

Building a new Biosecurity Act for South Australia

2020 Public Consultation Paper



Government of South Australia
Department of Primary Industries
and Regions

Background

Primary industries are a critical part of South Australia's economy. One of South Australia's greatest strengths is the quality of our food, beverages and fibre. What we grow and produce is known as some of the best in the world.

South Australia enjoys relative freedom from many pests and diseases that plague primary industries around the world, but that doesn't happen by accident. As a state, we work hard to protect our biosecurity status.

The State has been faced by a number of biosecurity issues in recent years, such as giant pine scale, which has been a real threat to our forestry industry; the Green Mottle Cucumber Mosaic virus, tomato potato psyllid and onion smut threatening our vegetable industry; and American foulbrood found in honey, threatening our apiary industry.

The deadly African Swine Fever is a growing threat to Australia and requires constant vigilance. Since first reports in China in 2018, this deadly virus has continued its spread throughout South-East Asia and has now been found in Papua New Guinea, right on Australia's doorstep. Also, the recent outbreak of Avian Influenza in commercial poultry farms in Victoria is a reminder of our need to remain vigilant in preventing the spread of diseases which are already present in Australia.

Strong biosecurity is critical to protect our state's \$15.2 billion primary industries and agribusiness sectors and the 76,000 jobs they support. We know that biosecurity threats are increasing, and our practices and legislation need to evolve and change as the threats do.

South Australia needs to take a tough stance on biosecurity recognising it is fundamental to ensuring the future of South Australia's primary industries. That's why a new Biosecurity Act is being developed for South Australia.

A new Biosecurity Act will create a modern, simpler, and more effective legislative framework that builds on our strong foundation of protecting what we have, and keeping at bay the pests, diseases and other risks that threaten our industries.

The new Biosecurity Act will create many benefits for industry, including:

- enabling industry to self-regulate and certify products are free of pests
- driving down costs for industry
- building greater consistency of rules across all sectors.

Biosecurity is everyone's responsibility whether you are a landowner, agricultural producer, food manufacturer, transporter, tourist or member of the community. Everyone has a role to play.

Through our biosecurity efforts we are able to maintain the productivity of our primary industries, produce clean and safe food and beverages, protect our natural environments and sustain the health and wellbeing of our communities.

What South Australia has is worth protecting.

Have your say

The development of a new Biosecurity Act is an opportunity for you to contribute to the future management and protection of South Australia's primary industries, environment and community.

The Department of Primary Industries and Regions is working closely with Government, industry and community to plan and develop this new Act.

We want to ensure we:

- strengthen our biosecurity framework
- develop modern legislation
- bring consistency to the management of biosecurity across all industries
- drive down red-tape costs
- seek opportunities to build a better, more cohesive biosecurity system for the State's future growth.

This paper introduces our early plans for the proposed new Biosecurity Act. A Technical Directions Paper and Fact Sheets are also available and will help explain the approach and legislative changes being proposed. You can find this information at pir.sa.gov.au/biosecurity-act

The State Government is now undertaking public consultation on the proposed approach to develop a new Biosecurity Act. Your feedback will help shape the development of this new legislation.

You are invited to provide feedback on the proposed new Biosecurity Act by:

Responding to the online survey at yourSAy.sa.gov.au/biosecurity-act

Attending a meeting or webinar – visit pir.sa.gov.au/biosecurity-act

Providing a written submission by:

- Biosecurity Act Project
Office of the Chief Executive
c/o- GPO Box 1671, ADELAIDE SA 5001
- email to PIRSA.biosecurityact@sa.gov.au

Consultation closes 11:45pm, Tuesday, 24 November 2020.

Introduction

Good biosecurity is essential for protecting South Australia's reputation for exceptional food, fibre and beverages, and for maintaining and increasing access to international and domestic markets.

Biosecurity legislation sets out the overarching legal concepts, principles, functions, and legal machinery to support biosecurity management. It also outlines the responsibilities and rules that apply to everyone in this state to protect our biosecurity – rules like not bringing certain fruits and vegetables into fruit-fly free zones or declaring foods, plant or animal items from overseas.

