis approaches for all major biosecurity programs.

3.3 Taking a strategic approach to the science

Biosecurity is heavily reliant on science¹ built on multi-disciplinary approaches and private and public sector cooperation across state, national and international borders.

High quality scientific information underpins risk assessment, decision-making and management of biosecurity. Science also provides the way forward for biosecurity, with research to identify new and better ways to prevent, prepare for and manage biosecurity risks. Biosecurity science contributes to the high standards of animal welfare which are essential to market access and to meet public expectations. Modern biosecurity systems also require better understanding of the human factors associated with biosecurity threats and, increasingly, social sciences and social marketing are important contributors.

The need to prioritise and undertake science should feature in the biosecurity strategy. Making sure the best outcomes from investments are realised, requires a strategic approach to guide future efforts. A biosecurity science action plan developed as a complementary part of the biosecurity strategy would provide that guidance and address the following questions:

- **Science direction**—What needs to be done? Prioritising actions and investments.
- **Science delivery**—Who does it? Linkages, alliances and strategic partnerships.
- **Science uptake**—How do we make it relevant and used? Translating research into tools and management strategies.

Queensland is already well positioned with many linkages, alliances and strategic partnerships with state, national and international scientific organisations. Strengthening these relationships and exploring opportunities for new partnerships with industry and natural resource and land management organisations will be important.

A private international company is set to commercialise a natural bacteria that can kill pest shellfish that have overwhelmed north-eastern US freshwater lakes and encrusted ships and pipelines.

Another area of growing interest, both nationally and internationally, is the relevance and importance of social sciences in modern biosecurity systems. Biosecurity risks and impacts are inherently social and this means that understanding human behaviours values and attitudes—particularly in relation to response to risk—provides opportunities to better target biosecurity measures and achieve greater community engagement. Improving social science capacity will support better decision-making, risk management and community engagement.

With an estimated 12% of the Australian population keeping aquarium fish it is not surprising that some 22 unwanted species have been released into the wild through the aquarium pathway. Fish make up almost half of the 73 vertebrate animals that have established wild populations in Australia.

There are also opportunities to position Queensland's biosecurity science community as leaders in the national and international biosecurity science community. For example, the Queensland Government's Smart State science initiatives can be capitalised on to establish internationally recognised centres of excellence in 'niche' biosecurity science.

The biosecurity science action plan could include looking at innovative ways of adapting existing and new technologies capable of improving the efficiency of biosecurity implementation programs.

Research is underway in Queensland to determine if lantana can be mapped using satellite imagery. Determining the density and distribution of invasive weeds remains a considerable stumbling block to effective control and remote sensing may provide a real solution. Satellite imagery has already shown to be very effective in determining the extent of water weeds such as water hyacinth.

The Queensland biosecurity strategy could include:

- developing a biosecurity science action plan
- building social science capacity
- establishing centres of excellence for niche biosecurity science.

¹ The term 'science' is inclusive of research and development, provision of scientific knowledge and systems for decision makers and the development of technologies and tools for biosecurity related activities such as laboratory diagnostic testing and vaccination against disease.

3.4 Focusing on the tropics

The Queensland biosecurity strategy could include a particular focus on tropical biosecurity. Queensland is one of the few highly developed regions in the tropics and the Queensland Government has identified this as an opportunity to gain significant economic, social and environmental benefits for the state. Changes in pests and disease distribution, shifting growing conditions for different plants and animals, and the expected increase in water in the north through climate change will impact on biosecurity in the region.

This whole-of-government focus on the tropical north is an opportunity for improving Queensland's biosecurity system. Tropical Futures is one of the government's six research and development priorities and a recent report by the Smart State Council highlighted tropical health, including emerging zoonoses, and tropical environmental science and management as well as tropical primary industries. As mentioned in Section 3.3, tropical biosecurity would be a key theme in a Queensland biosecurity science action plan.

Queensland is in the position to be influential in tropical biosecurity, working with our closest neighbours to improve pre-border biosecurity and keep the risks offshore. Queensland's biosecurity outcomes can also be improved through developing and sustaining cooperative relationships and partnerships with neighbouring tropical countries, assisting them to improve their own biosecurity while improving our capacity to keep pests and diseases offshore. There is also the opportunity for Queensland to create a competitive advantage for tropical industries through good biosecurity practices and favourable pest and disease status.

Sound working relationships between government agencies, local councils and Indigenous communities in the Far North also underpin efforts in managing invasive plants and animals, improving animal welfare and early warning surveillance activities.

The Queensland biosecurity strategy could include:

- recognising north Queensland's unique values and its proximity to biosecurity threats in neighbouring countries
- capitalising on opportunities to lead collaborative tropical biosecurity science.

3.5 Improving emergency response

The equine influenza outbreak

Early on Saturday 25 August 2007 the Department of Primary Industries and Fisheries (DPI&F) was notified that horses suspected of having a highly virulent exotic disease called equine influenza (EI) had been detected in an equestrian centre in Sydney.

By that afternoon, DPI&F announced a state-wide standstill, meaning no horses could move from where they were situated until further notice. Approximately three weeks into the EI response in Queensland, horse owners were introduced to a series of movement zones – red, green and orange.

At its peak, Queensland had over 3 800 known infected properties and nearly 70 000 horses had been vaccinated. However the disease was contained and there have been no reported cases of EI in Queensland since 25 December 2007.

The outbreak of equine influenza had a profound financial affect on the horse sector which is worth \$6.2 billion per year to Australia, and with volunteer support, is worth \$8 billion per year. The response to EI heavily impacted on social and recreational activities, and the many businesses that support the horse industries.

The key learning from the response has been the need to engage with all relevant organisations in open and frank discussions, particularly in relation to striking a balance between minimising the negative impacts of the response and achieving the ultimate goal of eradication. Queensland horse owners responded diligently to the standstill and this high level of compliance was a key factor in containing the spread of the disease.

Industry stakeholders and national partners highlight the importance of having high quality emergency response systems in place and the need to improve the level of preparedness to respond to a biosecurity incident.

Queensland's emergency response capability is underpinned by the existing AUSVETPLAN, PLANTPLAN and the AQUAVETPLAN and conforms to principles agreed among the Australian Government, the states and territories, and industries with regards to coordination and cost-sharing. There is also community expectation that emergencies are dealt with quickly and efficiently and with minimal impact on members of the community. Key biosecurity activities also need to continue to be resourced during an emergency response.

Recent experience dealing with multiple biosecurity incidents, such as equine influenza, Asian green mussels, electric ants and fire ants, as well as continuing surveillance for citrus canker and sugarcane smut, together with the changing risk environment outlined earlier, suggests that improving our capacity to respond to biosecurity emergencies should be a major focus for the next three to five years.

Even though each biosecurity emergency response is different, good preparation, training and systems can significantly reduce the costs of responding to outbreaks and the impacts on industry and the community. While national plans provide guidance for biosecurity emergency responses, Queensland has not had a formal integrated structure or resourcing dedicated to developing or maintaining readily deployed infrastructure, staff and systems necessary to underpin an effective biosecurity emergency response capability.

Investing in emergency response management and the capacity and capability to mount a response requires some core allocation of funding to meet initial costs and to provide a basic level of preparedness. It also requires resources in proportion to the scale of the emergency once it has occurred and is better understood. A transparent risk analysis process is needed so that these decisions can be made on a case by case basis where the total benefits are considered relative to the total cost of the response.

Specific action is also required to build the capacity of industry and other government agencies to operate in a biosecurity emergency situation. This could involve creating a 'biosecurity reserve' to draw on as needed.

Queensland needs to take advantage of opportunities to capture and learn from each response, plan for future incursions or scenarios, and to use 'corporate' knowledge to continuously improve systems and practices. An important input to response management is to ensure that there is adequate training of staff, clearly defined procedures and policies, and the physical resources needed to mount a response.

The success of emergency responses, including the recovery phase, also relies on strong working relationships between government, industry and community organisations—it is too late to establish relationships once an outbreak is detected. By working together, government, industry and community organisations are better able to work out what needs to be done to achieve best biosecurity outcomes and meet national obligations while minimising the impacts on industry in Queensland.

Commercial fishing, seafood harvesting and marine species were affected by an oil spill in Gladstone harbour in 2006 after 25 000 litres of heavy fuel poured from a coal carrier. The accident happened when a tug rammed into a Korean coal carrier, rupturing its fuel tank. The oil spill at Gladstone has been described as a tragedy for the area's marine life and the biggest oil spill in 35 years.

Emergency response is one area of biosecurity where cross-government support and involvement is often needed. Improving Biosecurity Queensland's emergency response capabilities will involve connecting with Queensland's emergency management and disaster management networks. A formalised cooperative framework across government for the release of staff and sharing of resources in an emergency situation would also be beneficial.

Queensland has much to gain from taking a strong role in the national biosecurity arena to refine and improve the nationally developed emergency plans. Updating these plans to reflect modern approaches to emergency response management is consistent with Queensland industry's emphasis on continually improving emergency response and preparedness.

The Queensland biosecurity strategy could include:

- developing, in consultation with stakeholders and other government agencies, an improved model of emergency response and recovery as well as improved capabilities that better address biosecurity threats and consequences
- improving consistencies and linkages with national and state-based emergency management arrangements
- improving community engagement so that the community is better able to contribute to emergency response, threat containment/eradication and recovery.

3.6 Improving surveillance (detection, diagnostics and notification)

Comprehensive and competent detection, diagnostics and notification services are a hallmark of modern biosecurity. Queenslanders want to be confident in the timely detection and identification of pests, diseases or contaminants. Early detection of a biosecurity threat enables action to be taken to prevent establishment and spread and thereby reduce potential long-term impacts and associated management costs.

As well as detection, an essential surveillance function is to demonstrate proof of freedom or ‘evidence of absence’ through structured surveys or other targeted methods. This is an increasing requirement for access to important international markets, even when we are confident that a particular pest, disease or contaminant is not present.

Improving the full spectrum of early detection services and capacities drawing on modern technologies, strong stakeholder engagement and better risk assessment practices should be a priority. Similarly, more efficient ways of demonstrating proof-of-freedom (given the high cost of surveillance) are needed.

Queensland’s surveillance efforts need to be complemented by working with the Australian Government to improve pre-border and border detection activities.

Four key elements contributed to the apparently successful response to (eradication of) black sigatoka in bananas in the Tully area: early detection, a prompt decision to eradicate, molecular diagnostics, and committed leadership and teamwork (L Burgess, Australasian Plant Pathology, 2003)

The detection and diagnostic activities currently in place have been driven mostly by economic needs—protecting valuable plant and animal health and primary industries. Modern biosecurity systems require structured detection, diagnostics and notification activities for pests and diseases with social or environmental impacts.

Improving prevention of entry for Queensland requires national collaborative action to reduce pathways for species that pose high biosecurity threats for Queensland.

There is significant opportunity to expand and improve the passive or informal surveillance mechanisms involving landowners, industry, community groups and interested individuals. This would be consistent with a ‘shared responsibility approach to biosecurity’ and build on the success of existing government and community-driven ‘spotters’ programs. To be successful, surveillance mechanisms need to be backed up with adequate information management systems to process and handle the reported data and, where feasible, to be backed up with eradication or management actions.

A strategic approach may involve the identification of the strengths, weaknesses or vulnerabilities within current detection, surveillance, diagnostic and notification systems so that future actions and investments can be better informed. A key part of this approach lies first in developing a fully streamlined and integrated biosecurity risk management based decision-making framework for Queensland.

The Queensland biosecurity strategy could include:

- taking a strong leadership role to influence pre border and border biosecurity
- identifying and prioritising pathways of entry and spread of pests and diseases into Queensland.

3.7 Management of established pests and diseases, and existing contaminants

Numerous pests and diseases are already well established in Queensland—in agricultural systems and in natural and built environments. Many of these have yet to reach their full distribution and/or impact and are therefore subject to coordinated management programs that often involve containment through, for example, barrier fences, movement controls and/or the minimisation of impacts through measures such as biological control and vaccination.

There are currently two large pest barrier fence systems in Queensland: the 2560 km wild dog barrier fence, overseen by a local government lead committee, protects sheep grazing areas of the south and south-west, and the 550 km Darling Downs–Moreton Rabbit Board fence, managed by operational board, protects agricultural land in the south-east. A series of wild dog check fences, managed by local governments, also protect areas of grazing land in southern Queensland from wild dogs.

The extent to which established pests and diseases can be managed through coordinated programs varies considerably. Many established weeds such as lantana, prickly acacia, and rubber vine are already managed through cooperative programs. Most of the major pest animals such as wild dogs, rabbits, feral pigs and field mice are managed through coordinated programs at state, regional or local levels. Some pests, diseases or contaminants of production systems (such as cattle ticks, Panama disease in bananas, or organochlorine in beef) are subject to coordinated programs but most are dealt with through normal ‘on-farm’ practices.

Australia’s geographic isolation, establishment of a large number of exotic species and human-induced changes to ecological systems are placing numerous endemic species under threat, resulting in some native species becoming locally overabundant and causing impacts on other species.

There are also many established pests and diseases that could be more effectively managed with coordinated action, whether by eradication, limiting their spread or reducing their distribution, density or impact. These include water weeds, Indian mynas, feral cats, and cane toads.

Regardless of the current status of established pests, diseases or contaminants there is a need to reassess government, community and industry priorities and responsibilities for their long-term management. Priorities need to be considered relative to other higher priority biosecurity threats, both current and potential, that may warrant coordinated intervention. Particular consideration needs to be the protection of the benefits of past investments in pest management and invasive plant control.

The economic impact of weeds and the main vertebrate pest animals already established in Australia is approximately \$4 billion and \$0.7 billion per annum respectively. These figures primarily represent production losses and control costs, as the cost of weeds to the environment and biodiversity is largely incalculable (AusBIOSEC).

Industry takes a strong leadership role in the management of some established pests and diseases (such as grape mildew, sugarcane smut, cane rats and blow flies), whether it be through investment in research, improved awareness, or product certification. Where there are significant direct or indirect public benefits there is an ongoing role for government investment in strategic planning and the development of improved management options.

Mulesing is a controversial practice involving the removal of skin from the rear of a sheep to prevent flystrike. Australian wool producers have agreed to phase out mulesing by 2010. The WA government has banned mulesing on its research stations from April 2008.

A future approach to managing established pests, diseases or existing contaminants will need to reflect the shift towards applying increasingly objective and transparent risk management approaches in modern biosecurity systems. This will enable better identification of the key risks to Queensland and prioritisation of public expenditure.

The Queensland biosecurity strategy could include:

- reviewing long-term policy objectives, investment priorities and management responsibilities for established pests, diseases and existing contaminants, particularly with respect to their impacts and associated management costs and benefits
- promoting shared responsibility for on-ground operations.

3.8 Achieving active participation in biosecurity

A proactive biosecurity system where there are shared responsibilities relies on active participation not only from people involved in rural communities or primary production, but also from the broader community—particularly people who are part of biosecurity risk pathways. People on the ground are best placed to detect and respond to a biosecurity threat but they must know what to look for, what to do, who to report it to and what might happen.

The three-year, \$11 million ‘Reclaim the Bush—a Pest Offensive’, part of the Blueprint for the Bush, provides funding for 48 collaborative projects aimed at the control of woody weeds, management of wild dogs and feral pigs, identification of new weed threats, prevention of weed seed spread, and pest management in Aboriginal and Torres Strait Island communities.

Education, awareness raising and community engagement are some of the most powerful non regulatory measures we can use. These measures help people to see the benefits of good biosecurity practices not only for themselves but also for the community at large. Investing in education and community engagement achieves:

- greater compliance during an emergency response
- support for recovery efforts, inspection and enforcement
- expansion of the overall capacity and capability to reduce the establishment and spread of pests and diseases.

Education is also important because good biosecurity techniques and goals may be in conflict with interests or values in parts of the community (e.g. animal welfare considerations in disease eradication or culling of native animals).

The Carnarvon National Park Feral Animal Management Program to reduce numbers of pest animals, including horses that are damaging the park’s natural and cultural values, was developed by Queensland Parks and Wildlife Service (QPWS) in close consultation with DPI&F, RSPCA Queensland, neighbouring landholders, conservation groups (including Wildlife Queensland) and AgForce. The QPWS has worked closely with DPI&F and the RSPCA to ensure that the program is humane and meets best-practice animal welfare standards.

Whole of community participation in biosecurity activities that are largely of public benefit, particularly where there are environmental or social impacts, can be achieved indirectly through an expanded set of market and social incentives. These may include quality assurance or certification processes, peer or public recognition, discounting of levies or charges, or easier access to specialist services. For example, an enterprise that is publicly recognised as actively managing biosecurity threats would be more likely to command a market premium. Many successful community, industry and government-driven incentives already exist within (and beyond) biosecurity and are worth exploring further in the interests of achieving substantially greater participation across the full range of biosecurity issues.

