

# PIRSA

## **Building a new Biosecurity Act for South Australia**

*Public consultation summary*

*November 2020*



Government  
of South Australia  
Department of Primary  
Industries and Regions

# Building a new Biosecurity Act for South Australia – Consultation Summary

Information current as of November 2020

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## Further information about the project

Further information can be found on the PIRSA Website: [https://pir.sa.gov.au/biosecurity/biosecurity\\_act](https://pir.sa.gov.au/biosecurity/biosecurity_act)

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# Introduction

Public consultation on the development of a new Biosecurity Act for South Australia was undertaken from 14 October 2020 to 24 November 2020.

Public consultation was conducted via the Government's YourSAy website, which provided an opportunity for interested members of the South Australian community to provide feedback via an online survey, post questions and comments on a discussion forum, or provide a direct submission to the Department of Primary Industries and Regions (PIRSA).

Communication tactics, such as social media, emails and newsletters were used during public consultation. PIRSA's social media accounts have a total following of 13,276, with Facebook bringing the highest number (94%) of social media traffic to PIRSA's website, which received 1,181 views. The majority of traffic to PIRSA's website was via Google search. The Technical Directions Paper was downloaded 128 times and the Public Consultation Paper downloaded 106 times. PIRSA's digital newsletter also contained information on the public consultation and was received by 1,632 recipients.

In addition to the key group of stakeholders engaged throughout the development of the new Biosecurity Act, approximately 17 new industry groups and businesses engaged in webinars, provided submissions or requested further information from the Biosecurity team during the public consultation. This latest consultation encouraged broader engagement from business, industry and general public, which will ultimately help ensure we design a more responsive and effective Bill.

A total of 42 survey responses were received and the complete list of survey questions, results and comments can be found in Appendix A. The survey was separated into two parts, with the first part containing general questions and the second part more technical. As the survey questions were not compulsory, not every question was answered by each respondent, therefore the number of responses for each question ( $n=x$ ) has been provided in Appendix A.

Percentages for each response category are used in the summary to show the weight of response within each question, but it should be noted that the number of respondents for the second part of the technical questions were significantly less than the first part, therefore a comparison of percentages across these questions should be treated with caution.

13 direct submissions were received, one of which was received after public consultation closed. A list of submissions received can be found in Appendix B.

Two public webinars were held on 28 October 2020 and on 4 November 2020 and attended by a total of 43 people. These webinars provided an overview of the proposed new Biosecurity Act and sought responses to a series of poll questions. Poll results and comments received can be found in Appendix C.

# Webinars

The two public webinars were held and attended by a total of 43 people, with representation across primary producers, research, government, industry boards/associations, commercial, private business, special interest groups, and 'other'.

The webinar sessions stepped through the proposed approach to the new Biosecurity Act, highlighting opportunities for improvement, areas of the current legislation that will be retained in the new Act, and areas where parts of the new Act will be strengthened and streamlined.

A series of poll questions were asked during the session to seek feedback on key aspects of the proposal, and a number of comments and questions were asked by the attendees. Poll results and feedback received are provided in Appendix C.

The webinars indicated a good level of support for the proposed approach to the new Biosecurity Act, with 32% of attendees strongly agreeing that the development of a new Biosecurity Act is important to their business/sector, followed with 46% agreeing with this statement. 22% were not sure, and no attendees disagreed.

Of the remaining six poll questions asked, the majority of responses either indicated strongly agree (30%) or agreed (45%) with the proposals presented. The remaining responses were 'not sure' (22%), with responses of disagree or strongly disagree significantly lower (1%).

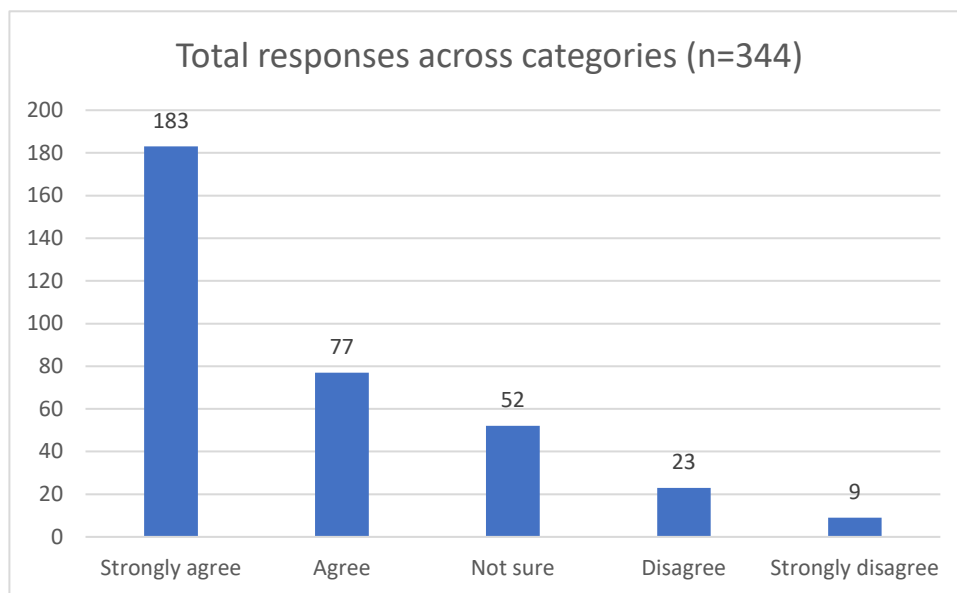
Comments and questions raised during the webinar related to how the new Biosecurity Act compared to other jurisdictions in relation to the management of environmental biosecurity, as well as a concern that the principle of 'shared responsibility' would result in shifting responsibilities and costs to industry. Other questions related to the scope of the role of the Chief Officers, how the new Act would interact with legislation in other jurisdictions, and how the General Biosecurity Duty would operate.

# YourSAy survey

Analysis of the total survey responses (344) across all questions indicate a good level of support from the 42 respondents for the proposed approach to the new Biosecurity Act, with the majority of total responses either strongly agreeing (53% / 183), or agreeing (22% / 77) with the proposals.

The survey results also indicated a level of uncertainty (15% / 52). Previous discussions with stakeholders indicates this may be driven by a desire to see the detail in the draft Bill.

Responses showed a low level of disagreement (7% / 23) and a low level of strong disagreement (3% / 9). The associated comments suggest that this may be based on indirect concerns, such as genetically modified crops, animal welfare, carp herpes virus, and the importation of produce and products.



## Developing a new Act

85% (37) of respondents agreed that biosecurity is important for our primary industries, as it underpins our industries, protects our livelihood and is critical for protecting our primary industries from the spread of pests and diseases, which are a major threat to the economic welfare of our State.

77% (27) of respondents support the development of a new Biosecurity Act for South Australia, with 11% (4) unsure and 11% (4) disagreeing.

The two comments related to the disagree responses indicate this is based on a view the new Act is *“just justifying another department of self-serving public servants”*, as well as concerns relating to the killing of animals and *“....blaming them when they aren’t responsible for spreading diseases and viruse (sic)...”*. Respondents that support the development of the new Act cited benefit in consolidating legislation, reducing red tape and creating a modern Act as *“...nothing but a benefit to South Australia”*.

Some comments indicated a level of hesitation, commenting that more time is needed to digest the implications of the new Act to determine what it means, and raising uncertainty that the new Act will improve the arrangements already provided for in the current *Livestock Act 1997*.

## Proposed scope of the Act

68% (19) of respondents agree that the proposed scope of the new Act covered the parts of biosecurity they expected, with 32% (9) not agreeing with this statement. For those respondents that did not agree, the comments indicate this was based on the proposal not including the management of weeds and vertebrate pests from the *Landscape South Australia Act 2019* as well as matters relating to easements and rights of access to private property. Concerns relating to ornamental plants, vertebrates in captivity and knowledge gaps for molluscs were also raised. One comment stated that the new Act “*goes too far and dictates rules to farmers who know better than bureaucrats trying to implement these greenie rules*”.

57% (20) of respondents agreed that the proposed approach to the new Act maintains the current strengths of the system, while also making improvements. Comments indicated there is a general trend towards comprehensive legislation and that consolidation would make the system stronger and easier to manage.

34% (12) were not sure and 9% (3) disagreed with the statement, with comments indicating that more detail is required to determine if this statement is true, as well as concerns around pest and weed management, aquatic biosecurity, and the protection of animals in an animal welfare context not being adequately addressed.

Comments relating to additional topics or Acts to be included in the scope of the new Biosecurity Act included the management of biosecurity related to tourism, management of pests and weeds currently under the *Landscape South Australia Act 2019*, and entry mechanisms, citing an example of focusing on products rather than shipping containers. The full list of comments can be found in Appendix A.

74% (14) of respondents agree that the new Biosecurity Act should contain new powers to better manage the risks associated with biofouling, with comments citing biofouling as a pathway for marine pests that is not addressed and remains a huge and real threat. 26% (5) of respondents were not sure if new powers were required, but no comments were provided to elaborate on this uncertainty.

The issue of farm trespass and whether any additional powers should be considered in the new Biosecurity Act to support producers with the associated biosecurity risk was raised. Respondents commented that farm trespass has already received a level of attention and should remain a criminal issue. Other comments also proposed increased fines, jail time and the ability for a producer to exclude anyone from their property.

## Core concepts

86% (30) of respondents agree that biosecurity is a shared responsibility, with one comment stating that “*any breakdown in the responsibility linkages between these sectors, or the various levels of government have a cascading effect and can damage or degrade economic or environmental values in a manner that reasonable outlays of public or private money may not be able to undo. Everyone must start to realise how basic biosecurity is for the protection of our natural assets*”.

5% (2) of respondents were not sure, and 9% (3) disagreed with this statement, with the comments indicating this was based on a view that government has a major role to play in policing and promoting/maintaining overseas markets, and animals being named as pests that aren't.

69% (24) of respondents agreed that the new Biosecurity Act should establish a General Biosecurity Duty, with comments supporting this based on it being an important component if we are to “*get serious*” about biosecurity in South Australia, and that everyone should have a duty of care. One comment noted that this approach is consistent with other States and with good regulatory practice to be more outcome focused and less prescriptive.



17% (6) of respondents were not sure and a further 14% (5) disagreed with establishing the General Biosecurity Duty, with comments indicating they felt the concept is too vague and can be defined retrospectively, as well as an expectation that everyone will know these detailed laws, which impinge on freedoms and impose obligations that aren't necessary. The need for strong community and industry engagement strategy on the General Biosecurity Duty was also raised.

72% (25) of respondents agreed with the new Act taking a risk-based approach to decision making, with comments stating that regulatory fatigue can set in if every small risk is made to seem like a big threat, risk-based assessments should be used to guide level of regulation, and deployment of limited resources should be proportional to risk for the best outcomes.

17% (6) of respondents were not sure, with one comment raising the question if lesser risks gets less attention could this lead to failure. 11% (4) disagreed with the risk-based approach, with comments indicating this was due to views around pests and viruses being introduced into our environment, feral deer management, and the basis on which these decisions are made.

74% (26) of respondents agreed that action should be taken based on a reasonable suspicion of a risk, commenting that full evidence may only be obvious when it is potentially too late for eradication, and that strong, preemptive action is the only reasonable safeguard against many biosecurity risks.

14% (5) of respondents were not sure, commenting that 'reasonable suspicion' is not defined and has the possibility of giving Government unreasonable power. 12% (4) of respondents disagreed with this proposal, citing that some evidence should be required and that 'reasonable suspicion' is not defined.

