

LEGISLATIVE COUNCIL

**Biosecurity Bill 2014**

**Second print**

**Proposed amendments**

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No. 1 **Biosecurity Advisory Panel**  
Page 123. Insert after line 35:

**Division 4 Biosecurity Advisory Panel**

**369 Establishment of Biosecurity Advisory Panel**

The Minister is to establish a Biosecurity Advisory Panel.

**370 Functions of Panel**

- (1) The Biosecurity Advisory Panel has the following functions:
  - (a) to advise on the standards and policies that should be adopted in the implementation of this Act,
  - (b) to guide the making of regulations and other instruments under this Act,
  - (c) to monitor the operation of this Act,
  - (d) such other functions relating to the administration of this Act as the Minister determines.
- (2) The Biosecurity Advisory Panel is to report to the Minister on the exercise of its functions.
- (3) The Biosecurity Advisory Panel is to report to the Minister annually or more frequently at its discretion.
- (4) The Minister and the Secretary are to have regard to the advice of the Biosecurity Advisory Panel in exercising functions under or in connection with this Act.

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**Drafting note 1.1** *Most of the functions conferred by the Bill are conferred on the Secretary, not the Minister, so subclause (4) also requires the Secretary to have regard to the advice of the Panel.*

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**371 Membership and procedure of Panel**

- (1) The Biosecurity Advisory Panel is to consist of the following members:
  - (a) the Secretary or a person employed in the Department who is nominated by the Secretary,

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- (b) the Chief Executive of the Office of Environment and Heritage or a person employed in that Office who is nominated by the Chief Executive,
  - (c) a representative of NSW Farmers appointed by the Minister,
  - (d) a representative of the Invasive Species Council or another non-government environmental group appointed by the Minister,
  - (e) other persons appointed by the Minister who have relevant experience or qualifications in science, economics or ecology.
- (2) The Biosecurity Advisory Panel is to regulate its own proceedings for the calling of meetings and the conduct of its business.
  - (3) The Secretary is to call the first meeting of the Biosecurity Advisory Panel.

**372 Panel not subject to Ministerial control**

The Biosecurity Advisory Panel is not subject to the control or direction of the Minister in the exercise of its functions.

**373 Appointed members—terms of office**

- (1) An appointed member holds office for such period as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.
- (2) The office of an appointed member becomes vacant if the member:
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office under this section, or
  - (e) is absent from 4 consecutive meetings of the Biosecurity Advisory Panel of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Panel or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Panel from having been absent from those meetings, or
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - (g) becomes a mentally incapacitated person, or
  - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (3) The Minister may remove an appointed member from office at any time.
- (4) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.
- (5) An appointed member is entitled to receive such remuneration (including travelling and subsistence allowances) for attending meetings and transacting the business of the Biosecurity Advisory Panel as the Minister may from time to time determine in respect of the member.
- (6) In this section:  
***appointed member*** means a member of the Biosecurity Advisory Panel appointed by the Minister.

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**374 Effect of certain other Acts**

- (1) If by or under any Act provision is made:
- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
  - (b) prohibiting the person from engaging in employment outside the duties of that office,
- the provision does not operate to disqualify the person from holding that office and also the office of a member of the Biosecurity Advisory Panel or from accepting and retaining any remuneration payable to the person under this Act as a member.
- (2) The office of a member of the Biosecurity Advisory Panel is not, for the purpose of any Act, an office or place of profit under the Crown.

No. 2 **Biosecurity Advisory Panel**

Page 126, clause 373. Insert after line 25:

- (f) a member of the Biosecurity Advisory Panel established under Division 4 of Part 22, or