



New South Wales

Biosecurity Amendment (Independent Biosecurity Commissioner) Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to establish an Independent Biosecurity Commissioner to provide independent and expert advice, conduct reviews and make recommendations to the Government on issues relating to pests and weeds.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Biosecurity Act 2015 No 24

Schedule 1[2] inserts proposed Part 21A, which establishes the role of the Independent Biosecurity Commissioner (the *Commissioner*) and provides for how the Commissioner is to be appointed. **Schedule 1[1]** makes a consequential amendment.

Proposed Part 21A, Division 3 sets out the functions of the Commissioner, including the Commissioner's general functions and functions pertaining to advice, reviews and recommendations.

Proposed Part 21A, Division 4 provides for the powers of the Commissioner to require documents and information from certain Public Service agencies and State owned corporations and to enter into contracts or other arrangements.

Proposed Part 21A, Division 5 sets out the term of office of the Commissioner and provides for the employment conditions and remuneration of the Commissioner. The proposed division also makes provision for the removal of the Commissioner from office and when the office of Commissioner becomes vacant. The proposed division allows for the appointment of an acting Independent Biosecurity Commissioner in certain circumstances.

Proposed Part 21A, Division 6 sets out miscellaneous provisions relating to the following—

- (a) the employment of persons in the Public Service under the *Government Sector Employment Act 2013* to enable the Commissioner to exercise the Commissioner's functions,
- (b) the annual report of the Commissioner,
- (c) that the Commissioner is a public sector agency for the *Privacy and Personal Information Protection Act 1998*,
- (d) the requirement that the Minister review the operation of proposed Part 21A every 5 years and provide each House of Parliament with a report on the outcome of the review.

Schedule 1[3] provides that the Commissioner is protected from liability when exercising the functions of the Commissioner.

Schedule 1[4] amends the savings and transitional schedule to insert a provision consequent on the amendments made by the proposed Act.

Schedule 2 Consequential amendments of other legislation

Schedule 2.1 amends the *Government Information (Public Access) Regulation 2018* to provide that the parent agency of the Independent Biosecurity Commissioner is the Department of Regional NSW.

Schedule 2.2 amends the *Government Sector Finance Regulation 2018* to provide that the Independent Biosecurity Commissioner is a government officer of the Department of Regional NSW under the *Government Sector Finance Act 2018*, section 2.9(1)(e).