## **Governance**

71% (15) of respondents agreed that the new Act should establish a Chief Veterinary Officer and Chief Plant Protection Officer. Comments received indicate this was based on two positions providing a sharper focus on their areas of responsibility, and the benefits of centralised decision making. A number of respondents also noted this was the approach in the current legislation and therefore should continue in the new Act. 19% (4) of respondents were not sure with this proposal, preferring input from a board or committee, and 10% (2) disagreed, with one respondent also citing the preferred model of a consultative board, and concerns of bias and political influence also being raised.

70% (14) of respondents agreed that extraterritorial powers should exist that enable action to be taken outside of South Australia (where possible) to support the management of biosecurity risks in South Australia, however the comments indicate that this support is more in relation to good working relationships and agreements with other jurisdictions, rather than establishing legal powers. 15% (3) of respondents were not sure, and 15% (3) disagreed, citing that this approach can be 'stuck down' by the Commonwealth and that border issues should be resolved diplomatically.

80% (28) of respondents agree that there is a need for stronger compliance and higher penalties in the new Biosecurity Act, commenting that people should be held accountable for their actions and noting a level of complacency in this area as well as a lack of understanding of the impacts. 14% (5) of respondents were not sure, citing that stronger penalties can be beneficial, but the certainty of a moderate penalty is a more effective deterrent than the risk of a severe one. 6% (2) of respondents disagreed, with one comment seeing this as government revenue raising.

When asked about the powers of authorised biosecurity officers and whether any additional powers that should be considered, respondents commented that the powers seemed appropriate and indicated support for powers to effectively address non-compliance and manage biosecurity risks. One respondent also raised the need to not interfere with natural justice.

The question relating to the requirements for registration received comments that any agricultural or aquaculture business activity should require registration as it protects the industry and the producer, and that the basis of requiring registration needs to be carefully considered as backyard producers can also create significant biosecurity risks. One respondent commented that beekeeping should not require registration.

When asked about opportunities for industry with an ability to recognise industry biosecurity schemes, one respondent cited that their industry is capable of assisting in biosecurity and that industries can be more skilled in their own business compared to government agencies, and another respondent noted opportunities for formal registration/training of livestock agents surrounding their compliance obligations with the new Biosecurity Act. Other comments expressed concern regarding government overreach, clumsy processes and government decision making.

The proposed permits under the new Biosecurity Act cover a range of activities and respondents were asked if any additional permits should be considered. Respondents commented that no permits should approve the transportation of grape harvesting and processing between States in the context of Phylloxera risks. Other comments suggested permits should enable the prescribed movement of domestic deer and the importation of live fish, and bait for fishing and food for aquaculture operations.

## YourSAy discussion board

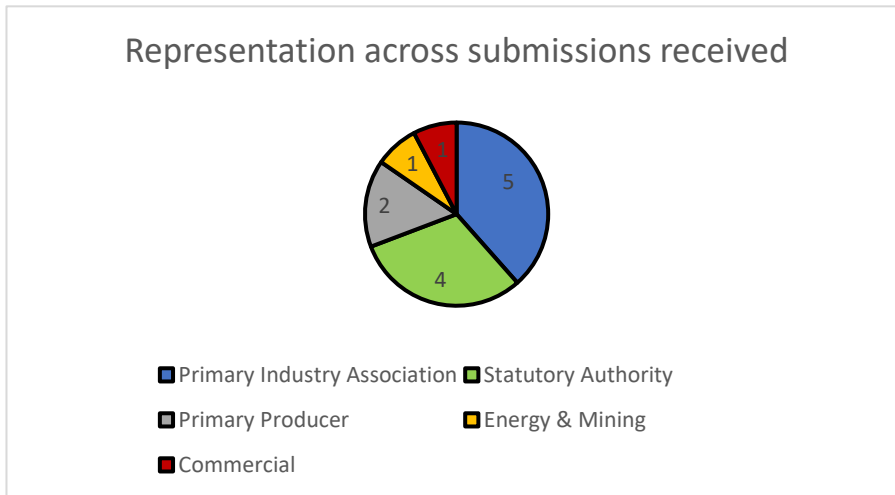
A public discussion board was available on YourSAy during public consultation to post questions and comments. During consultation, 1 post was received and provided below:

- I believe the recent report from the CSIRO - "Australia's Biosecurity Future. Preparing for future biological challenges." should be used to inform this process. As a person involved in marine conservation in general, and dolphin research in particular, my main concern is in relation to marine biosecurity. As is effectively addressed in the mentioned report this situation is often left to the vessel operators, almost an honour system, which is not affording sufficient protection. This therefore means that the opening of new port facilities in our relatively pristine marine habitat areas should not be considered. Once the "genie" is out of the bottle it is impossible in open ocean environments to control outbreaks and eradicate marine pests. Technology as it stands needs further development to alert us to the presence of marine pests in bilge water, biofouling etc. but does not provide a solution. As we become more reliant upon shipping trade the issue is becoming more of an imperative. Control begins with limiting sites and infrastructure and strong consideration of the nature of facilities in relation to controlling inevitable outbreaks. The marine environment is currently undervalued and under resourced which must be addressed if we are to avert a catastrophe.

# Direct submissions

13 direct submissions were received, one of which was received after public consultation closed. A list of submissions received can be found in Appendix B. The largest number of submissions (5) were from representatives of primary industries, with statutory authorities providing the second largest number (4) of responses followed by primary producers (2). The category of commercial, and energy and mining were represented by 1 submission each.

While this paper provides a high-level summary of key themes raised in the 13 direct submissions received, the detailed information provided in these submissions will be considered when drafting a Biosecurity Bill.



## Summary of key themes

### Developing the new Biosecurity Act

Submissions showed a good level of support for developing a new Biosecurity Act for South Australia, acknowledging the important role biosecurity plays in protecting our industries. The intent of the new Act to provide a simpler, modern and more effective framework was also acknowledged and supported, as was the intent of increasing biosecurity protection measures and increasing consistency with other jurisdictions.

Some caution was advised in the development of the new Act to ensure it will not impede or jeopardise the viability of industries, or unintentionally disadvantage certain industries or interstate trade arrangements. The need for continued consultation was also raised, with the development and implementation of measures to be consulted on and communicated to avoid unintended repercussions, as well as rigorous education and extension programs relating to the new Act and biosecurity generally.

One submission raised that it is unclear how the proposed new Biosecurity Act will deliver any better outcomes than the current approach and that the lack of a Biosecurity Bill creates an incomplete picture of the way Biosecurity will work in South Australia, requiring a high level of trust from stakeholders.

More specifically, concerns were raised regarding the treatment of the *Livestock Act 1997* and that it should not be repealed until the new Act has been developed and incorporates the features of the *Livestock Act*. The *Phylloxera and Grape Industry Act 1995* was also raised in the context of needing to maintain the powers and functions under the Act, as well as determine how this Act will operate alongside the new Biosecurity Act should it remain as a standalone Act.

There was some disappointment that the management of pest animals under the *Landscape South Australia Act 2019* is not being incorporated into the new Biosecurity Act, as there are a number of feral

and native animals in South Australia that pose potentially significant biosecurity threats. The *Animal Welfare Act 1985* was also noted as relevant to the new Act and suggested to be considered in this review, in the context of livestock welfare standards and guidelines not forming part of the *Livestock Act 1997*.

### **Phylloxera and Grape Industry Act 1995**

Vinehealth seeks ongoing engagement with PIRSA post public consultation and as the Biosecurity Bill is being drafted, to obtain information that will enable a detailed assessment of how the PGI Act should be connected with the new Biosecurity Act, that is, standalone or incorporated. A decision on this connection can only be made when such information is provided and the impact on biosecurity arrangements for the industry are clearly understood in granular detail.

Of importance in this assessment is the intention outlined in the Technical Directions Paper that the powers and functions of Vinehealth, as a statutory authority, would be placed in regulations under the new Biosecurity Act.

This is of significant concern to Vinehealth and industry given confirmation of the content of such a regulation would not be available until after the new Biosecurity Act comes into effect. This represents a significant risk for the grape and wine industries as here would be no guarantee as to the scope of such a regulation prior to the Biosecurity Bill being passed through the Parliamentary process. In addition, there are vastly different processes governing changes to regulations as opposed to legislation, which presents another risk to continuity of function and use of industry funds for sector specific grapevine biosecurity issues.

The current position of the wine industry is that the establishment of Vinehealth by regulation is not acceptable.

Irrespective of whether the Phylloxera and Grape Industry Act remains standalone or is consolidated into a new Biosecurity Act, the absolute position is for no weakening of the current functions, operations, powers or appointment of the Board of Vinehealth.

With the development of a new Biosecurity Act, Vinehealth also acknowledges that if the Phylloxera and Grape Industry Act is to remain as a standalone Act, it is timely to concurrently review the provisions of the Phylloxera and Grape Industry Act. This is to ensure it remains 'fit for purpose' and complementary to the new Biosecurity Act, to safeguard industry sharing responsibility for biosecurity. A discussion with PIRSA as to an appropriate review process is sought.

### **Dog Fence Act 1946**

The proposal to include the *Dog Fence Act 1946* in the new Biosecurity Act was not fully supported, but it was noted that this proposal creates an opportunity to thoroughly review the current Dog Fence Act. Concerns related to the risk of weakening much of the security provided to the pastoral industry, especially if the new Biosecurity Act creates 'head powers' to establish the Dog Fence Board by regulation.

### **Shared responsibility**

There was some in principle agreement with the intention of the new Biosecurity Act and the vision of shared responsibility, and noted that strong and effective biosecurity is in the best interests of the community, industry and government. It was further noted that for this to work effectively, a well-coordinated approach is required.

Areas of concern related to what a person should 'reasonably' be aware of under the General Biosecurity Duty, and how the 'community' will become involved in biosecurity, as there is significant work required for community engagement.

## **Fees and charges**

Although not proposed in the Technical Directions Paper, concern was raised that a biosecurity levy was being considered as part of the new Act, and that increasing fees and charges for industry will be counterproductive to economic growth. One submission noted that South Australia already has a landscape levy paid by landowners, and that a biosecurity levy could be seen as double dipping. While the need for a level of cost recovery was acknowledged, cost recovery for core government initiatives was not supported and where Government charges fees, a need for capacity to provide services in a timely and consistent manner was raised.

The Biosecurity Programs were raised, with feedback provided on the potential for government to match current industry contributions to enhance biosecurity outcomes.

The intent of the new Biosecurity Act to not seek to increase regulation or business costs across the system was questioned, in the context of the information provided under the Funding, fees and charges section of the Technical Directions Paper.

## **Emergency management**

Concern that biosecurity not listed as a focus in the State Emergency management plan was raised, as well as the challenges for biosecurity management within Local Government. The need for clear decision-making authority in a biosecurity emergency was raised, especially in relation to the interaction with other related Acts with a role in emergency management, such as the *Phylloxera and Grape Industry Act 1995*.

## **Local government**

The need for clarity on the role of Local Government was raised, in the context of Fruit Fly incursions as a result of poor backyard hygiene of householders. Without a clear role for Local Government, there was concern that it will be difficult to engage with Local Government's regarding access to local householders, and the inclusion of Biosecurity outbreaks in the emergency management plans.

## **Permits**

The need for permits proposed to be introduced under the new Biosecurity Act's permit system to be standardised and aligned with other jurisdictions was raised. The reliance on a robust risk assessment process, which is not subject to bias was also raised. It was noted that all permits must be able to be reviewed, and revoked or amended if needed, if there is a change in the operating landscape that changes the risk profile relevant to the activity allowed under the permit so risks do not 'slip through the cracks'. A level of transparency to industry as to the permits that have been issued and on what grounds was suggested.

