

LEGISLATIVE COUNCIL

Biosecurity Bill 2015

First print

Proposed amendments

No. 1 **Objects**

Page 2, clause 3 (2) (c), line 26. Omit “a framework”. Insert instead “an independent, science-based framework”.

No. 2 **Objects**

Page 2, clause 3 (2) (c), line 27. Insert “consistent with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the *Protection of the Environment Administration Act 1991*),” after “biosecurity,”.

No. 3 **Environmental risks**

Page 29. Insert after line 32:

76 Control orders can be made by Chief Executive of Office of Environment and Heritage

- (1) The Chief Executive of the Office of Environment and Heritage (the *Chief Executive*) may exercise any of the following functions of the Secretary under this Part if the Chief Executive considers it necessary to exercise that function because of a biosecurity risk that is primarily an environmental risk:
 - (a) the function of making a control order,
 - (b) the function of amending or revoking a control order.
- (2) The Chief Executive may amend or revoke a control order only if the control order is made by the Chief Executive under the power conferred by this section.
- (3) The Secretary cannot amend or revoke a control order made by the Chief Executive under the power conferred by this section.
- (4) A reference in this Act to the Secretary, in connection with a function that may be exercised by the Chief Executive under this section, is taken to include a reference to the Chief Executive.

No. 4 **Advisory committees**

Page 130. Insert after line 10:

Division 4 Advisory committees

376 Establishment of advisory committees

The Minister may from time to time establish advisory committees and dissolve any such advisory committee.

377 Functions of advisory committees

- (1) An advisory committee is to assist the Minister, the Secretary and any other person nominated by the Minister in exercising their functions under this Act.
- (2) An advisory committee has such other functions relating to the administration of this Act as the Minister determines.

378 Membership and procedure of advisory committees

- (1) An advisory committee is to consist of such members as the Minister determines who are to represent a range of interests and expertise appropriate to the functions of the committee.
- (2) Except as otherwise directed by the Minister, an advisory committee is to regulate its own procedures for the calling of meetings and the conduct of its business.

379 Terms of office

Subject to this Division, a member of an advisory committee holds office for such period as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

380 Remuneration

A member of an advisory committee is entitled to receive such remuneration (including travelling and subsistence allowances) for attending meetings and transacting the business of the committee as the Minister may from time to time determine in respect of the member.

381 Vacancy in office of member

- (1) The office of a member of an advisory committee 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) 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
 - (e) becomes a mentally incapacitated person, or
 - (f) 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, or
 - (g) is absent from 4 consecutive meetings of the advisory committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the advisory committee or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the advisory committee from having been absent from those meetings, or
 - (h) is removed from office under this section.

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- (2) The Minister may remove a member of an advisory committee from office at any time.
 - (3) If the office of a member of an advisory committee becomes vacant, a person may, subject to this Act, be appointed to fill the vacancy.

382 Effect of certain other Acts

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member of an advisory committee.
- (2) 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 an advisory committee or from accepting and retaining any remuneration payable to the person under this Act as a member of an advisory committee.
- (3) The office of a member of an advisory committee is not, for the purpose of any Act, an office or place of profit under the Crown.

No. 5 **Environmental risks**

Page 131. Insert after line 8:

378 Certain functions can be exercised by Environment Minister

- (1) The Minister administering the *Protection of the Environment Operations Act 1997* may exercise the following functions of the Minister administering this Act if the Minister considers it necessary to exercise any such function because of a biosecurity risk that is primarily an environmental risk:
 - (a) any function of the Minister in connection with the making of any regulation that imposes, amends or revokes a mandatory measure under Part 3,
 - (b) any function of the Minister in connection with the making of any regulation that inserts, alters or omits any item or description in Schedule 2 (Prohibited matter),
 - (c) any function of the Minister in connection with the making of any biosecurity zone regulation.
- (2) A reference in this Act to the Minister, in connection with a function referred to in this section, is taken to include a reference to the Minister administering the *Protection of the Environment Operations Act 1997*.

No. 6 **Advisory committees**

Page 132, clause 380 (4). Insert after line 25:

- (f) a member of an advisory committee established under Division 4 of Part 22, or