



Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport Legislation
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Submitted via committee email: rrat.sen@aph.gov.au

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To: Senate Rural and Regional Affairs and Transport Legislation Committee

RE: MIAL submission on Biosecurity Amendment (Enhanced Risk Management) Bill 2021

Thank you for the opportunity to provide a submission to the Senate Rural and Regional Affairs Legislation Committee (the Committee) inquiry into the Biosecurity Amendment (Enhanced Risk Management) Bill 2021.

About MIAL

Maritime Industry Australia Ltd (MIAL) represents Australian companies that own or operate a diverse range of maritime assets, from international and domestic trading ships, floating production storage and offloading units, cruise ships, offshore oil and gas support vessels, domestic towage and salvage tugs, scientific research vessels, dredges, workboats, construction and utility vessels and ferries. MIAL also represents employers of Australian and international maritime labour and operators of vessels under Australian and foreign flags.

The *Biosecurity Act 2015* is a key piece of legislation that MIAL members interface with daily, on issues across the entire biosecurity spectrum. Obviously, since the beginning of the COVID-19 global pandemic in early 2020, human biosecurity matters have featured more than ever before, and MIAL is pleased to note that many of the issues raised with respect to the effectiveness of our biosecurity framework are attempting to be addressed through this amendment.

General comments

It is critical that the obligations of all stakeholders relevant to Australia's biosecurity are clear and well understood, and that the processes that underpin biosecurity management, compliance and enforcement are streamlined, efficient and able to be practically implemented. The effectiveness of Australia's biosecurity management system is critical to the Australian domestic economy and our ability to trade internationally and importantly, reignite our valuable international tourism industry.

The modern Australian maritime industry prides itself on its constructive engagement with government, strong biosecurity record and more generally, we regard regulatory compliance across the health, safety and environment protection spectrum as a key pillar of business success.

General Comments on the Biosecurity Amendment (Enhanced Risk Management) Bill 2021

MIAL supports strengthening and streamlining Australia's biosecurity system to enhance the ability of all parties to manage the risk of pests and diseases entering, emerging, establishing or spreading in Australia. In our view, the proposed amendments to the *Biosecurity Act 2015* go some way to achieving this.

Notwithstanding our general support for the Biosecurity Amendment (Enhanced Risk Management) Bill 2021 amendments, MIAL has some comments specific to the new biosecurity group directions and notes that there is significant detail about implementation that is lacking from the Bill. We look forward to engaging in future industry consultation in relation to the development of associated regulations.

Comments on Biosecurity Group Directions

MIAL recognises the need for Australia's biosecurity framework to be strengthened to provide for the issuing of biosecurity group directions to a class of individuals, in addition to the existing mechanism of applying a human biosecurity control order.

However, MIAL would like to raise concerns that relate to the obligation of issuing of biosecurity group directions and the practical ability of individuals (persons in charge) and ship operators to comply and enforce these obligations.

- MIAL suggests that the committee might like to consider the varying circumstances across which a 'person in charge' might be obligated to ensure all persons to which a biosecurity group direction applies, are notified as such.

Discharge of such obligations is a quite different proposition for the captain of an aircraft, with several hundred passengers on board and, for the most part, contained within their seats, as it is for the master of a cruise ship, where the passengers to which a biosecurity group direction might apply can amount to many thousands of people who are not as easily contained or communicated with, without breaching various privacy laws and ethics.

In these circumstances, the regulatory burden and potential implications of non-compliance on the master, regardless of master's intention, is significant.

- MIAL also suggests the committee may wish to consider, while it is not clear to whom the responsibility for enforcement of such a direction would fall, the practical ability of any party to implement and enforce the possible measures contained within a biosecurity group direction. Possible measures include *management of the location of individuals* (section 108L), *wearing protective clothing and equipment* (section 108M), *undergoing an examination* (section 108N) and *providing body samples for diagnosis* (section 108P). It is anticipated that such measures contained within a group biosecurity direction would be applied without prior notice, making the practical application particularly difficult in some circumstances.

Clearly, some of these possible biosecurity group direction measures present significant challenges when applied to a vessel at sea. Challenges, particularly acute with respect to cruise ships, include ensuring adequate supplies of PPE and examinations and storage of large numbers of biological samples, due to the large number of passengers (and crew) potentially subject to such measures.

Thank you for taking the time to consider MIAL's submission.

Yours sincerely,

Teresa Lloyd
Chief Executive Officer