



OFFICE OF THE CHIEF EXECUTIVE

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Mr Ian Rickuss MP  
Chair of the Agriculture, Resources and Environment Committee  
Parliament House  
Brisbane Qld 4000

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Dear Mr Rickuss

### Submission on the Biosecurity Bill 2013

Thank you for the opportunity to provide comment on the Biosecurity Bill 2013 (the Bill). Please find attached Powerlink Queensland's (Powerlink) submission.

Powerlink is a State Government Owned Corporation, which owns, develops, operates and maintains Queensland's 1700km high voltage transmission network, which extends from north of Cairns to the New South Wales border.

Ensuring effective biosecurity management is a high priority for Powerlink, and Powerlink supports the consolidation of biosecurity legislation in Queensland and simplification of processes to ensure greater efficiency in managing biosecurity across the State.

In summary, Powerlink's submission is focused on three main points:

1. **Code of Practice** – Powerlink welcomes the opportunity to develop a Code of Practice and Guideline for the electrical industry.

As outlined in Powerlink's submission, this approach is consistent with several other facets of Powerlink's business as a way of ensuring compliance with legislative requirements in a practical manner. It also has the potential for gaining standardisation of approaches across the sector.

A Code of Practice would provide a certain degree of self-regulation in a transparent manner, which in turn ensures more effective and efficient biosecurity management by Powerlink due to the reduction of 'green tape' requirements and the need for regulatory intervention.

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Powerlink views the reduction of 'green tape' requirements and regulatory intervention, and therefore associated expenditure, as an important measure to mitigate upward pressure on electricity prices for consumers.

- 2. Sufficient notification about surveillance programs** – The current Bill outlines a process for notification of surveillance programs that involves publication in a newspaper, local government circular, by radio or television. The Bill currently requires such a notice to be published only in the local area to which the biosecurity program is proposed to apply.

Powerlink is concerned that by only providing local notifications, biosecurity program information may be missed by government agencies and Government Owned Corporations such as Powerlink. Powerlink submits that notices about 'proposed biosecurity programs' should also be given directly to all government departments and government owned corporations.

- 3. Clarification of precautionary principle** – Powerlink notes a potential discrepancy in the definition of the precautionary principle between the Bill and the Explanatory Notes to the Bill and seeks clarification of the intended definition.

The Explanatory Notes currently apply the precautionary principle **only where there is a risk of serious or irreversible damage**, however this distinction is not made in the Bill. Unless this distinction is made in the definition in the Bill, Powerlink is concerned the precautionary principle could apply, in an unintended manner, to virtually all environmental impacts including those that are trivial in nature.

The application of the precautionary principle in this manner could have serious implications (e.g. financial and time) to Powerlink that are difficult to predict without further clarification about how this section of the Act would be implemented in practice.

Powerlink looks forward to working closely with Biosecurity Queensland and other stakeholders to advance the development of a Code of Practice or Guideline for the electricity industry, as well as being involved in any further consultation about the Bill or associated regulations and supporting material.

Yours sincerely



Merryn York  
**CHIEF EXECUTIVE**

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## Detailed Powerlink submission to the Biosecurity Bill 2013 (the Bill)

This submission is made by Powerlink Queensland (**Powerlink**) in relation to the Biosecurity Bill 2013 (the Bill).

Powerlink is supportive of the consolidation of biosecurity legislation in Queensland and the intention of the Bill, and notes that there will be significant benefits in having codes of practice, guidelines and compliance agreements. The following information is provided to refine the Bill further and to seek clarification on some detailed aspects of the Bill.

