

FACT SHEET

Biosecurity Bill 2019

The *Biosecurity Bill 2019* (the Bill) will replace the following seven Acts:

Vermin Control Act 2000

Weed Management Act 1999

Plant Quarantine Act 1997

Animal Health Act 1995

Animal Farming (Registration) Act 1994

Seeds Act 1985

Animal (Brands and Movement) Act 1984

The Bill's core aims (or objects) are to:

- ensure that responsibility for biosecurity is shared between government, industry and the community; and
- protect Tasmania from threats posed by pests and disease to land and water based industries and environments, public health and public amenities, community activities and infrastructure; and
- provide a robust and coherent regulatory framework for biosecurity in Tasmania that is based on sound risk assessment and evidence; and
- give effect to State, national and international biosecurity agreements and strategies, such as the Tasmanian Biosecurity Strategy; and
- facilitate the trade of Tasmanian produce by ensuring it meets national and international biosecurity requirements; and
- promote compliance with a 'general biosecurity duty' through emergency preparedness, effective enforcement measures, and communication and collaboration between government, industry and the community.

The Bill is evolutionary rather than revolutionary. The new biosecurity system will retain many of the components of the existing system, albeit in modernised and improved form.

The Bill introduces new key concepts such as *biosecurity matter* (animals, plants, diseases, contaminants and other biological material) *biosecurity impact* (the harm to the economy, environment or community caused by biosecurity matter) and *biosecurity risk* (the risk of a biosecurity impact occurring).

The Bill introduces a statutory *general biosecurity duty* (GBD) which imposes a statutory duty on all persons to use reasonable standards of care when dealing with any biosecurity matter or carrier of biosecurity matter. Failure to comply with the GBD will be a criminal offence.

The Bill provides a simpler and more efficient legal framework for the management of weeds and vermin, imports of plant and animal products, biosecurity emergencies, and monetary reimbursement for biosecurity related loss.

The Bill introduces a criminal penalty regime that is more appropriate for the nature and gravity of biosecurity offences, and better aligned with penalties for similar offences in other States.

The Bill enables detailed biosecurity measures to be tailor-made for managing specific issues, activities or impacts, and implemented via subordinate legislation.

The Bill itself does not contain any new prescribed fees or levies. While the capacity (under existing legislation) to recover costs for a range of biosecurity functions is maintained, any new statutory fees and levies must be prescribed by regulation. The Government will undertake a regulatory impact assessment (involving public consultation) in relation to proposed regulations made under the Bill, unless the Secretary of Treasury determines that it is not necessary.

Under the Bill's framework, high-level decisions that are likely to have broad strategic, social, economic or environmental ramifications are the responsibility of the Minister, while high-level administrative functions are the responsibility of the Secretary of the Department of Primary Industries, Parks, Water and Environment (DPIPWE).

The Bill establishes the statutory positions of Chief Veterinary Officer (CVO) and Chief Plant Protection Officer (CPPO) as the principal authorised officers within the regulatory framework. The CVO and CPPO, their deputies, and regular authorised officers will be responsible for most day-to-day technical and operational functions under the Act. Authorised officers (which includes police officers) are likely to be first responders in a biosecurity emergency.

The Bill provides appropriate rights of appeal to the Resource Management and Planning Appeals Tribunal (RMPAT) for most decisions that directly concern private interests. Along with appeal provisions – the Bill requires publication of a Tasmanian *biosecurity compendium* on the Department's website to aid in transparency, and promote public awareness of Tasmania's biosecurity requirements.

The Bill requires the Minister to establish a Biosecurity Advisory Committee, with broad representation from industry and other community groups, to provide advice to the Minister (or Secretary) on biosecurity related issues referred to it.

After it has been passed by Parliament the Bill can be proclaimed in stages. A consequential and transitional Bill will be introduced separately. This will contain all the necessary transitional arrangements and consequential amendments (to other legislation) for the staged introduction of the new legislation. The existing legislation will remain in place until such arrangements are finalised.

An orderly and efficient roll-out of a new *Biosecurity Act 2019* will require the development of a suite of new regulations, administrative systems and resources. Priority tasks identified for the initial implementation of the new legislative framework include:

- establishing the Biosecurity Advisory Committee to provide a consultative forum for implementation projects;
- developing and publishing the Tasmanian Biosecurity Compendium as a critical information resource for Government, industry, and the general public;
- regulations as prioritised in consultation with industry;
- communications, education and training materials;
- new administrative practices; and
- new information systems for registration.