

BIOSECURITY BILL 2015**Second reading**

Ms KATRINA HODGKINSON (Cootamundra—Parliamentary Secretary) [4.20 p.m.], on behalf of Mr Anthony Roberts: I move:

That this bill be now read a second time.

The Biosecurity Bill 2015 was introduced into the other place by Minister Blair. I commend the Minister for his second reading speech. I thank him for his kind offer to me to lead debate in this House, as I was the original architect of the bill. The bill is important. I first introduced it in this House on 23 October 2014. I thank and congratulate Minister Blair for pursuing it in this new Parliament. Unfortunately, the Legislative Council in the last Parliament did not debate it after it passed in this place last year.

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I will review some aspects of this bill. It is crucial that New South Wales maintains its biosecurity status to protect our primary industries sector from pests, diseases and weeds. The Biosecurity Bill is a single piece of modern legislation that will give New South Wales the essential tools and powers to manage pests, diseases, weeds and contaminants, and minimise biosecurity threats to the New South Wales economy, environment and community. It will ensure that we can respond efficiently and flexibly to biosecurity risks, regardless of whether it is an emergency or an ongoing management issue.

I have spoken repetitively on the seriousness of biosecurity risks not only within my electorate but across this State and the entire nation. A major biosecurity event can have far-reaching implications, from on the farm to the entire nation's economy, through trade restrictions and implications. This bill supports the nationally agreed principle that biosecurity is, indeed, a shared responsibility between governments, industries and individuals. The primary objective of the bill is to provide modern legislation to better manage biosecurity risks in New South Wales. It provides a framework for the prevention, elimination, minimisation and management of biosecurity risks. The bill adopts a risk-based approach for biosecurity. Pests, weeds and diseases do not recognise jurisdictional boundaries or fences; so we need a tenure-neutral approach to management and legislation that is compatible with neighbouring jurisdictions.

We also need to be working together at a regional level to achieve shared outcomes as efficiently and effectively as possible, and that includes public lands. Pests and disease are the biggest threat to agriculture; it can result in a loss of competitive edge, and active management is required to protect our natural environment. The framework for this important piece of legislation was established after significant community consultation. The passage of this bill will pave the way for the repeal, either in whole or in part, of 10 full Acts and sections of four other Acts of Parliament with a single Act that has the flexibility to effectively respond to all biosecurity situations. This will equate to the repeal of more than 570 years worth of legislation, significantly reducing red tape for farmers across New South Wales. Authorised officer powers will be consistent across the biosecurity spectrum, and government, industry and the community can work in partnership to determine priorities and management responses.

This bill does much more, of course, and although two second reading speeches have now been made in relation to the Biosecurity Bill, for the convenience of new members, I will summarise what this bill does. The bill will replace 14 current biosecurity-related Acts, in whole or in part, which are old, inflexible, contribute to red tape and have inconsistent authorised officers, making responses and

actions for different biosecurity risks problematic. This legislation will support a tenure-neutral approach to the management of invasive plants and animals. The bill supports the nationally recognised principle that biosecurity is a shared responsibility and that everyone who knows or ought to know about potential risks has a duty to mitigate, notify and/or manage those risks. The bill is deliberately high level and enabling to provide flexibility in how we respond to risks.

Extensive consultation has occurred in developing this legislation and more will occur with industry and other stakeholders as we develop the subordinate legislation. The bill ensures that biosecurity is managed according to risk and that there is no overregulation. The legislation is deliberately outcomes-focused so that industry has the opportunity to take greater responsibility for how they manage their business whilst mitigating and minimising risks. We want them to be able to innovate so they can access new markets and increase their market share. The bill complements the intergovernmental agreement on biosecurity and the underpinning emergency response deeds. Authorised officer powers will be consistent across the biosecurity spectrum and are no stronger than what has been in place for decades.

Penalties are high to reflect the serious consequences of a biosecurity event, especially when a person or corporation has acted wilfully or recklessly. This bill provides for self-certification and auditing commensurate with risk and compliance. A Biosecurity Advisory Committee is being established to oversight the development and implementation of the legislation. It will play a key role in considering whether management tools are proportionate to risk and what are the best avenues in which to engage with stakeholders. The passage of this bill through the other place last night was a great mark in time for biosecurity in New South Wales and I am very, very pleased that this has happened. I will now turn to the amendments that were passed in the other place.

The first amendment relates to the making of control orders. Control orders will now be made by the Minister. This is consistent with the process for making regulations whereby the Minister makes a recommendation to the Governor. The amendment does, however, allow the Minister to delegate this power to an appropriate person so that timely responses to biosecurity threats can be made when needed. For example, the power could be delegated to the Secretary of the Department or someone such as the Chief Veterinary Officer for the State who will have firsthand knowledge of the situation as it unfolds. The amendment, regardless of the fact that it can be delegated, ensures the Minister of the day is responsible for prescribed actions in the control order. It is a sensible amendment.

The other amendments also relate to the making of control orders and consultation that should occur if the order relates to a game animal or if it affects native flora or fauna. This Government is committed to consultation where practicable because consultation ensures informed decisions are made. There has been much consultation with industry, individuals, farming organisations, community groups and many others in the preparation of this important piece of legislation. The amendments provide for full consultation with the Chair of the Game and Pest Advisory Board in relation to game animals and with the Minister for the Environment in relation to native flora or fauna. It is also noted that the bill already provides full consultation with the relevant department with respect to protected flora and fauna, threatened species and native vegetation. The Government supports these suggestions. I commend the bill to the House.