

## LEGISLATIVE COUNCIL

BIOSECURITY LEGISLATION AMENDMENT (INCIDENT RESPONSE) BILL  
2023

(Amendments and New Clauses to be proposed in Committee by DAVID LIMBRICK)

1. Clause 8, page 14, lines 9 to 15, omit all words and expressions on these lines.
2. Clause 8, page 14, line 16, omit "(c)" and insert "(b)".
3. Clause 8, page 14, line 20, omit "(d)" and insert "(c)".
4. Clause 8, page 14, line 27, omit "(e)" and insert "(d)".
5. Clause 8, page 14, line 30, omit "(f)" and insert "(e)".
6. Clause 24, lines 21 to 23, omit all words and expressions on these lines and insert—
  - '(1) In section 26(1) of the **Livestock Disease Control Act 1994**, after "is a" **insert** "reasonable".
  - (2) In section 26(1)(a) of the **Livestock Disease Control Act 1994**, after "area" (where first occurring) **insert** "likely to be impacted by an exotic disease".'.
7. Clause 24, line 24, omit "(2)" and insert "(3)".
8. Clause 26, lines 16 to 18, omit all words and expressions on these lines and insert—
  - '(1)In section 29(1)(a) of the **Livestock Disease Control Act 1994**, after "area" (where first occurring) **insert** "likely to be impacted by an exotic disease".'.

## NEW CLAUSE

9. Insert the following New Clause to follow clause 26—

**'26A New section 31A inserted**

After section 31 of the **Livestock Disease Control Act 1994** insert—  
**"31A Reporting to Parliament in relation to an order declaring a restricted area or a control area**

- (1) If an order declaring a restricted area or a control area is made, varied, continued or revoked, as the case may be, the Minister must prepare a report in accordance with this section on the making, variation, continuation or revocation of that order, which must include the following—

- (a) a statement of the reasons for the making, variation, continuation or revocation of the order;
  - (b) a copy of the advice of the chief veterinary officer of the Department (or chief plant health officer of the Department to the extent that the order relates to bees) in respect of the making, variation, continuation or revocation of the order;
  - (c) a summary of the matters in subsection (4), if applicable.
- (2) Subject to subsection (3), if a House of the Parliament is sitting on the day after the coming into force of an order declaring a restricted area or a control area or the variation, continuation or revocation of that order, as the case may be, the Minister must cause the report to be laid before that House on that day.
- (3) If—
- (a) a House of the Parliament is not sitting on the day after the coming into force of an order declaring a restricted area or a control area or the variation, continuation or revocation of that order, as the case may be; or
  - (b) for another reason it is not reasonably practicable for the report under subsection (1) to be laid before that House on that day—
- the Minister must, within 5 business days of the coming into force of the order, give a copy of the report to the Clerk of that House.
- (4) A report under subsection (1) in relation to a variation, continuation or revocation, as the case may be, of an order declaring a restricted area or a control area must also include a summary of any proceeding commenced for a contravention of any prohibition, restriction or requirement specified in the order during the period—
- (a) beginning when the order that is varied, continued or revoked first came into force; and
  - (b) ending when the variation, continuation or revocation of the order came into force.
- (5) If the Clerk of either House is given a copy of a report under subsection (3), the Clerk must—
- (a) give a copy of the report to each member of the House as soon as practicable after receiving it; and
  - (b) cause a copy of the report to be laid before the House on the next sitting day of the House.
- (6) A failure to comply with the requirements of this section in relation to a report under subsection (1) in respect of the making, variation, continuation or revocation of an order, as the case may be, declaring a restricted area or a control area does not affect the validity of the making of the order or the variation, continuation or revocation of that order.".

10. Clause 60, lines 5 to 11, omit all words and expressions on these lines and insert—

'(1) In section 19(1) of the **Plant Biosecurity Act 2010**, for "Governor in Council may, by order" **substitute** "Minister may, by order published in the Government Gazette".'.

11. Clause 65, lines 12 to 14, omit all words and expressions on these lines.
12. Clause 65, line 15, omit "(2)".

NEW CLAUSE

13. Insert the following New Clause to follow clause 68—

**'68A New section 59E inserted**

After section 59D of the **Plant Biosecurity Act 2010** insert—

**"59E Reporting to Parliament in relation to an order declaring a control area or a restricted area**

- (1) If an order declaring a control area or a restricted area is made, varied, extended or revoked, as the case may be, the Minister must prepare a report in accordance with this section on the making, variation, extension or revocation of that order, which must include the following—
  - (a) a statement of the reasons for the making, variation, extension or revocation of the order;
  - (b) a copy of the advice of the chief plant health officer of the Department in respect of the making, variation, extension or revocation of the order;
  - (c) a summary of the matters in subsection (4), if applicable.
- (2) Subject to subsection (3), if a House of the Parliament is sitting on the day after the coming into force of an order declaring a control area or a restricted area or the variation, extension or revocation of that order, as the case may be, the Minister must cause the report to be laid before that House on that day.
- (3) If—
  - (a) a House of the Parliament is not sitting on the day after the coming into force of an order declaring a control area or a restricted area or the variation, extension or revocation of that order, as the case may be; or
  - (b) for another reason it is not reasonably practicable for the report to be laid before that House on that day—

the Minister must, within 5 business days of the coming into force of the order, give a copy of the report to the Clerk of that House.
- (4) A report under subsection (1) in relation to a variation, extension or revocation of an order, as the case may be, declaring a control area or a restricted area must include a summary of any proceeding

commenced for a contravention of any prohibition, restriction or requirement specified in the order during the period—

- (a) beginning when the order declaring a control area or a restricted area that is varied, extended or revoked first came into force; and
  - (b) ending when the variation, extension or revocation came into force.
- (5) If the Clerk of either House is given a copy of a report under subsection (3), the Clerk must—
- (a) give a copy of the report to each member of the House as soon as practicable after receiving it; and
  - (b) cause a copy of the report to be laid before the House on the next sitting day of the House.
- (6) A failure to comply with the requirements of this section in relation to a report under subsection (1) in respect of the making, variation, extension or revocation of an order, as the case may be, declaring a control area or a restricted area does not affect the validity of the order or the variation, extension or revocation of that order."!