Biosecurity Queensland has worked closely with Queensland Health, Department of Local Government, Sport and Recreation, Environmental Protection Agency and Aboriginal and Islander Councils to implement the Animal Management in Indigenous Communities Program. This program provides councils with the financial and technical support to set up management programs for the health, welfare and control of companion and pest animals in Aboriginal and Islander communities.

Active participation is also achieved through the regulatory frameworks provided by state and Commonwealth governments. Legislation helps prevent biosecurity events through border and pre-border controls and specific risk management practices (such as vaccination, on-farm biosecurity, and restrictions on feeding practices). Legislation also enables the state to mount a biosecurity response.

Queensland's current regulatory framework has served us well; however, it is time to develop contemporary legislation that will support us into the future. The current framework is principally based on rural and allied rural enterprises, with animal and plant health interests heavily represented. It also relies on a narrow range of tools to address biosecurity issues. This means it is not well suited to the future biosecurity context where government must respond to a much broader range of risks, where shared responsibility is emphasised and where the 'beneficiary pays' principle is increasingly applied.

Providing biosecurity legislation for Queensland based on a strategic policy framework and using modern tools to achieve compliance will be a major task for Biosecurity Queensland over the next three to five years. It requires expansive thinking and consultation with stakeholders, not only from the traditional primary industries but also from the new areas of biosecurity that government must increasingly operate in. The review of Queensland's biosecurity legislation has begun and a consultation process will be run over the next 12 months to shape the new legislation. The new legislation will reflect modern legislative principles, including red tape reduction and natural justice, and be in harmony with national regulatory frameworks.

It has been estimated that up to 10 000 marine species are being carried in ships around the world every day. Queensland is developing ballast water legislation to reduce the risk that ballast water poses to the marine environment.

The Queensland biosecurity strategy could include:

- building an improved community engagement capacity within Biosecurity Queensland
- exploring opportunities to provide market and social incentives for carrying out good biosecurity practices
- developing new biosecurity legislation for Queensland.

3.9 Enhanced service delivery

The effective delivery of biosecurity services to clients, either by government or through intermediaries, will be fundamental to developing a highly effective biosecurity system for Queensland. Decisive, well-coordinated responses, coupled with good communication, are particularly important when it comes to emergency responses for pest, disease and contamination incidents.

There is a diverse range of clients when it comes to biosecurity—from large agribusinesses, to peri-urban dwellers to individual property owners either in a rural or urban location. The needs of these clients must be understood and a range of service delivery models designed to ensure those needs are met in the most effective and efficient way possible.

There is a need to explore new and emerging technologies, to make access to services and information easier and to investigate ideas and suggestions for service improvement. There may need to be a mix of the more traditional service-delivery methods and more targeted modern approaches to client service.

More efficient delivery of existing services is not enough—ways to provide new and better services must be found. Biosecurity services into the future should be client-focused, aim to foster greater self-reliance, be viable, provide value for money and focus on areas of high risk.

Government, through Biosecurity Queensland, has a significant presence in providing biosecurity services in Queensland. These resources will need to be aligned to the current biosecurity environment and positioned to provide cost-effective service.

Industry, local government and natural resource management groups also provide biosecurity services. There may be merit in exploring a more coordinated approach to service delivery across these groups and government to ensure consistent information is provided to clients, at least on major biosecurity issues.

The Queensland biosecurity strategy could include:

- improving responsiveness to service delivery needs and opportunities
- sharing of biosecurity service delivery systems and information.

3.10 Building capability

Achieving our vision for biosecurity relies on a range of underpinning systems (for example, information, decision-making, risk assessment, communication, compliance, and the development of the skills and capabilities of a wide range of people who make up the 'biosecurity workforce'). Investment by governments, industry, land owners and communities in building improved systems, capabilities and capacity to deal with biosecurity issues will return significant benefits to the state.

One of Biosecurity Queensland's major tasks over the next five years will be to build on and improve its operating systems, capabilities and capacities in order to fulfil its role as Queensland's coordinating body for biosecurity.

The community and industry will continue to look to government to provide high-level technical skills, expertise and systems in biosecurity-related sciences and emergency response. Training and information management systems for emergency response have been highlighted as a priority and industry groups recognise the value of having some of their members also trained in emergency response. In terms of biosecurity science, Queensland—like the rest of Australia—is vulnerable to emerging skills shortages, particularly in highly specialised areas relied on for early detection (such as specialised pathology, taxonomic skills, virologists and entomologists).

The level of industry capacity varies, and in some very small emerging industries biosecurity knowledge is quite limited. Industry organisations play an essential role in educating their members about risk pathways, early detection, reporting and interventions. While industry groups represent the commercial sectors of primary production well, there is opportunity to improve outreach into the rapidly expanding peri-urban sector.

Modern biosecurity requires a broader range of skills than in the past. Such skills include policy development, program evaluation, risk assessment, conflict management, compliance monitoring, managing third-party delivery mechanisms, and community engagement skills. For government biosecurity officers working in the field there is growing demand for a greater range of skills and the ability to communicate and engage with much more diverse groups and interests. There is also a need for skills and knowledge suited to a contemporary regulatory model, ready access to information and improved synergies across the range of biosecurity activities.

A biosecurity industry skills development plan involving service providers, public and private employers and employees, as well as training and higher education providers, could be developed to address skills shortages and emerging skills needs.

The capacities and capabilities of a proactive biosecurity system can be greatly expanded by increasing participation through the non-regulatory measures as discussed earlier. There are opportunities to engage more people in managing risk pathways.

Finding ways to engage, train, coordinate and reward the growing numbers of people with the time, abilities and interests—particularly in surveillance, detection and management of pests and diseases (including invasive plants and animals)—supports a shared responsibility approach to biosecurity and will return multiple benefits to Queensland.

The Queensland biosecurity strategy could include:

- adopting an industry skills development approach to address skills shortages and emerging skills needs
- building capacity for delivery of biosecurity activities across a range of stakeholders
- harnessing the potential for all Queenslanders to participate in biosecurity.

3.11 Identifying gaps

Queensland's biosecurity strategy must take a forward-looking approach to deal with the gaps in Queensland's biosecurity arrangements.

Queensland's current approach is predominantly based on protecting valuable primary production; while this will always be important, the future approach must also consider the range of emerging environmental and social pests—including exotic birds, and animal and plant pathogens that primarily have an environmental impact.

The extent to which pests and diseases already impact on the natural environment—both terrestrial and aquatic—is uncertain, but over-the-horizon threats are potentially far greater.

Should eucalyptus rust become established in Australia, the total cost to the community could run into billions of dollars, through losses to the timber industry, recreational amenity, tourism, biodiversity, and carbon sequestration.

Many environmental and social pests and diseases are already well established (e.g. cat's claw creeper, cane toads, European carp, tilapia, water hyacinth and many others) are emerging as a significant threat (e.g. blackbirds and feral deer), but there is no complete picture as to what is at stake. There are also many over-the-horizon threats (e.g. Asian tiger mosquitoes, giant African snails, crab-eating macaques, red-vented bulbuls and Burmese pythons).

Some native bird species (such as galahs, white ibis and crows) can become over-abundant in response to environmental changes.

Most introduced environmental and social pests and diseases are being managed primarily for their economic impacts (e.g. tramp ants, Siam weed, and lantana). Only a few are managed primarily for their environmental impacts (e.g. red-eared slider turtles and Asian green mussels).

Identifying and addressing the gaps in Queensland's current biosecurity system will need to involve a range of stakeholders and at times it will involve having to find ways to resolve competing interests that may exist.

The Queensland biosecurity strategy could include:

- identifying, quantifying and prioritising current and potential threats
- incorporating environmental biosecurity into environmental management plans and biodiversity strategies
- recognising the need for greater emphasis on investment in prevention due to difficulty in detecting and treating many environmental pests and diseases.

3.12 Identifying other issues

Finally, are there other significant issues impacting on the future of Queensland biosecurity that you believe could be addressed through the Queensland biosecurity strategy?

Part 4: Measuring success

An important component of the Queensland biosecurity strategy will be identifying how success is measured at the strategic, tactical and operational levels.

You may like to comment on the strengths of the current performance evaluation systems and the areas for improvement.

The establishment of a single integrated performance evaluation system for biosecurity will be critical to building investor confidence, and to achieving improved accountability and governance.

Queensland's biosecurity performance evaluation systems should provide an assessment of the extent to which government and non-government programs deliver on whole-of-government priorities, particularly for building on economic success, protecting the environment, fostering healthy communities, and delivering accountable government. It should also provide an assessment of the extent to which programs deliver on national obligations, legislative charters and strategic policy objectives.

Decision-makers need to have access to meaningful and dependable performance information. Key considerations for a biosecurity performance evaluation system should include:

- coverage and alignment—strategic, tactical and operational levels
- simplicity—dealing with the essential, and ensuring ease in collecting, analysing and presenting performance information
- integrity and transparency of performance information and any subsequent interpretations
- accessibility of performance information, and its relevance to users
- extent to which performance evaluation is integrated into all biosecurity activities
- ability to compare performance over time and with other businesses.

Part 5: Acknowledgements

Queensland Biosecurity Strategy Reference Group membership list:

AgForce Queensland
Australasian Regional Association of Zoological Parks and Aquaria Queensland
Australian Banana Growers Council Inc
CANEGROWERS
Cotton Australia
Department of Agriculture, Fisheries and Forestry
Department of Premier and Cabinet
Department of the Environment, Water, Heritage and the Arts
DPI&F (Fisheries, Biosecurity Queensland, Strategic Policy)
Environmental Protection Agency
Growcom
Livestock Transporters Association Queensland
Local Government Association of Queensland Inc.
NRM Regional Groups Collective
Nursery Garden Industry of Queensland
Ports Corporation of Queensland
Queensland Conservation Council
Queensland Farmers Federation
Queensland Food, Fibre and Agribusiness Council
Queensland Health
Queensland Horse Council Inc
Queensland Seafood Industry Association
RSPCA Queensland
Timber Queensland
Treasury Queensland

Part 6: Glossary of terms

Animal welfare	Involves a duty of care based on the internationally recognised ‘five freedoms’ of animal welfare.
AGVET	Agricultural and veterinary (usually chemicals).
Aquatic	Refers to marine, freshwater and wetland environments.
AQUAVETPLAN	Australian Aquatic Veterinary Emergency Plan.
AUSVETPLAN	A series of technical response plans that describe the proposed Australian approach to an exotic disease incursion.
Biodiversity	Variety of life forms including the different plants, animals and microorganisms, the genes they contain, and the ecosystems they form. Biodiversity is usually considered at three levels: genetic, species and ecosystem.
Biosecurity	Biosecurity is the protection of the economy, human health and amenity, the environment human health and amenity, and ultimately our way of life from the negative impacts of pests, diseases and contaminants.
Built environment	Those areas of the Earth and components that are heavily influenced by humans.
Clean and green status	The reputation of Australia or an industry sector able to demonstrate that it is relatively free from serious animal or plant pests, diseases and contaminants.
Community engagement	A generic, inclusive term to describe the broad range of interactions between people. It can include a variety of approaches, such as one-way communication or information delivery, consultation, involvement and collaboration in decision-making, and empowered action in informal groups or formal partnerships.
Containment	Restriction of an incursion to a limited area, perhaps with quarantine measures enforced in order to prevent further spread. Containment may be an adjunct to or an approach used in an eradication campaign.
Contaminants	Includes biological or chemical substances whether naturally occurring or synthetic, (such as agricultural and veterinary chemical residues above acceptable levels) present in the environment and or food chain with potential harmful effects.
Cost-sharing	The process of proportional funding of a National Biosecurity Event Response by some or all of the parties.
Disease	Means the presence of a pathogenic agent in a host and/or the clinical manifestation of infection that has an impact, or poses a likely threat of having an impact. Disease includes micro-organisms, disease agents, infectious agents and parasites.

Equine influenza	An acute, highly contagious, viral disease that can cause rapidly spreading outbreaks of respiratory disease in horses, donkeys, mules and other equine species.
Eradication	The permanent elimination of the species from the ecosystem which, in practice, means that it can no longer be detected by recommended methods of survey and diagnosis.
Incursion	An isolated population or the detection of a species in a place where it has not previously been found.
Industry biosecurity plan	A plan developed by industry and government to identify and manage biosecurity risks facing a particular industry sector.
Invasive species	An exotic species that establishes a wild population and spreads beyond the place of introduction and becomes abundant.
Market access	Includes all the actions undertaken to maintain and improve the access for agricultural products to markets that represent Queensland's trading partners, both national and international.
Native species	A species found within its native range. In Australia this means that it is indigenous to Australia.
Natural resource management	The management of natural resources (e.g. land, water and biodiversity) in an integrated fashion recognising both the values of conservation and productive use of natural resources, striving to achieve sustainability in all resource use.
Natural environment	All living and non-living things that occur naturally on Earth or some region.
Outbreak	A recently detected new incursion or proliferation of a pest or disease, including: a known exotic pest or disease; a distinguishable variant form of a pest or disease that is established, but not a new incidence of an established pest or disease; a pest or disease of unknown or uncertain origin; or a pest or disease of potential importance to the area endangered and not yet present there or widely distributed and being officially controlled, but is occurring in such a fulminate outbreak form, that an emergency response is required.
Over-abundant natives	A term referring to populations of native species that are considered to be in excess numbers in relation to the environment and ecosystem in which they are present.
Pathway	The means by which invasive species move. Possible pathways include air, surface water, groundwater, plants, animals and humans.
Peri-urban (environments)	Those based around the perimeter of urban areas. Peri-urban properties can range from 2–40 hectares.
Phytosanitary measure	Any legislation, regulation or official procedure with the purpose of preventing or minimising the introduction and or spread of plant quarantine pests.
PLANTPLAN	PLANTPLAN provides a set of nationally consistent guidelines covering management and response procedures for emergency plant pest incursions affecting the Australian plant industries.

Quarantine	The legal restrictions placed on a place, plant, animal vehicle or other things limiting movement.
Recovery	In relation to pests and diseases means the reconstruction of the physical infrastructure and restoration of emotional, social, economic and physical well being following an emergency response to an outbreak of pest or disease.
Risk	Is a combination of both the likelihood and level of severity of a threat being realised.
Risk analysis	A process involving three steps: <ul style="list-style-type: none"> • Risk assessment—Identification and estimation of risks, including evaluation of the consequences. • Risk management—Identification, documentation and implementation measures to reduce risks. • Risk communication—Interactive exchange of information and opinions concerning risk between risk managers and stakeholders.
Risk management	The culture, processes and structures that are directed towards realising potential opportunities while managing adverse effects.
Smart State	A Queensland Government vision where knowledge, creativity and innovation drive economic growth to improve prosperity and quality of life for all Queenslanders.
Social amenity	Means any tangible or intangible resources developed or provided by humans or nature (e.g. dwellings, parks, a view or outlook).
Species	A group of organisms capable of interbreeding freely with each other but not with members of other species.
Stakeholders	Those people and organisations who may affect, be affected by, or perceive themselves to be affected by a decision, activity, or risk.
Surveillance	A systematic examination and testing of plants or animals or an area to determine the presence or absence of an invasive species.
Toxin	Poisonous substance produced by living cells or organisms.
Tramp ants	A diverse group of invasive ant species derived from many parts of the world.
Weed	A plant that requires some form of action to reduce its harmful effects on the economy, the environment, human health and amenity.
Zoonotic/zoonoses	Pertaining to diseases transmitted to humans from animals.

Modernising Queensland's biosecurity legislation



Introduction

Biosecurity is important to Queensland. Biosecurity risks can have a long-term effect on the profitability of our primary industries, the environment, our unique biodiversity and our way of life.

The government's election commitments include introducing new legislation for biosecurity as part of Queensland's biosecurity strategy. The *Queensland Biosecurity Strategy 2009–14* sets out an ambitious program of work for the next five years as we build a world-class biosecurity system.

To review Queensland's biosecurity strategy visit www.deedi.qld.gov.au

Our main objective is to provide a contemporary legislative framework and reduce the regulatory burden and compliance costs facing Queenslanders when they manage pests and diseases.

Queensland Biosecurity Strategy 2009–14

A new biosecurity Act

As the *Queensland Biosecurity Strategy 2009–14* was developed, stakeholders showed their support for a strong legislative framework based on a single, cohesive biosecurity Act.

The new Act will modernise Queensland's biosecurity legislative framework.

An exposure draft of the Biosecurity Bill 2009 will be released in 2010 for extensive public consultation before it is finalised for government consideration.

Legislative change of this kind is complex. It will take some time for the new biosecurity Act and relevant Regulations to be fully implemented.

Detailed transition plans and a staged approach to implementing the new legislation will be developed in consultation with key stakeholders in 2010. A comprehensive education and training program will also accompany the introduction of the new legislation.

