

BIOSECURITY AMENDMENT BILL 2017*Second Reading*

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing)
(10:54): I move:

That this bill be now read a second time.

Good biosecurity management is critical to the protection of the economy, the environment, and the community from the negative impacts of pests, diseases, weeds, and contaminants. Traditionally, biosecurity has been associated with protecting our \$14-million primary industry sector, which accounts for about 20 per cent of Australian production. Biosecurity is much more than that. The NSW Biosecurity Strategy 2013-2021 was launched in 2013. This heralded the first step in a new approach to biosecurity management in this State. The strategy was developed with input from all areas of government, not only the primary industry sector, to reflect that biosecurity is important to all of us in all that we do.

Many pests and diseases impact upon production, but they can also have a devastating effect on other businesses, such as those related to tourism and the hospitality sector. For example, during the foot and mouth disease outbreak in the United Kingdom in 2001, the tourism industry in the Lakes District lost a whole season of income, and total losses to the country were estimated to be of the order of £8 billion. Failure to protect our aquatic environments from the introduction of new pests and diseases will reduce the value of aquatic tourism, fishing, and agricultural industries. It will also affect the functioning of aquatic ecosystems, which then impact on commercial and recreational fishing and the environment. The direct value of aquatic tourism and recreational activities in Australia is estimated to be about \$12 billion, which equates to 19 per cent of the total value of the tourism sector in this country.

Protection of our biosecurity and our distinctive ecosystems and natural environment is underpinned by good biosecurity practices. Pest animals and weeds are among our biggest threats to biodiversity and the natural environment. About 19 per cent of native terrestrial mammal species have become extinct since European settlement. Pest animals such as cats, foxes, rabbits, and wild dogs are considered to be the primary cause of many of these extinctions. Pest animals are also contributing to the decline in the number of many native animals, in particular, bird and reptile species, including approximately 40 per cent of New South Wales's threatened species.

More than 1,650 species of exotic plants have become established in the wild in New South Wales. At least 300 of these weeds are highly invasive and pose a substantial threat to biosecurity. A large number of them are escaped garden plants. Many weeds are widespread and beyond the scope of eradication or containment programs. The number and distribution of introduced species, including aquatic pests, becoming established in the natural environment is increasing. Pest populations usually have a higher reproductive capability, can colonise new areas rapidly, and recover quickly after targeted control programs have concluded. The absence of natural predators or environmental control measures often adds to this impact.

This Government takes biosecurity very seriously, and is doing much to minimise risks and threats in New South Wales. As I said, the NSW Biosecurity Strategy 2013-2021 was launched in 2013. The strategy includes four principles: first, that biosecurity is a shared responsibility; secondly, that biosecurity contributes to sustainable economic growth; thirdly, that biosecurity protects the environment and the community; and, fourthly, that biosecurity is underpinned by a responsive and consistent legislative framework.

I have touched briefly on the first three goals. However, today is about the underpinning legislation. September 2015 saw assent given to the Biosecurity Act 2015, a most important piece of legislation. This Act will wholly and in part repeal 14 separate pieces of legislation that have been used to

manage biosecurity risks in New South Wales. The development of this Act was a huge task that involved extensive consultation and collaboration with stakeholders.

The Act provides a flexible and modern approach to how we prevent, eradicate, minimise and manage biosecurity risks in New South Wales. Its implementation will support our \$14 million primary industries sector, provide greater capacity to mitigate and respond to risks that threaten our environment and cultural heritage, and protect jobs and industries across New South Wales such as trade and tourism. For the first time there are consistent tools and powers that will apply across the biosecurity spectrum, making it easier for everyone. Since the assent to the Act we have been working with stakeholders to develop the supporting regulations and policies that will underpin the Act.

It is also important to note at this point that during the passage of the Biosecurity Act 2015 this Government committed to establishing an independent Biosecurity Advisory Committee to provide advice on implementation of the Act. I am pleased to report that this committee was established in March last year and has met on at least 10 occasions and provided valuable insight and advice on engagement and communication with our stakeholders and appropriate management tools with respect to biosecurity matter based on risk. It was during this consultation that a number of omissions were identified in the Act that will affect its successful implementation. These are minor omissions and this bill merely seeks to ensure that existing arrangements and practices that support market access are not eroded and that there is strong governance around biosecurity activities. Whilst it is unfortunate that we overlooked these enabling provisions when developing the Act, the positive side is that they have been identified in consultation with stakeholders before the Act commences.

