



Your strong and independent
voice for livestock producers

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SUBMISSION

12 February 2023

Mr Stephen Poskett
Program Manager, Biosecurity Act Project
Department of Primary Industries and Regions
25 Grenfell Street
ADELAIDE SA 5000

Via email: PIRSA.BiosecurityAct@sa.gov.au

Dear Stephen

Re: Developing a New Biosecurity Act for South Australia

Livestock SA is the peak industry organisation for South Australia's red meat and wool industries. There are over 5,200 sheep producing businesses and more than 2,700 beef cattle producing businesses in the state. With a membership of over 3,500 sheep, beef cattle and goat production businesses, we work to secure a strong and sustainable livestock sector in South Australia.

The red meat and wool industries are the backbone of South Australia's livestock and meat processing sectors, which contribute \$5.4 billion annually to the state.

Livestock SA is a member of Primary Producers SA (PPSA) and is the South Australian representative member of four national peak industry councils: Sheep Producers Australia, Wool Producers Australia, Cattle Australia and Goat Industry Council of Australia. Through PPSA and the Peak Councils, Livestock SA is also a member of the National Farmers' Federation.

Introduction

Through the Intergovernmental Agreement on Biosecurity (IGA on Biosecurity), governments have had an agreed strategic direction for our biosecurity system to protect Australia's way of life for over a decade. Industry and government are aware that Australia's biosecurity system is becoming increasingly complex, and decisive actions are needed to ensure the system remains fit for purpose. Global and domestic trends in trade and animal production demand that Australia develops increasingly strong and resilient systems to effectively manage animal disease risks.

While the IGA on Biosecurity came into effect in January 2012, Livestock SA notes the progress across governments to instal consistent legislative frameworks has not been harmonised. As such, Livestock SA welcomes the creation of the first South Australian Biosecurity Act. It provides an opportunity to ensure South Australia's biosecurity system remains effective and sustainable into the future.

The development of a new, modern Biosecurity Act and subordinate legislation is an important step in the evolution of biosecurity legislation in SA. However, it also brings about uncertainty. It is therefore critical that there is effective and ongoing consultation with industry and changes are clearly explained to key stakeholders who will be most affected, including livestock producers.

Livestock SA notes a public consultation was undertaken in 2020 and provided a submission into those processes. We welcome the opportunity to provide further information about biosecurity issues and comments on the 'Technical Directions Paper' that have arisen since 2020 and have not been captured as part of the previous consultation process.

Scope

Livestock SA supports the consolidation of several Acts into a single piece of legislation, provided there is not a loss of important components on these Acts. Critically, the *Livestock Act 1997*, which provides the biosecurity framework for our industries, must be fully and effectively captured in the proposed Biosecurity Act and its subordinate legislation. Livestock SA understands that changes made to the Livestock Act in December 2022 in response to the increased risk of an emergency animal disease outbreak in Australia will inform the draft Biosecurity Bill.

Relevant components from the *Impounding Act 1920*, such as requirements on returning, destroying, or keeping stray livestock after a reasonable amount of time must also be effectively captured in a consolidated Act and subordinate legislation. The inclusion of the *Dog Fence Act 1946* must also not lose its focus and importance, and a review of the Act is needed to ensure this is not the case.

Livestock SA notes the exclusion of weeds and vertebrate pests from the proposed SA Biosecurity Act with these significant risks to our state's biosecurity remaining within the *Landscape South Australia Act 2019* and the *National Parks and Wildlife Act 1972*. Livestock SA requests further explanation about why these environmental biosecurity threats are not included in the consolidated Act. We also note that other Australian jurisdictions have included significant risks like weeds in their Biosecurity Act.

Core concepts

Livestock SA understands that the new Biosecurity Act will be built on a foundation of core concepts, some of which already exist within South Australia's biosecurity system or have been developed by aligning South Australia's approach to other jurisdictions with consolidated biosecurity legislation.

Shared Responsibility

Livestock SA agrees that biosecurity is a shared responsibility between government, industry and communities. Every individual has a general biosecurity obligation. Livestock SA supports the introduction of the General Biosecurity Duty (GBD) in the SA Biosecurity Act, creating consistency with other state Biosecurity Acts. The GBD highlights the concept of biosecurity as a shared responsibility that must include everyone, but this new concept must be communicated clearly.

