

13 December 2011

Research Director  
Environment, Agriculture, Resources and Energy Committee  
Parliament House

Dear Research Director

Thank you for the opportunity to submit comments for the review of the Biosecurity Bill 2011 by the Environment, Agriculture, Resources and Energy Committee (EAREC) of the Queensland Parliament.

Please find attached a synopsis of comments from the Zoo and Aquarium Association Queensland (ZAAQ). We have been fortunate enough to participate in many of the stakeholder meetings during the formulation of this Bill and have found the overall process satisfactory.

A significant issue we need to highlight is that throughout the Bill's development the exhibited animals industry has been reassured of the intent for this document to dove-tail with the proposed Exhibited Animals Act; however we were informed recently by the Department that an Exhibited Animal's Act is now unlikely to be rolled out until 2014 at the earliest. Given there is no official commitment to any timeframes for the exhibited animals legislation the zoo and aquarium industry must now consider the implementation of the Biosecurity Bill very differently.

With this in mind we have some strong reservations pertaining to the very broad definitions provided within the Biosecurity Bill and would like written clarification of how this is likely to be applied to our industry given the lag time now evident with an Exhibited Animals Act. Whilst we are confident the State Government has intention to deliver what was discussed with industry within the Stakeholder Workshops, in the absence of the dual operation of an Exhibited Animals Act there are some major concerns for our industry surrounding interpretation of sections within the Biosecurity Bill. It is also unclear as to whether aspects of the Biosecurity Bill will now require additional reporting and licensing for our industry. Reading the document in isolation it would appear there are several areas that will require additional red tape procedures for the exhibited animals industry, a contradiction with the Service Delivery and Performance Commission review of 2006 and current whole of Government policy. This has been clearly outlined in our submission and requires specific attention.

Without the concurrent use of legislation specific to our industry (Exhibited Animals Act) the Biosecurity Bill has the ability to potentially cripple our industry or individual facilities with little notification or compensation depending upon the individual interpreting the document.

As an industry we certainly appreciate the need for strong biosecurity actions in times of emergency and have demonstrated this by taking a national approach to developing an industry Biosecurity Manual in conjunction with Biosecurity Australia. We also need government to recognize the minimal risk that our industry actually presents to biosecurity and that in fact we have one of the best track records with regard to the containment and control of potential threats through the use of techniques developed and implemented by the industry itself.

We do not wish to impede any business necessary in the control of potential biosecurity risks however we must be assured that such processes that may be put in place will not inadvertently capture much of our core business and thus prevent longevity as an industry.

I hope you find the attached comments of use in your review and we would appreciate your feedback regarding our comments.

Kindest regards



Al Mucci

**President, Zoo and Aquarium Association Queensland Branch**

cc Kareena Arthey, Fiona Ferguson, Martin Phillips

Clause	Comments	Questions
<p><b>Division 2 Key concepts and definitions</b></p> <p><b>13 What is a <i>biosecurity event</i></b></p> <p>A <i>biosecurity event</i> is an event comprising something that—</p> <p>(a) has happened, is happening or may happen; and</p> <p>(b) has had, is having or may have a significant adverse effect on a biosecurity consideration; and</p> <p>(c) was or is being caused by, or may be or may have been caused by, biosecurity matter.</p>	<p>This is exceptionally broad (seemingly limitless) definition. It would seem to provide infinite opportunity to the department to implement things such as <i>biosecurity programs</i> and <i>prevention and control programs</i>; even in relation to things that “<i>may happen</i>”. This could include <i>anything</i> to do with zoo animals.</p> <p>This is not consistent with the <i>Legislative Standards Act 1992</i> Part 2, Legislative standards 4 (3)(a) which requires that legislation does not affect rights and liberties of individuals by not sufficiently defining administrative power under the legislation. It further fails in that it is not ‘unambiguous’ and ‘sufficiently clear’ as it appears to have no defined limit at all.</p>	<p>How will the exhibited animals industry be able to confidently operate when virtually anything to do with core business (in the past, present and future) may be deemed, at any time, to be a <i>biosecurity event</i> and subsequently subject to a range of actions that can follow such a declaration?</p>
<p><b>14 What is <i>biosecurity matter</i></b></p> <p>(1) <i>Biosecurity matter</i> is—</p> <p>(a) any living thing, other than a human or part of a human;</p>	<p>This is exceptionally broad (seemingly limitless) definition.</p>	
<p><b>15 What is a <i>biosecurity risk</i></b></p> <p>A <i>biosecurity risk</i> is a risk of any adverse effect on a biosecurity consideration caused by, or likely to be caused by—</p> <p>(a) biosecurity matter; or</p> <p>(b) dealing with biosecurity matter or a carrier; or</p> <p>(c) carrying out an activity relating to biosecurity matter or a carrier.</p>	<p>Under this all-encompassing definition all core business of the exhibited animal industry can be determined to be a <i>biosecurity risk</i>.</p>	<p>What protections are there for the exhibited animal industry to continue given the apparent <i>biosecurity risk</i> of core business?</p>