You are invited to contribute to the development of this Act by providing feedback on your experience with the current biosecurity legislation and suggestions for the new single biosecurity Act by 7 November 2009. (For details see 'Making a response' on the following page.)

Why we need to modernise our biosecurity legislation

Queensland needs a biosecurity framework that supports a modern biosecurity system where the scope of biosecurity risks and impacts has significantly expanded.

Providing a cohesive body of law for biosecurity that is easily accessible to stakeholders and public administrators is essential for a highly responsive biosecurity system.

Currently, the biosecurity legislative framework separates biosecurity activity by reference to specific issues—invasive plants and animals, diseases or pests affecting plants and animals, or the use of chemicals.

Each Act has developed somewhat independently of each other as the importance of dealing with biosecurity risks emerged and in response to specific incursions as they have occurred. This has resulted in inconsistency across the Acts, which presents difficulties for stakeholders and administrative burdens for government.

Today biosecurity has moved away from dealing with a narrow range of production pests and diseases to dealing with a more diverse range of biosecurity risks—not only to production industries but also to biodiversity, the environment, broader economic interests and social amenity.

Modern biosecurity systems recognise that the processes and practices for controlling biosecurity risks and impacts are much the same regardless of the type of risk involved or the economic, social or environmental values to be protected.

Stakeholders from across industry peak bodies, local government, environmental organisations, government departments and other organisations have supported a new approach to biosecurity legislation that ensures Queensland has the flexibility to respond to evolving biosecurity risks and meet our national and international obligations. Moving to a legislative framework based on a single, cohesive biosecurity Act is the best way to do this.

Queensland biosecurity— current legislative framework

Queensland's current biosecurity legislative framework—consisting of 15 separate Acts and a large number of Regulations—has operated for many years.

The new biosecurity Act and Regulations will replace the Acts and Regulations listed below. To access the legislation visit www.legislation.qld.gov.au

- *Agricultural Chemicals Distribution Control Act 1966* and *Agricultural Chemicals Distribution Control Regulation 1998*
- *Agricultural Standards Act 1994* and *Agricultural Standards Regulation 1997*
- *Apiaries Act 1982* and *Apiaries Regulation 1998*.
- *Chemical Usage (Agricultural and Veterinary) Control Act 1988* and *Chemical Usage (Agricultural and Veterinary) Control Regulation 1999*
- *Diseases in Timber Act 1975* and *Diseases in Timber Regulation 1997*
- *Exotic Diseases in Animals Act 1981*, *Exotic Diseases in Animals Regulation 1998*
- *Fisheries Act 1994* (Part 5, Divisions 5–7 only)
- *Land Protection (Pest and Stock Route Management) Act 2002*, *Land Protection (Pest and Stock Route Management) Regulation 2003* (apart from provisions in each dealing with the management of the stock route network)
- *Plant Protection Act 1989*, *Plant Protection Regulation 2002*, *Plant Protection (Approved Sugarcane Varieties) Declaration 2003*
- *Stock Act 1915*, *Stock Regulation 1988*, *Stock (Cattle Tick) Notice 2005* and *Stock Identification Regulation 2005*.

The new biosecurity legislation will not replace the:

- *Animal Care and Protection Act 2001* and *Animal Care and Protection Regulation 2002*
- *Biological Control Act 1987*
- *Brands Act 1915* and *Brands Regulation 1998*
- *Veterinary Surgeons Act 1936* and *Veterinary Surgeons Regulation 2002*.

Making a response

We would like to hear your views and comments on the current Queensland legislation dealing with biosecurity and your suggestions for the new approach using a single, cohesive biosecurity Act.

Your comments and feedback will help develop the exposure draft, which will then be released for public consultation in 2010.

You can respond as an individual or as an organisation on the legislation issues that are most relevant to your interests.

To help the project team your response should include:

- your name and the capacity in which you are responding (e.g. as an individual or as an association)
- the specific legislation or regulatory issue to which you are responding.

You may like to organise your response in terms of:

- strengths and limitations of the current legislation
- suggested areas for improvement
- opportunities for co-regulation by government and industry
- opportunities to reduce red tape.

Contact details

Contact the project team on 07 3239 3057

Please send your response by 7 November 2009

Email: sandra.golding@deedi.qld.gov.au

Fax: 07 3239 3510

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Legislation Project Team

GPO Box 46

Brisbane Qld 4001

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The Department of Employment, Economic Development and Innovation, Queensland Primary Industries and Fisheries is collecting your personal information on this form for the purpose of assisting in the development of the Biosecurity Act. Your responses may be used to record issues of specific Industry Groups that you may identify with. You may also be contacted by Departmental staff regarding the issues you have raised in relation to the development of the legislation. The Department will not use personal information provided for any other purpose. Your personal information will not be disclosed to any other parties unless authorised or required by law.



Attachment 7 - EAREC Inquiry Biosecurity Bill 2011					
Mail List for consultation on the brochure Developing a new legislative framework for Queensland biosecurity					
September - November 2009					
Category	Organisation	Title	First Name	Surname	Position
Agribusiness	Agribusiness Association of Australia	Mr	John	Crosby	President
Agriculture Management	Avcare	Mr	Claude	Gauchat	Executive Director
	CropLife Australia	Mr	Lachlan	McKinnon	President
	AgSafe Limited	Ms	Frances	Cameron	Accreditation Manager
Animal Welfare	Animal Liberation	Ms	Annette	Guice	President
	RSPCA Queensland	Mr	Mark	Townend	Chief Executive Officer
	Animal Health Australia	Mr	Ralph	Hood	Chief Executive Officer
	Canine Control Council Qld	Mr	Neil	Morton	Secretary
Apiary	Australian Honey Bee Industry Council	Mr	Stephen	Ware	Executive Director
Aquaculture	Aquaculture Association of Queensland Inc	Mr	Bruce	Sambell	President
	Queensland Aquaculture Industries Federation (Inc)	Dr	Trevor	Anderson	President
Bees	Queensland Beekeepers Association	Mr	Rodney	Ruge	President
Chemicals	Aerial Agricultural Association of Australia	Mr	Phil	Hurst	Chief Executive Officer
	Australian Pesticides & Veterinary Medicines Authority	Dr	Kevin	Sheridan	Chair
	Minor Use Liaison Office	Mr	Daniel	Quinn	
	National Residue Survey	Mr	Ian	Reichstein	Manger
Chemical Use	Fertilizer Industry Federation of Australia Inc.	Mr	Nick	Drew	Executive Manager
Chicken	Free Range Poultry Association of Queensland	Ms	Ivy	Inwood	Chairperson
	Queensland Chicken Growers Association	Ms	Jenny	Johnson	Executive Officer
Commerce	Commerce Queensland	Ms	Beatrice	Booth	President
Conservation	Queensland Conservation Council	Dr	Linda	Selvey	Chairperson
	Queensland Water and Land Carers	Ms	Vickie	Webb	Executive Officer
Cotton	Cotton Australia – Queensland	Mr	Adam	Kay	Chief Executive Officer
	Biloela Cotton Growers Association	Mr	Tim	Sullivan	President
	Central Highlands Cotton Growers' and Irrigators Association	Mr	Mike	McCosker	Secretary
	Darling Downs Cotton Growers' Inc	Mr	John	Cameron	President
	Dawson Valley Cotton Growers' Association Inc	Mr	Errol	Conachan	President
	Dirranbandi Cotton Growers' Association	Mr	Greg	Nichol	President
	St George Cotton Growers' Association	Mr	Craig	Saunders	President

Dairy	Queensland Dairyfarmers Organisation	Mr	Wed	Judd	Chairman
Electricity	Powerlink Queensland	Mr	Gordon	Jardine	Chief Executive
Energy	Queensland Resources Council	Mr	Michael	Roche	Chief Executive
Exhibited Animals	Australasian Regional Association of Zoological Parks and Aquaria Queensland	Mr	Michael	O'Brien	President
Federal Government	Torres Strait Regional Authority	Mr	Wayne	See Kee	General Manager
	Australian Army Malaria Institute	Mr	Dennis	Shanks	Director
	Australian Quarantine & Inspection Service	Mr	Peter	Neimanis	
	Food Standards Australia New Zealand	Mr	Graham	Peachey	Chief Executive Officer
Fisheries	Australian Barramundi Farmers Association	Mr	Bob	Richards	President
	Freshwater Fish Stocking Association of Queensland	Mr	Les	Kowitz	President
	Queensland Crayfish Farmers Association	Mr	Robert	Walker	Secretary
	Queensland Oyster Growers Association	Mr	Tony	Carlaw	President
	Queensland Sea Scallop Ltd	Mr	Robert	Dean	General Manager
	Queensland Seafood Industry Association	Mr	Neil	Green	President
	Bundaberg and District Crayfish Farmers Association	Ms	Cecily	Wake	President
	Cairns Professional Game Fishing Association	Mr	Laurie	Wright	President
	Crab Fisheries Management Advisory Committee	Mr	Dave	Mitchell	Chairman
	Seafood Services Australia	Mr	Ted	Loveday	Managing Director
Fisheries	Sunfish Queensland inc	Mr	Dave	Bateman	Executive Officer
	Watermark Seafoods	Mr	Angus	Cameron	Chief Executive Officer
Flowers	Flower Association of Queensland Inc	Mr	Brian	Shannon	Executive Officer
	Flower Growers Association of Tropical North Queensland	Ms	Kaylene	Bransgrove	Secretary
	Central Queensland Native Flower Growers Assc	Ms	Victoria	Ross	Secretary
Food	Australian Macadamia Society	Mr	Andrew	Heap	Executive Officer
	Australia Mungbean Association	Mr	Brett	McIntyre	Secretary
	Bean Growers' Australia	Mr	Keith M	Campbell	General Manager
	Biological Farmers of Australia	Mr	Paul	Dargusch	Chief Executive Officer
	Queensland Egg Farmers Association	Ms	Ivy	Inwood	Chairperson
Food Production	Australian Lychee Growers' Association	Ms	Denise	Welch	Executive Officer
	Australian Mango Industry Association	Mr	Trevor	Dunmall	Industry Development
	AWB Limited (Qld Office)	Mr	Rick	Price	State Grain Manager
	Buderim Ginger Limited	Mr	Gerard	O'Brien	Managing Director
	Queensland Strawberries	Mr	Laurense	Grobler	Secretary

	Safe Food Queensland	Ms	Barbara	Wilson	Chief Executive Officer
Forestry	Australian Forest Growers	Mr	Warwick	Ragg	Chief Executive Officer
	Forest Enterprises Australia	Mr	Tony	Cannon	Director
Fruit	Avocadoes Australia	Mr	Antony	Allen	Chief Executive Officer
	Queensland Citrus Growers Inc	Mr	Chris	Simpson	Executive Manager
Ginger	Australian Ginger Growers Association	Mr	Cec	Davidson	President
Grain	Grain Council of Australia	Mr	Murray	Jones	President
Harvesting	The Australian Grain Harvester Association Inc	Mr	Peter	Bradley	President
Herb	Callide-Dawson Herb Association Inc.	Mrs	Sandra	Corfield	Assoc. Secretary
Horse	Queensland Horse Council Inc	Ms	Lorraine	Decker	Secretary
	Thoroughbred Breeders Queensland	Ms	Lisa	Campbell	Executive Officer
	Queensland Racing Limited	Mr	Bob	Bentley	Chairman
	Harness Racing Australia	Mr	Geoff	Want	President
	Australian Horse Industry Council	Ms	Gail	Ritchie	President
Horticulture	Growcom	Ms	Jan	Davis	Chief Executive Officer
	Brisbane Markets Limited	Mr	Andrew	Young	Chief Executive Officer
Irrigation	Queensland Irrigators Council	Mr	Ian	Johnson	Executive Officer
Lifestyle	Queensland Outdoor Recreation Federation	Mr	Todd	Samorowski	President
Lifestyle Horticulture	Queensland Turf Producers Association	Ms	Lynn	Davidson	
	Australian Centre for Lifestyle Horticulture Inc	Ms	Kathryn	Young	Executive Officer
	Australian Institute of Horticulture	Mr	Graham	Park	Secretary
	Australian Institute of Landscape Architects	Ms	Lisa	Johnston	State Manager
	Horticultural Media Association (Qld) Inc	Ms	Annette	McFarlane	Secretary
	Landscape Queensland Industry Inc	Mr	Jim	Vaughan	Executive Officer
Livestock	Australian Meat Industry Council	Mr	Kevin	Cottrill	Chief Executive Officer
	Australian Pig Breeders' Association	Mr	Neil	Higham	Federal Secretary
	Goat Industry Council of Australia	Mr	Denise	Riches	President
	Boer Goat Breeders	Mr	Barry	Ryan	Chairman
	Deer Industry Association of Australia – Qld	Mr	Rick	Galbraith	Secretary
	Emu Association of Queensland	Mrs	Carol	Schmidt	Secretary
	Queensland Livestock Exporters' Association	Mr	Don	Steele	Secretary
	Australian Livestock and Property Agents' Association Ltd	Mr	Don	Steele	Executive Officer – Northern Region
	Cattle Council of Aust Inc	Mr	Bill	Bray	President
Local Government	Local Government Association of Queensland	Cr	Paul	Bell	President

Marine Science	Australian Marine Conservation Society	Ms	Kate	Davey	Director
Meat	Chicken Meat Industry Council	Ms	Lyn	Potesil	Secretary
	Queensland Pork Inc	Mr	John	Coward	Chairman
Meat	Sheep Meat Council of Australia Inc	Mr	Chris	Groves	President
	SafeMeat	Mr	Steve	McCutcheon	Secretariat
Natural Resource Management	Desert Uplands Committee	Ms	Louise	Gronold	Desert Uplands Coordinator
Nursery	Nursery Garden Industry of Qld	Mr	Bryan	Hillier	President
Olive	Burnett Valley Olive Growers Association Inc	Mrs	Ruth	Dyer	Secretary
Pearl	Queensland Pearl Industry	Ms	Serena	Sanders	
Pest Management	Cape York Peninsula Pest Management Advisory Group	Mr	Peter	Scott	Chair
	Darling Downs Moreton Rabbit Board	Ms	Renee	Mackenzie	Chief Executive Officer
Pets	Pet Industry Association of Australia	Ms	Joanne	Sillince	Chief Executive Officer
Plants	Invasive Species Council	Mr	Steve	Mathews	Chair
	Plant Health Australia	Dr	Tony	Gregson	Chairman
	Queensland Turf Producers Association	Mr	Tony	Cross	President
	The Weeds Society of Queensland Inc	Mr	Nick	Bloor	Technigro
Ports	Cairns Port Authority	Mr	Neil	Quinn	Chief Executive Officer
	Central Queensland Ports Authority	Ms	Leonie	Taylor	Chairperson
	Mackay Port Authority	Mr	Graham	Davies	Chairman
	Port of Brisbane	Mr	David	Harrison	Chairman
	Ports Australia	Mr	Greg	Martin	President
	Ports Corporation of Queensland	Mr	Brad	Fish	Chief Executive Officer
	Townsville Port Authority	Mr	Ron	McClean	Chairman
Prawns	Australian Prawn Farmers Association	Mr	Jeff	Harrison	President
Primary Production	Agforce Queensland	Mr	Peter	Kenny	President
	Agforce Cattle	Mr	Greg	Brown	President
	Sheep and Wool – Agforce	Mr	Hugh	Miller	President
	Agforce Grains	Mr	Lyndon	Pfeffer	President
	Queensland Farmers Federation	Mr	John	Cherry	Chief Executive Officer
Conservation	Australian Rainforest Conservation Society	Dr	Aila	Keto	President
	National Parks Association of Queensland Inc	Mr	Paul	Donatiu	Executive Coordinator

Research	Meat and Livestock Australia	Ms	Elizabeth	Brown	Administration
Resource Management	Great Barrier Reef Marine Park Authority	Mr	Russell	Reichelt	Chairman
	Queensland Water and Land Carers	Ms	Vickie	Webb	Executive Officer
	Wet Tropics Management Authority	Mr	Andrew	McClean	Executive Director
	Queensland Land Protection Council	Mr	Murray	Jones	Chair
	NRM Regional Groups Collective	Mr	Mike	Berwick	Chair of the Collective
	Cape York Peninsula Development Association	Mr	John	McDowall	President
	Central Highlands Natural Resource Management Plan	Ms	Anna	Keetels	Executive Officer
	South East Queensland Healthy Waterways Partnership	Ms	Diane	Tarte	Project Director
Rural Women	Queensland Rural Women's Network Inc	Ms	Linda	Silburn	President
Stockfeed	Stock Feed Manufacturers Council of Australia – Qld	Ms	Mary	Batty	Secretariat
	Australian Lot Feeders Association	Mr	Dougal	Gordon	Executive Officer
Sugar	Australian Sugar Milling Council	Mr	Max	Craigie	General Manager
	CANEGROWERS	Mr	Alf	Cristaudo	Chairman
	BSES Ltd	Mr	Eion	Wallis	Chief Executive Officer
	Queensland Sugar Limited	Mr	Keith	Delacey	Chairman
Timber	Forest Farmers Association of Queensland Inc	Mr	Eric	Pearson	President
	Timber Queensland	Mr	Rod	McInnes	Chief Executive Officer
Tourism	Tourism Queensland	Mr	Anthony	Hayes	Chief Executive Officer
Transport	Queensland Trucking Association	Mr	Peter	Garske	Chief Executive Officer
Transport – Livestock	Livestock Transporters Association Queensland	Ms	Liz	Schmidt	President
Urban	Urban Development Institute of Australia – Qld	Mr	Brian	Stewart	Chief Executive
Veterinary	Australian Veterinary Association – Queensland	Dr	Andrew	Easton	President
Water	Sunwater	Mr	Peter	Boettcher	Acting Chief Executive
Wildlife	Wildlife Preservation Society of Queensland	Mr	Alan	Barton	President
Wine	Queensland Wine Industry Association Inc.	Ms	Sharon	Rowlings	Executive Officer
	Burnett Valley Winegrowers Association	Mrs	Paula	Greenwood	Secretary

Attachment 8 - Issues raised in submissions made in response to – *Modernising Queensland's Biosecurity Legislation* (November 2009)

Summary of submissions received with contemporary DEEDI comments provided to explain how the Biosecurity Bill 2011 addresses the issues raised.

