

## ***Biosecurity Bill 2013***

### ***Key differences from the lapsed 2011 Bill***

The following are the main changes to the lapsed Bill:

#### **Structure**

1. Chapters have been restructured to make it easier for stakeholders to navigate by bringing together chapters on local government responsibilities and bringing together chapters on private sector accreditation, certification, auditing and compliance agreement.
2. Many of the extensive saving and transitional provisions have been compiled in a new Schedule 3.
3. A simplified outline of the Bill has been included in Chapter 1.

#### **Red Tape reduction and better regulatory flexibility**

4. Director liability provisions have been removed.
5. The main biosecurity functions of local governments have been clarified and red tape relating to the development of local governments' biosecurity plans has been reduced.
6. Red tape for the approval of beekeeper registration, which did not apply to any other animal, has been removed.
7. Provision has been made for auditing of activities under a compliance agreement and auditing of accredited entities less frequently than every 6 months, subject to suitable risk management measures. Arrangements have been clarified for additional audits where previous audits have been unsatisfactory and check audits arranged by the chief executive.
8. There has been significant clarification of requirements to report movement of animals. Detail about what must be reported to the NLIS administrator in relation to movement of special designated animals has been moved from the Act to the regulation, as harmonised national standards on animal traceability change from time to time. Prescribing the details about what the report must include in a regulation will facilitate timely amendment as required to reflect national agreements.

9. A large number of invasive plants and animals were listed in the 2011 Bill as both category 3 and 7 restricted matter. The two categories have been consolidated into one with no substantive change to the obligations. Category 8 restricted matter has been renumbered as category 7 restricted matter.
10. Details of treatment methods and circumstances under which animal matter can be fed to designated animals have been moved to regulations as they are technical and will change from time to time. Provision has also been made to enable the feeding of animal matter to birds of prey and for feeding of animal matter to a designated animal for disease control under the direction of a veterinary surgeon.
11. Two new exemptions have been added for “Dealing with prohibited matter”:
  - if there is a biosecurity emergency order or biosecurity emergency order permit that authorises the dealing and
  - an additional type of prohibited matter permit will provide for the controlled use (e.g. where it is possible to capture the economic value of the product through a strictly controlled harvest and sale of infected or infested products) provided the dealings did not exacerbate the risks posed by the prohibited matter and were consistent with isolating the prohibited matter, stopping its spread and, if practicable, eradicating it.
12. The chapter on surveillance, prevention and control programs has been simplified and some redundant provisions omitted.

### **Barrier Fence Management**

13. Barrier fences will no longer be managed by a Barrier Fence Board. Instead, the Darling Downs - Moreton Rabbit Board will be continued to manage the rabbit fence and rabbits in its operational area and the current arrangements for the wild dog fence and wild dog check fences will be continued.
14. Provision has been made for the location of the invasive animal barrier fences to be shown on a new electronic map and a consultation and advisement process for new draft maps has been included.
15. Barrier fence employees will be given the powers necessary to maintain invasive animal fences by being appointed and will be a “designated officer” to ensure safeguards will apply to their activities (that already apply to the activities of inspectors and authorised persons).

## **Listing of Prohibited Matter and Restricted Matter**

16. A range of pests and diseases in schedule 1 and 2 have been:

- added - to reflect the significant threat posed by exotic species that have potential to spread into Queensland
- moved - from prohibited to restricted diseases and pests (or variants of them) as they are already present in Queensland, which has impacted the way they are proposed to be managed, or
- deleted - as they are now well established in parts of Queensland.

## **Other**

17. The *Land Protection Council in the Land Protection (Pest and Stock Route Management) Act 2002* will be amended rather than repealed. Provisions relating to pest management will be omitted and the Act renamed the Stock Route Management Act to reflect the retained provisions relating to stock route management.

18. The definition of biosecurity matter has been amended to include all pathogenic agents that can cause disease, such as viroids, including those that can cause disease in plants. This reflects the broad range of pathogens and diseases that the bill is intended to address.

19. The role of compliance certificates issued under a compliance agreement has been clarified.

20. Prohibited matter is now required to be reported “without delay” to align with the requirement for a notifiable incident.

21. Provision has been made for a biosecurity emergency order to prevail over other provisions of the Act if there is an inconsistency. In an emergency, some things normally authorised or allowed under the Act may be inappropriate e.g. if there was an outbreak of a Transmissible Spongiform Encephalopathy (e.g. mad cow disease), an absolute ban on feeding restricted animal matter to designated animals may be necessary to ensure the disease is not amplified.

22. Provision has been made for appointment of contractors as authorised officers and for the use of detector animals (e.g. dogs) by authorised officers.
23. The Bill provides that at least 48 hours written notice will be given where practicable for aerial control measures including surveillance and distribution of agricultural chemicals under a biosecurity program. It would often be impractical to seek consent at ground level when entering airspace (e.g. to undertake surveillance and distribution of baits containing pesticide for red imported fire ants).
24. Biosecurity risk status details will be recorded in the biosecurity register against relevant properties for an entity rather than against the registered entity itself (which may have many properties). The entity will be required to notify a change to the biosecurity risk status details for a property. Provision has been made for restrictions on the use or future use of animals kept at a place e.g. animals grazed on contaminated land may be required to be pastured for a period prior to slaughter.
25. Provision has been made for publishing the biosecurity register on the internet and privacy safeguards for the biosecurity risk status details for an entity have been clarified. Provision has been made to withhold personal information from the publicly available part of any register where necessary for a person's safety.
26. Provision has been made for immediate suspension of an accreditation where necessary due to a change in circumstance or law for which biosecurity certificates are issued e.g. where a business was accredited to certify that their product came from an area free of a pest to satisfy interstate trade restrictions, but the pest is found in the area.