

~~Section 64 in its current form requires that details of an informant's full criminal history be provided in the informant affidavit. The intention of the requirement contained in section 64 is to ensure that the court can properly weigh the credibility of an informant's evidence.~~

~~'Criminal history' is defined in the dictionary at schedule 2 of the Act. However, certain specific offending, if linked to dates or locations, can by virtue of the notoriety of the offences identify a person.~~

~~Therefore, new section 64 allows for an account of an informant's criminal history to be provided for, without providing the specific description of the offences or linking the convictions or charges to specific dates but linked to periods of time not exceeding seven years. This allows the court to have a reasonable idea of the proximity of the offending to the date of the application while preventing the history from identifying the informant.~~

~~To give further certainty to external agencies that the identities of their informants will be protected under the Act, the Bill explicitly provides that the information provided about an informant need not include the informant's name, address, current location, date of birth, or the position held by an informant in an organisation.~~

~~The Bill clarifies that officers of external agencies providing such informant intelligence to the court can not be asked to provide those details under examination in chief, or cross examination.~~

~~In view of this, a balancing amendment is made to provide that information provided to an agency by an informant may not be declared to be criminal intelligence if the intelligence is not supported in a material particular by other information.~~

~~These amendments to the Criminal Organisation Act were approached with great caution given the High Court ruling in *State of South Australia v Totani & Anor* [2011] HCA 39 which held certain provisions of the South Australian equivalent legislation to be constitutionally invalid and also the High Court decision in *Wainohu v New South Wales* [2010] HCA 24 which held the entire of the New South Wales equivalent Act to be constitutionally invalid.~~

~~There are fundamental differences between Queensland's Act and the South Australian and New South Wales Acts, and great care has been taken by this Government, as was taken when the Government introduced and amended the Dangerous Prisoners (Sexual Offences) Act 2003, to ensure that the amendments to the Act do not offend against the principle set out in *Kable* and the constitutional validity issues that flow from that case.~~


~~It is clear that these amendments are very practical in nature and will ensure that intelligence collected by third party agencies, that is, other than the Queensland Police Service, including relevant interstate agencies, can be used in Queensland to tackle criminal organisations operating in Queensland.~~

~~Given the importance of such law enforcement action to the people of Queensland, it is imperative that these amendments be passed by the House as a matter of priority this year.~~

~~I invite the Opposition to put the community before outlaw bikie gangs and stop protecting these criminals. I invite the Opposition to recognise the value in these amendments and support the Bill.~~

~~I commend the Bill to the House.~~

~~First Reading~~

~~ **Hon. PT LUCAS** (Lytton—ALP) (Attorney General, Minister for Local Government and Special Minister of State) (8.06 pm): I move—~~

~~That the bill be now read a first time.~~

~~Question put—That the bill be now read a first time.~~


~~Motion agreed to.~~

~~Bill read a first time.~~

~~**Mr DEPUTY SPEAKER** (Mr Wendt): In accordance with standing order 131, the bill is now referred to the Legal Affairs, Police, Corrective Services and Emergency Services Committee.~~

BIOSECURITY BILL

Message from Governor

~~ **Hon. TS MULHERIN** (Mackay—ALP) (Minister for Agriculture, Food and Regional Economies) (8.06 pm): I present a message from Her Excellency the Governor.~~

~~The Deputy Speaker (Mr Wendt) read the following message—~~

~~MESSAGE~~

~~BIOSECURITY BILL 2011~~

~~*Constitution of Queensland 2001, section 68*~~

~~I, PENELOPE ANNE WENSLEY, Governor, recommend to the Legislative Assembly a Bill intitled—~~

~~A Bill for an Act to provide for a flexible and responsive biosecurity framework to prevent or minimise adverse effects of exotic or endemic pests and diseases and contaminants on human health, social amenity, the economy and the environment, to repeal the Agricultural Standards Act 1994, the Apiaries Act 1982, the Diseases in Timber Act 1975, the Exotic Diseases in Animals Act 1981, the Land Protection (Pest Management) Act 2002, the Plant Protection Act 1989 and the Stock Act 1915, to amend the Chemical Usage (Agricultural and Veterinary) Control Act 1988 and the Fisheries Act 1994, and to make minor and consequential amendments of the Acts mentioned in schedule 3.~~