## **Government responsibility**

It was noted that the South Australian Government is responsible for the management of biosecurity issues on public land, which includes national parks, conservation reserves, state forests, marine parks, unallocated Crown Land, and unmanaged reserves. One submission raised a lack of clarity for Landscape Board matters to intersect with the new Biosecurity Act, noting that there appeared to be two separate processes for dealing with biosecurity.

Another submission urged that while early intervention in any biosecurity matter is essential, any action taken should only be the result of intervention by PIRSA staff. This does not mean that independent expertise cannot be called upon, but that PIRSA must take responsibility.

Information on PIRSA's budget and resourcing capacity, as well as changes to the business model over the forward 3-5 year period was requested, based on a concern that if PIRSA is resource constrained in

delivering functions and powers under the new Act, then the system will inevitably be weakened and the risk of a significant incursion heightened. It was stated that industry must have confidence in PIRSA's core capacity and capability to deliver the powers of a new Biosecurity Act.

## **Abandoned orchards**

The biosecurity risks associated with abandoned orchards has been raised on a number of occasions, and is seen as an issue that has been highlighted during the recent Fruit Fly outbreaks in metropolitan Adelaide. Comments raised the limitations under the existing legislation for enforcement to address the ongoing risks, and that the new Biosecurity Act is an ideal opportunity to introduce regulation into the new Act to address this issue.

## **Traceability**

There was a level of agreement that identification and traceability systems are vital to managing incursions and for prevention and preparedness activities. It was raised that traceability or property identification systems must take into account propagation businesses, as well as properties of all scale, as smaller producers have the potential to pose a significant biosecurity risk through management practices at times being below industry standards. This issue was highlighted during fruit fly outbreaks, where more time and effort was required to map, identify and contact small-scale producers.

One submission called for an overhaul of the Property Identification Code (PIC) system, as it is not consistent across the nation or user friendly. Inconsistency across National vendor declarations for stock movement from state to state was also raised, along with requirements to complete national sheep health statements.

In relation to the potential for traceability in the plant industries, it was noted that the register of vineyards under the *Phylloxera and Grape Industry Act 1995* is an existing example of this and should be considered as the source for the viticulture industry. In addition, it was noted that the wine industry has the ability to track produce through all stages of source material through to wine in the bottle and the impact of the National traceability project on the wine industry is not clear. Caution was raised that the national systems should not be duplicated or rendered unworkable.

## **Accreditation and certification**

Although not proposed in the Technical Directions Paper, concern that accreditation would be a requirement was raised, as this would have additional administrative requirements on Government and industry.

The proposed opportunity to expand certification across all sectors was questioned, as certification is a lengthy and costly process to introduce, and therefore should ensure benefits are significant enough to warrant certification.

While a level of support for industry-based quality assurance programs to be recognised for regulatory purposes was provided, caution was raised that these programs are only as good as the rigour behind training, audits and the continual review of the programs to ensure they meet the desired outcome. It was recommended that independent review of any industry-based quality assurance program is undertaken prior to recognition for regulatory purposes.

## **Farm trespass**

It was noted that changes to the trespass legislation that were made earlier in 2020 were an improvement. The need for further strengthening of powers in the new Act were raised, with a suggestion that banning notices issued by farmers against trespassers should be considered to enable a

simple notice to advise a person they have trespassed and are restricted from doing so for a period up to two years.

## **Compliance and enforcement**

Issues with compliance and enforcement under the current legislation was raised as an issue, along with concern this will not be improved under the new Biosecurity Act. There was a view that authorised livestock inspectors have sufficient powers, but these are rarely used.

Vicarious liability was raised in the context of how this links with the General Biosecurity Duty, questioning if a negligent employee would be prosecuted under this duty in addition to the employer.

Current penalties are not considered as being commensurate with the significant risk of non-compliant activity and the value of primary industries to the state's economy. Current penalties and the possibility of prosecution are not currently seen as a deterrent, especially when there is a lack of appetite/resources to prosecute.



# Out of scope matters raised

## Genetic modification

Issues relating to GM in South Australia was raised on a number of occasions, along with ownership of seed copyright.

## Landscape South Australia Act 2019

No inclusion of provisions for management of weeds and vertebrate pests currently included in the *Landscape South Australia Act 2019* was raised as an anomaly and inconsistent with biosecurity acts in other jurisdictions, and potentially sidelining the management of these classes of pests.

## Land access

Issues in relation to easements and rights of way across properties was raised, citing that the current legislation discriminates against landowners protecting their property from biosecurity risk, with no accountability on people traversing easements.

## Animal welfare

Raised a view the *Animal Welfare Act 1985* should be considered in this review, as it is an anomaly that the current livestock welfare standards and guidelines which are part of ensuring good livestock biosecurity practices are not currently incorporated in the *Livestock Act 1997*.

Concern that the new Act is 'over the top' and does not protect animals, with the RSPCA Animal Welfare not adequate enough.

Introduction of viruses and international pests into the waters, wildlife and communities was raised, along with a view to remove the RSPCA from Animal Welfare authorities and all other animal related matters.

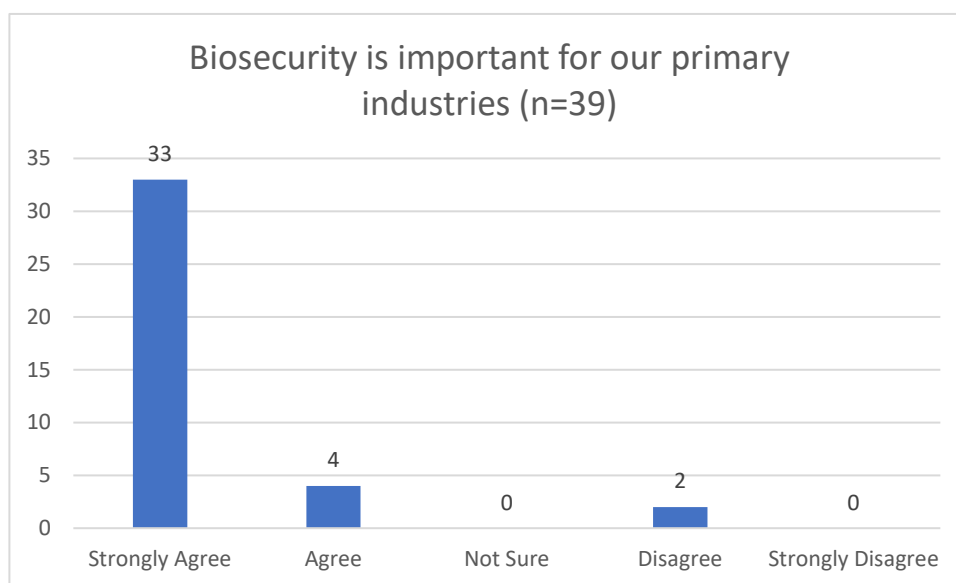
## Appendix A - Survey data

A total of 42 survey responses were received. The survey was in two parts; the first part consisting of general questions and the second part more technical questions.

Comments are as received, with only spelling and minor grammar errors corrected.

### Part 1 – General Questions

#### Question 1 – Do you agree that biosecurity is important for our primary industries?

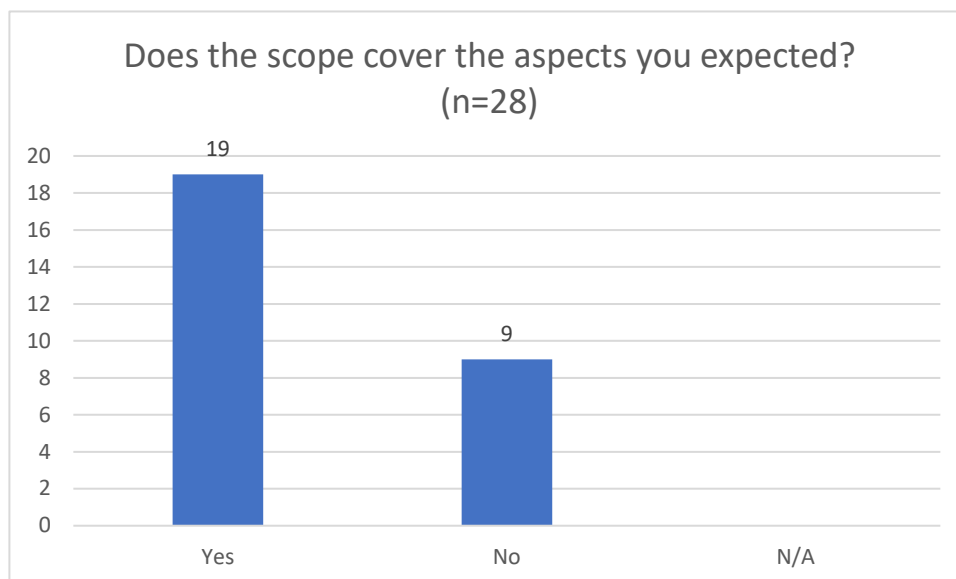


#### Comments received:

1. It underpins productivity as well as maintaining our access to interstate and overseas markets.
2. Agriculture is important to SA and introduction of new pests and/or diseases could have a major impact on the sector.
3. Without security - chaos here - prosperity somewhere else.
4. We are a state renowned for our wine and food, plant or livestock disease that could affect this in anyway need to be prevented to the best of our ability, to preserve our primary industries current standards.
5. Breaches have the potential to wipe out an industry destroying our economy and maybe lead too famine.
6. The costs involved to eradicate pests is not needed, if good biosecurity practice is achievable. It is unfair to willfully impose this risk onto neighbours, and also unacceptable for Biosecurity to be relaxed, when some of us have worked really hard to keep pests out. It seems less important if you already have bad practice, or have inherited it.
7. We have an isolation advantage and pest-free growing conditions, to our internal and export advantage. Don't squander it for cheap/illegal imports using underpaid labor or dumping.
8. It protects people's livelihoods and businesses.
9. My concerns particularly relate to Phylloxera and the transmission of an uncontrollable pest from Victoria to South Australia with consequential devastating effects on the SA wine industry.

10. To protect our bottom line ultimately, prevent loss of markets, loss of jobs. Prevent and circumvent disease, pests and weed threats.
11. The most likely threat to our primary production comes from the uncontrolled outbreak of new pests. Biosecurity is by far the cheapest way to minimise any impacts.
12. It is critical to protect our market access, and productivity. Without it, our industries are at risk of pest, disease and weed incursions that will have serious long term adverse effects.
13. Protect Australia by keeping threats to the environment and productive systems out, also Market Access by ensuring clean green food.
14. Needed to ensure healthy production, free of disease etc. to ensure there are no restrictions to selling produce.
15. Quarantining pests and disease has become a forgotten priority. Stock movement and rehoming around the state is not regulated with property ID tag system especially with horse and exotic breeds. Off Road Motor cycles transfer roadside soil around without regulation.
16. Biosecurity and the invasive laws against animals that are not pests need to be carefully checked with the biosecurity kept separate from primary industries. You are deliberately introducing carp Herpesvirus into the waters, and other viruses into the communities. Stop introducing and releasing viruses.
17. Need to control pests and diseases that are already here, and minimise chance of new ones establishing.
18. Keeping people safe is how you keep the economy going. No people means no staff.
19. To maintain healthy plants and environment.
20. I don't consider allowing the ownership of seed copyright to be beneficial to our state in particular through GM crops.
21. The spread of pest animals, plants and attendant diseases is a major threat to the economic welfare of the state and its people.
22. Economic and environmental costs will be significant if new pests and diseases are introduced.
23. Our primary industries work tirelessly to provide food and supplies for our nation as well as our international partners. Biosecurity is our strongest defense strategy for protecting their businesses and livelihoods against foreign and domestic pests and diseases that could decimate their industries and create food and supply shortages to Australia and impact our trade agreements internationally.
24. It is arguably the greatest single threshold to both terrestrial and aquatic primary production as well as biodiversity and ecological function.
25. Improves quality, reduces costs.
26. Without primary industry we do not survive.
27. There are too many nasties we don't want in Australia and it's important to keep them out.
28. WE need to maintain our current pest and disease status which puts us way ahead economically. WE need to maintain our distance and environmental advantage.
29. Allows us to keep our trading partners and markets open, stops us having widespread uncontrolled disease outbreaks.