### **Chapter 5 - Codes of practice, guidelines and particular agreements**

1. Powerlink supports the inclusion of provisions in the Bill facilitating the development of codes of practice and guidelines including the provisions requiring consultation. A code of practice would provide a certain degree of self-regulation in a transparent manner, which in turn ensures more effective and efficient biosecurity management by Powerlink due to the reduction of 'green tape' requirements and the need for regulatory intervention.
2. This is consistent with discussions previously held with the Department of Agriculture, Fisheries and Forestry (DAFF) in relation to establishing a code of practice for the electrical industry.
3. The Queensland Energy Network Environment Forum ('QENEF') consisting of representatives from Powerlink Queensland, Ergon Energy, Energex and Essential Energy has already undertaken some preliminary work which could contribute to the development of a code. In 2009, the QENEF developed guidelines for the development of successful biosecurity strategies for electrical transmission and distribution entities performing work in Queensland.
4. Powerlink expects that a code of practice for the electricity industry would outline the reasonable and practical measures undertaken to fulfil the industry's biosecurity obligations.
5. Powerlink also agrees with the introduction of compliance agreements and considers the timeframes specified in the Bill for assessing applications to be reasonable.

### **Chapter 9 - Programs for surveillance, prevention and control**

6. Powerlink's submission relates to the part of the Bill which deals with the provision of notices about 'proposed biosecurity programs' defined elsewhere to be 'surveillance programs' and 'prevention and control programs'.
7. Section 233 of the Bill gives several examples of surveillance programs. A program to monitor compliance with a code of practice is specified as an example of a surveillance programs.
8. Notices must be published in local newspapers, local government circulars, by radio or television or given to landowners in the area to which the biosecurity program applies.
9. 'Owner' is defined in Schedule 5 of the Bill. The owner of a place is defined to be the registered owner under the *Land Title Act* (for freehold land), the registered lessee (for a lease under the *Land Act*) and otherwise the person having responsibility for the care and control of the place.
10. Powerlink is a State Government Owned Corporation, which owns, develops, operates and maintains Queensland's 1700 km high voltage transmission network, which extends from north of Cairns to the New South Wales border. Powerlink's assets are located on:

- a. freehold land where Powerlink is the registered owner under the *Land Title Act*;
  - b. State leasehold land where Powerlink is the registered lessee under the *Land Act*;
  - c. freehold land where Powerlink is the registered lessee under the *Land Title Act*;
  - d. freehold or state leasehold land, unallocated State land, reserve land or Deeds of Grant in Trust where Powerlink has a registered easement under the *Land Title Act* or *Land Act* as applicable;
  - e. State forest or national parks where Powerlink has an occupation permit; and
  - f. reserve land where Powerlink is the trustee.
11. Powerlink is unlikely to be provided with a notice issued to an 'owner' in the case of land in categories (c) - (f) above. Additionally, Powerlink is unlikely to be alerted to a notice that is published in a newspaper, local government circular, by radio or television as the Bill only requires such a notice to be published in the local area to which the biosecurity program is proposed to apply.
  12. Powerlink submits that notices about 'proposed biosecurity programs' should also be given to all government departments and Government Owned Corporations.
  13. Without an amendment, Powerlink could find that is not aware that its operations are under surveillance or that a prevention and control program has been made about a particular area, or Powerlink may inadvertently cut across steps taken or to be taken by a biosecurity officer under a biosecurity program.

#### Section 5c – Precautionary principle

14. Powerlink notes a potential discrepancy in the definition of the precautionary principle between the Bill and the Explanatory Notes to the Bill and seeks clarification of the intended definition.
15. The Explanatory Notes apply the precautionary principle **only where there is a risk of serious or irreversible damage**. This is an important distinction that is not reflected in the Bill itself, which states in Section 5c:

*The purposes of this Act are to be achieved primarily by—.....*

*(c) including in risk-based decision-making under this Act the principle that lack of full scientific certainty should not be used as a reason to postpone taking action to prevent a biosecurity event or to postpone a response to a biosecurity risk;*

16. Powerlink submits that the terminology "only where there is a risk of serious or irreversible damage" should be inserted in the definition of the Bill, for two reasons:
  - a. The current wording indicates the precautionary principle could apply, in an unintended manner, to virtually all environmental impacts Powerlink is concerned the precautionary principle could apply, in an unintended manner, to virtually all environmental impacts including those that are trivial in nature.

This application could have serious implications (e.g. financial and time) to Powerlink that are difficult to predict without further clarification about how this section of the Act would be implemented in practice.

- b. As the purposes of an Act (sections 4 and 5) and the explanatory notes are sometimes used in the interpretation of the act, there should be consistency between the two.