~~GOVERNOR~~

~~(sgd)~~

~~Date: 25 OCT 2011~~

~~*Tabled paper:* Message, dated 25 October 2011, from Her Excellency the Governor recommending the Biosecurity Bill 2011.~~

Introduction and Referral to the Environment, Agriculture, Resources and Energy Committee

 **Hon. TS MULHERIN** (Mackay—ALP) (Minister for Agriculture, Food and Regional Economies) (8.07 pm): I present a bill for an act to provide for a flexible and responsive biosecurity framework to prevent or minimise adverse effects of exotic or endemic pests and diseases and contaminants on human health, social amenity, the economy and the environment, to repeal the Agricultural Standards Act 1994, the Apiaries Act 1982, the Diseases in Timber Act 1975, the Exotic Diseases in Animals Act 1981, the Land Protection (Pest Management) Act 2002, the Plant Protection Act 1989 and the Stock Act 1915, to amend the Chemical Usage (Agricultural and Veterinary) Control Act 1988 and the Fisheries Act 1984, and to make minor and consequential amendments of the Acts mentioned in schedule 3. I table the bill and explanatory notes. I nominate the Environment, Agriculture, Resources and Energy Committee to consider the bill.

Tabled paper: Biosecurity Bill 2011.

Tabled paper: Biosecurity Bill 2011, explanatory notes.

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This bill will provide for a flexible and responsive biosecurity framework—a framework to prevent or minimise the adverse effects of exotic or endemic pests and diseases and contaminants on the economy, human health, social amenity and the environment.

The bill will repeal seven acts in total—the Agricultural Standards Act 1994, the Apiaries Act 1982, the Diseases in Timber Act 1975, the Exotic Diseases in Animals Act 1981, the Land Protection (Pest and Stock Route Management) Act 2002, the Plant Protection Act 1989 and the Stock Act 1915. This bill will also amend the Chemical Usage (Agricultural and Veterinary) Control Act 1988 and the Fisheries Act 1994 as well as make minor and consequential amendments to 14 other pieces of legislation.

Pests, diseases and contaminants threaten not only our agricultural industries, which contribute about \$14.7 billion per year to our economy, but also human health and our environment. Honourable members will no doubt be aware that in recent years we have faced increased biosecurity related incidents in Queensland. This is as a consequence of a number of factors which include our favourable climate, unpredictable weather conditions and the increasing frequency of movement of people and commodities that can inadvertently transport pests and diseases.

In late 2008 I released the Queensland Biosecurity Strategy, a five-year plan to provide a solid foundation on which to build a world-class biosecurity system for Queensland. The strategy is the product of the experience we have gained in biosecurity in Queensland and the collaboration and support of a wide range of stakeholders. Regulatory and legislative improvement is an area of focus in strengthening biosecurity that has been identified as part of the Queensland Biosecurity Strategy.

The consultation on the bill has been both comprehensive and inclusive. Biosecurity Queensland has received overwhelmingly positive feedback from a broad cross-section of stakeholders. I also note the support given to this landmark legislation by those opposite. I commend Biosecurity Queensland's commitment to working with stakeholders throughout the consultation process. I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

Mr Speaker, this Bill provides one single coherent approach that carries over the best of current regulatory provisions while providing flexible new regulatory tools that will address known biosecurity risks and allow a rapid response to new and unforeseen threats.

Elements from the current regulatory framework that are obsolete, repetitive, obscure, contradictory or unnecessarily obstructive to the delivery of sound biosecurity outcomes will be removed.

Current legislation has evolved independently over time in response to changing biosecurity circumstances and is principally based on the primary industries aspects of animal and plant health.

We would all agree the world of today is significantly different to the world which shaped the Stock Act of 1915.

This Bill will provide clarity and uniformity with one approach to biosecurity that applies to all. It provides for a broad focus on prevention and management of biosecurity risks in a modern environment and acknowledges that a precautionary approach is critical to achieve the best outcomes.

For the first time, we will have legislation that recognises risk based decision making underpins biosecurity responses and a lack of scientific certainty should not be used as a reason to postpone taking action.

As an example, under current arrangements Biosecurity Queensland cannot officially quarantine a property for Hendra Virus until they have a positive test result even if they highly suspect a horse on the property is sick with the virus.

In such high-risk circumstances it is not sufficient to rely on the good will of people alone.