Submitter	Key Points	DEEDI Comments
Australian Veterinary Association Growcom Canegrowers NQ Bulkports Ports Australia Agforce Queensland Beekeepers	The new legislation must be stand alone yet complementary to Commonwealth legislation, particularly relating to quarantine and movement of animals between states and territories. It must also support Queensland's/industry's commitment to national cost sharing and emergency responses plans and agreements.	Discussions with the Commonwealth and interstate jurisdictions occurred throughout the development of the Biosecurity Bill 2011 to ensure the approach taken was compatible with directions taken in contemporary national biosecurity legislation.
Australian Veterinary Association LGAQ - National Resource and Climate Change Group Queensland Energy Network Environment Forum (QENEF)	The need to define what is required by people who are dealing with biosecurity risks/carriers or potential risks/carriers and the need to spell out obligations of animal ownership in terms of – identification, containment, monitoring for diseases and containment of a disease or suspected disease. Comments were made regarding using tools such as codes of practice to enable industries to meet their responsibilities in regard to weed spread.	The Biosecurity Bill 2011 provides for the making of regulations, codes of practice and guidelines that may include details of what a person's obligations are in relation to specific activities or industries. The categories allocated to restricted matter also indicate what is required of people who deal with specific types of restricted matter. Biosecurity emergency orders, movement control orders and biosecurity zones must all state the requirements imposed upon persons in relevant areas.
Queensland Beekeepers Association LGAQ - National Resource and Climate Change Group Timber Qld	Concern regarding how a single Act could adequately deal with the diverse range of biosecurity risks and the specific needs of different industries or disciplines. In particular, there was concern that the needs of small industries may be over shadowed by large industry group needs and that current activities may be thrown out or diluted just because they don't fit the mould.	Key stakeholders and the public have been consulted at various stages of development of the Biosecurity Bill 2011. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.

Submitter	Key Points	DEEDI Comments
Conservation Volunteers Australia, Cairns Agforce Queensland NRM Collectives Gold Coast City Council	Several submissions indicated that the new legislation needs to recognise the impact that environmental weeds can have, and the risks from avian species - while these species are being identified as an extreme threat species through government pest assessment processes, the declaration and action is left to local government.	Environmental weeds are addressed in the Biosecurity Bill 2011. Management of invasive biosecurity matter will be the responsibility of local governments, however, this will not exclude local governments from working in conjunction with the State.
NQ Bulkports Ports Australia	Several specific issues were raised in relation to the application of current legislation to marine pest incursions, including the sufficiency of powers to declare a quarantine (as it requires a disease to be declared and the definition of disease does not include marine pest species) and deal with destruction of pests in a port environment.	The powers provided under the Biosecurity Bill 2011 to respond to biosecurity events apply consistently across all areas of biosecurity – including marine animals and plants and aquatic diseases, parasites and viruses. The powers include the destruction of biosecurity matter, if appropriate and required to address a biosecurity risk of sufficient magnitude.
Australian Veterinary Association BSES Brisbane City Council Queensland NRM Collectives	Need to update lists identifying organisms that are to be prohibited or restricted or notifiable and to facilitate the listing of species before significant infestation occur.	Clauses 34 and 40 of the Biosecurity Bill 2011 require the Minister to keep an up to date list on the department's website of all biosecurity matter that is for the time being prohibited matter or restricted matter. An emergency prohibited matter declaration may be made by the chief executive under clause 30 if action is required to contain and respond to an outbreak or infestation of biosecurity matter that poses a significant biosecurity risk but is not at that point in time listed as prohibited matter.
Environmental Defenders Office Agforce QENEF Queensland NRM Collectives Timber Queensland	There was support expressed for the application of the precautionary principle in the new legislation. Inability to act in situations where a pest's identity is not known was raised as an issue in relation to the <i>Plant Protection Act 1989</i> and the <i>Diseases in Timber Act 1975</i>	The Biosecurity Bill 2011 provides powers to respond to the full spectrum of biosecurity risks, both known and unknown.

Submitter	Key Points	DEEDI Comments
Limitations of the current <i>Land Protection (Pest and Stock Route Management) Act 2002</i> and areas for improvement were reported. These included:		
Brisbane City Council Gold Coast City Council Terrain Natural Resource Management Graham Hardwick (individual submission)	Section 77 places an obligation on land holders to take reasonable steps to keep their land free of class 1 and 2 pests. The legislation fails to clarify what a “reasonable attempt” is and it has not been tested legally.	Class 1 and 2 pests have been replaced with prohibited and restricted matter under the Biosecurity Bill 2011. Obligations on landholders in relation to listed biosecurity matter are clearly stated through the use of assigned ‘categories’ that relate to specific notification and other requirements. The general biosecurity obligation also applies to all persons.
Conservation Volunteers Australia, Cairns Terrain Natural Resource Management	The disposal of weed material is not addressed and weed seed prevention needs to be covered. There is a need to address the on ground requirements of weed control where declared weed material needs to be transported off site for disposal. Obligations of businesses to provide vendor declarations.	Restricted matter category number 7 relates to the release or disposal of restricted matter such as weeds. Clause 42 requires a person who is in possession of such restricted matter to not release or dispose of the matter, or to do so only in the way prescribed under a regulation, as authorised under a restricted matter permit, or if it is done by an authorised officer in the performance of their functions under the Act. This also applies to anything that is infested with category 7 restricted matter – this is particularly relevant to weed/weed seed spread.
Terrain natural resource management	Local governments should provide maps of environmentally significant areas.	This issue is not within the scope of the Biosecurity Bill 2011.
	Alignment between the <i>Dividing Fences Act (1952)</i> and the declared pest fences.	The Biosecurity Bill 2011 will not limit other legislation that is currently in force.
	Provisions allowing for the use of <i>force</i> to perform work – application of warrants provisions to effectively manage situations that involved force to perform work – e.g. when a pest controller is presented with a locked gate.	Inspectors and authorised persons will be equipped with adequate powers to achieve the purposes of the Biosecurity Bill 2011.

Submitter	Key Points	DEEDI Comments
Gold Coast City Council Brisbane City Council	Removing the sliding scale of penalty units for breaches and increasing penalty units to align with environmental offences.	Penalties for offences under the Biosecurity Bill 2011 have been determined in consultation with the Department of Justice and Attorney-General and are consistent with contemporary maximum penalties for comparable offences under other legislation, including that relating to environmental offences. Specific penalties have been assigned to different categories of biosecurity matter under a number of offences, commensurate with the level of risk associated with the offence in relation to each type of matter. For example, failure to notify regarding category 1 restricted matter attracts a higher penalty than failing to notify in relation to category 2 restricted matter.
Gold Coast City Council	Removing confusion caused by species being dealt with under different Acts e.g. ants.	The lists of prohibited and restricted matter under the Biosecurity Bill 2011 incorporate biosecurity matter that is currently listed across various current Acts. For example, all tramp ants will be dealt with under a single piece of legislation.
Gold Coast City Council	Streamlining of the permit system for all biosecurity matters and advising local government when a permit has been issued for possession of a declared invasive species.	<p>The Biosecurity Bill 2011 consolidates and streamlines processes that currently occur for similar matters across several of the current Acts regulating biosecurity within Queensland.</p> <p>Further streamlining of processes will occur during the implementation phase of the Bill and subordinate legislation.</p>

Submitter	Key Points	DEEDI Comments
Gold Coast City Council Brisbane City Council	Implementation/administration of pest survey programs could be improved. Enable a local authority to approve pest survey programs by CE rather than a local government resolution to reduce administrative burden. Extend the duration of approved inspection programs/pest survey programs conducted by local government from a maximum of 3 months to 12 months.	Biosecurity programs, which include surveillance programs, may be made under clause 222 by the chief executive (in writing), a local government (by resolution) or the chief executive and 1 or more local governments, if the chief executive officer of each local government agrees. Under clause 223, the period over which a biosecurity program is to be carried out must be limited to the period reasonably necessary for achieving the program's purpose.
Brisbane City Council	The specific requirements for environmentally significant areas should enable local governments to use the Act to control species in areas considered significant for biodiversity values.	The Bill introduces mechanisms, such as biosecurity programs (chapter 8) and biosecurity zones (chapter 5), whereby government and stakeholders can implement more effective flexible measures to prevent, control or manage particular biosecurity risks or risk activities.
Gold Coast City Council Queensland NRM Collectives	There are opportunities to use the new legislation to encourage collaboration and sharing of resources across local governments and NRMs.	The Biosecurity Bill 2011 provides for local governments to work in a collaborative manner to address biosecurity issues. For example, 2 or more local governments may adopt the same biosecurity plan (clause 62) and authorised officers may be appointed to work across 2 or more local government areas.
While the continued role of local government in implementing biosecurity related legislation was not disputed, several points were raised, including:		
Logan City Council	Lack of support for Council funding to any State entity that administers the new legislation. This is an opportunity to cease the Annual Local Government Precept Payments.	Noted. The Land Protection Fund has been continued under the Biosecurity Bill 2011. The maximum amount a local government can be required to contribute will continue to be capped through regulation.

Submitter	Key Points	DEEDI Comments
Gold Coast City Council Logan City Council	No desire for additional responsibilities or costs to be devolved to local government. Any decisions to devolve responsibility must be subject to open, fair and comprehensive dialogue and be accompanied by adequate State funding.	<p>It is not intention of the Biosecurity Bill 2011 to devolve additional responsibilities to local government.</p> <p>Clause 47 states that “The main function under this Act of each local government is to ensure that invasive animals and plants (<i>invasive biosecurity matter</i> for the local government’s area), whether or not they are prohibited matter or restricted matter, are managed within the local government’s area in compliance with this Act.”</p> <p>The wording of this clause limits the responsibilities of local governments to “invasive animals and plants” only.</p> <p>Biosecurity Queensland recognises the key role that local government and community organisations, including natural resource management bodies, and the Local Government Association of Queensland (LGAQ) play in the ongoing management of invasive plants and animals and is committed to continue to work closely with community organisations to improve the strategic approach to this issue.</p>
Queensland NRM Collectives	Many local government do not have the capacity, capability or willingness to do what is required for pest management.	The Land Protection Fund may provide for activities that assist local governments to meet their responsibilities under chapter 3 of the Biosecurity Bill 2011.
Gold Coast City Council Agforce Queensland NRM Collectives Graham Hardwick (individual) Queensland Beekeepers Environmental Defenders Office	There are issues with enforcement of the current legislation. In some instances this may be related to councillors being too close to the community. Specific comment was made in relation to the <i>Apiaries Act 1982</i> , legislation pertaining to chemical use and misuse and the <i>Land Protection Act (Pest and Stock Route Management) 2002</i> .	Under clause 236, an authorised person may be appointed across 2 or more local government areas. This may assist local governments to address the issue of authorised persons being too close to the community within which they are required to enforce the legislation.

Submitter	Key Points	DEEDI Comments
		Chemical use and misuse is no longer within the scope of the Biosecurity Bill 2011.
The role of other entities in the management of biosecurity was raised. In particular:		
Australian Veterinary Association	The role and power of private veterinarians in a biosecurity incident – veterinarians to be accredited to perform required tasks under the new legislation and there is a need to clarify the role of vets in treatment and reporting of an animal disease. This includes determining the manner in which such persons would be engaged and remunerated.	A veterinary surgeon under the <i>Veterinary Surgeons Act 1936</i> may be appointed as an inspector under clause 232 of the Biosecurity Bill 2011. An inspector's instrument of appointment, a signed notice, or a regulation may limit the inspector's powers or impose conditions upon their appointment.
NQ Bulkports Agforce	The need to provide for situations where Biosecurity Queensland seeks the assistance of other organisations in a response and including providing the mechanisms for the costs incurred by the organisation to be met was highlighted.	Under clause 76, the State may enter into government and industry agreements with the Commonwealth or another State or with industry bodies, local governments, or natural resource management bodies to help achieve the purposes of the Biosecurity Bill 2011. Such an agreement may be directed at ensuring a coordinated process for responding to a biosecurity event or sharing the costs related to a biosecurity event.
Agforce	The need to improve the capacity and speed of mounting an emergency response was highlighted as was ensuring that the requirements of various pieces of legislation can be managed in an emergency response situation e.g. animal welfare needs in a stand still situation.	The Biosecurity Bill 2011 has been drafted to complement other legislation such as the <i>Animal Care and Protection Act 2001</i> . Clause 8 relates to the interaction of the Biosecurity Bill 2011 with other Queensland legislation. It also provides for expediency of response in emergency situations by providing for the chief executive to make a biosecurity emergency order by written notice for responding to a biosecurity event (clause 99).

Submitter	Key Points	DEEDI Comments
Growcom	There was support for “overhauling” the current system for Interstate Certification Assurance (ICA), with co –regulation approaches and a move to self assessment and auditing in the inspection systems.	The Biosecurity Bill 2011 provides for the continuation of the Interstate Certification Assurance (ICA) Scheme through provisions relating to entering into intergovernmental agreements for recognising biosecurity certificates (clause 75), accreditation of persons to issue biosecurity certificates (chapter 13) and approval of auditors to conduct audits of accredited certifiers (chapter 14).
Queensland Beekeepers BSES Canegrowers	Support for continued specific industry based legislative controls for bee keeping (<i>Apiaries Act 1982</i>) and varieties for the sugar industry (<i>Plant Protection Act 1989</i> and regulations) - representations from the bee keeping industry called for continued legislative and administrative support for their industry and submissions from the bodies representing the sugar industry strongly supported continued regulatory support that provides an appropriate balance between industry self-regulation and government controls.	Regulation of the keeping of bees is provided for under chapter 6 of the Biosecurity Bill 2011. A code of practice may be drafted as part of the regulations to impose further conditions or requirements in relation to the keeping of bees. It is intended that developing the subordinate legislation will involve a similar level of stakeholder engagement as that used to develop the Bill. Biosecurity Queensland is committed to further consultation with stakeholders throughout the development of the subordinate legislation.
Growcom	Support was expressed for co-regulation through formal partnerships in areas of surveillance in major crop commodities.	Under clause 76, the State may enter into government and industry agreements with the Commonwealth or another State or with industry bodies, local governments, or natural resource management bodies to help achieve the purposes of the Biosecurity Bill 2011. Such an agreement may be directed at ensuring a coordinated process for responding to a biosecurity event or sharing the costs related to a biosecurity event.

Submitter	Key Points	DEEDI Comments
Gillian Lee (individual)	One submission called for the new legislation to make provision for farm biosecurity management plans if a landholder consistently fails to discharge their biosecurity responsibilities.	Landholders who fail to discharge their general biosecurity obligation may be issued a biosecurity order under clauses 231 or 363 of the Biosecurity Bill 2011.
Several specific comments were made in relation to the interconnection with other state legislation including:		
Australian Veterinary Association	The need to interact with the Brands Act.	The Biosecurity Bill 2011 has been drafted to complement other legislation such as the <i>Brands Act 1915</i> . Clause 8 relates to the interaction of the Biosecurity Bill 2011 with other Queensland legislation.
Environmental Defenders Office	The current overlap of legislation dealing with chemical use and misuse to protect commercial crops and stock, workers, the public and the environment.	Chemical use and misuse is no longer within the scope of the Biosecurity Bill 2011.
Logan City Council	The interface with public health dealing with exotic pests like mosquitoes.	The ongoing management of mosquitoes and the associated public health issues are outside the scope of the Biosecurity Bill 2011.

