

### Question 1

The Tasmanian Government intends to create a new Biosecurity Act to implement Tasmania's biosecurity framework. The new Act will be framework legislation. Framework legislation enables rules and regulations to be created which are consistent with the Act's principles and overarching functions. This is different from prescriptive Acts where the detail of exactly how the legal requirements must be met are in the Act itself.

Do you think we have got the right principles and overarching functions for framework legislation relating to biosecurity?

**Answer:** From the perspective of the avicultural community IF these rules are regulation pertaining to our industry are developed with full consultation and open process – unlike what we have seen from DPIPW since their 2007 policies re banning the imports of certain well-established avian species using highly biased and grossly inaccurate “fact files” and use of a majorly flawed risk analysis interpretation. The principle is sound but let's hope the implementation is as far removed from the modus-operandi that was used in 2007 & 2011 as possible – that is entails full open consultation and stakeholder's meetings BEFORE any changes to policy. Otherwise you will have continued huge compliance problems of your own making

### Question 2

One of the principles to be introduced in the new Biosecurity Act is a 'General Biosecurity Obligation (GBO).' A GBO recognises that all stakeholders (community, government and industry) have a general duty of care in maintaining the biosecurity status of the state. How do you feel about the principle of a General Biosecurity Obligation? How can government support people to meet their GBO responsibilities?

**Answer:** We have few problems with this If this means overturning the 2007 bans in favour of a more enlightened and inclusive process where those involved from DPIPW demonstrate some knowledge of the avian species being considered for “pest status” outside of some textbook that would be appreciated. A duty of care is one thing but what happened in 2007 & 2011 where policy decisions were made with zero involvement of the avicultural industry is another. This process caused indignation and rejection of those very policies which have now been shown to have been grossly biased and flawed and as a result have caused more biosecurity issues than previously ever existed. Issues that could have been avoided with full consultation we hasten to add. This demonstrates that if you seriously expect any industries to develop such duties of care & abide by your decisions then you MUST include them in the process from the beginning. Currently the prohibition approach enforced upon the avicultural community by DPIPW isn't working and needs to be overhauled before you can expect any compliance from within the Avicultural community.

### Question 3

Consultation on the detail of the new Biosecurity Act will occur next year when a draft of the legislation is released for comment. Even once the Act is passed, there will be ample opportunity for stakeholders to have input on the subordinate instruments (regulations, guidelines etc) before they are adopted.

Do you think the Tasmanian Biosecurity Framework (as set out in the Future Directions statement) has all of the necessary functions to manage biosecurity? Are there missing elements which you would like to see included?

**Answer:** Strictly from the viewpoint of the Avicultural community you will have IF 1) you repeal the 2007 avian bans in favour of a mutually acceptable alternative – similar to what has been suggested from within that community to the Department for 2 years which would go a long way to ensuring compliance from within that group – compliance that is currently lacking because of the draconian biased way that this was handled from day one. 2) a fairer and more enlightened way for allowing the import of new avicultural species into Tasmania. Without serious amendment of the Departments “processes” in these two areas there would continue to be little compliance/support for any such biosecurity legislation as it effects the avicultural sector. Repeal the 2007 & 2011 bans in favour of an inclusive process and many of your perceived problems would cease – problems we stress that were caused by the Department in the first place. Address these issues BEFORE legislating this Act and there would, we believe, be a vastly greater desire to meet your General Biosecurity Obligations – currently all you have is distrust and angst created by whoever thought it a “great” idea to concoct policy without bothering to consult with those it would directly effect.

The obvious missing elements would be someone taking responsibility for the way biosecurity issues were handled in regards the avicultural industry in 2007 /11 and resolve this to ensure full compliance from within the industry. Pointless undertaking if this is not addressed.

**Other Comments:** We have also included our initial submission to reiterate the reticence we have with this process given what the Avicultural community has been subjected to since 2007 where there was zero consultation or inclusion into ANY process that directly impacted upon our industry. Certainly in marked contrast to federal & other Mainland states handling of such issues.

Thank you for taking the time to comment on the Future Direction Statement.

Comments must be made in writing to [biosecurityreview@dpipwe.tas.gov.au](mailto:biosecurityreview@dpipwe.tas.gov.au) and be received by 23 December 2016.