The GBD must also articulate risk creation and its associated responsibility for various sectors and individuals. Livestock SA notes that shared responsibility will apply to everyone within South Australia including landowners, producers, food manufacturers, transporters, tourists and members of the community. This will require considerable and sustained education and training as in our

experience many of the sectors listed and individuals generally consider that biosecurity is an 'agricultural issue'.

We understand that the GBD will be legally enforceable, and non-compliance will be an offence. Critical to the success if the GBD will be clearly articulating the approach for determining, assessing and enforcing the legal requirement of any person's awareness, or 'reasonable awareness', that a biosecurity risk exists and as far as 'reasonably practical', mitigation, elimination or reduction of that risk. This concept will require proper consultation with the livestock industry, and it cannot be tokenistic for other sectors of the economy or communities.

Governance and administration

Statutory positions

Livestock SA supports the inclusion of a Chief Veterinary Officer and the responsibilities of this position under the new Act. We consider that ongoing consultation with industry is critical to the success of industry-funded endemic disease programs, and this requirement must be embedded in the legislative framework. Consultation processes need to be broad ranging and consider cost/risk-based analysis of the impacts of endemic disease management on industry.

Traceability

It should be noted that the livestock industries have and continue to invest significant industry funds to develop fit-for-purpose traceability systems and associated marketing arrangements. Traceability systems and compliance must be adequately resourced for them to be effective and deliver maximum benefits.

For the sheep and goat industries, traceability is undertaking significant change following the decision by Commonwealth, state, and territory agriculture ministers for the mandatory implementation of national individual electronic identification (eID) for sheep and goats in each jurisdiction by 1 January 2025. It will be essential adequate government funding and resources are available to effectively implement these changes and provide the ongoing education, support and compliance activities to uphold the integrity of our livestock traceability system.

Accreditation Authorities

Livestock SA notes that the Livestock Act does not provide for accreditation schemes. We support the ability to recognise non-government organisations as accreditation authorities, provided they are aptly qualified and all direct and indirect implications have been addressed (e.g. acceptance by trading partners etc.).

The consultation paper includes livestock disease-free accreditation inspections as an example. While supported in principle if the inspector is suitably qualified, care must be taken to ensure there are no unintended consequences. Auditing by authorities that are not suitably qualified risks our biosecurity credibility, and this was raised in Tasmania when the *Plant Quarantine Act* allowed for private certification, which led to concerns over inadequate fumigation of fruit. Clear legislative governance for recognition of accreditation authorities should help prevent this and should encompass extra-territorial operations for certification of animals/products entering SA.

Auditing

Livestock SA agrees with the proposed auditing of high-risk entities, but believes further consultation is needed on what is defined as high-risk, and the frequency and standards of audits. Businesses are already audited under multiple schemes (Livestock Production Assurance (LPA), One Biosecurity (1B)

and other commercial farm accreditation processes), so it is important not to duplicate work and costs for producers. Livestock SA also agrees with the proposed model to encourage compliance, provided there is a reasonable threshold to undertake meaningful compliance action when needed.

Funding, fees and charges

The introduction of the GBD necessitates a full review of the way that State Government biosecurity activities have been funded in the past to ensure there is equitable contribution to the system which protects the way of life for all South Australians. Biosecurity obligations include identifying and acknowledging individual risk creation, and all options should be on in the table for discussion to realise an appropriate level of sustainable funding for the system.

For example, South Australia's tourism industry was valued at \$7.3 billion for the 12 months ending September 2022. Tourism is a major beneficiary of a strong biosecurity system and travellers pose a significant biosecurity risk, yet there are no formal biosecurity structures or funding mechanisms in place for the tourism sector. Similarly, environmental biosecurity arrangements are still quite nascent, even though the environment is the largest beneficiary of a strong biosecurity system by a considerable margin – the nation's environmental assets are worth more than \$5.7 trillion.

By comparison, agricultural industries, and in particularly the livestock industry, currently shoulder an excessive burden for biosecurity when compared against other beneficiary industries and other states. The Sheep and Cattle Industry Funds currently contribute \$1.82 million annually to PIRSA biosecurity activities, including 58 per cent of the state's livestock traceability through NLIS (National Livestock Identification System). In other state jurisdictions, this regulatory activity is fully funded by government.

There has also been a long-term decline in relative government resourcing for livestock biosecurity in SA. The success of biosecurity is compliance, and resources must be available for the necessary compliance activities. Livestock SA understands that penalties for biosecurity prosecution in SA are not enforced for livestock producers, specifically for the NLIS program, largely due to a lack of investment and resourcing.

