

AGRICULTURE AND RELATED RESOURCES PROTECTION AMENDMENT BILL 2010

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Simon O'Brien (Minister for Transport)**, read a first time.

Second Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [5.21 pm]: I move —

That the bill be now read a second time.

This is a bill to amend the Agriculture and Related Resources Protection Act 1976 and to make consequential amendments to other acts. The amendments are being made to enable the Agriculture Protection Board to be wound up prior to the full implementation of the Biosecurity and Agriculture Management Act 2007. Under the ARRPA, plants and animals that pose a biosecurity risk are declared by the APB. For this reason, the winding up of the APB was awaiting the full implementation of the BAM act, which will replace the ARRPA and a number of other acts and under which the declaration of organisms that pose a biosecurity risk will be made by the minister.

The BAM act was enacted in 2007 but is not yet fully operational. Full implementation of the act involves drafting a large number of regulations and other subsidiary legislation and extensive consultation with stakeholders. The complete set of subsidiary legislation and the stakeholder consultation on that legislation are unlikely to be completed for at least another 12 months. The provisions of the BAM act that have commenced include provisions establishing the Biosecurity Council, which has been operating since early 2008. In view of the current budget situation and the government policy to reduce the number of boards and committees, the continuation of both the APB and the Biosecurity Council can no longer be justified. This is particularly so in view of the fact that the end of the APB was flagged back in 2001 in the Machinery of Government Taskforce report, which recommended the full integration of the board's functions into the Department of Agriculture and Food. In practical terms, this has been the situation for a number of years, with the board remaining in place to fulfil its declaratory function but no longer employing any staff and with all biosecurity operations being undertaken by the department.

As a consequence of the removal of the APB, a number of other amendments to the ARRPA are needed and are included in the bill. The bill also includes an increase in maximum penalties for offences against the act to levels in line with the penalties under the BAM act; namely, \$10 000, \$20 000 or \$50 000. The penalties under the current act have not been increased since 1989 and, at a maximum of \$2 000, are clearly inadequate. For the same reasons, the maximum penalty allowable under the regulations will be increased to \$20 000 from \$1 000, or \$2 000 for a second or subsequent offence. The bill also includes certain amendments to provisions of the Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act that have not yet come into operation. These will take account of the repeal of the Agriculture Protection Board Act and the amendments that are being made to the ARRPA. Previously, it had been contemplated that these acts would stay in place in their current form until repealed by proclamation of the relevant sections of the Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act.

The amendments proposed are not complicated or controversial and the effect will be a transition to the BAM act, which has been anticipated by all relevant interests, including the APB, for a substantial period. The end of the APB will see the end of an institution that played a crucial role in the protection of this state's agricultural industries from destructive, invasive species of plants and animals right through the 1950s, 1960s, 1970s, 1980s and 1990s. But it is time now for the legislation to reflect the current reality. With the proposed amendments in place, the ARRPA will continue to operate with the minister, rather than the APB, making the necessary declarations of declared plants and animals and the Director General of the Department of Agriculture and Food being responsible for the operational aspects of the control of declared plants and animals. This is in keeping with the legislative regime under the BAM act and with the arrangements that have existed in practice for a number of years.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

House adjourned at 5.25 pm