<p><b>16 What is a carrier</b></p> <p>(1) A <i>carrier</i> is any animal or plant, or part of any animal or plant, or any other thing—</p> <p>(a) capable of moving biosecurity matter attached to, or contained in, the animal, plant or other thing from a place to another place; or</p> <p>(b) containing biosecurity matter that may attach to or enter another animal or plant, or part of another animal or plant, or another thing.</p> <p>(2) In this section—</p> <p><i>thing</i>—</p> <p>(a) means a thing, whether alive, dead or inanimate; and</p> <p>(b) includes a human.</p>	<p>This is exceptionally broad (seemingly limitless) definition.</p>	<p>What protections are there for the exhibited animal industry to continue given the apparent <i>biosecurity risk</i> of core business?</p>
<p><b>Part 4 Other offences</b></p> <p><b>45 Designated animals feeding on animal matter</b></p> <p>(1) A person must not feed animal matter to a designated animal.</p> <p>Maximum penalty—400 penalty units.</p> <p>(2) A person does not commit an offence against subsection (1) only because the person—</p> <p>(a) feeds animal matter that is meal to a designated animal, other than a ruminant; or</p> <p>(b) feeds animal matter to a designated animal in relation to the lawful use of the designated animal for scientific purposes under the <i>Animal Care and Protection Act 2001</i>, chapter 4; or</p> <p>(c) uses animal matter in a poisoned bait for killing a feral</p>	<p>It would appear that feeding zoo animals that are by definition under the <i>Act</i>, <i>designated animals</i> (e.g. a corn snake, a wedge-tailed eagle, an alligator etc) animal matter (meat) would be illegal under this Part.</p> <p>This would seem to be an unintended consequence of this Part.</p>	<p>How will these kinds of unintended consequences for the exhibited animals industry be resolved?</p>

<p>pig.</p> <p>(3) A person must take all reasonable steps to ensure a designated animal does not feed on animal matter.</p>		
<p><b>Part 1 Codes of practice</b></p> <p><b>69 Making codes of practice</b></p> <p>(1) A regulation may make codes of practice about matters relating to biosecurity.</p> <p>(2) Without limiting subsection (1), a code of practice may be made about any of the following—</p> <p>(a) ways of minimising biosecurity risks associated with—</p> <p>(i) agricultural activities; or</p> <p>(ii) animal husbandry activities; or</p> <p>(iii) land use practices that may spread</p>		<p>Does this mean that the exhibited animal industry will likely be subject to another Code of Practice in addition to the National Standards being developed by DAFF?</p>
<p><b>Part 3 Biosecurity zone regulatory provisions</b></p> <p><b>114 Regulation may include provisions for biosecurity zones</b></p> <p>(1) A regulation may include provisions (<i>biosecurity zone regulatory provisions</i>) that—</p> <p>(a) establish the whole or a part of the State as a Biosecurity zone for stated biosecurity matter (<i>regulated biosecurity matter</i> for the biosecurity zone regulatory provisions) that may have an adverse effect on a biosecurity consideration;</p>	<p>For a number of years the exhibited animal industry in Queensland has been unable to maintain the same range of exotic species (non-indigenous) as almost all other state and territory jurisdictions. For a lesser number of years dialogue with senior Officers in DEEDI has indicated strong support from them for the schedules to be expanded to reflect the schedules of other jurisdictions this being largely supported due to the professional conduct of the Queensland exhibited animals industry in terms of managing animal collections and managing risk effectively.</p> <p>Despite such dialogue little practical progress on the schedules has occurred. <i>Biosecurity zones</i> clearly have the capacity to continue the practical effect of the schedules albeit under another instrument.</p>	<p>How will <i>biosecurity zones</i> affect the exhibited animal industry and the oft promulgated by DEEDI schedule changes?</p> <p>Will policy settings in relation to biosecurity zones be such that the Queensland exhibited animal industry is able to both participate in Australia-wide animal management as well as financially compete more equally with businesses in other jurisdictions?</p>