**Question 2 - Does the scope proposed for the new Act cover the aspects of biosecurity that you expected? Tell us why?**

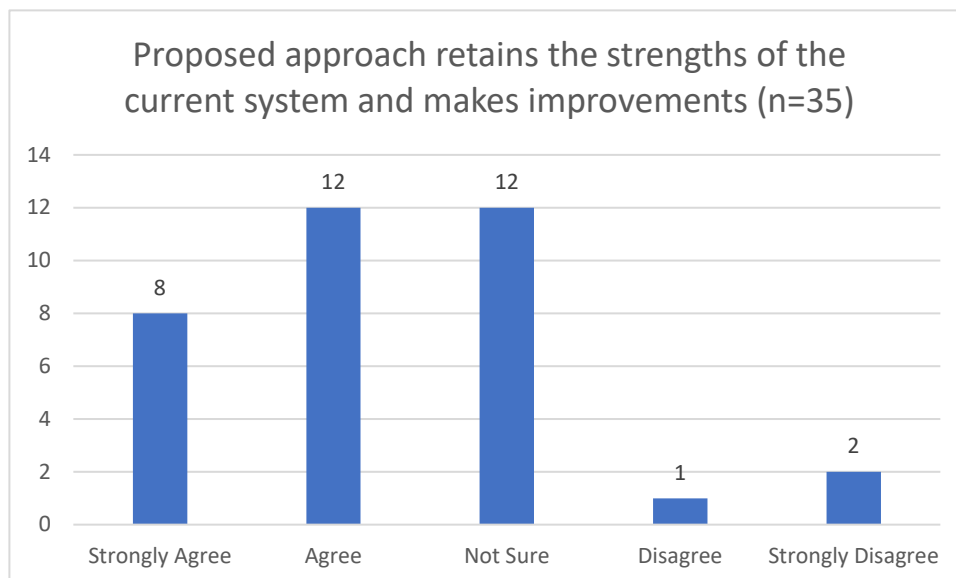


**Comments received:**

1. Combines the various pieces of legislation / acts into one place and is clearer in what is expected for compliance.
2. With limited knowledge on the subject I'd say the Act seems to cover anything I, as a layman, could think of.
3. State borders are an important boundary. Council areas also. Landholders with multiple property addresses, should still need all practices checked, when moving from council areas, and interstate.
4. Fails to include provisions for management of weeds and vertebrate pests currently included in the *Landscape South Australia Act 2019*. This anomaly is inconsistent with biosecurity acts in other jurisdictions, and potentially sidelines the management of these classes of pests.
5. The coastal stuff and international exposures, should be national/federal law, the domestic/internal/borders stuff look good.
6. It does not cover any aspects in regards to easements and right of ways across properties. The current Act discriminates against landowners who are trying to do the right thing with protecting their property from Biosecurity threats and does not put ownership on people who are traversing the easement.
7. Covers the transmission of pests across borders under the Phylloxera and Grape Industry Act.
8. Property identification is the most glaring gap in our current biosecurity system. If this is properly addressed in the new legislation it will go a long way to managing any future incursions.
9. Does not address knowledge gaps: for example molluscs.
10. Concentrates on pests and pathogens, which are the classes or organisms of main concern to primary production. It does not attempt to cover ornamental plants that may be regarded as weeds by conservationists, or vertebrates in captivity that these conservationists see as potential ferals.
11. It goes too far and dictates rules to farmers who know better than the bureaucrats trying to implement these greenie rules.

12. I wanted to remain I doesn't from seed suppliers.
13. I am particularly concerned about the historically unmitigated threat from biofouling in vessels including ballast water.
14. Not all sectors are covered e.g. wine and environmental biosecurity isn't well covered.

**Question 3 - Do you agree that the proposed approach to the new Act retains the strengths of the current system, while also making improvements?**



**Comments received:**

1. Time will tell to see if it is as strong. Rarely does legislation maintain its full strength when it is redone as there are other factors that influence how strong it can be.
2. Simplify stronger enforcements opportunities - improving biosecurity 'policing'.
3. To my understanding, the consolidation of current legislation in regard to biosecurity is a huge improvement.
4. The use of the word 'modern' does not describe how the new (modern) works or is better.
5. Current biosecurity risks of longstanding pest weeds and animals, may/may not be addressed, with the new act, it appears there has been changes, that follow, poor regulations. i.e. weeds go off the declared register, when they have not been properly controlled. Which is not fair on landholders who continue to work hard to keep them out. Sheep lice used to be reportable not now?
6. General trend to comprehensive biosecurity legislation.
7. It would seem easier to manage.
8. Aspects of SAs current biosecurity are good, but ensuring a nationally coordinated approach is fundamental in a response.
9. Need to see what is actually in a draft bill.
10. It's over the top and not protecting animals. The RSPCA Animal Welfare is not adequate to protect all animals.
11. Concern with concept of General Biosecurity Duty, and that weasel word 'reasonable'. These can be defined as future governments may choose, and used selectively as governments choose.

12. I believe the consolidation of the multiple Acts, while having the potential to dilute focus, none the less strengthens and centralises the responsibility of the administrators and gives greater clarity to enforcing officers as to their powers and the extent and implementation of these powers.

**Question 4 - Are there any topics (or Acts) not included in the scope that you think should be included? Tell us why?**

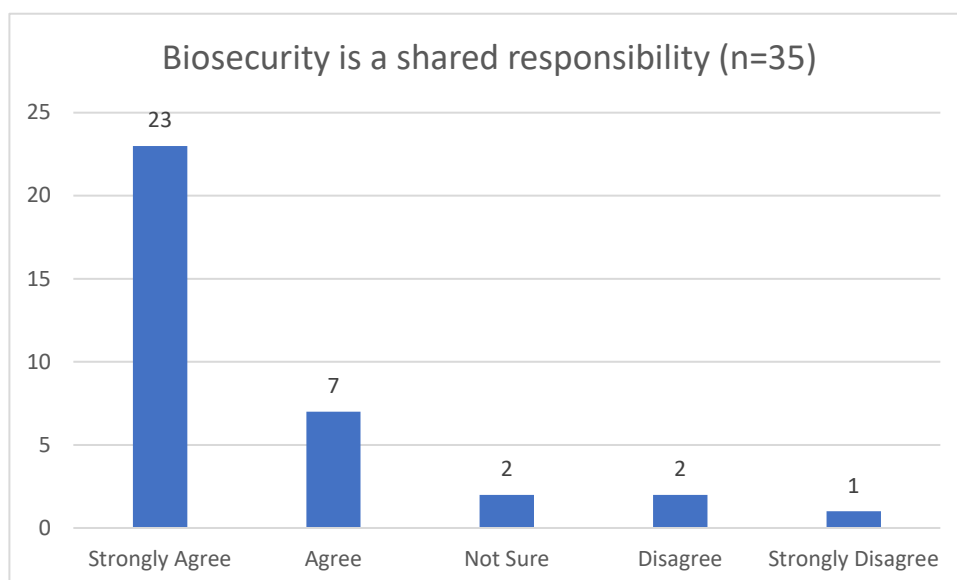
Comments received:

1. There was / is an opportunity for better protection of production areas that can be controlled e.g. Kangaroo Island. The natural barrier of the water gap provides the opportunity to strengthen the protection of all agricultural industries (and the environment) from animal & plant disease, weeds, insects etc. There are the existing protections from Landscape SA Act and the provisions to protect the seed potato and apiary industries but an opportunity exists to provide wider protection by controlling high risk pathways such as used machinery, fodder and livestock.
2. International Trade: Fabrication of any biosecurity threat products - should be produced within Australia by Australians. Tourism biosecurity - much higher and really enforced fines esp. for repeat travelers.
3. It may not be relevant to this Act; however, I did notice that there is little information on public awareness or a new campaign to educate people the same way that the general public all know what a fruit fly bin at the state border is.
4. Penalties. The process should be easily understood, and everyone should be treated the same. It appears that feral deer control/lack of it. Compliance, is one area that should be revisited. Lack of compliance with permits, to keep 2 years, to be 7yrs, permit should not be reissued, if landholder does not confine deer.
5. Provisions for management of weeds and vertebrate pests from the *Landscape South Australia Act 2019*.
6. Please see above as I think more should be done to protect land holders with easements that can be accessed by the general public.
7. Complete banning of used grape harvesting and processing equipment from Victoria and NSW to SA.
8. Molluscs, entry mechanisms not adequately addressed with models: for example focus on products not containers re Kapra beetle. New models that incorporate dispersal mechanisms not delivered to staff enforcing biosecurity objectives.
9. To stop introducing viruses, remove the RSPCA from Animal Welfare authorities and all other animal related matters. Adopt our Animal Welfare Act/Bill.  
<https://wildlifecarersgroup.wordpress.com/2019/01/13/wildlife-carers-group-submission-animal-welfare-legislation-amendment-bill-2019-closes-7-2-19/>  
<https://wildlifecarersgroup.wordpress.com/2017/05/15/submission-amended-draft-animal-welfare-and-management-strategy-2017-2022-closes-wednesday-24-may-2017/>
10. No.
11. GMs destroying our clean green image but I guess that goes with becoming the nuclear dump for the country.
12. I think a responsibility for apathetic spread of invasive animal and plants in both an environmental and agricultural pest/weed context needs to be clearly defined and that an

individual or commercial entity promoting or providing pest and weeds that become a public or economic nuisance, should be held financially liable for the costs of eradication or control.

13. Need to strengthen capacity to eliminate new outbreaks. Currently emphasis seems to be on prevention.
14. The implications of Pest Plant and Animals and their impacts on Biosecurity at a local, regional and state level.
15. The current system is weak in terms of aquatic biosecurity and needs to be written from scratch.
16. Introduction of GBD is good and consistent with other States however more detail is required to make any assessment as to whether the new Act improves, or even covers, all aspects of existing protections.
17. You don't listen or acknowledge input!