Attachment 9 – Stakeholder feedback received on release of parts of the Biosecurity Bill 2011 July 2010 to January 2011

Summary of stakeholder feedback received during consultation on the release of various chapters of the Biosecurity Bill 2011 and the DEEDI comments on the issues at the time. Contemporary updates are included in {parentheses}, as required.

Submitter	Key Points	DEEDI Comments
World Wildlife Fund (WWF)	<p>The WWF supported the inclusion of the environment and its protection as a purpose of the Bill and as a biosecurity consideration. They also asked:</p> <ol style="list-style-type: none"> 1. If terrestrial and aquatic environment could be mentioned specifically in the legislation as per the explanatory notes 2. The purpose of the Bill as listed appeared to be secondary purposes – why is protecting the environment not the primary purpose of the Bill? 3. Why has the Environmental Protection Act (EPA) not been included in clause 8? 4. How will the obligations under the Bill be implemented in relation to other Acts particularly those relevant to natural resource management? 5. Why doesn't the definition of 'deals with' include sale? 6. How will the Bill prevent the spread of biosecurity matters by livestock, products, soil, machinery etc? 7. What are the conditions applying to restricted matter? Will they be covered in later sections of the Bill? 	<p>The comments were addressed as follows:</p> <ol style="list-style-type: none"> 1. The definition of environment provided in the Dictionary includes ecosystems and natural and physical resources and the definition of land covers terrestrial land and water. Therefore it was not considered necessary to make this amendment. 2. This first part of this section addresses the framework for an effective biosecurity system for Queensland and the second addresses managing risks associated with biosecurity matter. There is no intent to apply significance rather that the 2 sections differ in meaning and were therefore drafted separately. 3. Actions taken lawfully under this Bill will not be offences under other relevant Acts. Therefore it was not considered necessary to refer to the EP Act. 4. Clause 8 explains the relationship between the Bill and other Acts that the Bill is to operate in conjunction with. There may be situations where, in dealing with biosecurity matter, an officer authorised under the Bill might otherwise commit an offence under another Act. 5. See Chapter 1, Dictionary, 'deal with' includes (l) buy, possess, supply or use the biosecurity matter. This wording addresses the sale of biosecurity matter. 6. The Bill addresses these matters as they are all 'carriers.' See Chapter 1, section 4(b) and section 5(b) and in the definition of 'carrier' in section 16. 7. At this time the conditions are listed in the Schedules for prohibited and restricted matter {note – in the final version of the Bill the conditions applying to restricted matter were included in Chapter 2 as categories of restricted matter (clause 41 - 44)}.
	<p>The lists of prohibited/restricted matters must be as comprehensive as possible. Are all the WONS included? What about the garden plants listed in the CSIRO/WWF Jumping the</p>	<p>The comments were not supported as they raised significant FLP and NCP issues, i.e. who would make the determination that a plant species would be low risk and who would do the weed risk</p>

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	<p>Garden Fence report? Will there be recognition of other States' declared weeds and pests? And prohibition of their export? We advocate the mutual recognition principle to prohibit the sale of invasive plants/pests declared by other jurisdictions.</p> <p>Will the procedure for listing biosecurity matter by regulation result in faster listing than currently (where a certain number of matters has to build up before an amendment is made)?</p> <p>Support emergency declaration powers (in relation to the emergency powers of Inspectors). What about emergency quarantine powers?</p> <p>There were a number of areas of overlap with existing scope of legislation that will require more discussion in the detail. There is also an opportunity to look at a more uniform use of key definitions across Qld legislation. We have already provided some information on this and will arrange a follow up meeting at Safe Food to address our comments on the chapters that have already been released for consultation.</p>	<p>assessment?</p> <p>The schedule outlines the biosecurity matters that are considered to be threats (as advised by Biosecurity Queensland program areas). Although not all current pests/threats are specifically listed, the Bill still gives the power to manage and/or destroy biosecurity matter or carriers. Therefore those pests that are not on the list can still be managed. The restricted matter that is the responsibility of the state and the invasive animals that are the responsibility of the LG is outlined in Schedule 3.</p> <p>A regulation may not necessarily hasten the procedure for listing biosecurity matter, unless a RAS exemption is granted. However, the Bill will provide the power to take action even if matter is not listed. See Chapter 1, section 4 (c).</p> <p>Emergency provisions (which include quarantine powers) are covered by Chapter 5. The WWF were advised to wait for the draft of chapter 5 to see if it alleviates their concerns.</p> <p>Follow up meeting was arranged to discuss concerns.</p>
Qld Conservation Council (QCC)	<p>QCC had noted that Peter Milne objected to the precautionary principle as other countries have used it as an excuse to prohibit Australian imports. That is not relevant to this legislation and is not a reason for removing the term. QCC would strongly oppose its removal for no valid reason; it is a key concept that underlies good Biosecurity</p>	<p>Noted. The precautionary principle will remain in the Bill.</p>
	<p>The Bill adopts a narrow, non-precautionary approach to declarations with its focus on prohibitions. The only feasible way to slow the entry of potential weeds into Queensland is to require a risk assessment of new introductions and permit entry only to low-risk taxa (see Csurhes et al. review and ISC background 2010). It is impractical to prohibit the thousands of potential weeds that have not yet been introduced into Queensland. Queensland should adopt the WA model of a white list approach, as has been discussed informally on many occasions.</p>	<p>The WA system does operate in this way. See the <i>Plant Diseases Regulations 1989</i>, Schedule 5 — Non-native plants that may be brought into the State, however this suggestion was not supported, as it raises significant FLP and NCP issues, i.e. who would make the determination that a plant species would be low risk? The Schedules for prohibited and restricted matter outlines the biosecurity matters that are considered to be threats (as advised by Biosecurity Queensland program areas). Although not all current pests/threats are specifically listed, the Bill still gives the power to manage and/or destroy biosecurity matter or carriers. Therefore those pests that are not on the list can still be managed.</p>

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	Should there be a stronger focus on regional approaches? For example, Clause 16 of Chapter 3 permits two or more local governments to prepare a joint biosecurity plan, but perhaps this should be more actively encouraged or required, after all, it may be ludicrous to have one local govt controlling a species that the adjoining council is ignoring.	The Bill allows LGs to keep their autonomy to deliver their biosecurity plans however they wish to do so. It is up to the LGs to determine if they will undertake a joint plan or not. However, it is a practice for some Local Governments to engage on issues that effect a number of local government areas and the Bill allows for this to occur.
	Could a biosecurity (weed and feral animal and pathogen) audit be required as a condition of sale of rural properties	Audits of properties for biosecurity matter as a condition prior to sale of rural properties is outside the scope of this legislation. Potential buyers are able to access biosecurity registers for a fee. Registers will be kept of such things as the issuing of biosecurity orders and listing of restricted places.
	The most appropriate court for prosecution of offences is the Planning & Environment Court, where there is greater prospect of judges understanding the impacts of biosecurity breaches and imposing appropriate penalties. Judges often fail to understand how serious biosecurity is.	A magistrate's court is used for the existing legislation (which will be repealed by the biosecurity legislation). Therefore this suggestion was not supported.
	The Bill appears to establish a more efficient (and hopefully faster) way of addressing biosecurity risks, and is a consolidated regime for all biosecurity and invasive species issues - both of which are commendable. Support strict liability offences. What sort of penalties are being considered?	Concerns noted. Penalties will be drafted at a later stage in consultation with DJAG.
DERM	The objectives of the Act identified in the explanatory notes (page 5) include the protection of biodiversity and the natural environment. This could at times be in conflict with other objectives of the Act where the biosecurity risk is associated with wildlife carrying/transmitting zoonotic diseases or the natural areas 'harbouring' these animals. The challenge will be to have regulatory and policy provisions that deal with these situations in ways that don't compromise either biosecurity outcomes or conservation outcomes (e.g. through effective consultation [Part 1, clause 1]) by identifying clear biosecurity obligations [Part 2, clause 3] and how these will be acted on through codes of practice [clause 4e]).	Noted. Ongoing consultation will occur with DERM across all drafts of the Bill.

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	<p>Clauses 8(4) and 8(5) identify that actions taken under the Act that constitute an offence under the Nature Conservation Act, Forestry Act, Vegetation Management Act and Fisheries Act will not be taken to be offences.</p> <p>This provision would need to be balanced by an appropriate code of practice (and other protocols) that ensured any biosecurity event was managed in a way that fully considered the impact it would have on the conservation and management of any species of protected wildlife or any protected area/significant regional ecosystem.</p> <p>Any code of practice will have to factor in impacts on 'values' that are incidental to addressing biosecurity risks (e.g. non-target species).</p>	<p>Clause 8 on Page 11 of the Explanatory notes explains the relationship between the Bill and a number of existing Acts. The Bill is to operate in conjunction with a number of Acts that regulate other aspects of the quality of primary production, human health, gene technology and biological control. There may be situations where, in dealing with biosecurity matter, an officer authorised under the Bill might otherwise commit an offence under another Act. If an authorised officer does something authorised under the Bill that would otherwise be an offence under the Fisheries Act 1994, Forestry Act 1959 or Nature Conservation Act 1992 (the 'relevant Acts') then the person is not taken to have committed an offence by reason only of doing that thing. Therefore, actions taken lawfully under this Bill will not to be offences under these relevant Acts. Therefore it is not considered necessary to refer to the EP Act.</p> <p>{Note - clause 8 was amended to restrict exemptions to the other stated Acts only in situations where there is a biosecurity emergency order or movement control order in place. This action was taken following consultation with DERM}.</p>
	<p>Clause 11 (consultation with public sector entities). Any consultation needs to be supported by formal arrangements (e.g. codes of practice) that clearly detail how relevant agencies will be involved in advising on and approving actions taken in response to biosecurity events (i.e. involving wildlife and protected areas in DERM's case).</p>	<p>Noted</p>
	<p>The development of codes of practice would be useful tools for clearly defining proactive and responsive management actions relating to 'target wildlife' such as birds identified as potential carriers of avian influenza (similar to current avian influenza protocols).</p>	<p>Noted. Codes of practice will be included in the Regulation; consultation will be conducted with all stakeholders as codes are drafted.</p>
	<p>Local governments must have biosecurity plans addressing 'restricted matter' (invasive plants and animals). Other biosecurity matters are deemed to be the State's responsibility. Where there is an issue relating to wildlife on local government land (and privately owned land for that matter) there may need to be greater clarity over who is responsible (who owns the wildlife?).</p>	<p>Local governments are responsible for managing invasive plants and animals on local government land as per the Schedule on restricted matter, while individuals on their own land have to abide by the general biosecurity obligation.</p>

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	Provisions exist under the Bill that allow 'authorised officers' to carry out surveillance and monitoring programs (Division 1) and 'interested entities' to carry out prevention and control programs (Division 2). This will allow Conservation Officers under the NCA, wildlife rangers and protected estate rangers to be approved to carry out these programs in relation to wildlife and on protected areas (Part 2 Chief Executive may appoint a public service employee as an inspector or an authorised officer). The appointment of authorising officers with specific authority relating to particular species or an individual national park could be built into a code of practice.	Noted. Codes of practice will be included in the Regulation; consultation will be conducted with all stakeholders as codes are drafted.
Terrain Natural Resource Management	The Bill has no clear management objectives for restricted matter in Qld. The <i>Land Protection Act 2002</i> use a classification system to prioritize the management objective for each weed and pest animal.	Not supported, since Chapter 1, clause 3(2) states that the 'Other purposes of the Act are to manage risks associated with emerging, endemic and exotic pests and diseases that impact upon plant and animal industries, etc.' which would include restricted biosecurity matter. While clause 4(b) states that the purpose of the Act will be achieved primarily by regulating activities involving bio matter or carriers of bio matter. This also covers restricted bio matter.
	The Bill does not include management of State land and what are the responsibilities of state agencies/corporations to manage restricted matter.	The State can not prosecute the State, however there will still need to be pest management plans or arrangements for State Lands which will manage restricted matter, as a general biosecurity obligation.
	Precepts and the land protection fund- will these still operate under the new system?	Supported. The Land Protection (Stock Route Management) Act will be repealed and replaced by the Bill (apart from the stock route issues, which will be managed by DERM).
	How will pest fences be managed?	The inclusion of pest barrier fences in the bill is still under consideration at this stage.
	Note that the Bill will be binding on government agencies as well as individuals.	Noted
	Consideration of how biosecurity obligations may need to be met during activation following any event – e.g. how to ensure awareness of what risks may exist following an event; considerations for planning outreach visits particularly; creating awareness in deployed staff, steps to take to manage obligations such as reporting/notification, identification of inspectors who can assist during recovery activities.	Noted – a matter for policy

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AQIS	<p>The Bill proposes a precautionary approach to managing biosecurity, which is unlikely to appear in the Commonwealth legislation. Any approach to managing biosecurity in a precautionary manner needs to be mindful of Australia's international obligations. In some circumstances (particularly trade related matters) these obligations may require Australia to take action to remove scientific uncertainty.</p>	<p>Ongoing consultation will be conducted with AQIS to ensure consistency between the 2 pieces of legislation.</p>
	<p>Both the Bill and the Commonwealth legislation will provide powers to prohibit and restrict matter. It will be important to ensure consistency between our respective lists and this is another area where our legal teams could work together. Similarly, an integrated approach to managing regional differences in pest and disease status will be required to ensure complementary management arrangements and compliance with international requirements.</p>	<p>Ongoing consultation will be conducted with AQIS to ensure consistency between the 2 pieces of legislation.</p>
	<p>The Bill provides a range of powers to LGs and places certain obligations on it. The new Commonwealth bio legislation will not provide explicit powers to LG or place explicit obligation upon it. It will however be possible for the Commonwealth to direct any body - including a LG, to undertake specific action in the event of an emergency.</p>	<p>Ongoing consultation will be conducted with AQIS to ensure consistency between the 2 pieces of legislation.</p>
	<p>The Commonwealth legislation will provide some similar powers to conduct surveillance and to establish bio zones for the long-term management of bio risks in relation to geographically defined areas as are contained in the Bill. The exercise of these powers will require careful implementation at the operational level to minimise overlap.</p>	<p>Ongoing consultation will be conducted with AQIS to highlight and resolve issues.</p>
	<p>The ability included in the Bill to delegate powers to an employee of the Commonwealth as an inspector is noted and appreciated. A similar power to delegate functions to State officials will exist in the new Commonwealth legislation. The Commonwealth legislation will likely set out minimum training requirements before a person can be authorised as a Commonwealth biosecurity officer. Operationally, we will need to make sure that officers delegated powers by the other jurisdiction understand the subtle legal differences in any powers they may be exercising.</p>	<p>Noted. Ongoing consultation will be conducted with AQIS to ensure consistency between the 2 pieces of legislation.</p>

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	<p>The content of the Bill is broadly consistent with the proposed approach in the new Commonwealth bio legislation and also consistent with the responsibilities set out in the Intergovernmental Agreement on Biosecurity. However there are some differences which are outlined below. In addition, it was noted that officers from Qld were given the chance to view the drafting instructions for the new Commonwealth legislation in August 2009 and that it would be valuable if our legal teams were to get together to compare our respective drafts.</p>	<p>Ongoing consultation will be conducted with AQIS to ensure consistency between the 2 pieces of legislation.</p>
	<p>While both the Bill and the Commonwealth legislation provide a framework for a risk based approach to biosecurity, there is a difference in terminology. The Bill uses 'an adverse effect on a bio consideration' as a test, while the commonwealth legislation uses phrases around 'acceptable level of risk'. It may be worthwhile considering the use of similar terminology to promote consistency between legislation and this is something our legal teams could discuss.</p>	<p>Ongoing consultation will be conducted with AQIS to ensure consistency between the 2 pieces of legislation.</p>
	<p>The Commonwealth legislation will provide a broad range of options to manage goods that pose an unacceptable bio risk, including powers to gather information, enter premises, inspect and direct goods to be treated, exported, detained or destroyed. It was noted that the proposed provisions in the Bill currently provide for the destruction of things that pose a bio risk but are silent on other options. You may wish to consider broadening the range of options available in your legislation if this is not already included in other parts of the draft not yet provided to us.</p>	<p>Ongoing consultation will be conducted with AQIS to ensure consistency between the 2 pieces of legislation.</p>
	<p>It was noted that contaminants are included in the Bill and that this definition will cover anything that may be harmful to animal or plant health, or poses a risk to a bio consideration, which is not intentionally added to food. The current Quarantine Act 1908 does not cover contaminants and the approach to dealing with contaminants in the new Commonwealth legislation is not yet settled.</p>	<p>Ongoing consultation will be conducted with AQIS to ensure consistency between the 2 pieces of legislation.</p>
	<p>It was noted that the Bill provides for a range of criminal sanctions. The new Commonwealth legislation will broaden the compliance and enforcement of tools available to influence desirable behaviour. It will include a range of administrative, civil and criminal sanctions in line with current Commonwealth policies as outlined in the Guide for Framing Commonwealth Offences, Civil Penalties and Enforcement Powers.</p>	<p>Ongoing consultation will be conducted with AQIS to ensure consistency between the 2 pieces of legislation.</p>

