

Biosecurity Amendment Bill 2017

Second Reading

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (11:22): I move:

That this bill be now read a second time.

Good biosecurity management is critical to the protection of the economy, environment and community from the negative impacts of pests, diseases, weeds and contaminants. September 2015 saw the assent of the Biosecurity Act 2015, which is an 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. 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 billion primary industry sector, provide a 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 consistent tools and powers will apply across the biosecurity spectrum, making it easier for everyone. Since the assent of the Act, we have been working with stakeholders to develop the supporting regulations and policies that will underpin the Act. During this consultation a number of omissions have been identified in the Act that will affect its successful implementation. They are minor omissions. 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 those 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 also 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 cost associated with the provision of a biosecurity certificate. The charging of such fees is consistent with the principles of New South Wales and other States and Territories 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 the 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 costs and expenses incurred by the certifier.

The second amendment will recognise that corporations, in addition to individuals, may be accredited as biosecurity certifiers or appointed as biosecurity auditors. Traditionally, 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. Pest and disease freedom 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. It 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, which is similar to the Interstate Certification Assurance Scheme, allows for intrastate—within New South Wales—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 who supply auditing functions can operate efficiently and effectively. The bill makes it clear that current practises 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 are 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, about 400 New South Wales businesses are currently accredited to issue biosecurity certificates. Those businesses generally have between four and 10 of their staff members 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.

Turning to the fourth amendment, the Act supports approval of non-government entities to exercise the functions of an accreditation authority relating to the accreditation of biosecurity certifiers and the 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 the circumstances in which it is mandatory for an accreditation authority to suspend or cancel the accreditation of a biosecurity certifier or the appointment of a biosecurity auditor. For example, the regulation could specify that when biosecurity certifiers have 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 that may put valuable markets at risk.

Consistent with the 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 need to make sure that industry has the tools to play a strong role and conduct its business in the most efficient manner whilst managing the associated biosecurity risks.

I refer now to the National Livestock Identification System or 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 need to be able to trace the movement of stock to identify the source of infection, the risk pathways, 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 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. To all intents and purposes this order will act as a regulation in that it can be disallowed by the Parliament. It removes any doubt about subdelegation but provides sufficient flexibility to respond to new research, innovation or changes to chemical registration.

The Government is committed to ensuring its governance arrangements are strong and, just as importantly, transparent. The Government has undertaken an extensive process of consultation—first, in relation to the development of the Biosecurity Act 2015 and more, recently, in relation to the supporting regulations and permitted activities to support implementation of the Act. It was through this process that these omissions have been identified allowing us to fix them before the Act commences later this year. In summary, this bill introduces important amendments to ensure implementation of the Biosecurity Act 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.