**Question 5 - Do you agree that biosecurity is a shared responsibility, and that government, industry and the community all play a role? Tell us why?**

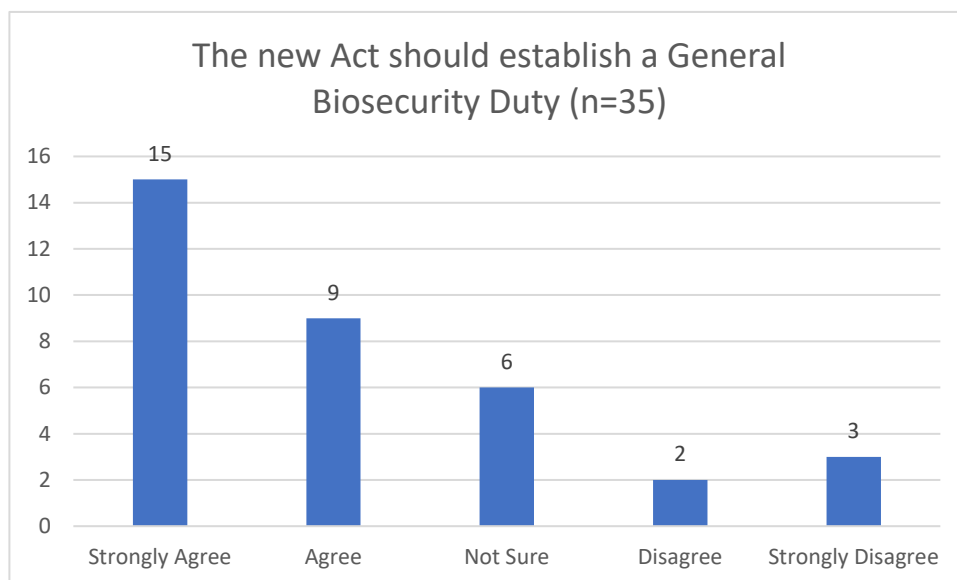


**Comments received:**

1. Everyone has to play their part for it to work. The benefits will be good for all so everyone needs to contribute to ensure the system works well.
2. Because we will all bear the brunt of issues arising from a breakdown of our systems.
3. Each depend on the other in ways be successful in biosecurity.
4. Whether it be an interstate family vacation that unknowingly brings back infested fruit, or a corporation importing unquarantined livestock, produce or vegetation, all of these scenarios are examples as to why it is a shared responsibility.
5. A breach can occur anywhere - all should care.
6. Using feral deer, as an example. In SA, why are we still having to deal with feral deer? There is not enough investment/commitment for significant decline/eradication. This is shared? I know we are putting in a huge effort for 2 decades!! and still shooting feral deer on our farm almost weekly. Why?
7. As per fig 5 p38, best approach is less govt, govt only enforcing.

8. Biosecurity is only as good as the parts of the system. SA leads the way with its community engagement regarding Fruit Fly which needs to be strengthened and replicated across all biosecurity threats.
9. While it is a shared responsibility, government has a major part to play in policing and promoting/maintaining overseas markets.
10. Don't name animals as pests that aren't.
11. Everyone is a beneficiary of a good biosecurity system, therefore it's everyone's responsibility. But all of these questions are trying to pre-empt the discussion - you are telling us what the issues are, instead of asking us. And the terminology is yours, not ours.
12. Of course, the community is at the core of everything.
13. This is self-evident. Any breakdown in the responsibility linkages between these sectors, or the various levels of government have a cascading effect and can damage or degrade economic or environmental values in a manner that reasonable outlays of public or private money may not be able to undo. Everyone must start to realise how basic biosecurity is for the protection of our natural assets.
14. Biosecurity has many layers and is the responsibility of everyone. It requires a group approach from all sectors be effective from government who create and pass the laws, to industry who implement and uphold the laws in the businesses to the community who also need to understand and uphold those laws. If any one of these areas fails to meet their biosecurity requirements it can have devastating impacts to our Australian Primary Industry sector.
15. Enforcement alone is impossible especially with invisible things like biofouling. Industry and the community need to be the surveillance agents ensuring a level of self-enforcement.
16. With government resources stretched and reducing and pressures increasing, beneficiaries of the biosecurity system need to be more engaged and active.

**Question 6 - Do you agree that the new Act should establish a General Biosecurity Duty, as part of sharing responsibility for biosecurity? Tell us why?**



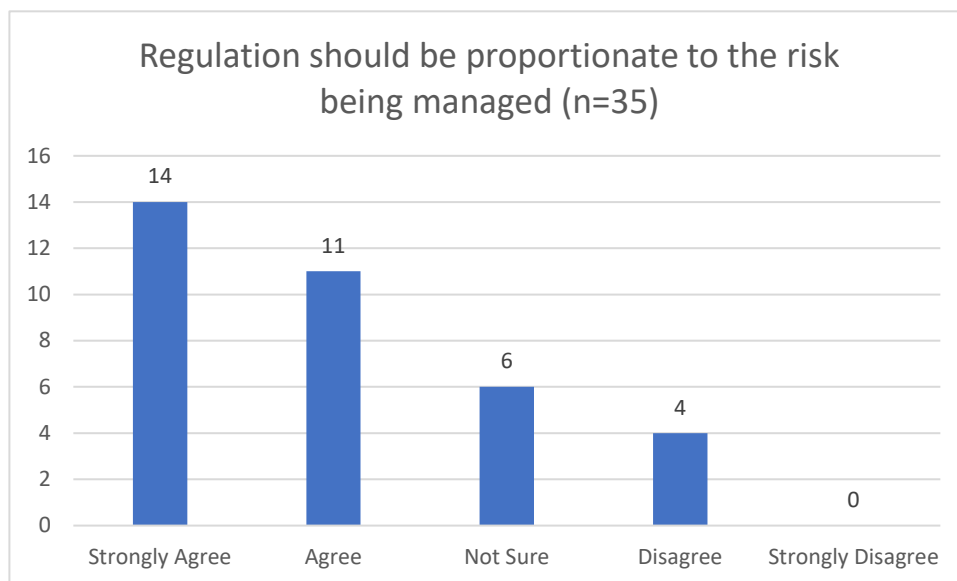
**Comments received:**

1. New concept to SA legislation but is in place elsewhere. I think that if we are to get serious about biosecurity - this is an important component that should be heavily promoted.
2. Provide clarity that will be legally enforced without doubts.



3. Without clear guidelines/duties and penalties, many in the general community will be apathetic to the consequences of neglect of said duties etc.
4. I don't fully understand what that will do or include.
5. It is important for all of us to have a duty of care.
6. The concept is too vague, and could be selectively applied.
7. You are expecting EVERYONE to know these detailed laws and be police, and impinges on our freedoms, imposing obligations on us that aren't necessary.
8. Critical to catch incursions as early as possible - but needs to be combined with a VERY strong industry engagement strategy.
9. Keep biosecurity separate from your names topics.
10. The concept is too vague and can be defined retrospectively.
11. As above. I think the responsibility for biosecurity and individual actions that may have negative (or positive) biosecurity outcomes should be recognised and should result in a positive or negative outcome for the individual, depending on the nature of the interaction. This principle should underpin enforcement and outcomes.
12. I think it is important to have a general biosecurity duty that is a base line outlining general responsibility to everyone with regard to biosecurity. This can then be accompanied with more detailed/specific duties for each independent sector i.e. government, industry, community.
13. There needs to be an onus if responsibility and a paradigm shift reflecting the scale of the threat.
14. Consistent with other States, consistent with good regulatory practice to be more outcome focused and less prescriptive in regulations.
15. Haven't seen any information on it.

**Question 7 - Do you agree that any Government regulation should be proportionate to the risk being managed (risk-based decision-making)? Tell us why?**

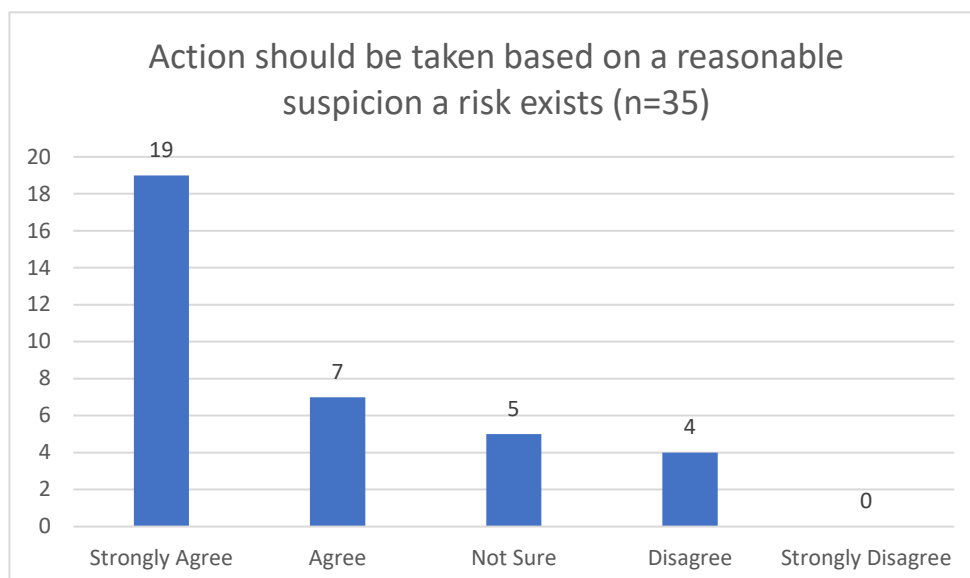


**Comments received:**

1. In general this is correct, sometimes though the risk may or may not be obvious and therefore conservative regulation is important to reduce any ambiguity or misinterpretation.

2. Regulations should be succinct and provide clarity. The higher the risk posed the higher the policing force opportunities should (legally) apply.
3. The question speaks for itself. If the consequences of ones actions are significant, then the penalty should be proportionate. Therefore, by extension, the regulation to mitigate said risk should be proportionate to the consequence of the thing it's regulating.
4. This does not mean that a lesser risk gets less attention and therefore leaves loop holes for failure?
5. Risk... again feral deer. Who decides that risk? How is the risk assessed, many decisions are finance based, what about environmental? If feral deer are a risk, it needs to be dealt with, maybe it should be... what happens if we do nothing?
6. Self-evident, isn't it?
7. Regulations should only exist where there is a necessary purpose or protection needed. The risk level determines the priority, not the regulation itself. Regulations should be the minimum essential number.
8. The risk of allowing a single Phylloxera outbreak in SA is enormous and there is no containing an outbreak.
9. Regulatory fatigue can set in if every small risk is made to seem like a big threat. Risk based assessments should be used to guide level of regulation.
10. Don't introduce international pests and develop viruses introducing them into the waters, wildlife and communities.
11. Deployment of limited resources should be proportional to risk for best outcomes. But need an objective means to assess this risk.
12. I think this is a generally sound principle, though it may be hard to quantify risk. In two historical cases, Prickly Pear and the release of the Cane Toad, it was assumed there was a relatively low risk. The results suggest that in depth analysis of all releases, as well as field experience in equivalent environments, should inform any such decision making and that it should be objective and not informed by subjective supposition.
13. The risk should consider the potential cost of an outbreak, not just the probability of an outbreak.
14. Regulations definitely must take into account the risk being managed otherwise the practical application in industry can end up becoming not so practical and then you may see issues with regards to uptake and following of regulations, which then reduces our overall biosecurity so it has a negative effect.
15. Budgets will always be limited and should be directed to the areas of greatest threat. The largely unnecessary marine parks budget should be transferred over to marine biosecurity if we are serious about addressing the very real threats from introduced species.
16. Risk is not always well understood due to lack of data/knowledge and due to political overtones affecting assessments.