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	<p>Consistent with the cooperative principles outlined in the Intergovernmental Agreement on Biosecurity, it will be important for both our legislation to permit information sharing to occur between us. The Commonwealth legislation will be including provisions to permit information sharing where it is related to a purpose covered by legislation.</p>	<p>Noted and agreed that information sharing will be necessary. Ongoing consultation will be conducted with AQIS to ensure consistency between the 2 pieces of legislation.</p>
<p>Condamine Alliance</p>	<p>There should be a part of the requirement that the programs take account of the nature of the weeds or hazard that is under control. For instance plants all have different seed bank lives which need to be planned for. Therefore the proof should detail the original infestation, seed life and timeframe to non infestation</p>	<p>Not supported. The chapter on investigation and enforcement, at clause 2 outlines the details that need to be included in the authorisation of a surveillance program, which makes the program specific to the nature of the biosecurity matter, including the timeframe for taking actions.</p>
	<p>If all people now have a general obligation to protect biosecurity considerations from biosecurity risks, will BQ supply maps of the location of matter listed in the schedule to inform people of where their obligation can start and finish? How will other obligations be communicated?</p>	<p>Clause 15(4) of Chapter 6 (Biosecurity zone regulatory provisions and movement control orders) states that the chief executive must ensure that biosecurity zone regulatory provisions are published in full on the internet as soon as practicable after they are gazetted.</p> <p>Additionally, clause 4 of Chapter 1 outlines how the purposes of the act are to be achieved (by providing for regulations about guidelines or codes of practice etc). Therefore Biosecurity Queensland and LGs will provide advice to the public regarding how people can meet their general obligation i.e. by ensuring the general public are aware of their general obligation and that they need to advise the department that they have, or suspect that they have biosecurity matter on their property. Other tools such as industry codes of practice will detail the practical steps landowners can take to manage/rid biosecurity matter on their land. As part of the implementation of the Bill and Regulation intensive training and awareness programs would be run that are accessible to all so that they can understand their general obligations.</p>
	<p>Is it the intent to allow suitably qualified people from outside government and local government to become inspectors and be appointed? A person who has worked for Biosecurity Queensland for a number of years in the field would have the experience no matter who has them employed. The organisation should then be able to show their credentials to the Chief Executive and be appointed.</p>	<p>The type of person that can be appointed as an inspector under the Biosecurity bill includes a person who performs functions related to matters about biosecurity under a law of another country and a person or member of a class of persons prescribed under a regulation.</p>

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	Appointing inspectors - Will the qualification requirements be published to allow public comment and to allow people to apply to be an inspector.	The chief executive may appoint a person as an authorised person only if satisfied the person is qualified for appointment because the person has the necessary expertise or experience. No other specification regarding the qualification requirements is stated. In addition the chief executive may appoint a person or member of a class of person prescribed under a regulation. Therefore a member of the general public could be appointed as an authorised person if the chief executive is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.
	Given there are new local government boundaries since amalgamation, the dates for local government area pest management plans should have their published date of expiry publicly stated in the bill application so it is clear to the public which plan is the correct one to be using.	Not supported as the existing LG pest management plans in place will continue until their original expiry dates and will cover the original areas mapped in the plans. Therefore amalgamated councils can use their existing plans (from pre-amalgamation) over the originally mapped areas until they expire.
	There is danger that the community may not be aware or be made aware that the local government is using one process to satisfy two processes in order to show delivery to clause 17. There should be a consideration that the CEO should show that the community has been made aware that the purpose of one plan will be used to fit the purpose of another	Not supported. As s125 of the <i>Local Government (Finance, Plans and Reporting) Regulation 2010</i> , states that the local government must engage with the community, in a way that is consistent with the community engagement policy, to identify and prioritise the planning themes on which the development of the long-term community plan is based. In addition, s104(7) 2009 of the Local Government Act, states that a LG must annually conduct, and report on the results of, a review of the implementation of the long-term community plan. Therefore the community would be made aware of the plan used by the LG.
	Who has the role that is identified on the person? Is it the state or an individual that must report and notify as an obligation, e.g. the reportee or reporter?	Noted. It is the individual that has the obligation to report prohibited matter to an inspector. This is specified in Chapter 2, clause 9 (2).
	<p>The main purposes of this Act are:</p> <p>(a) to provide a framework for an effective biosecurity system for Queensland that—</p> <p>(i) helps to minimise biosecurity risks.</p> <p>Consider adding an additional point regarding the <u>identification of the process that would be used to identify risks</u> posed by specific biosecurity matter.</p>	<p>Noted.</p> <p>The legislation cannot specifically deal with this matter, as the Bill provides the power to undertake risk based decision making, not the principles of risk based decision making. The application of the tools within the Bill is at a policy level, as the Bill will not state how risk assessments are to be done, however the government will document their decision making as best practice for accountable and transparent decision making.</p> <p>This process does not need to be legislated but can sit out of the legislation.</p>

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	The definition of 'carrier' needs to include natural events such as wind which is a distribution system, as well as birds, which should also be listed as a carrier.	Not supported. The definition of 'carrier' includes any animal (therefore a bird is included in the definition). Part of the intent of the Bill is to regulate carriers and take actions to ensure they do not increase the biosecurity risk to biosecurity considerations (one of which is the environment). It would be impossible to regulate the wind or tide, however actions could be taken to stop biosecurity matter being intentionally transported e.g. give an order to stop a plane from flying infected fruit into the state, etc. Therefore it is not considered appropriate to amend the definition to include these specific examples.
	The definition of 'Stock' should include fish as one of the stock products in the environment	Comment not supported. The Bill does not use the term stock but refers instead to biosecurity matter. Biosecurity matter is defined in clause 14 of the Bill and fish are covered under this term The Bill gives the power to manage and/or destroy biosecurity matter or carriers (which includes an animal or plant).
	This is a serious watering down of some of the current threats and there is no listed 9 condition applying to invasive plants and animals which are under local government responsibility.	The schedule outlines the biosecurity matters that are considered to be threats (as advised by Biosecurity Queensland program areas). Although not all current pests/threats are specifically listed, the Bill still gives the power to manage and/or destroy biosecurity matter or carriers. Therefore those pests that are not on the list can still be managed. The restricted matter that is the responsibility of the state and the invasive animals that are the responsibility of the LG is outlined in the Schedule 3. In keeping with the existing laws, there is no mandatory requirement to kill invasive plants and animals, however people still need to abide by the other conditions e.g. to notify and inspector of the presence of restricted matter in certain cases.
	Chapter 2 - Section 12 refers to 'deal with' which stops a person selling restricted biosecurity matter, etc however this seems to be duplication of part of the conditions in the schedules.	Noted. Clause 12 will be considered and may be removed from the Bill {note – clause 12 was removed from the Bill}.
	Missing electric ants, red imported fire ant, yellow crazy ant.	The Alliance were informed that electric ants, red imported fire ant, yellow crazy ant are listed as restricted matter which the state is responsible for managing and are under the heading of tramp ants.
	A number of plants and animals are missing from this list including African love grass, buffel grass, cotton weed, coolatia grass, kikuyu, green panic, lippie, paspalum, mist flower, wild olive, serrated tussock, the cane toad, camels, donkey, brumby, European carp, and talarpia.	Serrated tussock is listed as an invasive plant while Carp and Tilapia are listed as a restricted matter under the noxious fish heading. Although not all current pests/threats are specifically listed, the Bill still gives the power to manage and/or destroy biosecurity matter or carriers. Therefore those pests that are not on the list can still be managed.

Submitter	Key Points	DEEDI Comments
Nursery Garden Industry of Queensland	Like to see 'market access' explicitly referred to within the Bill.	Noted and agreed. Supporting market access is one of the purposes of the Bill (chapter 1, (3)(1)(c)).
Growcom	Discuss market access issues and an appropriate level of power the State will have over the industry through this legislation.	Noted and agreed. Supporting market access is one of the purposes of the Bill (chapter 1, (3)(1)(c)).
LGAQ	<ul style="list-style-type: none"> • Include 'ecosystem function' in section 3(2)(iii). • Include a definition of 'built environment' based on a physical building. • Section 3(2) consider including a definition of 'social amenity' and mention the term 'social amenity' in the purposes of the Act. • Section 11 – Amend to include 'collaboration' as it is considered critical for co-ordination and an integrated approach under the Bill, and consider providing the example that all codes of compliance must undergo consultation with all relevant parties. • Section 3 – Amend to include 'collaboration' for the reason given above. 	These comments will be provided to the drafter for consideration.
	Chapter 2 Part 4 states there will be no review process. I understand why that is there but do wonder about no review at all. Is it reasonable that no review process exists at all?	Identified as an FLP. {Note - justification of FLP's are included in the Biosecurity Bill 2011 Explanatory Notes}.
	Long term community plans are not considered an appropriate plan to address the management of restricted matter, since these plans are high level and too strategic and will not meet State requirements of a LG pest management plan.	Noted. This clause will be examined. {Note - community plans are no longer part of the Bill}.
	In section 2(a), check if the term matters instead of matter should be used i.e. can matter mean more than one under the Acts Interpretation Act?	The intent of Acts Interpretation Act was checked and results will be forwarded to drafter for inclusion in future drafts of the Bill.
	Prevention and Control Program – amend to allow local governments, as well and the chief executive of the Department to be able to undertake these programs (this is the intent of the Ex notes).	Considered and agreed – to be included in Chapter 8 of the Bill

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	<p>There is concern regarding how different levels of risk will be managed within the Bill e.g. how will the government weigh up the risks of an immediate high impact biosecurity event vs. a long term corrosive risk which would have ongoing impacts on local governments?</p> <p>The long term approach to responding to, and the management of risk assessment should be specifically stated in the purposes of the Bill as factors to be considered within the risk based framework in Chapter 1, section 3(2). In addition, section 4 should refer to reviewing decisions in terms of outcomes for long standing pests.</p>	<p>The legislation cannot specifically deal with this matter, as the Bill provides the power to undertake risk based decision making, not the principles of risk based decision making. The application of the tools within the Bill is at a policy level, as the Bill will not state how risk assessments are to be done, however the government will document their decision making as best practice for accountable and transparent decision making.</p>
Community Recovery, Department of Communities	<p>Impacts on recovery workers regarding meeting the general biosecurity obligations and the need to consider awareness raising, steps required to manage these during an activation and training for staff</p> <p>Note reference to “emergency declaration” in the dictionary. Further clarification of how such declarations may be made and what extent of recovery activation is required following the declaration will assist in determining what impacts there may be for the department’s recovery obligations. This includes consideration of interaction with the Disaster Management arrangements etc.</p>	<p>Noted but is outside the scope of the purpose of the Bill. Can be done with policy if required.</p>
	<p>Consideration of impacts of the bill across the department and knowledge of the requirements that need to be met:</p> <ul style="list-style-type: none"> • Department as landholder – facilities management, buildings management, sport and recreation centres, housing • Aboriginal and Torres Strait Islander cultural considerations • Cultural considerations for people of other cultural backgrounds • Consistency with legislation • Staff movements and awareness of general provisions 	<p>Noted. Consultation with the Department of Communities will be undertaken for all future drafts.</p>

Submitter	Key Points	DEEDI Comments
	<ul style="list-style-type: none"> • Very broad coverage and intent for the bill • Relationship between “biosecurity events”, Qld Disaster Management arrangements, applicability of SDRA/NDRRA assistance to support recovery • Recognition of potential for community recovery workers to become/use carriers of biosecurity matter following an event e.g. vehicles, packages, clothing etc therefore a need to consider steps that may need to be taken in these instances. Also need consideration of how these risks can increase following various disaster events e.g. mould from flooding etc • Interaction (at local government level) of various planning activities where consideration could be given to considering the biosecurity implications of recovery activities (e.g. community plan, local recovery plans, biosecurity planning) and risk mitigation/reduction 	<p>Noted. Consultation with the Department of Communities will be undertaken for all future drafts.</p>
	<p>Definition of “social amenity” – in order to consider impact on community recovery activities following an event</p>	<p>It is not considered necessary to re-define 'social amenity' to consider the impact on community recovery activities.</p>
Qld NRM Groups Collective	<p>Concern over the lack of capacity or willingness of Local Governments to use their regulatory pest control powers. Perhaps those powers could be transferred to the Department?</p>	<p>Noted, but not supported, as LGs will continue to have a role in managing invasive plants and animals. This role will not be adopted by Biosecurity Queensland.</p>
Canegrowers and BSES Sugarcane	<p>The sugar industry detailed the key legislative controls that the new Act needed to provide the industry. These are:</p> <ul style="list-style-type: none"> • Effective incursion response • Controls on the entry into Qld of sugarcane plant pests • Control on the movement of sugarcane within Qld • Legislation to force/allow the removal of infested crops • Controls on the varieties of sugarcane that can be grown within Qld • Other sugarcane industries starting up that do not supply sugar mills and are therefore not subject to the same controls as the rest of the industry 	<p>The sugar industry raised these issues after the first exposure draft was released for comment. More discussions will be held with the industry to resolve concerns relating to emergency response, movement and entry controls and removing infested crops by detailing the capacity of the legislation to deal with these matters.</p> <p>The industry is also concerned that the rise of other sugar related industry (such as Biofuel) that use cane but are not supplying mills are not subject to the same contractual controls (used by the industry to limit varieties) as those growers that supply mills. The industry were concerned that future response capabilities of the Act needed flexibility to cover any future problems. It was explained to them that the Bill provides the power to take action under many different instruments that cover this issue. The Industry were satisfied with this response.</p>

Submitter	Key Points	DEEDI Comments
		<p>The outstanding issue of controls on the sugarcane varieties grown within the state is still being resolved through ongoing facilitated discussions with the industry so that Biosecurity Queensland can understand what the industry requires before the Regulation is developed.</p> <p>Biosecurity Queensland also met with other sugarcane industry stakeholders such as sugar milling groups/councils and ACFA to consult with them on the proposed biosecurity legislation.</p>
	<p>The sugarcane industry representatives explained that the existing 'approved plant variety' list, as referred to in the Plant Protection Act 1989, states that no other varieties can be utilised within a PQA, besides the ones on the approved plant variety list.</p> <p>This current approach and process of listing 'approved varieties' has had problems due to several requests from sugarcane growers seeking new additions to the list that may have a biosecurity risk. Therefore it was decided that the existing process of listing 'approved varieties' would no longer continue under the proposed biosecurity legislation.</p> <p>However, the biosecurity of the sugarcane industry relies heavily upon the current PQA's, or zones which have been developed to ensure regions remain free of particular pests and that only certain pest resistant varieties of plants can be grown in each PQA</p>	<p>Two solutions were discussed at the meeting to solve this problem:</p> <p>1) BSES will continue to test varieties of plants and recommends to the regional groups the varieties that meet all of the industry criteria, with biosecurity being just one of the criteria. Those regional groups will then request BQ to have these varieties (which are ready for production) added onto the 'approved list'. Only those varieties on the 'approved list' are to be planted in a particular PQA/zone.</p> <p>OR</p> <p>2) BSES will continue to test varieties against biosecurity (and other) criteria and only those that do not pass the biosecurity criteria will be suggested to Biosecurity Queensland via the regional groups for inclusion onto the list of 'prohibited varieties' for a particular PQA/zone. Only those varieties that are untested or that did not pass the biosecurity criteria cannot be planted in that PQA/zone. The remaining varieties can be planted.</p> <p>If zones are indeed necessary for the sugarcane industry under the proposed biosecurity legislation, then Biosecurity Queensland will need to undertake a cost benefit analysis of each zone to ensure that the zone would not impact on trade or other aspects of national competition policy.</p> <p>Biosecurity Queensland is waiting for further advice to come from the industry before this matter can be finalised.</p>

