

CLAUSE NOTES

Biological Control Amendment Bill 2016

- Clause 1 **Short Title**
Biological Control Amendment Bill 2016
- Clause 2 **Commencement**
This Act will commence on the day it receives Royal Assent.
- Clause 3 **Principal Act**
This Bill amends the *Biological Control Act 1986*
- Clause 4 **Section 3 amended (Interpretation)**
This clause amends some of definitions used in the legislation, adds some additional terms, and removes some redundant definitions in order to remove doubt about the meaning of the term “organism” and ensure that the meaning is consistent with that in equivalent legislation across all jurisdictions.
- An amended definition for *Kind* adds viruses and sub-viral agents in addition to live organisms to support declarations of viruses (or sub-viral agents) of a particular kind as agent organisms under Part III and Part IV of the Act, or as target organisms under Part II and Part IV of the Act.
- An amended definition of organism adds viruses or sub-viral agents to the definition by inserting an additional line (c) in the subsection.
- The definition of *prescribed live organisms* is omitted and substituted with a new definition.
- New definitions are provided for:
- ***prescribed organisms***, which will mean organisms that include live organisms or viruses or sub-viral agents
- Viruses and sub-viral agents are specifically mentioned in addition to ‘live organisms’ because the status of viruses as living entities is a matter for ongoing scientific debate. This item supports the declaration of viruses and sub-viral agents as agent organisms under Part III and Part IV of the Act. Consistent with the original definition of *prescribed live organisms* under the Act, live vaccines and resistant cultivars are excluded, as in both cases the effect is limited to an individual and to a limited area. That is, they do not possess the characteristic of biological control to have an effect beyond the point of application and are therefore not relevant to the Act.

- Clause 5** **Section 4 amended**
Section 4 This Section is amended by omitting the term 'live' and substituting "prescribed" in order to remove ambiguity about the use of viruses (and sub-viral agents) in biological control programmes. This item does not alter the original understanding of section 3 whereby natural competition within species (by selected cultivars, for example) and chemical control are not interpreted as biological control.
- Clause 6** **Section 19 amended**
This amendment removes 'live' from references to *prescribed live organisms* in subsection 19(1). The term *prescribed organisms* is defined under subsection 3(1) in Clause 4, and replaces the term *prescribed live organisms*.
- Clause 7** **Section 20 amended**
This amendment removes 'live' from references to *prescribed live organisms* in subsection 20(1). The term *prescribed organisms* is defined under subsection 3(1) in Clause 4, and replaces the term *prescribed live organisms*.
- Clause 8** **Section 24 amended**
This amendment removes 'live' from references to *prescribed live organisms* in subsection 24(1). The term *prescribed organisms* is defined under subsection 3(1) in Clause 4, and replaces the term *prescribed live organisms*.
- Clause 9** **Section 28 amended**
This amendment removes 'live' from references to *prescribed live organisms* in subsection 28(1)(b). The term *prescribed organisms* is defined under subsection 3(1) in Clause 4, and replaces the term *prescribed live organisms*.
- Clause 10** **Section 29 amended**
This amendment removes 'live' from references to *prescribed live organisms* in subsection 29(1)(a). The term *prescribed organisms* is defined under subsection 3(1) in Clause 4, and replaces the term *prescribed live organisms*.
- Clause 11** **Section 32 amended**
This amendment removes 'live' from references to *prescribed live organisms* in subsection 32(2)(a). The term *prescribed organisms* is defined under subsection 3(1) in Clause 4, and replaces the term *prescribed live organisms*.
- Clause 12** **Section 35 amended**
This amendment removes 'live' from the reference to *prescribed live organisms* in subsection 35(3). The term *prescribed organisms* is defined under subsection 3(1) in Clause 4, and replaces the term *prescribed live organisms*.

Clause 13

Repeal of Act

The Act will be repealed one year from commencement. This is a standard inclusion in amendment bills.