

Senate Rural and Regional Affairs and Transport Legislation Committee

Questions on Notice – Wednesday, 11 February 2015

Canberra, ACT

Inquiry into Biosecurity Bill 2014 and related Bills

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Senate Rural Affairs and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Inquiry into the Biosecurity Bill 2014 and related Bills.

Department of Agriculture/Department of Health

Question taken on notice: 1

Division/Agency: Service Delivery, Department of Agriculture

Topic: Consultation

The Committee asked:

Senator RUSTON: Have you got a list of the people that you consulted with on the development of the bill.

Answer:

Below is a table of organisations who have attended consultation activities organised by the department for development of the Biosecurity Bill 2012 and the Biosecurity Bill 2014.

Agforce Queensland	Animal Health Australia
Apple & Pear Australia Limited	Association of Biosafety for Australia and New Zealand
AUS-MEAT	Australasian Institute of Marine Surveyors
Australasian Regional Association of Zoos and Parks and Aquaria	Australia Post
Australian Airports Association	Australian Banana Grower's Council
Australian Camel Industry Association	Australian Chicken Growers' Council Ltd
Australian Chicken Meat Federation Inc.	Australian Conservation Foundation
Australian Crocodile Traders	Australian Dairy Farmers Association
Australian Egg Corporation Limited	Australian Food and Grocery Council
Australian Forest Growers	Australian Forest Products Association
Australian Ginger Industry Association	Australian Honey Bee Industry Council/president-Qld Beekeepers Assoc

Please provide an estimation of hours spent on QoN response for each officer involved.

Officer	DAFF Level	Hours spent on QoN response
A	Executive Level 1	10
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Department of Agriculture/Department of Health

Australian Horse Industry Council	Australian Horticulture Exporters'' Association
Australian Industry Working Group on Biosecurity	Australian Lot Feeders' Association
Australian Mango Industry Association	Australian Meat Industry Council
Australian Mungbean Association	Australian Mushroom Growers Association
Australian Oilseeds Federation	Australian Orchid Council
Australian Ostrich Association	Australian Petroleum Production & Exploration Association Limited (APPEA)
Australian Plantation Products and Paper Industry Council	Australian Pork Limited
Australian Prawn Farmers Association	Australian Seed Federation
Australian Self Medication Industry	Australian Shipowners Association
Australian Timber Importers Federation Inc	Australian Veterinary Association
Australian Wildlife Health Network	Australian Wool Exchange
Australian Wool Industries Secretariat	Australian Wool Innovation Ltd
Australasian Plant Pathology Society	AUSVEG
Avocados Australia	Biosecurity Advisory Council
Birdlife Australia	Board of Airline Representatives of Australia
Canegrowers Australia	Cattle Council of Australia
CBH GROUP	Chartered Institute of Logistics and Transport
Cherry Growers Australia Inc	Citrus Australia
Conference of Asia Pacific Express Carriers (CAPEC)	Cotton Australia Limited
Cotton Research and Development Corporation	Crocodile Farmers Association of the Northern Territory
CSIRO	CSIRO Biosecurity Flagship
Curtin University	Customs Brokers and Forwarders Council of Australia Inc
Dairy Australia	Deer Industry Association of Australia
Department of Defence	Department of Employment, Economic Development and Innovation (Qld)
Department of Environment (DEWHA - federal)	Department of Health and Ageing - federal
Department of Primary Industries NSW	Department of Primary Industries (VIC)

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Department of Agriculture/Department of Health

Department of Primary Industries and Regions SA	Department of Primary Industries, Parks, Water and Environment (TAS)
DHL global forwarding	Emu Industry Association/Federation of Australia
Environmental Defenders Office NSW	E-Systems Pty Ltd
Etherington	Export Council of Australia
Federation of Australian Wool Organisations	Feed Ingredients and Additives Association of Australia Inc
Fertilizer Industry Federation of Australia	Fisheries Research and Development Corporation
Fleming's Nurseries	Food & Beverage Importers Association
Freight and Trade Alliance	Fruit Growers of Tasmania
FruitWest	Furnishing Industry Association of Australia
Grain Growers Association	Grain Producers Australia
Grain Trade Australia	GrainCorp
Grains Council of Australia	Grains Industry Association of Western Australia
Grains Industry Market Access Forum	Grains Research and Development Corporation
Grape and Wine Research and Development Corporation	Grazing Best Prac
Greening Australia	GrowCom
Harness Racing Australia	Harvest Feast
Harvest Moon	Hazelnut Growers of Australia
Horse Industry Council	Horticulture Australia Limited (Horticulture Innovation Australia Limited)
Industry Working Group on Quarantine	Institutional Biosafety Committee
International Cargo Handling Co-ordination Australia	Invasive Species Council
Keep Australia Beautiful	Livecorp (Australian Livestock Exporters Council)
Lynch Group	Meat and Livestock Australia
National Aquaculture Council	National Biosecurity Committee - ACT
National Biosecurity Committee - NSW	National Biosecurity Committee - NT
National Biosecurity Committee - TAS	National Biosecurity Committee - VIC
National Biosecurity Committee - WA	National Biosecurity Committee -SA