**Question 8 - Do you agree action should be able to be taken based on a reasonable suspicion that a biosecurity risk exists? Tell us why?**

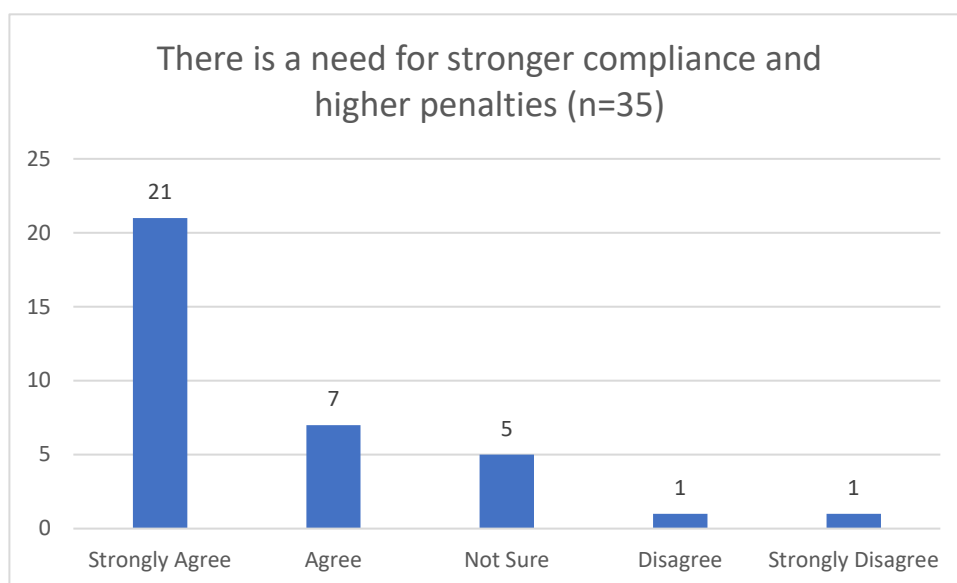


**Comments received:**

1. Yes, biosecurity needs to be robust - the old clique prevention is better than cure - and this has proven itself over and over - e.g. fruit fly control.
2. Empower fewer regulation with better legal enforcement needs.
3. "reasonable suspicion" isn't too broad a term to give an opinion on.
4. Can't blanket this comment as I see it giving Govt the possibility of unreasonable power. The word 'action' covers a multitude of behaviours many of which can be 'overkill'. Needs to be very seriously governed with more than adequate compensation.
5. If there is reasonable cause, and done properly, all involved should appreciate the intent. There should also be appropriate compensation, apology, if the risk did not appear to be there.
6. Impossible to define the word 'reasonable' in this context. Opens the door to selective application.
7. There should be some evidence of risk (travelled through an "area", common means of transmission), suspicion is too open to abuse.
8. Risk level is too significant to minimize and is a clear and present danger when it comes to Phylloxera.
9. Full evidence may only be obvious when it is potentially too late for eradication.
10. Often sufficient data is not available for specific risks, yet precedent should allow for worst case scenario despite the cost for proactive response.
11. Need to take appropriate precautions (if nothing else COVID has taught us this).
12. That will have to apply to the Government only and the Researchers/Scientists that the Government employs.
13. What on earth is "a reasonable suspicion"? The word 'reasonable' is widely used in law but has no formal definition. This is a loaded question.

14. I believe that strong, preemptive action is the only reasonable safeguard against many biosecurity or biocontamination scenarios. This is a genie which can be impossible to put back in the bottle when it escapes.
15. Sometimes waiting until a risk is confirmed means you respond too late and there can be large negative affects from this. In some circumstances it is entirely appropriate to take action if there is reasonable suspicion that a biosecurity risk exists.
16. The consequences of doing nothing could be severe.

**Question 9 - Do you believe there is a need for stronger compliance and higher penalties for those who put our state's biosecurity status at risk? Tell us why?**

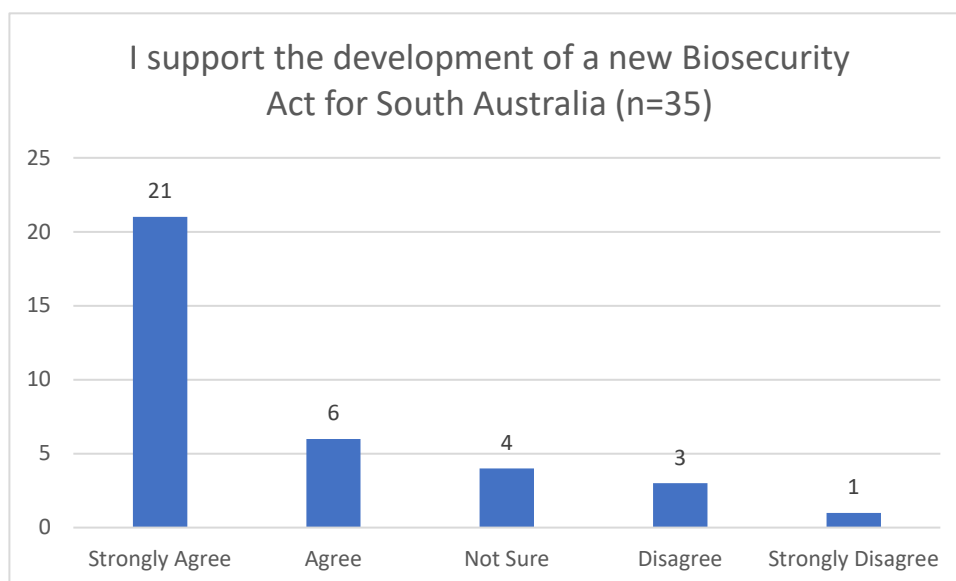


**Comments received:**

1. Yes I agree in higher risk cases or those where there are ridiculous behaviours. At the other end of the scale, the strict liability cases should be broadened further with more on the spot fines issued - e.g. fruit across the border - as enough is enough.
2. Persons should be held accountable for their (business) actions.
3. Within reason yes, if the consequences of ones actions are significant, then the penalty should be proportionate. However, it's the duty of the government to proactively educate the public, the penalties to business should be much more strict than the penalties to individuals, as presumably the consequences would be of a larger nature.
4. Sick of watching 'border control' where the traveler is bringing in food crawling with bugs. They have lived here for 10-20 years, travelled often and then suddenly they can't speak English, don't understand what they have done is wrong etc. Then they get let off or fined \$120.
5. A first time issue, may be depending on the breach, taken with care, repeat offenders, and people who have a complete disregard for their part in a duty of care for neighbours/councils/state welfare should be accountable for that action.
6. I'd say, rather, more effective compliance (which is not the same thing). Option of stronger penalties is good, but remember that the certainty of a moderate penalty is a far more effective deterrent than the risk of a draconian one.
7. Biosecurity is strongest only at the weakest link.

8. Current legislation controlling Phylloxera is not strong enough and will be destined for failure at some time.
9. Carrots and sticks are important. Engagement is number one, but strong penalties need to be applied for willful ignorance.
10. For example, cut flower industry many incursions not related specifically to flower industry pose threats to environment.
11. Anything goes in SA to this point in time.
12. Only if you are referring to the Government and the Scientists that the Governments employ. There are ramifications to the Governments actions in buying, introducing and developing viruses releasing them into waters, wildlife and the communities.
13. Another loaded question, as it conflates two separate concepts. Compliance needs to be effective to achieve desired outcomes; but effectiveness is not the same thing as yelling at people and bashing them on the head. The certainty of a moderate penalty can be a better deterrent than the low chance of a higher penalty.
14. Revenue raising to prop up a dept nothing more nothing less, and the enforcers are usually for Largs rejects, power trippers.
15. That would mean the government is to be sued for allowing GMs.
16. As above. I think there is a high degree of complacency around this area, especially from those who do little to mitigate or ameliorate the risks that exist, whether environmental or agricultural. There is a huge amount of time and effort, often on a voluntary basis, to try and make up for the careless or wantonly lazy actions of others. I believe if these individuals were made to pay for the results of their actions - even if was on the level of just payment for cleaning up the messes they cause, this would soon engage people attention and regulate their actions in this area.
17. The consequences of non-compliance are extreme.
18. I believe there is lack of understanding in the general population of what the potential impacts could be if our biosecurity laws are broken. I also feel that some of the penalties aren't enough to stop people from doing the wrong thing. I understand the need for giving people warnings and then explaining how what they have done is wrong but I also feel that some people take advantage of saying I don't know and they then don't receive the penalty they deserve.
19. There needs to be a shift in community and government attitudes towards the scale of the threat. Severe penalties reflect this.
20. Existing penalties do not create a deterrent; a more modern approach to regulation and compliance should be considered (like Queensland).
21. We must make sure that those charged with compliance know what they are looking at. Not working at the moment.
22. But one of the biggest risk is the travelling public. There is no informative signage, no inspections taking place or wash bays at the NT/SA, SA/QLD border. Travellers are clueless on what they could be hosting. There is no signage to remind tourists of their responsibility.

## Question 10 - Do you support the development of a new Biosecurity Act for South Australia? Tell us why?



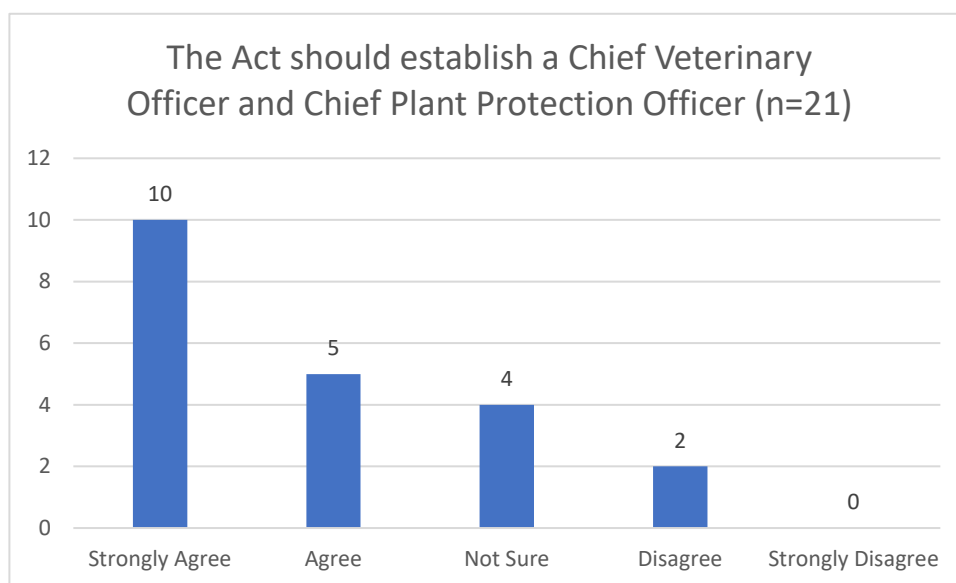
### Comments received:

1. Great to combine a number of acts under one umbrella and align in one place.
2. South Australia should lead their own (bio) security path to secure what S.A. has.
3. The consolidation of existing legislation to reduce red tape, as well as increased understanding and modernisation of the current legislation is nothing but a benefit to South Australia.
4. I am sure there are some better ways of doing things which can be incorporated - maybe some obsolete practices to be reviewed.
5. I will need more time to read, and "digest", all the implications of the new act, also compare my thoughts on what has been done previously, and consider the possibility of this new act actually, meeting what I think it means. It all seems to come down to, compliances, investigation, paperwork, passing solicitors, and who the "perpetrator" is and how big their wallet is, to what I may think is an appropriate outcome. As we all have a role to play, we all should be treated the same, in all processes.
6. General trend to comprehensive biosecurity legislation. In particular it would ensure a consistent approach to managing all classes of pests.
7. A clear statement of biosecurity requirements is a good thing.
8. We require stronger legislation.
9. Maintaining the current low pest status we enjoy, as well as a national harmonising of legislation.
10. Not enough resources for SA to maintain exclusion of threats.
11. Not sure if it will be an improvement over the Livestock Act.
12. Take a look at the Government and clean it up. Stop killing the animals blaming them when they aren't responsible for spreading diseases and viruses etc.
13. Combining existing Acts - some of which needed revision anyway - into a single piece of legislation will promote efficiency.
14. Just justifying another dept of self-serving public servants.

15. We have been kept safe with swift and decisive action. All our efforts have been done well. I think we should consider what changes might be made if our population was much higher like in NSW and VIC. Though they also have higher international flights as well to consider.
16. How can I trust the changes will protect our state.
17. On the whole, I would support the streamlining of the current strata of Acts. I believe an ethos of individual or corporate responsibility is the best mechanism for diluting the threats that biosecurity breaches cause within our agricultural landscape and in our areas of remnant native vegetation.
18. An updated consistent approach to biosecurity for SA is important in maintaining the longevity of our primary industries. That is what the new Biosecurity Act intends to bring therefore I fully support the development of the Act.
19. To ensure a coordinated and organised risk and threat-based approach that provides a higher level of protection than we have seen to date.
20. Enforcement is required in the present act by people who know what they are talking about.