Submitter	Key Points	DEEDI Comments
	<p>Best practice environmental legislation provides for third party rights of enforcement (eg. The EPBC Act 1999, the Environmental Protection Act 1994 and the Nature Conservation Act 1992). Third party enforcement gives “teeth” to public law.</p> <p>As government lawyers are typically very risk averse and often advise against prosecutions including many that might succeed. The end result is that penalties are often not feared because they are seldom enforced. If one farmer can prosecute another for not controlling parthenium there will be better observance of the laws .</p>	<p>Not supported. It is the responsibility of the council to enforce fines for breaches under the Act regarding invasive plants and animals. The Bill is not intended to limit the civil rights of individuals.</p>
Safe Food Production Qld	<p>It was noted that a number of matters will not be included such as animal welfare and some matters covered in Fisheries legislation. This item of work will need to stay on the agenda for the Senior Officers Working Group meetings so we can discuss progress with a shared understanding of the impact of the Bill and to give consistent briefing to others on the key issues.</p>	<p>Noted.</p>
DJAG	<p>DJAG made the following comments on the first exposure draft of the Bill:</p> <p>We note that the Bill gives rise to a number of fundamental legislative principle issues which will need to be identified and justified in the Authority to Introduce submission and Explanatory Notes for the Bill. These include:</p> <ul style="list-style-type: none"> - appropriateness of delegation of legislative power/sufficient parliamentary scrutiny (e.g.. clauses 18 and 19) - reversal of onus of proof (clause 14) - judicial warrant for entry, search and seizure - administrative power should be subject to appropriate review (e.g.. clause 15) 	<p>DEEDI will continue to consult with DJAG on all relevant issues and on the drafting of particular matters.</p> <p>FLP’s will be identified and justified during the development of the legislation.</p>
	<p>We also note that that the Bill does not yet include the penalties for a number of offences</p>	<p>Penalties will be included in subsequent drafts.</p>
	<p>With regard to the proposed Compensation Policy, we note that the Policy will not affect existing common law rights and that the Bill will include appropriate review/appeal mechanisms Please let us know if we can be of any assistance during drafting of the review/appeal provisions. It is generally appropriate to have both internal and external review of administrative decisions.</p>	<p>Noted</p>

Submitter	Key Points	DEEDI Comments
Pest Animal Management Qld	Absentee landowners who do not manage wild dogs on their properties negatively affect the adjacent communities from the inaction.	Noted. The Bill requires that all persons have a general biosecurity obligation to manage restricted matter on their properties including wild dogs.
	State Government owned/managed lands such as water authorities do not receive funding to manage pest animal populations on their lands. Again a lack of action affects the neighbouring communities.	Noted. This is outside the scope of the Bill, as no additional funding will be provided to manage pest animals on state owned lands.
	Trapping - concerns over animal welfare issues. Recommends restricting supply of foothold traps to accredited persons, banning the use of steel jawed traps in Qld, encouraging use of rubber jawed foot-hold traps as the preferred trap type option, encourage small acreage property owners to contact the local Council for trapping assistance rather than purchase their own traps, and educate the public to ensure that animal welfare is a high priority when setting traps.	Noted. This is outside the scope of the Bill, as it is an animal welfare issue.
	De-sexing of domestic dogs should be mandatory as large crossbred wild dogs are becoming more common.	Noted. This is outside the scope of the Bill
	The 1080 baiting programs - issues include that they are hard to acquire, the use provides an instant visible result i.e. a dead dog carcass, the preferred method of baiting i.e. attaching by wire and the retrieving of baits is time consuming, urban sprawl is restricting where baits can be placed on established grazing/farming properties. Recommendations to improve the effectiveness of 1080 baiting programs includes providing assistance to land owners with identifying 'best placement' locations on their property and encouraging property owners to pre-feed at selected locations week or two prior to placing the baits.	Noted. This is outside the scope of the Bill, as it is an animal welfare issue.
	Enforcement of the Land Protection (Pest and Stock Route Management) Act 2002 - Rarely property owners (especially absentees) are forced to comply with their obligations as a land owner under the Act, even when they are issued with a notice to control the wild dogs on their properties.	Noted. The Bill requires that all persons have a general biosecurity obligation to manage restricted matter on their properties including wild dogs.

Submitter	Key Points	DEEDI Comments
	<p>The following are important aspects of the BCC wild dog management program - community consultation, community awareness programs, use of soft catch rubber-jawed foothold traps, database of all wild dog captures/sightings, all trap site locations recorded by GPS, photo identification of all captured animals, notification of all adjoining property owners prior to the commencement of management program, 1080 baiting programs not used.</p> <p>I think the provisions for compliance are pretty strong and are an improvement on the current legislation. Andrew Drysdale, CEO of Qld NRM Groups Collective (Toowoomba) advised on 15/9 that he "Agrees but also need to determine if compliance should stay with Local Govt."</p>	<p>Noted but outside the scope of the Bill.</p> <p>Noted. Local governments will continue to be responsible for managing invasive plants and animals listed and highlighted to be the responsibility of the local government, in the Schedules for prohibited and restricted matter.</p>
Indigenous Policy and Performance Branch ATSI, Department of Communities	The Aboriginal and Torres Strait Islander Services within the Department of Communities has no specific concerns with regard to the first four chapters provided for comment. They advise that they are looking forward to seeing the next instalment.	Noted
QSIA (at a BRG meeting)	<p>Suggested to check with DERM regarding definition of where the Great Barrier Reef boundary starts.</p> <p>Check boundaries of the State's biosecurity responsibilities under the Bill – the boundaries of the watermark that outline the area of the state's responsibilities.</p> <p>What happens if biosecurity matter occurs within a Queensland managed fishery within Commonwealth waters (like the east coast fin fishery)? Is this addressed by the state via the Fisheries Act 1994 or by the Commonwealth Quarantine Act?</p>	<p>GBR boundaries well mapped and clear in several documents so it is unnecessary to seek information from DERM.</p> <p>State boundaries are defined and change according to the location (east coast, Torres Strait, The Gulf). No need for the Bill to define.</p> <p>The National Environmental Biosecurity Response Agreement (NEBRA) provides details how the state and commonwealth share costs and cooperate if a biosecurity incident, such as a marine pest, were to occur.</p>
Agforce (As part of the BRG)	What happens if there is a conflict between the Land Protection Act and the Aboriginal Cultural Heritage Act 2003 and/or the Torres Strait Islander Cultural Heritage Act 2003 regarding certain plant species growing within a culturally significant area and the fact that it is a 'declared pest'.	<i>Aboriginal Cultural Heritage Act 2003</i> and/or the <i>Torres Strait Islander Cultural Heritage Act 2003</i> checked for inconsistencies with the Bill and none were identified.

Submitter	Key Points	DEEDI Comments
	<p>Who pays for fencing waterways if a mining company discharges dirty water that is then drunk by cattle downstream? When does it become a DERM issue and when does it become a biosecurity issue?</p>	<p>Advised that subsequent chapters of the Bill would deal with this issue – biosecurity orders and cost recovery would be used by Biosecurity Queensland to fix the issue. DERM could charge the mine under the EP Act for causing environmental damage.</p> <p>Advised to check future exposure drafts and if not satisfied to raise the issue again.</p>
	<p>Agforce suggested to consider the biosecurity and animal welfare issues in the situation if Queensland Transport stopped a cattle truck e.g. BQ staff would want trucks directed to a relatively secluded area so that the cattle could remain quarantined, while the welfare staff would want to ensure the cattle are unloaded safely and are fed, watered and allowed to rest as necessary.</p>	<p>Animal welfare issues are outside the scope of the Bill.</p>
	<p>How long would it be necessary to keep an animal alive after seizing it for evidence purposes? Welfare issues would need to be taken into account for seized animals, while a sample of plants could be taken to the Herbarium to be identified prior to destroying the remaining pest plants.</p>	<p>These timeframes will be maintained as they currently are: Animal 28 days as per s152 of the ACPA, and 6 months for plants or until the end of the prosecution, as stated in s272 of the Land Protection (Pest and Stock Route) Management Act.</p>
<p>North Queensland Bulk Ports Corporation</p>	<p>Clarify the monitoring of marine pests between the State and Federal governments, i.e. the different roles and who pays for the actions taken.</p>	<p>The National Environmental Biosecurity Response Agreement (NEBRA) provides details how the state and commonwealth share costs and cooperate if a biosecurity incident, such as a marine pest, were to occur.</p>
<p>RSPCA</p>	<p>The question of judging whether someone has fulfilled their obligation under the law particularly when there is no prescribed code to guide that judgement. How will that judgement be made and who will make it? I know that the law often uses the concept of reasonableness and that this is almost impossible to define. It just seems to me that the reasonableness may depend on the risk and the context.</p>	<p>Noted</p>

Submitter	Key Points	DEEDI Comments
PC Milne - BQMAC	Regarding the 'on farm biosecurity' discussed at the last BQMAC, Peter has done a little checking and AHA, government and the relevant industry members are about 98% of the way to signing off on a completed 'Grazing Industry Farm Biosecurity Manual' which will cover alpacas, sheep, goats dairy, and beef etc and includes material from PHA on some weed pests. It sounds a big improvement on the species specific material prepared 7 or 8 years ago. There are also moves to include compliance with the manual with on farm QA such as LPA. Most of the intensive industries are probably well ahead of this.	Noted, manuals such as codes of compliance or management plans may be considered as tools under the Bill. Passed to the Regulation team for future reference.
	Support the intent of Chapter 1, Part 2 section 4(c), however it's only the words in parenthesis (the precautionary principle) that causes a little concern.	Noted, but the precautionary principle will allow Biosecurity Queensland to take necessary actions in situations where the biosecurity matter remains unidentified, but there is a reasonable belief that if action is not taken there is or will be a biosecurity event if no action is taken.
Brian and Gael Norton	Submission notes that there is enough evidence available to indicate that the keeping of domestic rabbits does not pose a threat to the Queensland or Australian environment.	No change to current policy.
	The submission refers to several media articles and petitions (Mr Shane Knuth, Member for Dalrymple MP took forward a petition on this matter in Feb 2010) and articles from other states outlining that the concerns about domestic rabbits escaping would lead to the increase in the pest rabbit population is unfounded as the farmed domestic rabbit is a total different phenotype to the wild rabbit. The submission also outlines that all other states are allowed to keep domestic rabbits.	
	It was noted that native fauna in wildlife hospitals need to be fed rabbits prior to release for their proper nutrition, however a permit to keep rabbits as a food source during the rehabilitation and prior to the release of birds cannot be obtained by the Eagles Nest Wildlife Hospital under current legislation. This puts the organisation under a great deal of financial stress when it buys dressed rabbits from interstate. It is requested that the new biosecurity legislation be drafted to bring Qld into legislative line with other states by allowing the residents of Qld to keep, breed and farm domestic and farm breeds of rabbits.	

Attachment 10 – Consultation Meetings – Exposure Draft

Stakeholder Forum Schedule

Biosecurity Queensland representatives:

- Kareena Arthy, Managing Director
- Sandra Golding, Executive Director Strategy and Legislation

Rockhampton – Monday, 2 August 2011

- Fisheries, DEEDI
- Banana Shire Council
- Rockhampton Regional Council
- Gladstone Regional Council
- North Burnett Regional Council
- Capricorn Pest Man Group

Toowoomba – Wednesday, 10 August 2011

- Biosecurity Queensland
- DEEDI
- Toowoomba Regional Council
- Lockyer Valley Regional Council
- Southern Downs Regional Council
- Western Downs Regional Council
- North Burnett Regional Council
- Somerset Regional Council
- Scenic Rim Regional Council
- Condamine Alliance
- DLG&P
- Regional NRM Groups
- Qld Murray Darling Committee

Townsville – Friday, 12 August 2011

- Biosecurity Queensland
- AgriScience Queensland
- McKinlay Shire Council
- Whitsunday Regional Council
- Townsville City Council
- Burdekin Shire Council

Cairns – Thursday, 18 August 2011

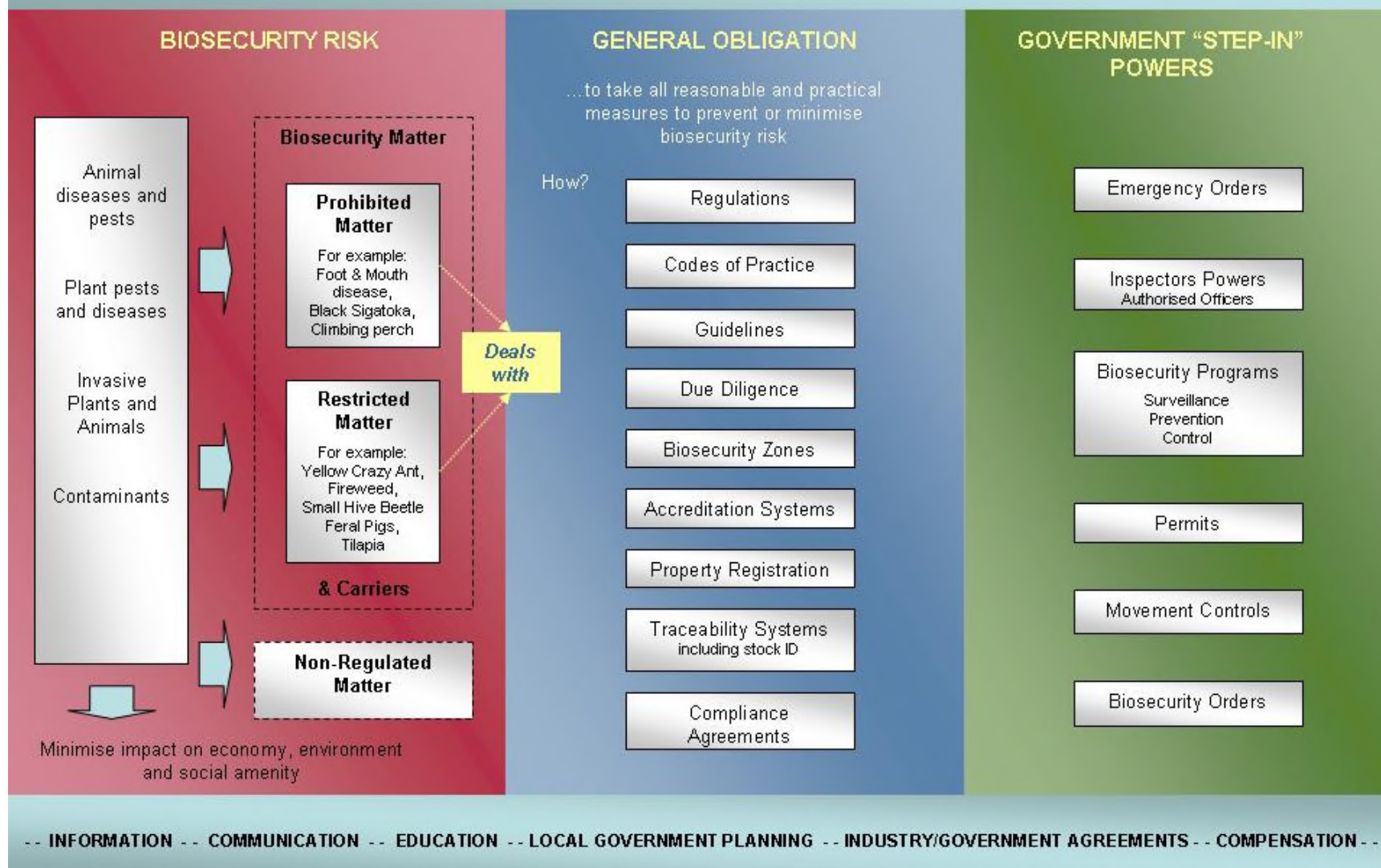
- Biosecurity Queensland
- Fisheries, DEEDI
- Cassowary Coast Regional Council

Brisbane – Friday, 19 August 2011

- Biosecurity Queensland
- DERM
- DEEDI
- Moreton Bay Regional Council
- Ipswich City Council

- Redland City Council
- Logan City Council
- Brisbane City Council
- Gympie Regional Council
- Sunshine Coast Regional Council
- Gold Coast City Council

BIOSECURITY BILL FRAMEWORK



Attachment 12 – Comments on Exposure Draft of the Biosecurity Bill 2011

Summary of stakeholder feedback on Exposure Draft including how issues have been addressed in the Biosecurity Bill 2011 or will be addressed in the development of the subordinate legislation.

Local government

Overall Local Government was supportive of the structure of the Exposure Draft of the Biosecurity Bill 2011 (the Bill) and commended Biosecurity Queensland for the collaborative process undertaken during the development of the Bill. There was universal support for the General Biosecurity Obligation. There were questions regarding interpretation of clauses most of which can be easily addressed through feedback.

Four councils called for the Land Protection Fund to be abolished and allow councils to use those funds within their local areas to deal with invasive plants and animals. The main reason for this was the belief that the return on the funds invested was very limited. The other major area of concern was the perception that the clauses in the Bill which define the role of Local Government and the State would allow the State to shift more responsibility to Local Government.