<p>(3) Biosecurity zone regulatory provisions may exclude stated persons, or persons of a particular class, from their operation.</p> <p><i>Examples—</i></p> <p>1 Biosecurity zone regulatory provisions might exclude from their operation a person who has entered into a compliance agreement with the chief executive in relation to regulated biosecurity matter.</p> <p>2 Biosecurity zone regulatory provisions might exclude from their operation a person who is undertaking an industry approved quality assurance program for managing regulated biosecurity matter.</p>	<p>See immediately previous point.</p>	<p>Is this clause where the exhibited animal industry could reasonably expect to not be constrained by the <i>biosecurity zone</i> provisions?</p>
<p>(6) In this section— <i>manage</i>, biosecurity matter, includes—</p> <p>(a) prevent its transmission or spread; and</p> <p>(b) address the biosecurity risk posed by it.</p> <p><b>115 Matters for inclusion in biosecurity zone regulatory provisions</b></p> <p>(1) Without limiting what may be included in biosecurity zone regulatory provisions, biosecurity zone regulatory provisions may—</p> <p>(a) prohibit or regulate dealing with biosecurity matter, including regulated biosecurity matter, or a carrier;</p> <p>(d) prohibit, regulate or require the movement of biosecurity matter, including regulated biosecurity matter, or a carrier, into, out of or within the biosecurity zone; or</p> <p><i>Example—</i></p> <p>Biosecurity zone regulatory provisions might include a prohibition on bringing designated animals or animal pathogens, of a type identified in the biosecurity zone regulatory provisions, into the biosecurity zone.</p>		<p>How will the policy settings around these clauses affect the exhibited animal industry?</p>
<p><b>118 Biosecurity instrument permit</b></p>	<p>The <i>Exhibited Animals Discussion Paper</i> released in 2009 stated the following; ‘It is proposed that new legislation</p>	<p>Is it intended that exhibited animal industry be required to apply for and</p>

<p>(1) This section applies to a person who is subject to the operation of a biosecurity instrument.</p> <p>(2) The person may apply to an inspector for a permit (a <b>biosecurity instrument permit</b>) authorising the person to perform an activity, or not to perform an activity, other than in compliance with the biosecurity instrument.</p> <p><i>Example—</i></p> <p>A person might apply to an inspector for a permit authorising the person to move animals that are carriers of regulated biosecurity matter under biosecurity zone regulatory provisions to a place outside the biosecurity zone for the provisions, even though the movement is otherwise prohibited under the provisions.</p> <p>(3) The inspector may grant the biosecurity instrument permit only if the inspector is satisfied in the circumstances that granting the permit—</p> <p>(a) will not increase the level of the biosecurity risk posed by the regulated or controlled biosecurity matter; and</p> <p>(b) will not otherwise be detrimental to the effectiveness of the biosecurity instrument.</p>	<p>would build on established best practice in the industry and not create a significant additional burden for operators'. Should the exhibited animal industry be required to apply for and maintain a <i>biosecurity instrument permit</i> this would be in conflict with the <i>Exhibited Animals Discussion Paper</i>.</p> <p>In addition to the discussion paper it is also the intention of the Queensland Government to reduce red-tape (e.g. <a href="http://www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html">www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html</a> &amp; <a href="http://www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf">www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf</a>) for industry to facilitate private sector business operations, productivity and continuance.</p>	<p>maintain a <i>biosecurity instrument permit</i>?</p>
<p><b>Chapter 6 Registration of biosecurity entities and designated animal identification</b></p> <p><b>Part 1 Preliminary</b></p> <p><b>120 What is a <i>designated animal</i></b></p> <p>A <i>designated animal</i> is—</p> <p>(a) an animal that is a member of any of the following groups of animals—</p> <p>(i) cattle;</p>	<p>Given the definition of <i>designated animals</i> it is clear that many exhibited animal industry businesses will become <i>biosecurity entities</i> under the <i>Act</i> and therefore be required to be registered.</p> <p>The <i>Exhibited Animals Discussion Paper</i> released in 2009 stated the following; 'It is proposed that new legislation would build on established best practice in the industry and not create a significant additional burden for operators'. Should the exhibited animal industry be required to apply for and maintain a <i>biosecurity instrument permit</i> this would be in conflict with the <i>Exhibited Animals Discussion Paper</i>.</p>	<p>Is this another permit to apply for and pay for?</p> <p>What restrictions apply in relation to threshold birds? Is this any and all birds? If so any zoo with 101 finches will be a <i>biosecurity entity</i>.</p>

