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President

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Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
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Parliament House
Canberra ACT 2600

Submission via email: rrat.sen@aph.gov.au

Biosecurity Amendment (Advanced Compliance Measures) Bill 2023 [Provisions]

Dear Committee Secretary,

NSW Farmers is Australia's largest state farming organisation, representing the interests of its farmer members in the state. NSW Farmers welcomes the opportunity to comment on the Biosecurity Amendment (Advanced Compliance Measures) Bill 2023 [Provisions]. Biosecurity is a top priority of NSW Farmers. We work alongside the National Farmers Federation (NFF), peak industry bodies and many other stakeholders to reinforce the importance of a well-funded, effective biosecurity system, both in NSW and nationally.

NSW Farmers believes that a strong biosecurity system must underpin all aspects of our lives and adapting Australia's biosecurity system to an evolving world will be a key challenge over the coming decade. We share Minister Catherine King's comments in their second reading speech that,

"It is high time to re-evaluate the current penalty regime in the Biosecurity Act in the face of such threats and consequences. Our biosecurity system is strong, but to keep Australia safe, the laws that underpin the system need to remain fit for purpose".

The increased risk and impact of disease incursions combined with shifting trade and travel patterns and illegal activities have combined to create increased complexity and potential for incursions. Earlier this year Operation Avoca identified one of Australia's largest detections of biosecurity risk material, when thirty-eight tonnes of risk material were detected. This incident alone should send shockwaves throughout government on the very real risk of a significant incursion that would devastate a \$90 billion export-oriented national agricultural industry. Despite best efforts to contain the hazardous material, there was limited information or transparency from the Department or otherwise as to the severity of the penalties taken against people who imported the material and how those penalties would act to deter other operators from engaging in high-risk behaviour that places the agriculture industry at risk.

NSW Farmers has held the long-term view that fines and penalties play an important role in deterring the importation of risky and illegal foodstuffs and other items of biosecurity risk through our borders. This requires the need to continue reviewing and strengthening civil penalties and increased resources for surveillance activities.

NSW Farmers' Association

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The proposed Bill increases civil penalties for contraventions of sections 438, 439, 532 and 533 of the Act, which apply where a person gives false or misleading information or documents knowing that the information or document is false or misleading in a material particular. And an increase in civil penalties, for a contravention to sections 438 and 439, a five-fold increase respectively as well as a ten-fold increase for a contravention of section 532 and 533, from 60 penalty points to 600 penalty points for providing misleading information. NSW Farmers supports the increase in civil penalties and associated imprisonment for deliberate offences across these provisions. The increase in civil penalties and the potential for imprisonment for deliberately misleading or acting deceptively should send a strong signal to potential offenders.

Overall, NSW Farmers supports the strengthening of penalties under the *Biosecurity Act* as an effective deterrent to those who knowingly provide false or misleading information. The stronger penalties associated with deliberate attempts to mislead and deceive biosecurity officers at the border reflects the seriousness of breaches of the Act and provide a more effective deterrent to noncompliance.

Yours sincerely

Xavier Martin
President