



Community and Public Sector Union

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Biosecurity Legislation Implementation Support Office
Biosecurity Legislation Implementation Branch
Australian Government
Department of Agriculture and Water Resources
GPO Box 858
CANBERRA ACT 2601

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Dear Sir/Madam

Draft Biosecurity (General) Regulation 2015: Approved arrangements.

As the primary union representing Department of Agriculture and Water Resources employees, the Community and Public Sector Union (CPSU) is committed to providing a strong voice for our members in key public policy and political debates.

The CPSU welcomes the opportunity to make a submission to this public consultation into the draft regulations of the Biosecurity Act. The CPSU has significant concerns about Draft Biosecurity (General) Regulation 2015: Approved arrangements.

Under the new Biosecurity Act, industry participants can perform any biosecurity function as long as they can demonstrate it meets the requirements of the regulations. AA2 in Biosecurity (General) Regulation 2015: Approved arrangements outlines that all that is needed for an arrangement to be proposed is satisfaction by the relevant Director that the industry participant can undertake the activities and they can be monitored:

AA2 Requirements for approving proposed arrangement

For paragraph 406(2)(a) of the Act, the requirements that the relevant Director must be satisfied that a proposed arrangement meets are the following:

(a) the applicant has the capability, equipment and facilities necessary to carry out the biosecurity activities covered by the arrangement;

(b) the arrangement will be capable of being effectively monitored by the relevant Director to determine whether the Act has been, or is being, complied with."

This clause is quite broad and gives permission for industry participants to conduct any of their own biosecurity activities. The CPSU has significant concerns about the lack of detail of what is considered to be 'biosecurity activities' that can be carried out by a 'biosecurity industry participant'. The previous *Quarantine Act* was quite specific about what arrangements could be approved.

The CPSU has significant concerns that the move away from Department-run inspections towards self-regulation by industry participants may have adverse impacts on quarantine outcomes. Adverse impacts on quarantine outcomes can devastate whole sectors of the agriculture industry. In numerous submissions and consultations about the new Biosecurity Act, the CPSU outlined many risks and problems if industry participants are allowed to perform their own biosecurity inspections. These issues remain under the proposed regulations.

We hold significant concerns that the new Biosecurity Act will create a conflict of interest for industry participants. Companies will inevitably consider the impact on profits when making decisions, including releasing goods from biosecurity control. Any assessment of risk is likely to be influenced by the monetary impact of a decision. It is foreseeable that some industry participants will prioritise their financial interests ahead of the national interest, leading to biosecurity incidents.

While some businesses may believe that self-regulation could be an improvement for the businesses that do the right thing and reduce their costs, there is significant concern amongst CPSU members that agricultural *industries* may see a greatly increased risk from those who do not do the right thing when they want to avoid additional costs. Further, some quarantine risks are of an environmental nature rather than an industry one and it is difficult to see businesses involved in self-regulation holding the same concerns about environmental risks.

Furthermore, CPSU members have noted that the proposed self-regulation of import inspections by industry participants is similar to the current regime for meat inspectors, which we believe has been problematic.

We submit that there must be a clear list of what specific activities are included under the definition of 'biosecurity activities' and what specific arrangements can be approved.

For further information, please contact Dr Kristin van Barneveld, Director of Research

Yours sincerely,

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