<p>(ii) sheep;</p> <p>(iii) goats;</p> <p>(iv) pigs;</p> <p>(v) bison;</p> <p>(vi) buffalo;</p> <p>(vii) deer;</p> <p>(viii) the family <i>Camelidae</i>;</p> <p><i>Examples of members of the family Camelidae</i>— alpacas, Arabian camels, llamas</p> <p>(ix) the family <i>Equidae</i>;</p> <p><i>Examples of members of the family Equidae</i>— horses, ponies, donkeys, mules, zebras</p> <p>(x) captive birds;</p> <p>(xi) bees; or</p> <p>(b) an animal prescribed under a regulation as a designated animal (a <i>prescribed designated animal</i>).</p>	<p>In addition to the discussion paper it is also the intention of the Queensland Government to reduce red-tape (e.g. <a href="http://www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html">www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html</a> &amp; <a href="http://www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf">www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf</a>) for industry to facilitate private sector business operations, productivity and continuance.</p>	
<p><b>121 What is a <i>specified animal</i></b></p> <p>A <i>specified animal</i> is—</p> <p>(a) an animal that is a designated animal because it is a member of any of the following groups of animals—</p> <p>(i) cattle;</p> <p>(ii) sheep;</p> <p>(iii) goats;</p> <p>(iv) pigs;</p> <p>(v) bison;</p> <p>(vi) buffalo;</p>	<p>Given the definition of <i>specified animals</i> it is clear that many exhibited animal industry businesses will become <i>biosecurity entities</i> under the Act and therefore be required to be registered.</p> <p>The <i>Exhibited Animals Discussion Paper</i> released in 2009 stated the following; ‘It is proposed that new legislation would build on established best practice in the industry and not create a significant additional burden for operators’. Should the exhibited animal industry be required to apply for and maintain a <i>biosecurity instrument permit</i> this would be in conflict with the <i>Exhibited Animals Discussion Paper</i>.</p>	



<p>(vii) alpacas;  (viii) llamas; or  (b) a designated animal prescribed under a regulation as a specified animal.</p>	<p>In addition to the discussion paper it is also the intention of the Queensland Government to reduce red-tape (e.g. <a href="http://www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html">www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html</a> &amp; <a href="http://www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf">www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf</a>) for industry to facilitate private sector business operations, productivity and continuance.</p>	
<p><b>123 What is the <i>threshold number of designated animals</i></b>  The <i>threshold number</i>, of designated animals other than bees, is—  (a) for designated animals other than prescribed designated animals—  (i) for designated animals other than captive birds—1; or  (ii) for captive birds—100; or  (b) for prescribed designated animals—  (i) the threshold number prescribed under a regulation; or  (ii) if no number is prescribed—1.</p>	<p>Given the definition of <i>threshold number of designated animals</i> it is clear that many exhibited animal industry businesses will become <i>biosecurity entities</i> under the <i>Act</i> and therefore be required to be registered.</p> <p>The <i>Exhibited Animals Discussion Paper</i> released in 2009 stated the following; ‘It is proposed that new legislation would build on established best practice in the industry and not create a significant additional burden for operators’. Should the exhibited animal industry be required to apply for and maintain a <i>biosecurity instrument permit</i> this would be in conflict with the <i>Exhibited Animals Discussion Paper</i>.</p> <p>In addition to the discussion paper it is also the intention of the Queensland Government to reduce red-tape (e.g. <a href="http://www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html">www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html</a> &amp; <a href="http://www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf">www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf</a>) for industry to facilitate private sector business operations, productivity and continuance.</p>	