The first amendment provides a head of power to charge for the issuance of a biosecurity certificate. Biosecurity certificates are issued to certify that a plant, plant product, animal or other carrier is free of particular pests or diseases, has received appropriate treatment or has come from a specified area to satisfy market access and disease and pest control requirements. Biosecurity certificates underpin national and State-based plant health assurance arrangements that support market access. Biosecurity certificates are issued to certify that cattle travelling from tick infested zones in Queensland have been treated so the risk of tick infestation or tick fever in New South Wales is mitigated. Similarly, agricultural machinery or equipment that originates from areas infested with the high-risk parthenium weed in Queensland will have to be certified that it has been appropriately treated before entry into New South Wales.

Industry participants have a choice whether to become accredited to issue certificates, where appropriate, or to purchase that service from government or accredited third party certifiers. Current arrangements require a fee to be paid for certain biosecurity certificates that are issued by authorised officers, such as plant health certificates, to recover the administrative costs associated with the provision of a biosecurity certificate. The charging of such fees is consistent with New South Wales and other States' and Territories' principles for cost recovery.

The Act includes a head of power that allows for charging of fees for other activities such as registration to keep non-indigenous animals and bees, and accreditation. This amendment is consistent with the principles of the Act and current arrangements. Consultation occurred in relation to the charging of fees when the Act was developed and more recently as part of consultation on the proposed regulation to support the Act. The proposed charges have been developed following an analysis of existing fees and the resources required to deliver services under the Act. Fees will be no more than is reasonable to cover the cost and expenses incurred by the certifier.

I turn to the second amendment that will recognise that corporations in addition to individuals may be accredited as biosecurity certifiers or appointed as biosecurity auditors. Australia and indeed New South Wales has had a strong focus on quarantine which means that we are free of many of the significant pests and diseases that adversely affect agricultural production in other

countries. Freedom from pests and diseases provides an enormous market advantage at the national and State level for our producers.

The Biosecurity Act 2015 provides the legislative underpinning for the Interstate Certification Assurance [ICA] scheme. This is a national system accepted by all States and Territories that allows accredited businesses to self-certify plants and plant products as meeting specific interstate quarantine restrictions. The scheme is based on quality management principles and provides a harmonised approach to the audit and accreditation of businesses throughout Australia and the mutual recognition of plant health assurance certificates issued by accredited businesses accompanying consignments of produce moving interstate. The Certification Assurance scheme is similar to the ICA and allows for intrastate—within New South Wales—trade or interstate trade between New South Wales and one or more States and/or Territories. The bill will amend the Act to reflect how these schemes operate at a practical level.

Currently individuals and other legal entities such as corporations self-certify their produce to meet trade requirements. This bill will ensure that corporations can also undertake this function, reflecting current practices, business structures and operations. Auditing is an important compliance tool to support market assurance schemes and support development of new markets. This amendment will also mean that legal entities such as corporations that supply auditing functions can operate efficiently and effectively. The bill makes it clear that current practices will be able to continue in line with the national approach.

The third amendment will allow appropriately qualified persons approved by an accreditation authority to issue certificates and conduct audits. Under the existing market assurance arrangements I have just spoken about, when a corporation is accredited to issue biosecurity certificates or approved to conduct audits, other people such as staff of that corporation are also authorised to issue certificates or approved to conduct audits on behalf of the entity. Again this is a nationally accepted practice that provides for administrative efficiencies for business.

Without this bill, individuals will need to apply to the secretary to issue certificates or be approved to conduct audits on behalf of an accredited organisation. This will create red tape and increase costs not only for government but also for industry. At a practical level, for example, there are about 400 New South Wales businesses that are currently accredited to issue biosecurity certificates. Those businesses generally have between four and 10 of their staff approved to issue certificates on behalf of the business. Without the amendment that recognises these identified individuals, each person will need to apply individually to the secretary to be approved to issue these certificates.

