

Biosecurity Bill 2013

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable John McVeigh MP

Title of the Bill

Biosecurity Bill 2013

Objectives of the Amendments

The objectives of the amendments are to—

- ensure a biosecurity emergency order can remain in force for no more than 21 days;
- remove superfluous words;
- provide for the acceptance in Queensland of assurance certificates issued by private certifiers accredited by other jurisdictions;
- provide for the earlier review of the Act;
- ensure rusa deer are restricted matter only if they are feral; and
- narrow the definition of ‘saleyard’ to ensure it does not extend to a place where private sales are conducted.

Achievement of the Objectives

The objectives will be achieved by:

- amending clause 115(2)(b) to provide that unless it is revoked sooner, a biosecurity emergency order expires 21 days after it took effect or on an earlier day stated in the order;
- removing the words ‘as far as practicable’ from clause 239;
- amending clause 413 to provide that a certificate given by an interstate certifier accredited under a corresponding law is also an acceptable biosecurity certificate if

there is an intergovernmental agreement that provides for the recognition of the certificate in Queensland;

- amending clause 501 to provide that the Act will be reviewed within 3 years after its commencement;
- replacing “rusa deer” with “feral rusa deer” in the relevant entry in Schedule 2; and
- amending the definition of “saleyard” in Schedule 5 to ensure it applies to a place where there is a public auction or tender.

Alternative Ways of Achieving Policy Objectives

In its report on the Bill tabled on 24 February 2014, the Agriculture, Resources and Environment Committee recommended that the Bill’s implementation and the operation of each provision of the legislation be reviewed during the Fifty-Fifth Parliament given the magnitude of the changes to biosecurity management that are proposed in the Bill. As the commencement date has not been fixed, review during the Fifty-Fifth Parliament may not be optimal and instead the amendment to clause 501 will bring forward the statutory requirement for review of the Act.

Amendment of the Bill is required to give effect to the policy objectives and correct minor errors.

Estimated Cost for Government Implementation

The amendments will not incur any additional costs.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

The amendments are consistent with the Government’s response to the Agriculture, Resources and Environment Committee’s report into the Bill and with submissions by stakeholders to the Committee.

NOTES ON PROVISIONS

Amendment 1 amends clause 115 of the Bill to ensure, that unless it is sooner revoked or expires on an earlier day as stated in the order, a biosecurity emergency order expires 21 days after it takes effect.

Amendment 2 omits the words ‘as far as practicable’ wherever it appears in clause 239 of the Bill.

Amendment 3 amends clause 413 of the Bill to omit the reference to “interstate officer” and replace it with “interstate accredited certifier or interstate officer”. The effect is that an interstate accredited certifier, acting in compliance with a corresponding law, may give an acceptable biosecurity certificate if there is an intergovernmental agreement that provides for the recognition of the certificate in Queensland.

Amendment 4 inserts a definition of “interstate accredited certifier” in clause 413 of the Bill. An interstate accredited certifier is a person who holds accreditation, however called, in another State under a corresponding law that is recognised, under an intergovernmental agreement, as being equivalent to accreditation held by an accredited certifier.

Amendment 5 replaces the words “5 years” in clause 501 of the Bill with “3 years”. The effect is that the Minister must review the efficacy and efficiency of the Act within 3 years after its commencement.

Amendment 6 replaces the words “rusa deer” in Schedule 2 of the Bill with “feral rusa deer”. The effect is that feral rusa deer (*Rusa timorensis*, syn. *Cervus timorensis*) are restricted matter assigned category numbers 3, 4 and 6.

Amendment 7 replaces the definition of saleyard in Schedule 5 of the Bill to ensure it applies to a place where there is a public auction or tender.