<p><b>125 Who keeps a designated animal</b></p> <p>(1) A person <i>keeps</i> a designated animal if the person effectively has responsibility for the care and control of the animal, whether or not the care and control is exercised through an agent or employee of the person.</p> <p><b>127 What is a registrable biosecurity entity</b></p> <p>(1) A person is a <i>registrable biosecurity entity</i> if the person—</p> <p>(a) keeps the threshold number or more of designated animals other than bees; or</p> <p>(b) holds the threshold amount or more of designated biosecurity matter; or</p> <p>(c) keeps designated animals that are bees.</p> <p>(2) For subsection (1), it does not matter whether the keeping or holding happens at 1 place or 2 or more places in the State.</p> <p><b>128 What is a biosecurity circumstance</b></p> <p>A <i>biosecurity circumstance</i> is—</p> <p>(a) the keeping of designated animals; or</p> <p>(b) the holding of designated biosecurity matter.</p> <p><b>Division 1 Registration of registrable biosecurity entities</b></p> <p><b>130 Registrable biosecurity entity must apply for registration</b></p> <p>(1) A registrable biosecurity entity must, in compliance with this part, and unless the person has a reasonable excuse, apply for registration under this part unless the chief executive has given a registration exemption for the entity.</p>	<p>The <i>Exhibited Animals Discussion Paper</i> released in 2009 stated the following; ‘It is proposed that new legislation would build on established best practice in the industry and not create a significant additional burden for operators’. Should the exhibited animal industry be required to apply for and maintain a <i>biosecurity instrument permit</i> this would be in conflict with the <i>Exhibited Animals Discussion Paper</i>.</p> <p>In addition to the discussion paper it is also the intention of the Queensland Government to reduce red-tape (e.g. <a href="http://www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html">www.business.qld.gov.au/business-and-law/queensland-business-commissioner/reducing-red-tape-qld-businesses.html</a> &amp; <a href="http://www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf">www.deedi.qld.gov.au/documents/Corporate-Publications/Regulatory-Simplification-Plan-DEEDI-2009-2013.pdf</a>) for industry to facilitate private sector business operations, productivity and continuance.</p>	<p>Is this another permit to apply for and pay for?</p>
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<p><b>131 Approval for registrable biosecurity entity to remain unregistered</b></p> <p>(1) A registrable biosecurity entity may apply to the chief executive for exemption (a <i>registration exemption</i> for the entity) from the requirement that the entity apply for registration under this part.</p> <p>(2) The application must be in the approved form.</p> <p>(3) The approval may be given only if the chief executive is satisfied—</p> <p>(a) generally—that no biosecurity circumstance applying to the entity poses a biosecurity risk; and</p> <p>(b) to the extent the registration exemption applied for relates to the entity’s keeping of designated animals other than captive birds or bees—that—</p> <p>(i) the designated animals are pets or are for personal consumption; and</p> <p>(ii) the number of the designated animals kept by the entity is no more than 2; and</p> <p>(iii) the keeping of the designated animals by the entity is otherwise lawful; and</p>	<p>Very few exhibited animal industry members will apparently be able to apply for a registration exemption. Even if they are not registrable they will still need to apply.</p>	<p>Additional red-tape when seeking to avoid yet more red-tape! Surely such things do not fit with the government’s stated intention to reduce compliance costs?</p>
<p><b>143 Term of registration</b></p> <p>(1) The term of the registration of a registered biosecurity entity is the term decided by the chief executive, having regard to the circumstances of the entity, but must not be more than 3 years.</p>	<p>A further requirement to go through the red-tape exercise every three years.</p>	<p>Surely such things do not fit with the government’s stated intention to reduce compliance costs?</p>
<p><b>144 Renewal of registration</b></p> <p>(1) When the term of a registration as a registered biosecurity entity ends, the chief executive must renew the</p>	<p>This section provides for the chief executive (and presumably his/her delegates) to require the red-tape whenever they wish.</p>	<p>At what level within DEEDI will authorisation sit to force the registered biosecurity entity to provide confirming</p>