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Department of Agriculture/Department of Health

National Farmers Federation	National Herd Improvement Association of Australia
National Parks Australia Council	NSW Dept of Health
NSW Farmer's Association	NT Department of Health
Nursery and Garden Industry Australia	Onions Australia
Organic Industry Standards and Certification Council	Passionfruit Australia
Pastoralists and Graziers Association of WA	Persimmons Australia
Pet Industry Association of Australia	Pet Food Industry Association of Australia
PIC Australia	Pistachio Growers Association
Plant Biosecurity Cooperative Research Centre	Plant Health Australia
Potatoes South Australia Incorporated	Potatoes Tasmania
Primary Industries Biosecurity Action Alliance	Primary Producers SA
Qantas	QLD Department of Health
Queensland Farmers Federation	Racing Victoria
Science Industry Australia	Seafood Services Australia
Sheepmeat Council of Australia	Shipping Australia Ltd
South Australia Department of Health	South Australia Farmers Federation
Summerfruit Australia	Supply Chain and Logistics Association Australia
Sydney Airport Corporation	Table Grapes WA Inc.
Taronga Conservation Society Australia	Tasmanian Department of Health
Tasmanian Farmers and Graziers Association	Tasmanian Regional NRM Organisations
Tasmanian Salmonid Growers Association	Tourism and Transport Federation
Tourism and Transport Forum	Veterinary Manufacturers and Distributors Association
VIC Department of Health	Victorian abalone council
ViCSPA	Victorian Farmers Federation
Victorian Freight and logistics Council	WA Biosecurity Council
WA Citrus Improvement Group	WA Farmers Federation

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ANSWERS TO QUESTIONS ON NOTICE

Inquiry into the Biosecurity Bill 2014 and related Bills.

Department of Agriculture/Department of Health

WA Grains Group	Wildlife Disease Association
Window and Door Industry Council	Wine Grape Growers Australia
WoolProducers Australia	Zoo and Aquarium Association

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ANSWERS TO QUESTIONS ON NOTICE
Inquiry into the Biosecurity Bill 2014 and related Bills.
Department of Agriculture/Department of Health

Question taken on notice: 2

Division/Agency: Service Delivery, Department of Agriculture

Topic: Amendments between the 2012 and 2014 Bill.

The Committee asked:

CHAIR: We will give you a list of questions on notice which we will formalise. The Invasive Species Council provided a list of 19 differences between the 2012 package of bills and the 2014 bill before the committee today. Is this list complete and correct?

Answer:

The list of 19 differences between the 2012 package of Bills and the 2014 Bill provided by the Invasive Species Council is not complete nor correct.

Below is a list of material changes made from the Biosecurity Bill 2012 to the Biosecurity Bill 2014. This list does not include minor amendments made due to changes in legislative drafting style or where the legislative outcome remains the same.

Amendment	Description
Include a new provision relating to the destruction of disease agents, clause 53	This provision will allow the Department of Health to require aircraft or vessels to undertake measures to destroy disease agents (for instance mosquitoes) which can carry diseases to manage the risk to human health.

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Department of Agriculture/Department of Health

Remove Biosecurity Bill 2012 clauses 146, 217, 218 and 219 relating to ‘authorised persons’	These provisions restricted access to goods or conveyances that are subject to biosecurity control – even if no assessment has been made that intervention is necessary. The provisions have been removed to allow goods and conveyances to move more freely at the border. Powers to restrict access to goods are still available where legitimate risks are identified and biosecurity measures are required to manage the risks.
Amend clause 120 and 121 relating to importation notice	These amendments allow biosecurity officers to request additional information relating to a notice of intention to unload goods. It also clarifies when an individual is no longer required to provide additional or corrected information regarding a notice.
Include a new provision relating to pre-arrival reporting for conveyances, clause 194	This provision will allow biosecurity officers to request additional information relating to a pre-arrival report provided for a conveyance before it enters Australian territory. This allows officers to more accurately assess the potential biosecurity risks before the conveyance arrives.
Amend clauses 162 and 163 relating to releasing goods from biosecurity control	These amendments allow biosecurity officers to release goods from biosecurity control before they are in Australian territory. This will facilitate faster movement of goods through the border where biosecurity risk is low.
Amend clause 166 relating to Biosecurity Import Risk Analysis	This amendment provides a note clarifying that that a Biosecurity Import Risk Analysis can address biosecurity risks relevant to the whole of Australia or a part of Australia, highlighting that regional differences can be considered as part of a BIRA.
Amend clauses 177 and 179 relating to permits	This amendment includes timeframes for the Director of Biosecurity to make a decision about granting a permit, including requesting further information; consistent with other like provisions in the Bill.

