New Biosecurity legislation

Information Session

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Overview of presentation

Why we needed new legislation
Outline of the new Act
What has changed
What stayed the same
Where to from here
Why change

- *Quarantine Act 1908* was old and outdated
- Need for a modern regulatory framework that
  - is more easily understood and administratively efficient
  - is flexible and responsive
  - provides more opportunities for collaboration across government and industry
  - includes effective compliance powers.

Biosecurity Act 2015

- Effective from 16 June 2016
- Benefits
  - Strong legislative framework
    - clear and streamlined powers for officials
    - clear and streamlined requirements for those being regulated
  - New mechanisms to clearly identify and manage biosecurity risks, including those onshore and those posed by ballast water
  - Flexible tools to reduce administrative burden
Overview of the Biosecurity Act 2015

Each chapter is made up of parts and divisions that are then broken down into sections and subsections. Some of these have an application provision at the beginning that explains when these powers can be exercised or any limitations that apply.

General Administration Chapters

Chapter 1 – Preliminary

Operational Chapters

Chapter 3 – Managing biosecurity risks: goods
Chapter 4 – Managing biosecurity risks: conveyances
Chapter 6 – Managing biosecurity risks: monitoring, control and response

Standalone Chapters

Chapter 2 – Managing biosecurity risks: human health
Chapter 5 – Ballast water and sediment
Chapter 7 – Approved arrangements
Chapter 8 – Biosecurity emergencies and human biosecurity emergencies

Chapter 9 – Compliance and enforcement
Chapter 10 – Governance and officials
Chapter 11 – Miscellaneous
What has changed

- **Terminology**
  - Cargo and mail are now goods
  - Vessels and aircraft are conveyances
  - Quarantine is no longer referenced

- Goods and conveyances automatically subject to biosecurity control once within 12 nautical miles from Australia

- Incoming goods remain under biosecurity control until released

Changes cont’d

- **Biosecurity Officers** have a range of **powers**
  - Assessment powers - secure, move or not to move, ask questions and request documentation, inspect, test
  - Management powers - treat, export, destroy

- Quarantine Approved Premises and Compliance Agreements rolled over into Approved Arrangements
  - holders known as Biosecurity Industry Participants

- Person in charge or control of goods or conveyance is required to report biosecurity incidents

- Introduction of fit and proper person test

- Removal of permit requirements for some commodities
What has stayed the same

The way goods and conveyances move in and out of Australia

Take home messages

- Much remains the same for the importation of goods and procedures for conveyances
- New terminology – clearer terms
- New requirements – 12NM, Reportable Biosecurity Incidents, Fit and Proper
- Less regulation and determinations easier to amend

*Minimal impact on fertiliser imports*
Next steps

- Work continuing on changes that were not critical for 16 June or require a phased approach to allow stakeholder readiness and compliance

- Biosecurity initiatives and reforms being progressed, for example:
  - Roll out of Maritime Arrivals Reporting System (MARS)
  - Review of import conditions

Questions?

More Information?

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