I turn now to the fourth amendment. The Act supports approval of non-government entities to exercise functions of an accreditation authority in relation to the accreditation of biosecurity certifiers and appointment of biosecurity auditors. The Act provides a number of grounds for suspension or cancellation of a biosecurity certifier or biosecurity auditor by an accreditation authority. However, it does not include a power to prescribe circumstances in which it is mandatory for an accreditation authority to suspend or cancel accreditation of a biosecurity certifier or appointment of a biosecurity auditor. For example, the regulation could specify that where a biosecurity certifier has been convicted of an offence in relation to intentionally issuing a false biosecurity certificate for the movement of regulated goods they must have their accreditation suspended or cancelled.

These mandatory requirements will provide important support for decision-makers in controlling the behaviour of biosecurity certifiers who may put valuable markets at risk. Consistent with the above amendments to recognise corporations, the bill also makes it clear that the secretary may, in the circumstance where a corporation is approved as an accreditation authority, also approve appropriately qualified persons to accredit biosecurity certifiers and approve biosecurity auditors on behalf of that corporation. Biosecurity is a shared responsibility, so we must ensure that

industry has the tools to play a strong role and conduct its businesses in a most efficient manner while managing the associated biosecurity risks.

I now turn to the National Livestock Identification System [NLIS]. Traceability of food-producing animals is a critical component of biosecurity. It supports our commitment to biosecurity and food safety, and provides a competitive advantage in global markets. For example, if we have an emergency animal disease outbreak, we must be able to trace the movement of stock to identify the source of the infection, the risk pathways, the potential impact, and the most efficient and effective actions to eradicate the disease. The National Livestock Identification System is run by Meat and Livestock Australia. As animals are bought, sold and moved along the supply chain, they must be tagged with an NLIS accredited tag or device. This is a well-established system for the identification and traceability of cattle, sheep and goats, and has legislative underpinning across all States and Territories. Consistent with current practice, this bill includes a power to issue evidentiary certificates to ensure evidence relating to identification codes can be used in relevant legal proceedings to enforce the NLIS.

The final amendment will ensure that we can respond quickly to changes in technology or new research. The proposed regulation includes detail as to what and when biosecurity matter is regulated and to whom the restrictions apply. The technical detail as to what has to be done or what are permitted activities before biosecurity matter can be moved is currently described in a draft biosecurity manual that was also the subject of public consultation. During the course of consultation, a number of issues associated with the operation of this manual have been identified. Instead of those activities being described in a manual, this bill provides a stronger legislative framework for those activities. Permitted activities will be prescribed in an order, known as the biosecurity order—permitted activities, made by the secretary. This order, for all intents and purposes, will act as a regulation and it can be disallowed by the Parliament. It removes any doubt about sub-delegation, but provides sufficient flexibility to respond to new research, innovation or changes to chemical registration.

This Government is committed to ensuring our governance arrangements are strong and, importantly, transparent. The Government has undertaken an extensive process of consultation in relation to the Biosecurity Act 2015 and, more recently, in relation to supporting regulations and permitted activities to support implementation of the Act. It was through this process that those omissions were identified, allowing us to fix them before the Act commences later this year. Engagement and consultation will continue with our stakeholders as we implement the Act. It is crucial that everyone understands their biosecurity duty and how they can help to reduce the negative impacts of animal and plant pests, diseases and weeds. We are serious about engagement and have completed an attitudinal research project that provides valuable data on how different stakeholder groups understand biosecurity and how they like to receive their information. This will also help inform our communications as we go forward.

I recognise one of the true biosecurity champions of New South Wales, Dr Bruce Christie, who last night was awarded the David Banks Biosecurity Lifetime Achievement Award for his commitment to biosecurity. In summary, this bill introduces important amendments to ensure implementation of the Biosecurity Act to ensure it is successful and that industry can continue to participate efficiently in nationally agreed schemes. It recognises that biosecurity is a shared responsibility and that those who contribute to risk and those who benefit play an active role in maintaining our disease and pest management systems. I commend the bill to the House.