<p>registration unless the chief executive has been otherwise advised by the entity.</p> <p>(2) Subsection (1) does not stop the chief executive from at any time requiring a registered biosecurity entity to give the chief executive information the chief executive reasonably requires for confirming the continuing accuracy of any aspect of the entity’s registration details.</p>		<p>information?</p> <p>What will be the policy settings for this to be enacted?</p>
<p><b>Part 3 Specified animal identification and tracing system</b></p> <p><b>Division 1 Approved devices</b></p> <p><b>166 Meaning of <i>approved device</i></b></p> <p>An <i>approved device</i> is a tag or other identifying device or mark that—</p> <p>(a) may be fitted to a specified animal for use in distinguishing the specified animal from all other animals; and</p> <p>(b) complies with the technical requirements decided by the chief executive as applying to tags or other identifying devices or marks to be fitted to specified animals.</p> <p><b>168 Chief executive may approve different devices for different animals or circumstances</b></p>		<p>What are the implications of Part 3 for the exhibited animal industry?</p> <p>Will this impose additional conditions to the current requirements for the exhibited animal industry?</p>
<p><b>Division 2 Approved device requirement and travel approvals</b></p> <p><b>171 Approved device requirement</b></p> <p>(1) This section applies to a person if—</p> <p>(a) the person is a registrable biosecurity entity; and</p> <p>(b) the biosecurity circumstance for which the person is a</p>		<p>What are the implications of this clause for the exhibited animal industry?</p> <p>Will this impose additional conditions to the current requirements for the exhibited animal industry?</p>

<p>registrable biosecurity entity is or includes the keeping of a specified animal at a place (the <i>place of origin</i>).</p> <p>(2) The person must ensure that, if the specified animal is moved from the place of origin, the animal is fitted with a suitable approved device for the animal unless the person has a reasonable excuse.</p>		
<p><b>173 Obtaining a travel approval</b></p> <p>(1) A person may apply to the chief executive for a travel approval for the movement of a specified animal.</p>	<p>Exhibited animals are presently moved under the authority of a self-issued movement advice or a wildlife movement permit.</p>	<p>Will this clause change the status quo? And if so will it lessen, or increase, the regulatory burden?</p>
<p><b>Division 4 Movement records</b></p> <p><b>180 Movement record requirement</b></p> <p>(1) This section applies to a person (the <i>relevant person</i>) who is a registrable biosecurity entity for the keeping of a designated animal, whether or not the person is also a registered biosecurity entity for the keeping of the animal.</p> <p>(2) The relevant person must ensure that, if the animal is moved from the place where the animal is kept—</p> <p>(a) there is created, before the movement starts, a record of the proposed movement (the <i>movement record</i>) in the appropriate form;</p>	<p>Exhibited animals are presently moved under the authority of a self-issued movement advice or a wildlife movement permit.</p>	<p>Will this clause change the status quo? And if so will it lessen, or increase, the regulatory burden?</p>
<p><b>196 What is a <i>prohibited matter permit</i></b></p> <p>A <i>prohibited matter permit</i> is a permit that authorises stated dealings with stated prohibited matter.</p> <p><b>197 What is a <i>restricted matter permit</i></b></p> <p>A <i>restricted matter permit</i> is a permit that authorises stated dealings with stated restricted matter.</p> <p><b>198 Types of prohibited matter permits</b></p> <p>The only types of prohibited matter permits that the chief</p>		<p>Will this clause change the status quo? And if so will it lessen, or increase, the regulatory burden?</p> <p>Are these additional permits and will they need to be applied for and at what financial cost?</p>

<p>executive may issue are—</p> <p>(a) a scientific research (prohibited matter) permit; or</p> <p>(b) another type of prohibited matter permit prescribed under a regulation.</p> <p><b>199 Types of restricted matter permits</b></p> <p>The only types of restricted matter permits that the chief executive may issue are the following—</p> <p>(a) a biological control permit;</p> <p>(b) a commercial use permit;</p> <p>(c) a scientific research (restricted matter) permit;</p> <p>(d) another type of restricted matter permit prescribed under a regulation.</p>		
<p><b>200 What is a <i>permit plan</i> for prohibited or restricted matter</b></p> <p>(1) A <i>permit plan</i>, for prohibited matter or restricted matter, is a plan given to the chief executive by the applicant for a prohibited matter or restricted matter permit about how the applicant proposes to deal with the prohibited or restricted matter the subject of the proposed permit.</p> <p>(2) A permit plan for prohibited or restricted matter must—</p> <p>(a) identify potential biosecurity risks likely to arise because of the proposed dealing with the prohibited or restricted matter under the permit; and</p> <p>(b) state the ways in which the applicant for the permit intends to minimise the biosecurity risks; and</p> <p>(c) contain other information, relating to the control of biosecurity risks, prescribed under a regulation.</p> <p>(3) Also, if a permit plan relates to restricted matter, and the</p>		<p>Is there an example of a <i>permit plan</i>?</p> <p>Will a <i>permit plan</i> be required by exhibited animal industry members?</p> <p>Will a permit plan require preparation by, for example, a scientist?</p>

