

**BIOLOGICAL CONTROL AMENDMENT BILL 2016**

*Introduction and First Reading*

Bill introduced, on motion by **Hon Mark Lewis (Minister for Agriculture and Food)**, and read a first time.

*Second Reading*

**HON MARK LEWIS (Mining and Pastoral — Minister for Agriculture and Food)** [4.10 pm]: I move —

That the bill be now read a second time.

The Biological Control Act 1986 is part of a national legislative scheme for assessing proposals for the release of biological control agents to control targeted pest organisms. The state act mirrors the commonwealth's Biological Control Act 1984, which applies in the Australian Capital Territory and is also mirrored by legislation in the other states and territories. The act provides consultation mechanisms to ensure that the proposed biological control of the target pest is in the public interest. This takes place prior to declarations being made that a particular organism is a target organism and another is an agent organism that can be used to control the target organism. The act includes provisions to allow biological control activities to be provided with liability protection and proceed without interruption by litigation. Because of the ongoing scientific debate about whether viruses and sub-viral agents are properly classified as organisms or as live, it has recently been identified that the use of the term "live organism" in the legislation can raise doubt as to whether it adequately covers these entities. It was certainly intended that the current act cover these organisms as they are important agents for biological control. The amendments proposed in this bill will remove any doubt by specifically including these agents in the definition of "prescribed organism" and by removing references to "live organisms". The amendments are concerned with serving the fundamental purpose of the act; that is, to ensure that in its references to organisms, viruses and sub-viral agents are included.

The amendments are in line with amendments already made to the commonwealth act and being made in other states and territories. The legislation mirrors the commonwealth law. The successful operation of the scheme is dependent on national consistency. The commonwealth has asked the states to introduce these legislative changes because it will strengthen legislative authority and therefore give greater certainty for future programs when scientific consensus recommends the use of viruses for biological control, and because biological control is a highly effective tool for controlling pests and weeds that impact agriculture and the environment.

Introduced pests can inflict substantial damage on the environment and agricultural resources and cause significant economic loss. Biological control is an important weapon in the fight against pests and weeds; therefore, this bill will improve an important mechanism to ensure that the use of biological control is safe, well considered and in the public interest.

Pursuant to standing order 126, I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to a bilateral or multilateral intergovernmental agreement to which the government of the state is a party—nor does this bill introduce a uniform scheme or uniform laws throughout the Commonwealth of Australia, rather, it amends an existing scheme.

I commend the bill to the house and table the explanatory memorandum.

[See paper 4762.]

Debate adjourned, pursuant to standing orders.

*Sitting suspended from 4.14 to 4.30 pm*