Under the new Act Queensland will now be well placed to deal more efficiently and effectively with the many new and unknown pests and diseases that have the potential to have a costly impact on our primary production industries or environment.

Queensland will become the first jurisdiction in the country to have a single coherent Bill that applies a general biosecurity obligation on every member of the community.

Everybody will have a general obligation to actively identify and mitigate the risks associated when dealing with things that can create a risk to the environment, the economy, social amenity and human health.

This Bill recognises biosecurity as a shared responsibility suitable for a modern biosecurity environment.

Government cannot achieve efficient and effective biosecurity outcomes on its own. A proactive biosecurity system where there are shared responsibilities relies on active participation not only from people involved in rural communities and primary production but also from the broader community—particularly people who choose to be, or are inadvertently, part of a biosecurity risk pathway.

These risk pathways are diverse and are identifiable across a broad cross-section of the community, from nurseries and landscapers to nature loving bushwalkers.

The Bill firmly acknowledges the risks and consequences associated with biosecurity related matters and places responsibility for not creating or exacerbating a risk on the risk owner.

Queensland is part of a national biosecurity system and the Bill will enable the government to enter into biosecurity related partnerships.

This can include the Commonwealth, other states and territories, individual or multiple local governments, industry bodies or organisations representing particular interests such as primary production.

Mr Speaker, this Bill provides a legislative basis for the continuation of the key role played by local government in Queensland's biosecurity.

Councils will continue to manage invasive plants and animals in their area. The local government pest management planning process will continue with requirements for each local government to lead the development of a biosecurity plan for their local area in consultation with stakeholders and local community groups.

In response to requests from local government, the Bill includes provisions for joint local government planning and implementation of biosecurity programs to improve the efficiency and effectiveness of those programs.

The Bill will allow each local government to be more responsive to their own particular invasive plant or animal priorities as well as responding to state wide priorities.

It also makes provision for the appointment of local government compliance officers with the power to issue a biosecurity order to direct a person to take specific action in relation to a particular threat.

A feature of the Bill is its flexibility in authorising action according to risk.

The Bill will allow Government to determine the extent of the response based on the potential threat or risk and ensure that regulation does not place undue burden on the community, business or Government.

It also provides options to safeguard a person's rights and liberties according to the nature and seriousness of the risk that is actually presented.

The Bill allows Government to recognise good practice as a way to mitigate risk. This approach is designed to maximise acceptance and adherence by users.

The Bill provides the flexibility for a decision to be made by an industry sector or geographic area to help improve the co-ordination of effort across government and non-government stakeholders to achieve good Biosecurity outcomes.

This Bill continues to support national undertakings for stock identification and relevant registration. It continues to support animal identification systems, of which registration is a component.

Mr Speaker, this Bill provides significant powers and options that may be employed to deal with emergency situations. Improvements have been made to the ways in which a biosecurity emergency is declared and communicated to relevant stakeholders.

The old and more cumbersome approach will be replaced and it will be possible to use modern technology to alert people who may be affected quickly.

The Bill also includes improved procedures for the appointment of Queensland Police and officers appointed under the Transport and Road Management Act to assist in the event of a biosecurity emergency.

Mr Speaker, if somebody causes or is likely to cause significant damage to the health and safety of people, the economy or environment it will be known as an aggravated offence. Under the new Bill an aggravated offence will incur a higher penalty.

Having a single Biosecurity Act will reduce regulatory red tape. The administration of one Act as opposed to seven pieces of legislation will benefit Government, stakeholders, businesses, landholders and the broader community.

I would like to take this opportunity to thank the various agricultural and production industry peak bodies, natural resource management groups, local governments, and other government agencies for their support for the development of a new approach to biosecurity legislation in Queensland.


In particular I thank the members of the Biosecurity Queensland Ministerial Advisory Committee and the Biosecurity Reference Group for their commitment to this task since 2009.

Mr Speaker, despite the fact we have developed a coordinated, flexible legislative tool that is the envy of every other State in Australia, we cannot afford to be complacent.

This Bill provides the required framework to improve our responses to known biosecurity risks as well as the flexibility and adaptability to meet future threats head on.

I commend the Bill to the House.

First Reading

 **Hon. TS MULHERIN** (Mackay—ALP) (Minister for Agriculture, Food and Regional Economies) (8.11 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Madam DEPUTY SPEAKER (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Environment, Agriculture, Resources and Energy Committee.