Livestock SA supports the proposed inclusion in the Act of the power to facilitate issues-based co-funding measures for preventing or managing a particular pest. However, this must only be enacted after transparent consultation with industry to determine fair and suitable funding arrangements that benefit biosecurity management.

Compensation/reimbursement

Livestock SA supports the continuation in accordance with Emergency Animal Disease Response Agreement (EADRA) compensation provisions carried over from the Livestock Act, which provides for compensation to be payable from the Exotic Diseases Eradication Fund.

Livestock SA recommends a review of the mechanism in place under the Primary Industry Funding Scheme (Cattle Industry Fund) Regulations 2015, which provides for the owner of cattle destroyed in accordance with the Livestock Act for the purposes of controlling or eradicating a disease to claim compensation, to provide greater clarity of these arrangements. Money acquired through the Cattle (and Sheep) Industry Funds are voluntary contributions, which limits the way this money can be allocated.

Environmental Biosecurity

Livestock SA notes the 2017 national independent review of Australia's biosecurity recommended putting environmental biosecurity considerations on similar footing with biosecurity measures for primary industries. We also note the comments that South Australia's environment is a crucial part of maintaining a modern and robust biosecurity system to limit significant incursion risks to Australia. We re-iterate our views that environmental biosecurity structures and funding mechanisms need to be developed to bolster the overall biosecurity system and effort, particularly considering the environment is the largest beneficiary of a strong and effective system.

Compliance and enforcement

Livestock SA agrees with the suggested focus on voluntary compliance as deterrence and responding to non-compliance in a way that considers circumstances. This fits with the compliance triangle model and we support this as a guide, with most action involving education and support to help ensure compliance is met. However, there comes a point where this is no longer a suitable and appropriate response to manage risks to our biosecurity and traceability system. South Australia needs the capacity for compliance action with adequate departmental resourcing to carry out compliance and enforcement activities when warranted.

Biosecurity officers

Livestock SA supports the inclusion of additional powers for online livestock markets, including Facebook and Gumtree, which pose a significant biosecurity risk. Livestock SA also supports the inclusion of the ability to share information with other jurisdictions or non-government organisations. However, more detail is needed on who could receive this information and how it can be used.

Livestock SA also supports the inclusion of extraterritorial powers in the Biosecurity Act, as is the case in other states, to help protect South Australia from external biosecurity threats.

Biosecurity direction

Livestock SA supports the inclusion of Biosecurity Directions under the new Act, provided the ability to issue a general biosecurity direction sits with the relevant Chief Officer, as it is a significant power. Any direction should also be listed publicly in the Gazette and on the PIRSA website. Livestock SA also supports the inclusion of biosecurity control orders in the Act, provided consultation is also taken with Chief Officers, as they are experts in their fields.

Serious offences

Livestock SA supports updating offences in the Biosecurity Act and increases in penalties proportional to the impacts of the offence committed. We are supportive of the Biosecurity Act recognising modern biosecurity risks, such as farm trespassing and bioterrorism, which pose significant biosecurity risks to producers and agricultural industries. There have been considerable changes to federal and state/territory trespass laws over recent years and we recommend that a comparison exercise be undertaken to ensure South Australia has consistent penalties with other jurisdictions.

Other additions

The Tasmanian *Biosecurity Act 2019* includes requirements for a Biosecurity Advisory Committee, which provides guidance for development of government biosecurity policy. Requirements for this

committee include a representative of the animal-based industries. Livestock SA considers this is an important inclusion for the SA Biosecurity Act to help ensure biosecurity policy is driven by representative and expert consultation.

The Tasmanian Biosecurity Act also includes the use of a 3-tiered permit system to assess incoming biosecurity material and manage risks accordingly, and a requirement for a biosecurity compendium on the agriculture department's website which lists important biosecurity information in plain language. Livestock SA considers these initiatives would be useful inclusions in the SA Biosecurity Act.

The development of a Biosecurity Act is a key step in improving the South Australian biosecurity system and Livestock SA supports the development of the Act and ongoing consultations as the legislative framework is fully developed.

Please contact the Livestock SA office on (08) 8297 2299 or via admin@livestocksa.org.au if you would like to discuss this submission further.

Yours sincerely

Travis Tobin
Chief Executive Officer