Key issues	Response	Stakeholder
Underlying principles – general biosecurity obligation, shared responsibility – overall there was support for the general principles underpinning the Bill. Most commended the review and the structure of the Bill	No issues to address.	Brisbane City Council, Cassowary Coast Regional Council, Far North Queensland Regional Organisation of Councils, Local Government Association of Queensland (LGAQ)
Land Protection Fund - disproportionate return for contribution, abolish and allow Local Government to administer in area; and lack of clarity in how it is spent.	The Bill provides for the continuation of the Land Protection Fund. These concerns were acknowledged and commitments made to amend the Exposure Draft to improve the level of consultation regarding the activities to be funded by local government through the fund. Clause 66 was included in the Bill to specifically address this concern.	LGAQ, Cassowary Coast Regional Council, Mackay Regional Council, Moreton Bay Regional Council, Townsville City Council
Clarification of role – role not defined sufficiently.	Clause 47 of the Bill limits the responsibility of local governments to “invasive animals and plants”.	LGAQ, Gympie Regional Council, Ipswich City Council

Key issues	Response	Stakeholder
Implementation of the Bill – recognised the significance of the education and training required to implement the Bill and questioned resources available.	Noted. It is recognised that this is the biggest legislative reform within the primary production portfolio in the past 50 years and the largest reform of biosecurity legislation in the State's history.	LGAQ, Far North Queensland Regional Organisation of Councils, Mackay Regional Council, Moreton Bay Regional Council
Development of subordinate legislation – indicated Local Governments want to be part of the development.	The subordinate legislation will be formally developed following the passage of the Bill. This will be a significant exercise of almost the same magnitude as the Bill. Whilst some of the regulations will be technical in nature, the nature of codes of practice and guidelines means that stakeholders must be involved in the development of subordinate legislation.	Far North Queensland Regional Organisation of Councils, Redlands City Council
State owned land – looking for greater accountability from State Government but the Bill has delivered less.	<p>In the case of the Biosecurity Bill, the Bill expressly binds the Crown and, to the extent the legislative power of the Parliament permits, the Commonwealth and other States. The Bill goes on to provide that while the Bill binds the Crown, the Commonwealth or a State cannot be prosecuted for an offence against the Bill.</p> <p>Biosecurity Queensland, in consultation with other government agencies, has developed a new draft State Land Pest Management Framework as a non-legislative approach to the issue of invasive plants and animals on State land. The framework is currently in its final stages of consultation with LGAQ and BQMAC.</p>	LGAQ, Ipswich City Council
Infringement notices – provides an easy mechanism for councils to enforce the Bill.	The implementation of infringement notices will be explored further with the development of the subordinate legislation.	Burdekin Shire Council, Cassowary Coast Regional Council, Mackay Regional Council, Townsville City Council, Whitsunday Regional Council

Industry and other stakeholders

Stakeholder	Key issues	Response
Horse industry <ul style="list-style-type: none"> Racing Queensland Limited Queensland Horse Industry Collective 	<p><i>Support for the Bill</i> Racing Queensland is generally supportive of government initiatives, through legislation or otherwise, to address threats to the racing industry. The outbreaks of Hendra virus recently are a timely reminder of the risk to their equine codes in particular. They are very conscious, however, of the potential impact on the efficient operation of the racing industry of additional responsibilities to address the threats.</p> <p><i>Cattle tick biosecurity</i> The Horse Industry Collective (HIC) raised a number of issues about the impact of cattle tick biosecurity on the industry. HIC's position is that the cattle industry is the primary beneficiary and should take primary responsibility. Cattle tick zones and the imposts imposed on the horse industry serve no benefit to the horse industry. Horse movements between zones are a very minimal biosecurity risk.</p> <p><i>Who keeps a horse</i> Racing Queensland raised a number of queries around the meaning in the Bill of 'who keeps a horse'. They advised that race horses are typically owned by an individual, a partnership of owners, or a syndicate of owners. Further, racehorses are often leased, subject to certain conditions (which will vary from lease to lease). It was not clear to</p>	<p>These issues will continue to be addressed through Biosecurity Queensland's ongoing engagement process with the horse industry.</p> <p>The policy and regulatory tools used for the management of cattle ticks under the new Act will be considered in developing the subordinate legislation.</p> <p>In light of the industry's concerns, a change was made between the Exposure and Final Drafts of the Biosecurity Bill. s125 (Who keeps a designated animal) reflects this change.</p>

Stakeholder	Key issues	Response
	<p>them if every person with an ownership interest or who is a lessee or lessor will 'keep' the horse. They are particularly concerned that a person who has responsibility for operation of a holding facility (e.g. sporting ground and facilities operated by race clubs) keeps the horses that are located at the facility and therefore has obligations under the Bill. Was that intended or could there be some allowance made?</p>	
Beekeeping <ul style="list-style-type: none"> Gold Coast Amateur Beekeepers Society Inc Queensland Beekeepers Association Inc (QBA) Southern Beekeepers Association (Qld) Inc (SBAQ) 	<p><i>Specific requirements</i> All respondents recommend the inclusion of certain existing provisions from the <i>Apiaries Act 1982</i>, for example, classification of apiaries and distance between apiary sites.</p> <p><i>On the spot fines</i> The QBA and SBAQ also raised the need for 'on the spot fines' for offences, including, failing to register as a biosecurity entity (100 penalty units) and failing to mark hives with a hive identification number (50 penalty units). The QBA claims that, despite many representations, there have been no prosecutions under the <i>Apiaries Act 1982</i>. This leads to non compliance which then puts in jeopardy the integrity of the Act.</p>	<p>These requirements can be dealt with through other mechanisms, for example, a guideline, code of practice or regulation.</p> <p>Penalty infringement notices are being considered in relation to offences under the Bill. Generally PINS are only available for offences with a maximum penalty of 20-30 penalty units.</p>
Agriculture / farming <ul style="list-style-type: none"> Agforce Cotton Australia Australian Pork Limited Queensland Dairyfarmers' Organisation (QDO) 	<p><i>Support for the Bill</i> Agforce – in principle support given verbally and a written submission may be received by 15 September.</p> <p>Cotton Australia has no concerns with the Bill.</p> <p>The Queensland Dairyfarmers' Organisation</p>	

Stakeholder	Key issues	Response
	<p>(QDO) provides in principle support for the following underlying principles of the Bill:</p> <ul style="list-style-type: none"> • consolidation of existing biosecurity legislation • precautionary principle • shared responsibility • timely and effective response to biosecurity risks and incidents • involvement of industry organisations in developing and implementing biosecurity outcomes • use of risk analysis and cost-benefit considerations in deciding the best approach to preventing or managing a biosecurity risk. <p><i>Resources, education and training</i> The QDO believes that the shift to a general biosecurity obligation on all persons, including farmers, to recognise and mitigate biosecurity risks is appropriate. However, this needs to be supported by community and industry education and training, and resources need to be made available.</p> <p><i>Amendments to Chemical Usage Act</i> Consequential amendments to the <i>Chemical Usage Act (Agricultural and Veterinary) Control Act 1988</i> require people to notify the standards officer within 24 hours if they become aware that animals or produce contain chemical residues above the maximum residue limit (MRL). The QDO is concerned that this could implicate dairy farmers or milk processors undertaking chemical residue screening tests.</p>	<p>It is recognised that this is the biggest legislative reform within the primary production portfolio in the past 50 years and the largest reform of biosecurity legislation in the State's history.</p> <p>These changes result from the repeal of the <i>Stock Act 1915</i> and will mean that agvet chemical residues in animals and plants will be together in the one Act. Laboratory analysts who test samples of animal or plant products will be primarily responsible for notifying the standards officer. Farmers will be required to notify if they receive an analysis showing residues above MRL from an interstate laboratory.</p> <p>Clarification was sought and no further issues were raised.</p>

Stakeholder	Key issues	Response
	<p><i>Inadequate consultation timeframe</i></p> <p>Australian Pork Limited complained that the notification of, and the timeframe for, consultation were inadequate for stakeholders to make properly considered comments on a Bill of this length (416 pages). In principle, they cannot support the Bill.</p>	
<p>Natural resource management</p> <ul style="list-style-type: none"> Condamine Alliance 	<p><i>Support for the Bill</i></p> <p>Condamine alliance welcomes the simplification of legislation and appreciates the recognition, inclusion and opportunity for Regional Natural Resource Management Bodies to participate in biosecurity activity through codes of practice and industry agreements.</p> <p><i>Community involvement</i></p> <p>They believe that the Bill should include a public consultation arrangement for the listing or delisting of biosecurity matter as prohibited or restricted and the definition of restricted matter categories. They consider that this would be a useful data gathering tool and would facilitate transparency of departmental decision-making.</p>	<p>This relates to processes of policy and regulatory tool development.</p>
<p>Invasive plants and animals</p> <ul style="list-style-type: none"> Gregory River Landcare Group National Hymenachne Management Group Powerlink Queensland 	<p><i>Support for the Bill</i></p> <p>The National Hymenachne Management Group is pleased with proposed provisions pertaining to the varied tools available for prioritising management of invasive species across the State. It is a great improvement. They are particularly interested in biosecurity zone regulatory provisions which they believe is an ideal mechanism to formalise their zoned approach to managing hymenachne outlined in the National Hymenachne Zoning Strategy.</p> <p>Powerlink Queensland supports the consolidation</p>	<p>Biosecurity Queensland will liaise with the National Hymenachne Management Group during the development of any relevant regulation.</p> <p>Biosecurity Queensland will liaise with Powerlink</p>

Stakeholder	Key issues	Response
	<p>of biosecurity legislation. They consider that there would be significant benefits in having codes of practice, guidelines and compliance agreements. Powerlink is interested in developing a code of practice for the electrical industry, based on preliminary work already undertaken by the industry.</p> <p><i>Impact on pristine environments</i> The Gregory River Landcare Group raised concerns about the impact of weeds and pests on pristine environments such as the Gulf country. They believe that all major landholders should have weed and pest management plans, signed off by local governments. There is a need for mandatory inspections of properties for weeds and other pests. Landholders do not deal with weeds of national significance and local governments do not take action.</p> <p><i>Notice of biosecurity programs</i> Powerlink is concerned that the stated means by which, and to whom, the chief executive, or the chief executive officer of a local government, may give notice of a proposed biosecurity program do not adequately ensure that Powerlink will be notified. Powerlink's assets are variously located on land where they are the registered owner, registered lessee or trustee, have an occupation permit or where they have a registered easement. A notice published in a newspaper or by radio or television in the area to which the program applies is unlikely to reach them. They believe that notices should be given to all government departments and government owned corporations.</p>	<p>Queensland and other members of the electricity industry regarding the development of codes of practice, guidelines and compliance agreements, as appropriate.</p> <p>Obligations on landholders are contained within the general biosecurity obligation. Codes of practice, guidelines and regulations will provide ways to meet the obligation.</p> <p>The relevant provisions have been amended to ensure appropriate notifications can be made.</p>

Stakeholder	Key issues	Response
Nursery & Garden <ul style="list-style-type: none"> Nursery & Garden Industry Queensland 	<p><i>Support for the Bill</i> The NGIQ is fundamentally pleased with the Bill.</p> <p>To allow for future needs, they suggest providing for the Chief Executive to assign the administration of a biosecurity register to an approved entity, similar to the chief executive's approval of an entity as the administrator of the NLIS database. No reasons were given to support this request.</p>	<p>Registration of plant properties is not currently required. Discussion with industry organisations regarding this are ongoing.</p> <p>Chapter 6 contains provisions which will allow for plant industries to be registered if required at a later date.</p>
Restricted animal material <ul style="list-style-type: none"> Riverina (Australia) Pty. Ltd. 	<p>The main issues raised were about the impact of the Bill on stock feed manufacturers and relate to the difficulties and the significant costs involved in ensuring that no animal matter is present in feed for ruminants.</p> <p>They advised that the stock feed industry as a whole subscribes to an industry code of practice, FeedSafe and believe that voluntary industry compliance with this code of practice is a better option than punitive fines.</p>	<p>The issues raised about the impact of the Bill on stock feed manufacturers primarily relate to matters that are proposed to be covered in a compulsory code of practice in the Regulation (based on a National Standard for Animal Feed). Biosecurity Queensland will consult with the stock feed industry when developing the code of practice. The Regulation could have the capacity to recognise FeedSafe.</p>
Timber <ul style="list-style-type: none"> Timber Queensland 	<p><i>Support for the Bill</i> Timber Queensland is impressed with the extent of the new arrangements and is comfortable that the Bill sets up a framework that will allow a very broad range of responses to biosecurity threats that can be tailored to the circumstances.</p> <p><i>West Indian Drywood Termite (WIDT)</i> Concern was raised that the Bill seems to water down the government's responsibilities for WIDT. In contrast to the current requirements, there is no requirement for a place to be vacated to allow for pest treatment, and there is no compensation for consequential loss.</p>	<p>The Bill reflects the government's policy that there will be no compensation paid for consequential loss.</p> <p>The policy position in relation to any response to</p>

Stakeholder	Key issues	Response
	Timber Queensland is concerned that the new provisions will not only reduce the tools available to control WIDT, but also trigger a review of the Government's commitment to maintaining a proactive approach to its management. They believe that the current arrangements are critical to maintaining control of this exotic pest, and seek Government's assurance of ongoing commitment to WIDT. Further, they seek feedback on how Biosecurity Queensland intends to transition from the current legislative requirements and policy positions, to the alternative arrangements under the new Act.	WIDT is subject to ongoing review. This will include the matter of transition from current arrangements to any alternative arrangements under the new Act.

Queensland and interstate Government agencies

Agency	Key issues	Response
Australian Government Department of Agriculture, Fisheries and Forestry	DAFF considered that the Bill is broadly consistent with both Commonwealth legislative frameworks. Called for training for DAFF officers who undertake joint operations. Requested that DAFF be involved in the development of the subordinate legislation.	Consultation will continue with DAFF and other agencies during the development of the subordinate legislation.
Communities	No specific issues identified.	No action required.
Community Safety	<p><i>Queensland Fire and Rescue Services</i> Concerns were raised about the impact on the movement of QFRS personnel and/or vehicles within or around the area of a biosecurity emergency.</p> <p><i>Contaminants</i> QFRS operations can cause environmental impact. The 'general biosecurity obligation' deems that all reasonable steps must be taken to</p>	<p>Human health outweighs biosecurity considerations. QFRS vehicles would not be stopped from attending emergencies. Biosecurity Queensland would consult with QFRS in the event of an emergency.</p> <p>An agreement between Biosecurity Queensland and the Department of Community Safety would ensure that Biosecurity Queensland is aware of</p>

Agency	Key issues	Response
	<p>prevent or minimize the biosecurity risk associated with contaminants. It is possible that fire fighting operations may inadvertently cause land to become contaminated to an extent sufficient to warrant a 'restricted place' declaration in the biosecurity register. It is assumed that QFRS would apply the 'defence of due diligence' should this obligation be breached.</p> <p><i>Ongoing consultation</i> QFRS is happy to provide further comment during development of Regulation, particularly in regard to the schedule of chemicals (contaminants) that are of interest to Biosecurity Queensland in terms of potential chemical contamination of sites.</p>	<p>the potential for contaminants during emergencies handled by QFRS.</p> <p>Biosecurity Queensland will consult with QFRS in regard to contaminants during the development of the Regulation.</p>
Environment and Resource Management	<p><i>Relationship with particular Acts</i> DERM raised concerns that the effect of Clause 8 of the Bill, which excuses a person from criminal liability for an offence under the Vegetation Management Act arising from an action authorised under the Bill, would be to allow individuals to use the provision to undertake broad scale clearing of land where vegetation on that land is protected under the VMA.</p> <p><i>Ongoing involvement</i> Requests that they be involved in the processes for developing the subordinate legislation.</p>	<p>An amendment has been made to section 8, so that it only applies in limited circumstances, namely, inspectors' emergency powers, emergency orders and movement control orders.</p> <p>Biosecurity Queensland is committed to continuing to work with stakeholders in an open and consultative manner.</p>
Local Government and Planning	<p>The major concern was with the destruction of buildings on a property during a biosecurity emergency.</p>	<p>It is not anticipated that the structures that may be destroyed during a biosecurity emergency would be of the nature which LGP are anticipating. The</p>

Agency	Key issues	Response
		structures would be more like a chicken pen in someone's backyard. The destruction of larger structures would require significant planning and permissions.
Office of Racing	The main concern was the requirement on horse trainers to carry records of movements with them when they took their horses to the track.	Horse industry members will be required to carry a movement record under clause 180(2)(b) (Movement record requirement) in situations where a biosecurity emergency order, movement control order or biosecurity zone regulatory provision is in effect and one of these regulatory provisions requires the person to carry the document with the person. In all other cases, they will not be required to carry the record.
Primary Industries, New South Wales	Comments related to definition of key terms were made. Generally support the approach taken for a single biosecurity Bill.	No changes required.
Primary Industries, Victoria	Most comments related to plant biosecurity. Questioned whether property registration for plant industries would be introduced.	Chapter 6 contains provisions which will allow for plant industries to be registered if required at a later date.
Queensland Police Service	Draft Bill is supported.	No action required.
Safe Food Production Queensland	Safe Food Qld supported the sharing of information and the relationship with particular Acts provisions under the Bill.	No action required.