<p>restricted matter would, in the absence of the proposed permit, be required to be disposed of or destroyed, the permit plan must state how the restricted matter is to be disposed of or destroyed before the term of the permit ends.</p>		
<p><b>207 Criteria for decision</b></p> <p>(1) The chief executive may grant the application only if satisfied of all of the following—</p> <p>(a) the applicant is a suitable person to hold the prohibited matter or restricted matter permit;</p> <p>(b) potential biosecurity risks posed by the proposed dealings with prohibited matter or restricted matter under the permit can be managed under the permit plan for the application in a way that has appropriate regard to biosecurity considerations.</p>		<p>Will this clause change the status quo? And if so will it lessen, or increase, the regulatory burden?</p>
<p><b>222 Authorising and carrying out biosecurity program</b></p> <p>(1) Any of the following may authorise and carry out a biosecurity program (a <i>program authorisation</i>)—</p> <p>(a) the chief executive;</p> <p>(b) a local government;</p>		<p>Will we now also have to deal with local government agencies in relation to our animal collections?</p> <p>Will we have council inspectors regulating our industry now also?</p>
<p><b>381 What is a <i>biosecurity certificate</i></b></p> <p>A <i>biosecurity certificate</i> is a certificate about whether stated biosecurity matter or another stated thing, including, for example, a carrier of prohibited matter or restricted matter—</p> <p>(a) is free of any stated prohibited matter or restricted matter; or</p> <p>(b) is free of any stated regulated biosecurity matter; or</p> <p>(c) is, for the purposes of a law that is a corresponding law</p>		<p>A <i>biosecurity certificate</i>; is this yet another piece of paper for which to apply and pay for?</p>

<p>to this Act, free of any stated biosecurity matter; or</p> <p>(d) is in a stated condition; or</p> <p>(e) is from a stated area; or</p> <p>(f) has been the subject of a stated treatment; or</p> <p>(g) meets stated requirements, including, for example, that it complies with requirements for certification as stated in an accreditation.</p>		
<p><b>449 Failure to decide application</b></p> <p>(1) Subject to subsections (2) and (3), if the chief executive fails to decide the application within 30 days after its receipt, the failure is taken to be a decision by the chief executive to refuse to amend the relevant authority.</p> <p>(2) Subsection (3) applies if—</p> <p>(a) the holder of a relevant authority has made an application to amend the conditions of the authority; and</p> <p>(b) the chief executive has, under this part, required the applicant to give the chief executive further information or a document.</p> <p>(3) The chief executive is taken to have refused to amend the authority if the chief executive does not decide the application within 30 days after the chief executive receives the further information or document verified, if required, by statutory declaration.</p>		<p>Is this really correct?</p> <p>If the chief executive (read ‘delegate’) does not make a decision within 30 days the applicant is to assume that the application has been refused? If this is correct it defies belief.</p> <p>In addition it fails to satisfy the requirement to be ‘consistent with principles of natural justice’ as required under the <i>Legislative Standards Act 1992</i>.</p>
<p><b>515 When regulatory impact statement not required</b></p> <p>(1) This section applies despite the <i>Statutory Instruments Act 1992</i>, section 43.</p> <p>(2) A regulatory impact statement need not be prepared for proposed subordinate legislation if the proposed legislation</p>	<p>This clause is clearly intended to circumvent the intent of the <i>Statutory Instruments Act 1992</i>, section 43 when the declaration of <i>biosecurity matter</i> as <i>prohibited matter</i> could impose appreciable costs on the community or part of the community.</p>	<p>Under this section species forming part of exhibited animal industry collections could be declared to be <i>prohibited matter</i> with no requirement for a RIS. This could have devastating consequences for the industry or individual businesses within</p>



<p>provides, or to the extent it provides, only for—</p> <p>(a) the declaration of particular biosecurity matter as prohibited matter; or</p> <p>(b) the declaration of particular biosecurity matter mentioned in schedule 1, or declared to be prohibited matter under an emergency prohibited matter declaration, no longer to be prohibited matter.</p>		<p>the industry.</p>