

## **Comment on Biosecurity Bill**

Part 2 Section 7 page 37- (2) - is this in other Acts? - could this be challenged?

Chapter 2 Part 1 Section 23 page 44 - Example should state - but not limited to.

Chapter 2 Part 1 Section 28 (2)(c)(ii) include such as veterinary surgeons - remove example

Section 42(4) page 58 the example is longer than the requirement - reword the requirement to eliminate example

Chapter 3 Part 1 Section 49 page 67 - is the example necessary?

Section 50(1) and 52(1) - are clear, is the example necessary?

Chapter 4 Part 1 Division 2 and 3 Section 68 pages 77 to Section 84 page 83 - should be relocated to the Regulation.

Division 5 page 84 - should this be in the regulation?

Chapter 4 Part 1, 2, 3 Part 3 from page 85 to 91 - could form part of the regulation - part of who does what - The Act should give the power

Chapter 5 Part 1 Section 104(1) is the Regulation part of this update? And what Regulation does this relate to?

Chapter 5 Part 2 (except Section 107) Page 95 - 96 - Should Guidelines form part of the Regulation - only power to make guidelines should be in the Act and penalty for failure to comply

Chapter 6 Part 1 Division 2 Section 113(1) page 98 - the example is bigger than the requirement - should be rewritten to laminate example - no one is found guilty of an example

Section 113(2)(b)(11) Remove example requirement is very clear. (4) also is clear and the example states the same as the requirement.

Section 115(4)(a) and (5) page 104 - in example after (a) insert - but not limited to

Section 117(2) Should include a Transport Officer - he/she already has the power under TORUM

(3) Change example to remove "might" even to a "may"

(5) This doesn't sound good should check with TORUM a regulation cannot direct power over another Act - any restrictions should be in the TORUM Act

Section 118(6) Note is not clear - Police Officers and Transport Officers have more powers to stop a vehicle than under this Bill/Act

**As A Beekeeper my Comment within the Beekeeping Section**

Chapter 7 Part 1 Section 134 page 127 - Should read - For the purpose of this Act, a designated animal are the following groups of animals (1) to (ix) (x) Captive birds and (xi) insects which are bees.

Section 141 page 131 Heading should read "Who" not What - first words - A person.

Chapter 7 Part 2 Division 1 Section 145 It is strong belief among Registered Biosecurity Entities ( Registered Beekeepers )( if I hadn't have mentioned this you wouldn't have known who I addressing) that only 1/3 of all Qld Beekeepers are registered - this is a very large biosecurity risk involving both disease and pests ( the location of these hives are unknown, the responsibilities of these Beekeepers is also unknown - 10 to 1 these people would not report a reportable disease to the Authority ).

The failure to comply isn't about the fees or the hoops the jump throw, but the small amount of the penalty of just a 100 penalty units - too small to take a person to court. Most courts are reluctant to hand down maximum penalty but to a PIN amount of 1/5 the maximum about 20 units (the paper cost more than that).

A fairer amount would be 800 penalty units; this brings this offence in line with other failure to comply within this Act.

It should be noted that a person who fails to comply with the requirements of Section 145 is identified from all other offences as they relate to a Registered Biosecurity Entity.

Section 156 page 140 - again the Penalty is too small

Division 2 Section 157 page 141 - I know the intent of this requirement, but it doesn't state it. The intent (I think) i.e. A person who keeps bees in a straw hive whereby the hive is destroyed to rob the honey - is guilty of this offence. As it reads, a person who lets feral bees build a hive in a hollow tree on their property or has bees living in a possum box or has a swarm of bees make home in the wall of their home is also guilty of this offence!

In the Dictionary there is a meaning for feral deer, goat, pig but doesn't include bees.

There needs to be an entry in the Dictionary addressing feral bees, which would include - Bees in swarm, resting in flight, or bees established in a natural hive without human intervention, such as a hollow tree or container interned for another use, including within the walls of a house.

Reword Section to include "feral bees" and no need for an example either. Other Sections are covered as each relate to a "hive."

There needs to be a Section covering the sale of hives (this section would support a further suggestion section).

A Registered Biosecurity Entity (Beekeeper) should be required to fill in and submit an approved form. The form could be similar to a form used by the Department of Transport and Main Roads to be completed by the seller of a private car (this form comes in two parts and completed by the seller, and contains information about the buyer and sets out the requirements of this legislation. The buyer keeps a copy, the seller, forwards his/her copy to the Department).

This type of transaction would ensure compliance in a positive way.

Within the Transport and Road Use Management Act (TORUM) there is a Section that sets out matters that are used in deciding if a person knew or reasonably ought to have known

(this section relates the training, experience and circumstances to the offence) {see TORUM Act, Chapter 6 Part 2 Provisions for other Particular offences about heavy vehicles, Section 163D (1) but in particular (2)} that could be used in this Act/Bill. To a lay person "knows or reasonably ought to know" is one thing but to lawmakers it is two elements almost impossible to prove without much time, work and experience in investigation.

I am sure I could make further comment but with time permitting, I am also willing to meet any board to explain my comments further if required.

Thanking you  
Ian Christie