## Part 2 - Technical questions

### Question 11 - Do you agree that the Act should establish a Chief Veterinary Officer and Chief Plant Protection Officer? Tell us why?



#### Comments received:

1. Two - each their own focused portfolio - would likely perform better with likely an improved focus on issues that need acting. Coordination(s) remains required.
2. Obviously advice must come from the professionals in the field but I think a consensus of a board or group should be required, not one chief. The parliamentarian can weigh up the facts based on many views.
3. You could have consultative boards. Multiple heads are better than one, and can take input from different stakeholders.
4. Centralised control and decision making should lead to better protection.

5. These roles are too diverse to be combined. They can also engage with these specific roles in other jurisdictions.
6. Already have a CVO with appropriate powers.
7. These positions already exist and need to continue; considering the scope of the proposed Act they logically fall with its ambit.
8. These officials already exist, and their roles fit under the proposed Act.
9. If the government employs them they will be biased.
10. It needs to have some power. Has to be taken out of the hands of our short-sighted political parties. It will give some consistency.
11. It needs a Chief Terrestrial Health Officer separate to a Chief Aquatic Health Officer.
12. These need to statutory appointments independent of government.
13. There is a need for these two positions but they must respond to knowledgeable persons not in the employ of the government.
14. That's all very good but would like to see proactive officers who have a sense of reality of the WHOLE state not just Adelaide Hills. I think the time has come to reinvigorate a specialised stock squad to address the growing number of livestock thief.
15. We need someone to blame when things go wrong.

**Question 12 - Certain activities will require registration (e.g. keeping livestock, saleyards, beekeeping) to ensure biosecurity risks are appropriately managed. Are there any activities you think should not be required to register? Tell us why?**

**Comments received:**

1. No, but I do support registration.
2. Any agricultural or aquacultural business level activities should require qualified registrations.
3. Registration is good and protects the industry/farmer as well.
4. No. All primary industries should be registered!
5. No.
6. Beekeeping.
7. Again we add red tape. Stop the importation of food stuffs, including meat and it will not be so difficult to manage produce grown in Australia. More registration is another burden to primary producers.
8. No, the minimum size / numbers need to be carefully considered given backyard plants / animals pose a significant risk.
9. Who is going to pay for this?

**Question 13 - The new Act proposes powers to recognise biosecurity outcomes as part of a formal approval process by government for non-government schemes, certification programs and standards. What opportunities do you see for your industry with this proposal?**

**Comments received:**

1. Reduced opportunities if Government solely are allowed to decide, and dismiss applications, without biosecurity controls being involved (e.g.: GM foods).



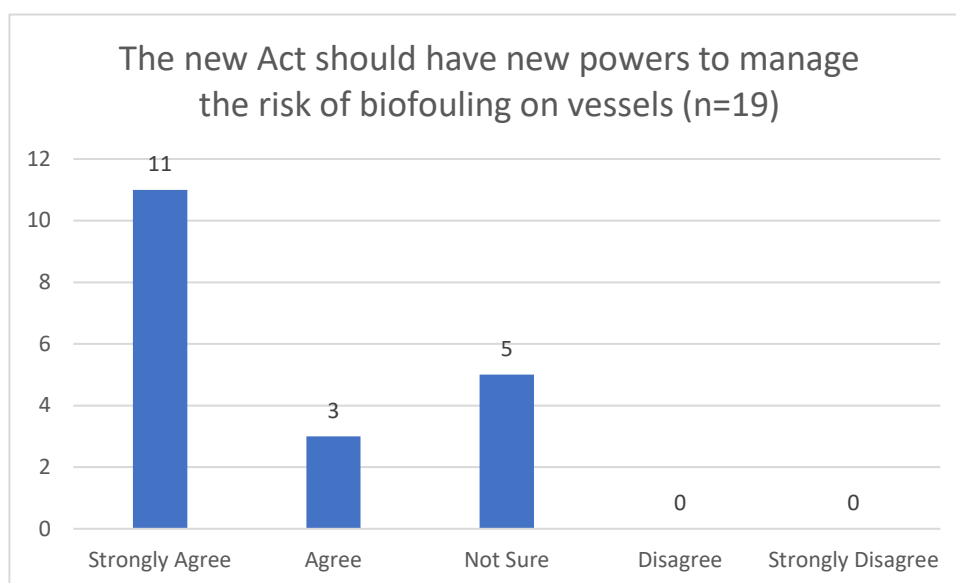
2. More government overreach and spending.
3. The citrus industry has many private actors capable of assisting in biosecurity, and this should be encouraged on both technical and financial grounds. Industries can be more skilled in their own specifics compared with government agencies.
4. Improved quality assurances.
5. Not being part of any industry, I can't comment.
6. N/A.
7. Do we need more certification? Another clumsy process for primary producers. Funny how we managed all these years with less issues until we started so called free trade.
8. I would consider for formal registration/training for livestock agents (at an individual level similar to real estate agents) surrounding their compliance obligations with the Act.
9. Lower risk of introduced species given SA's extremely high rate of aquatic species endemism.
10. More flexibility, ability to keep up with modern biosecurity and agricultural practices.

**Question 14 - The new Act proposes that permits can be issued to allow actions to be undertaken which would otherwise be in breach of the Act. Do you believe there are any other permits or activities, other than those listed in the Technical Directions Paper, that should be considered in this proposal?**

**Comments received:**

1. Difficult to say: there seems to be a wide opportunity of variations. Could one or two 'officer(s)' provide a permit service to their friend or (distant) family? Then no good.
2. There should not be any permits issued allowing the transportation of grape harvesting and processing between states. This practice supporting a very small number of producer's is not necessary, the cost to producers forcing South Australian grape harvesting and processing equipment to be kept in the State 100% of the time and only used in SA will be minimal compared to the potential catastrophic damage from Phylloxera entering the state.
3. The list covers everything needed.
4. No.
5. The act cannot cover everything so of course there will be exceptions. Do what needs to be done.
6. Prescribed movement details/documents for Domestic Deer.
7. Importation of live fish, bait for fishing and food for aquaculture operations.

**Question 15 - Biofouling is regarded as the most common pathway for introducing and spreading potential marine pests and diseases. Do you agree the new Act should have new powers to manage the risk of biofouling on vessels? Tell us why?**



**Comments received:**

1. Risks are to be minimized.
2. Most pests and diseases etc. come in from overseas.
3. International biofouling will be hard to stop. Can't federal regulations help here, external powers?
4. SA, like many other parts of the world, is wide open to the introduction of new marine organisms on hulls of vessels. The proposed Act is a chance to empower control of these risks.
5. Biofouling is a pathway for marine pests that has not yet been addressed.
6. We should have all power to manage risks.
7. It is a huge and real threat that is not currently being addressed.
8. No brainer!
9. Too much risk of bringing unwanted marine organisms into the state.

**Question 16 - The new Act will ensure the authorised biosecurity officers have consistent and appropriate powers across all sectors to manage biosecurity risks. Are there any additional powers that should be considered for biosecurity officers? Tell us why?**

**Comments received:**

1. Powers that appropriately, respecting also the basic rights of the defendant, reduce useless (doubling) bureaucracy 'needs'.
2. No one should be allowed to bring in any food or edible items. Fine or jail if they do. End of story. Put big signs about it in the airport. One less place to try to hide drugs.
3. The powers should be the minimum required to secure biosecurity without interfering with natural justice.
4. Confiscating equipment that is illegally moved interstate.
5. Proposed powers are adequate.

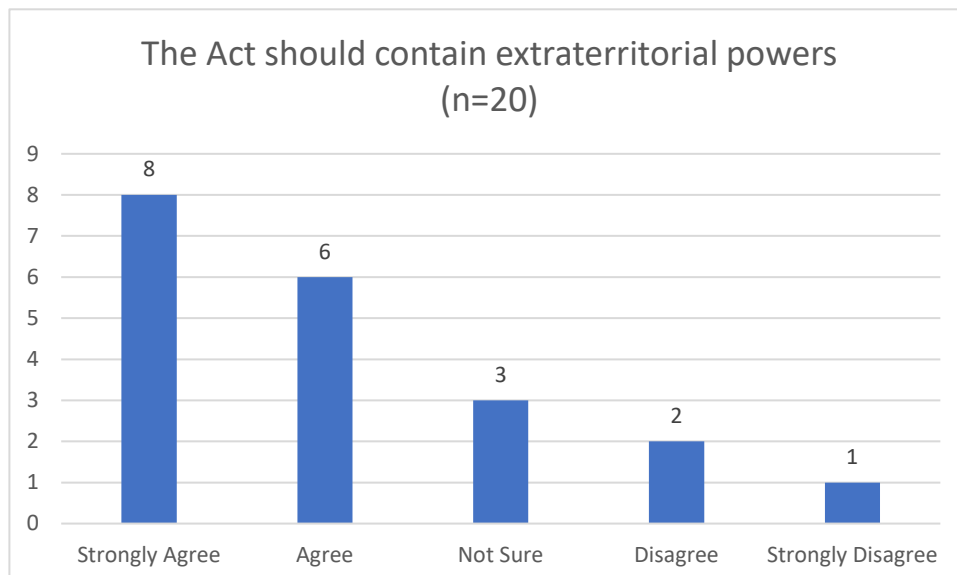
6. The proposed powers seem adequate.
7. GM crops.
8. They should have all power. Who decided what was "consistent and appropriate". If they have a task to do it should be done without fear of reprisal.
9. Powers to conduct search warrants in cases of suspected breaches.
10. Ensure emergency powers are solid and not subject to civil injunctions preventing their use in emergency situations.

**Question 17 - The new Act proposes management tools to enable biosecurity directions, biosecurity control orders, and biosecurity zones. Are there any additional management tools that should be considered? Tell us why?**

**Comments received:**

1. Fewer (overhead) management (administration) persons but more 'field officers' instead.
2. Are there these management tools and existing resources already? It is best if these orders directions and zones are as temporary as possible.
3. Ability for producers to exclude everyone from their properties, without approval.
4. No.
5. The proposed tools seem adequate.
6. Stop imports.
7. Power to issue enforceable undertakings instead of only prosecution or cautions.

**Question 18 - The new Act proposes to contain extraterritorial powers that enable action to be taken outside of South Australia (where possible) to support the management of biosecurity risks in South Australia. Do you agree with this proposal? Tell us why?**



### Comments received:

1. Border issues should always be diplomatically resolved between States and Territories - each responsible for their own 'produce' and definitely fully responsible for any of their produced (nuclear) wastes.
2. Assuming you will be working in collaboration and agreement with other States and territories.
3. Federal govt can strike these down. Stick to South Australia. You can still place advisers or advising resources into problem interstate or international areas.
4. Pests don't recognise borders! Conversely, we should be open to other jurisdictions working with our agencies and industries to maintain low pest status elsewhere.
5. Extraterritorial powers are a slippery slope. Better to say 'co-operation with agencies in other jurisdictions'.
6. This should not be negotiable.
7. Formal Service Level Agreements with corresponding interstate agencies for an offence committed in another state under SA legislation.
8. It is often too late once the threat is here e.g. east coast barge case.
9. Many incursions take no notice of state borders officers will need to liaise with other jurisdictions.

