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Tabled, by leave,

Ms Monial

Clerk of the Parliaments

BIOSECURITY AMENDMENT (INDEPENDENT BIOSECURITY COMMISSIONER) BILL 2023

STATEMENT OF PUBLIC INTEREST

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Need: Why is the policy needed based on factual evidence and stakeholder input?

The impact of invasive species on NSW's economy, environment and community is profound. Weeds cost our agriculture sector around \$1.8 billion every year. Pest animals cost over \$170 million annually.

The Government is delivering a package of election commitments relating to invasive species (pest and weed) management. In addition to legislating the Independent Biosecurity Commissioner, the Government has also committed to direct \$10 million towards a Good Neighbour Program to tackle pest and weed infestations and has tasked the Natural Resources Commission with conducting a baseline study to determine the extent of invasive species in NSW.

The establishment of the Independent Biosecurity Commissioner is a key step in delivering this package of commitments and it will play a central role in informing future Government action in response to the threats and impacts of invasive pests and weeds in NSW.

To inform the development of the Independent Biosecurity Commissioner legislation, the NSW Government appointed an Interim Biosecurity Commissioner – Dr Marion Healy – who undertook consultation with stakeholders to inform the role, functions and powers of the Commissioner. There was unanimous support from stakeholders for the establishment of an Independent Biosecurity Commissioner and the opportunity for a Commissioner to promote accountability in relation to pest and weed management in NSW. That is what this Bill will deliver.

Objectives: What is the policy's objective couched in terms of the public interest?

There is strong public interest in ensuring that NSW agricultural and environmental values are protected and managed effectively, and the impacts of pests and weeds are minimised. The overarching goal of the establishment of an Independent Biosecurity Commissioner in the *Biosecurity Act 2015* is to provide oversight to strengthen and secure the resilience of the framework as it relates to pests and weeds, and protect our environment, biodiversity, economy and community from the harm and impacts of pests and weeds. This Commissioner will provide the expertise and advice necessary to comprehensively address the challenges posed by invasive species across the State. This Bill will therefore deliver benefits in the public interest by mitigating and minimising the impacts of pests and weeds on industry, the environment and the community.

Options: What alternative policies and mechanisms were considered in advance of the bill?

While there are current Government programs, information, and tools available to support stakeholders to address invasive species management issues, stakeholders consistently raised that more can be done to provide oversight and improve accountability, and to provide an independent voice to Government. This Bill proposes an advisory and oversight model which was unanimously supported by stakeholders during consultation.

Other models for the Commissioner were considered:

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1. Reviewing Biosecurity Regulatory Functions – where the Commissioner would be responsible for investigating systemic biosecurity regulatory complaints and conducting reviews of regulatory operations.
2. Dispute Resolution and Mediation – where the Commissioner would act as an independent mediator in resolving disputes between public land managers, landowners, farmers, industries and regulators.

However, stakeholder support for these models was not strong, and they were ultimately not recommended by the interim Biosecurity Commissioner.

The Government committed to the establishment of an Independent Biosecurity Commissioner. As such, the option of doing nothing was not considered to be appropriate.

Analysis: What were the pros/cons and benefits/costs of each option considered?

Making the proposed amendments to the *Biosecurity Act 2015* will establish a Commissioner who can address pest and weed issues and provide benefits to the community, industry and government. This amendment will allow for independent oversight and advice to be provided to all stakeholders to improve pest and weed management activities across the State. This proposal will provide opportunities to increase the efficiency of pest and weed management and ensure optimal allocation of resources and effort.

In relation to the ‘Reviewing Biosecurity Regulatory Functions’ option, stakeholders noted a strategic value in identifying potential areas for regulatory improvement and optimising the efficiency of regulatory agencies and public land managers. However, feedback indicated that the Advisory and Oversight function would be more effective in achieving the desired outcomes and that regulatory issues could be considered as needed.

In relation to the ‘Dispute Resolution and Mediation’ option, some stakeholders acknowledged the potential value of having an independent platform for voicing concerns and facilitating dispute resolution. However, most of the feedback indicated an Advisory and Oversight function that clarifies responsibilities and improves accountability could better address concerns about the biosecurity system in NSW. Stakeholders also raised concerns with the significant financial and administrative resources that would be required to administer an effective Dispute Resolution and Mediation function.

Pathway: What are the timetable and steps for the policy’s rollout and who will administer it?

It is proposed that the Bill will commence on assent. Once the Bill has passed Parliament, a recruitment processes will commence with the role advertised in late 2023 and a selection panel convened to assess applicants for the role of Commissioner. The appointment will be by the Governor on the recommendation of the Minister and this is expected to take place in early 2024.

The Independent Biosecurity Commissioner will be a statutory appointment, who reports directly to the Minister for Agriculture and is supported by a secretariat located in the Department of Primary Industries.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The interim Biosecurity Commissioner consulted with several key stakeholders including from rural and regional community and environmental organisations. Stakeholder consulted

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with were the State Pest Animal Committee, State Weed Committee, Game and Pest Management Advisory Board, Commonwealth Department of Agriculture, Fisheries and Forestry, Commonwealth Inspector General of Biosecurity, Commonwealth Chief Environmental Biosecurity Officer, Commonwealth Department of Climate Change, Energy, the Environment and Water, NSW Farmers, Invasive Species Council, Landcare NSW, NSW Aboriginal Land Council, Country Women's Association, NSW Weeds Officers Association, Nursery & Garden Industry NSW & ACT Ltd and Local Government NSW.

Stakeholders were unanimously supportive of the establishment of an Independent Biosecurity Commissioner with an advisory and oversight function.

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