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Department of Agriculture/Department of Health

Amend clause 221 relating to quarantine signals	The requirements for quarantine signals have been amended so they are only required to be displayed by vessels, not aircraft. Operationally it would be impractical to require an aircraft to display a quarantine signal.
Extension of the requirement to pre-arrival report to all vessels intending to discharge ballast water, clauses 267 and 268	The legislation will require vessels (both international and domestic), which are intending to discharge ballast water in Australian seas to provide a pre-arrival report and allows for additional information to be requested to give effect to domestic ballast water management requirements under the Ballast Water Convention.
Amend clause 378 relating to permanent biosecurity monitoring zones	This provision has been amended so that when a permanent monitoring zone is declared, the zone covers the territory inside the landing place/port/mail centre/activity zone, as well as the area surrounding it. This will allow biosecurity officers to exercise their monitoring powers at locations inside the monitoring zone.
Amend clause 421 relating to giving directions to a BIP whose arrangement has been suspended	This provision has been extended to allow officers to issue a direction to an industry participant whether the arrangement was suspended by the Director, or the industry participant themselves. This ensures that regardless of who suspended the arrangement, biosecurity risks can continue to be managed effectively.
Amend clause 543 relating to the delegation of biosecurity emergency powers	This provision has been amended so that the Minister's powers during an emergency can only be delegated to a person within a national response agency who has the 'appropriate qualifications and expertise'. This ensures that only suitable qualified or experienced persons are exercising the powers.

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Department of Agriculture/Department of Health

Amend clause 452 relating to declaring the Australian Defence Force as a National Response Agency	The provision has been amended to require the Agriculture Minister to consult the Minister responsible for the Australian Defence Force before declaring the Australian Defence Force as a national response agency. This will ensure the Australian Defence Force's responsibilities as a national response agency do not undermine or hamper its other national priorities. However, a failure by the Director of Biosecurity to consult will not affect the validity of the determination. This will ensure the Commonwealth has continuous ability to appropriately manage the risks of a biosecurity emergency.
Amend clause 572 relating to general provisions relating to directions	<p>Members of the Australian Defence Force given a direction under this Bill that is inconsistent with an order or other exercise of command given under the <i>Defence Act 1903</i> (Defence Act) are not required to comply with that direction. This will only to the extent that any inconsistency may exist and only to the extent that that member is acting in his or her capacity as a member of the Australian Defence Force.</p> <p>This ensures that the command and control structure of the Australian Defence Force is maintained and protects Australian Defence Force members from contravening a clause under the Bill when following a direction under the Defence Act.</p>
Extending the application of Biosecurity Bill 2012 clause 408 relating to the application of an associates test	This provision has been moved to the definitions section under 'associate' (see clause 11 of 2014 Bill). It has been extended to allow for the consideration of whether a person is an associate of another person who is not a fit and proper person for an import permit application, as well as an approved arrangements application (see clause 530 in the 2014 Bill for the fit and proper person test). This will assist in managing the operational challenges relating to non-compliance.

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Amend Chapters 9, 10 and 11 relating to compliance and enforcement powers	The three chapters have been merged into a single chapter (Chapter 9) and updated so that the Bill draws on the <i>Regulatory Powers (Standard Provisions) Act 2014</i> , which standardises regulatory powers across regulatory agencies. As the original provisions were drafted to the same drafting standard, the effect of these provisions is materially unchanged from the 2012 Bill.
Amend clauses 541 and 550 relating to powers conferred by the Biosecurity (Consequential Amendments and Transitional Provisions) Act	These provisions have been amended to ensure that the Director of Biosecurity and biosecurity officers can use the powers conferred on them by the Biosecurity (Consequential Amendments and Transitional Provisions) Act when it comes into force.
Include new clauses relating to Minister review powers, clauses 567 and 568	These provisions allow the Minister (or his/her delegate) to gather information in order to conduct a review of the biosecurity system. This will ensure that the assessment and management of biosecurity risk is subject to regular review and continual improvement.
Include new provisions relating to modifications of the Act, clauses 618 to 624	These provisions will enable some provisions of the Bill to have a modified operation in order to manage specific areas of Australian territory that have a different risk status than the rest of Australian territory, and would not be effectively managed through the general provisions of the Bill. These provisions will be used to manage risks associated with places such as the Torres Strait, Christmas Island, and the Cocos (Keeling) Islands.
Include a new provision relating to regulations for cost recovery, clause 593	This provision will allow regulations to be created that outline when cost-recovery charges are payable.
Include a new provision relating to extra-territorial application of cost recovery charges, clause 614	This provision will ensure that cost-recovery charges can be collected from people outside of Australian territory.

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Department of Agriculture/Department of Health

Amending Part 3 of Chapter 11 relating to cost recovery

To enable collection of quarantine charges imposed under the Quarantine Charges (Imposition) legislation (and associated consequential amendments to those bills). Note: Chapter 13 is now Chapter 11 in the 2014 Bill due to the restructure the compliance and enforcement provisions).

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