### **Question 19 - Farm trespass will remain a criminal issue as part of a separate Act - the Summary Offences Act 1953. Are there any additional and complimentary powers that should be considered in the new Act to support primary producers with the biosecurity issues related to farm trespass? Tell us why?**

### Comments received:

1. If biosecurity risks were not controlled (e.g.: no fence or no appropriate signs) have increased, or also by any (illegal - criminal) trespass: higher enforced financial fines should apply and additionally recover any loss of business income(s) to recover however long that natural (non-nuclear) environmental balance takes.
2. Why are we so concerned about biosecurity whilst the minister is hell bent on bringing in GM crops, against the locals desires. We will lose our pristine environment, safe foods value. Once FGM crops are in they will never be eradicated. These foods are bad for us and where they have GM crops there are problems. Please look at these areas. Do not bring in GM crops. We, the people don't want them. Why is Minister Basham so keen on ruining our pristine country. What's in it for him?
3. Farm trespass (indeed any trespass) should be strengthened as a highly illegal and expensive or imprisoning action. This trespass can also breach biosecurity. Access should be restricted to authorised activity, not troublemaking idlers. We should encourage and protect lawful economic activity. The state/people benefit from healthy economy activity too.
4. Ability for producers to exclude everyone from their properties, without approval - including reps from utilities and mining companies who often spread weeds and other diseases/pests.
5. No, as farm trespass has already received plenty of attention in legislation.
6. No. Farm trespass has recently had plenty of attention from politicians.
7. I do not agree with a few radicals with alternate agendas trespassing on farms. If we reduced the importing of primary produce we could assist the farmers developing better farming methods. Methods and acceptability do change and should change with the times.

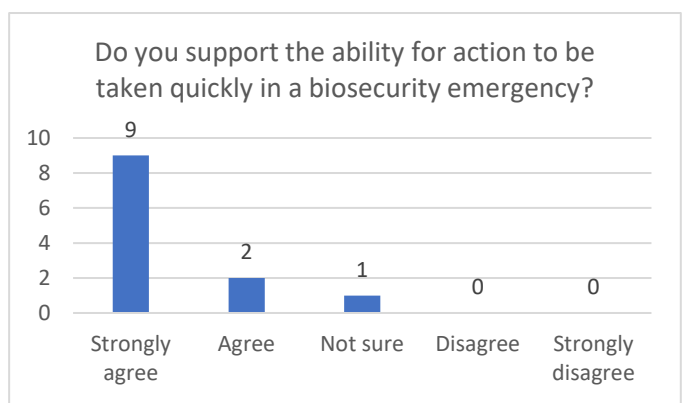
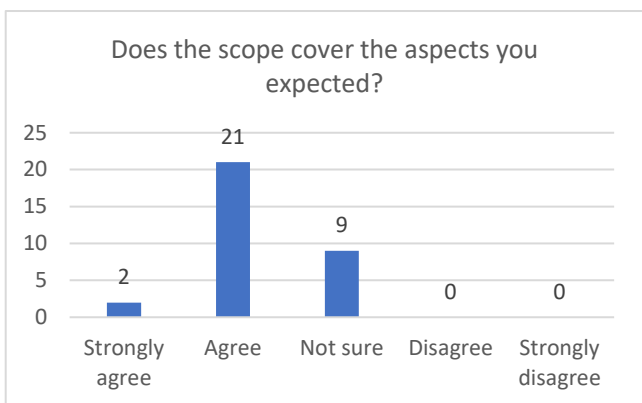
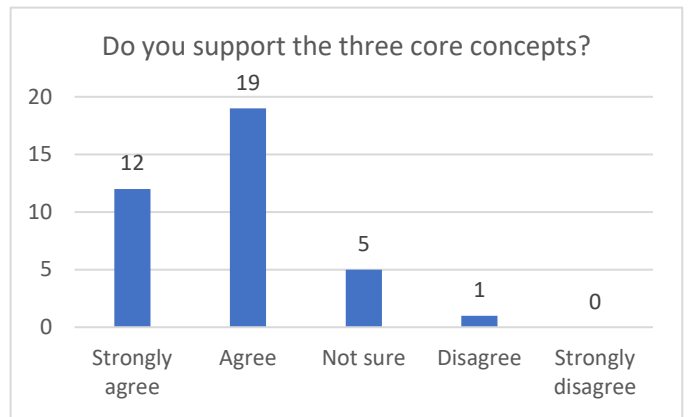
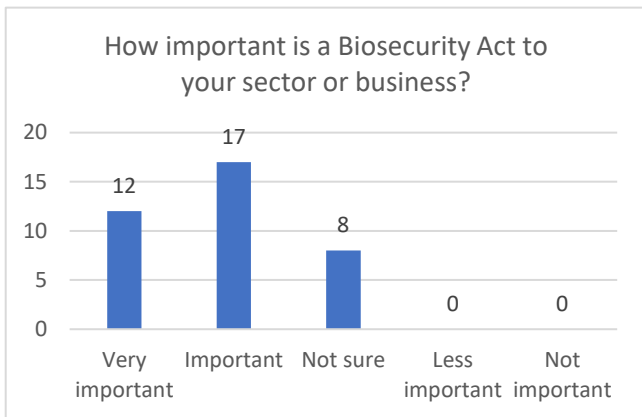
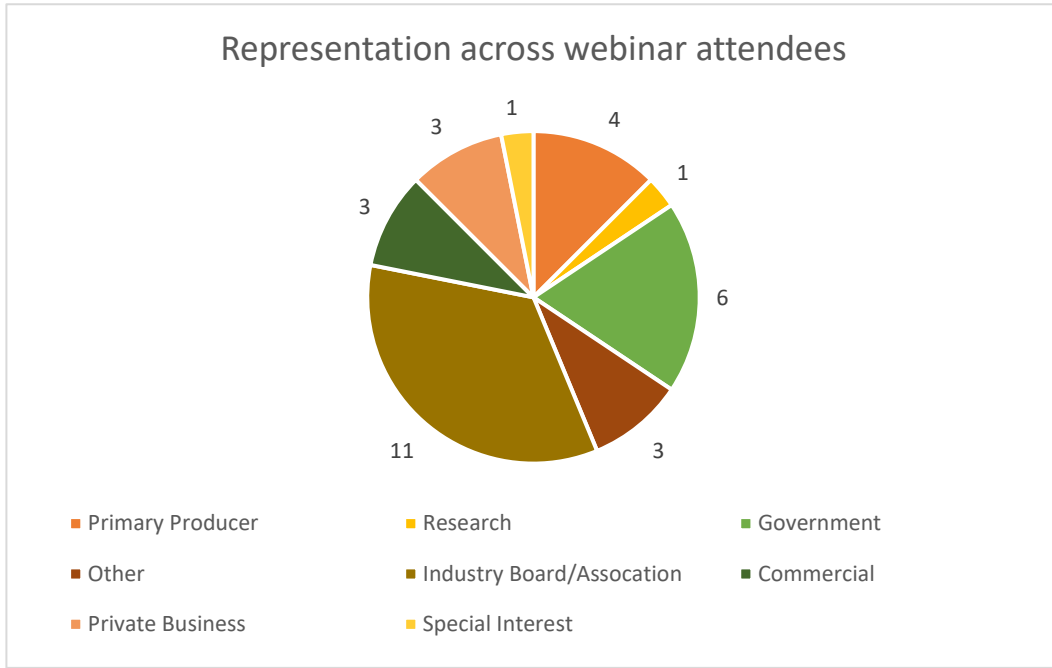
8. No, adding farm trespass as a biosecurity issue is a red herring - treat it as criminal trespass.
9. You need to protect whistle blowers!
10. Yes, educating the public on their responsibilities in regards to biosecurity when travelling remote areas. To date there is no visible information highlighting risks that tourism in remote areas pose especially with many properties certified organic.

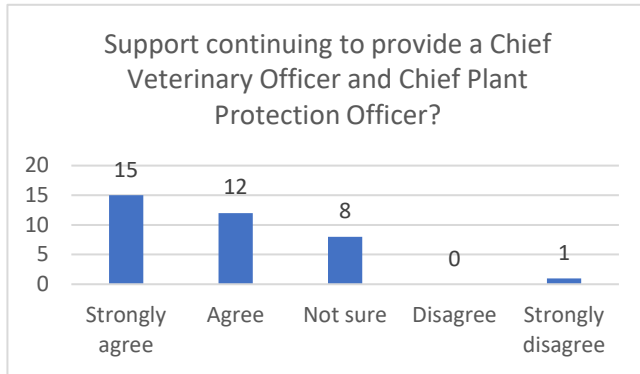
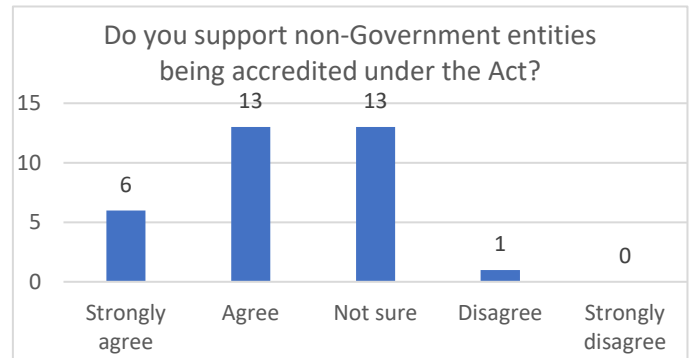
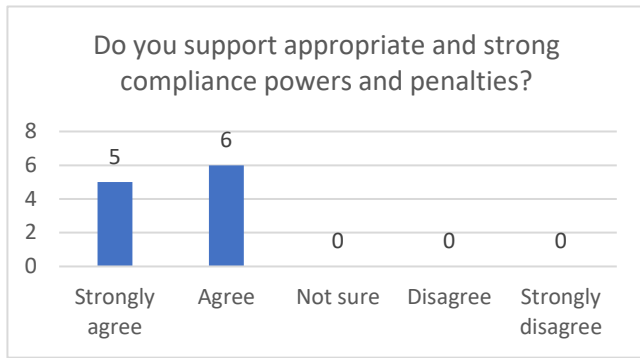
## Appendix B – Direct submissions

Submissions have been received from the following:

1. Citrus SA
2. Australian Livestock and Property Agents Association Ltd.
3. Apple and Pear Growers Association of SA and Cherry Growers Association of SA (joint submission)
4. Murraylands and Riverland Landscape Board
5. South Australian Dog Fence Board
6. South Australian Wine Industry Association
7. Australian Rail Track Corporation
8. Livestock SA
9. Association of Mining and Exploration Companies
10. S&S Oliver Enterprises
11. Vinehealth Australia
12. Pastoral Board of South Australia
13. Valkenburg Apiaries (received after 24 November 2020)

# Appendix C – Webinar data





### Comments / questions received:

1. Concern that GBD in other states has led to confusion for industry when interpreted through risk-based decision making.
2. Cynics may say this Shared Responsibility principle opens the door to cost-shifting to industry, however, it enables stronger inputs by technical capability that sits in industry.
3. Question about interaction with other states, how it compares will it improve cross-border protections.
4. My concern with shared responsibility would be funding. Small industries are already under funded so if more responsibility means more industry funds it could cause issues.
5. Is there thought to include weeds and pest animals under this Act in the future? Is SA the only state that separates these things?
6. With the General Biosecurity Duty are you considering requiring the adoption of a farm gate biosecurity action plan to support risk mitigation?
7. Will the chief plant and animal officers take responsibility for plants and animals associated with environmental biosecurity or only with regard to industry related biosecurity?
8. In terms of the Chief Veterinary Officer and Chief Plant Protection Officer, where/who will be responsible for aquatic/marine environments?
9. Biosecurity property signage seems to have little or no effect on visitors entering a property and informing owners of their movements. From our experience it is ignored. Is there anything in the new act that will support the implementation and education on the importance of this?



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