

LEGISLATIVE COUNCIL

Biosecurity Bill 2015

First print

Proposed amendments

- No. 1 **Definition of “biosecurity impact”—removal of carriers**
Page 9, clause 13, line 34. Omit “, or has the potential to arise.”.
- No. 2 **Definition of “biosecurity impact”—removal of carriers**
Page 9, clause 13 (1), lines 34 and 35. Omit “, a carrier or dealing with a biosecurity matter or a carrier”. Insert instead “or dealing with a biosecurity matter”.
- No. 3 **Definition of “biosecurity impact”**
Page 9, clause 13 (1), line 36. Omit “related to”. Insert instead “caused by”.
- No. 4 **Definition of “biosecurity impact”**
Page 10, clause 13 (1) (g), line 2. Omit all words on that line.
- No. 5 **Definition of “biosecurity impact”**
Page 10, clause 13. Insert after line 2:
 - (2) An adverse effect in terms of the market perception of a product or a business, including the market perception of the ethics or environmental impact of a business, does not in itself comprise a biosecurity impact.
- No. 6 **Biosecurity duty—removal of carriers**
Page 12, clause 22, line 2. Omit “**and carriers**”.
- No. 7 **Biosecurity duty—removal of carriers**
Page 12, clause 22, line 3. Omit “or a carrier”.
- No. 8 **Biosecurity duty—removal of carriers**
Page 12, clause 22, line 5. Omit “, carrier”.
- No. 9 **Biosecurity duty**
Page 12, clause 23. Insert after line 9:
 - (2) A person does not fail to discharge the person’s biosecurity duty under this Part by reason only of entering premises on which biosecurity matter is present, so long as all reasonably practicable biosecurity precautions have been followed.

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- No. 10 **Mandatory measures—removal of carriers**
Page 12, clause 24 (1), line 23. Omit “or carriers”.
- No. 11 **Mandatory measures—removal of carriers**
Page 12, clause 24 (1), line 25. Omit “, carrier”.
- No. 12 **Mandatory measures—removal of carriers**
Page 12, clause 24 (2), line 28. Omit “, biosecurity matter or carriers”. Insert instead “or biosecurity matter”.
- No. 13 **Mandatory measures—removal of carriers**
Page 12, clause 24 (3), line 29. Omit “or a carrier”.
- No. 14 **Mandatory measures—removal of carriers**
Page 12, clause 24 (3), line 30. Omit “, carrier”.
- No. 15 **Mandatory measures—removal of carriers**
Page 12, clause 24 (3), line 32. Omit “, carrier”.
- No. 16 **Mandatory measures—removal of carriers**
Page 12, clause 24 (4), line 39. Omit “, carrier”.
- No. 17 **Mandatory measures—removal of carriers**
Page 13, clause 25 (1), line 2. Omit “or a carrier”.
- No. 18 **Mandatory measures—removal of carriers**
Page 13, clause 25 (1), line 3. Omit “, carrier”.
- No. 19 **Notifying biosecurity event**
Page 17, clause 38 (1), line 9. Insert “, but only if it is reasonably practicable to do so” after “regulations”.
- No. 20 **Defence for failing to notify biosecurity event**
Page 17. Insert after line 44:

42 Defence for failure to notify event if precautions have been adopted

It is a defence to the prosecution for an offence under this Division if the person charged with the offence proves that the person did not notify the biosecurity event because the person had good reason to believe that all reasonably practicable biosecurity precautions in relation to that event had been adopted to prevent, minimise or eliminate the biosecurity risk.

- No. 21 **Media reporting of biosecurity event**
Page 18. Insert after line 10:

43 Provisions relating to media personnel

- (1) If a person who is representing a media organisation becomes aware, in the course of the person’s work, of a biosecurity event, the person is not prevented from using, communicating or publishing any information or material related to the event.
- (2) Any such person is not, in discharging the person’s biosecurity duty under this Division, required to disclose the person’s source of information in relation to the biosecurity event.

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- No. 22 **Powers of authorised officers**
Page 34, clause 86. Insert after line 18:
 (2) The powers of an authorised officer under this Part may be exercised in relation to a person only if the authorised officer suspects on reasonable grounds that the person has committed, or is likely to commit, an offence against this Act or the regulations.
- No. 23 **Powers of entry**
Page 37, clause 96, line 19. Insert “**or commercial**” after “**residential**”.
- No. 24 **Powers of entry**
Page 37, clause 96, line 21. Insert “or any commercial premises” after “purposes”.
- No. 25 **Search warrants**
Page 37, clause 97. Insert after line 34:
 (3) Any such search warrant may only be exercised in the presence of a police officer.
- No. 26 **Seizure of items**
Page 38, clause 99. Insert after line 41:
 (3) Any thing seized under this section may only be retained by an authorised officer for the period of time (not being longer than 21 days) specified by the authorised officer when seizing the thing. During that period of time the authorised officer is to determine whether it is lawful for the person from whom it was seized to have possession of the thing and whether the continued retention of the thing by the authorised officer is warranted.
- No. 27 **Penalties for category 1 offences**
Page 99, clause 276, lines 5–9. Omit all words on those lines. Insert instead:
 (a) in the case of an individual—\$10,000 or imprisonment for a period not exceeding 6 months, or
 (b) in the case of a corporation—\$50,000.
- No. 28 **Penalties for category 2 offences**
Page 99, clause 277, lines 12–15. Omit all words on those lines. Insert instead:
 (a) in the case of an individual—\$5,000, or
 (b) in the case of a corporation—\$25,000.
- No. 29 **Imposing penalties—matters to be considered**
Page 101, clause 282. Insert after line 3:
 (g) whether the person had a reasonable excuse for committing the act constituting the offence or was acting in good faith or in the public interest.
- No. 30 **Defence of due diligence**
Page 101, clause 283, line 14. Omit “—**category 1 offences**”.
- No. 31 **Defence of due diligence**
Page 101, clause 283, line 15. Omit “a category 1 offence”. Insert instead “an offence against this Act or the regulations”.
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- No. 32 **Defence of due diligence**
Page 101, clause 283, line 20. Omit “offence.”. Insert instead “offence, and”.
- No. 33 **Defence of due diligence**
Page 101, clause 283. Insert after line 20:
 (c) that the person was acting in good faith and with the intention of preventing a further biosecurity risk or a risk to animal welfare.
- No. 34 **Common carriers**
Page 101, clause 286. Insert after line 43:
 (3) A person is not a common carrier for the purposes of this section unless the person follows the mandatory measures and ensures that protocols are in place to prevent biosecurity risks.
- No. 35 **Access to information**
Page 131, clause 378, lines 17–21. Omit all word on those lines.
- No. 36 **Regulations**
Page 140, clause 401. Insert after line 29:
 (3) The Minister is to ensure that any committee constituted to provide advice in relation to any proposed regulation under this Act includes the following members:
 (a) an independent animal welfare member with expertise in farm animal welfare,
 (b) an independent member of the community with expertise or standing in human and social rights.
 (4) Any such committee is to refer to any relevant Parliamentary Standing Committee any farming related practice that the committee thinks may constitute a biosecurity risk.
 (5) The Minister is to ensure that any proposed regulation under this Act is considered by both Houses of Parliament before it is made.