Thanks to our rigorous and highly responsive biosecurity measures, South Australia is free of a range of pests and diseases that are present in other parts of Australia.

In South Australia, the Department of Primary Industries and Regions (PIRSA), is responsible for managing the risks to South Australia posed by animal and plant pests and diseases, food borne illnesses and the regulation of agricultural and veterinary chemicals. PIRSA is leading the development of the new Act.

PIRSA operates under South Australia's Biosecurity Policy 2020-2023. South Australia's Biosecurity Policy outlines the approach to reduce pest and disease impacts, maintain food safety and support responsible agricultural chemical use. The new Biosecurity Act will support the aims and key policy principles of South Australia's Biosecurity Policy 2020-2023, which can be found at pir.sa.gov.au/biosecurity.

What is being proposed?

The new Act will focus our efforts under a single set of principles, protecting the parts of our system that work well, while also improving and modernising our framework to effectively manage the growing threats to our biosecurity.

The purpose of the new Biosecurity Act will be to protect South Australia from pests and diseases that are economically significant, threaten our terrestrial and aquatic environments, or that may affect public amenities, community activities and infrastructure.

The new Act will keep the best parts of our current system, while building in improvements and modern principles, such as shared responsibility, risk-based decision-making and proactive management of biosecurity risks.

We will increase consistency across the framework, with current innovative approaches from one sector specific act, being applied across all sectors in the new framework. This creates new opportunities, consistency in our approach and a more efficient regulatory environment.

Nationally, the new Act will continue to support important market access and trade arrangements for South Australia's food, fibre and beverages. It will give effect to intergovernmental agreements, and align our arrangements where appropriate, with the arrangements of other states and territories as part of the national model.



Threats to our biosecurity are increasing in scale and complexity

South Australia regularly faces biosecurity pressures. Although we deal with them to the best ability of our current systems, pests and diseases can cross our borders.

Managing biosecurity risks to South Australia is a continuing and evolving challenge, with the threats we face growing in scale and complexity. The COVID-19 pandemic of 2020 notwithstanding, global trade and travel are increasing and by 2025 it's estimated that Australia will experience:

- 28% increase in shipping
- 72% increase in passenger movements
- 75% increase in container movements
- 100% increase in containerised cargo.

The rapid spread of agricultural pests and diseases across the globe, exacerbated by factors such as climate change, also represents an increased biosecurity risk to South Australia.

In 2019, the brown-marmorated stink bug affected 33 countries. If our biosecurity practices are not adequately modernised, this unwelcome hitchhiker could arrive undetected in imported goods, and would present a significant danger to our \$1.2 billion horticultural industries.

South Australia remains the only state in Australia to be fruit-fly free, but that status is at risk. Mediterranean and Queensland fruit fly continue to threaten our horticultural industries, with outbreaks throughout 2019 and 2020.

Pacific Oyster Mortality Syndrome (POMS) is a disease which affects Pacific Oysters, causing rapid and high mortalities. It is now endemic in the Port River, and could have a devastating impact on the State's commercial oyster industry should it spread to other areas. Managing biofouling currently relies in part on the goodwill of vessel owners – but if they refuse to cooperate, current legislation is unable to stop movements of vessels based on suspicion alone.

Environmental biosecurity threats can impact our biodiversity, substantially reduce tourism and threaten the recreational value of our public spaces. For example, the red imported fire ant, which is considered one of the worst invasive species to reach Australia's shores, can inflict painful bites and is presently under eradication in South East Queensland and Perth. This pest is estimated to cost Australia around \$1.5 billion in impacts every year if it were to become widely established.

Currently, biosecurity management in South Australia is unnecessarily complex. There is a risk of inconsistency, and a lack of flexibility to meet the increasing challenges posed by the modern global biosecurity environment.

The new Biosecurity Act will help address these issues.





Our Biosecurity is an asset

What we have in South Australia is worth protecting.

In 2018–19, primary industries and agribusiness supported 76,000 jobs and contributed \$15.2 billion to the state's economy. South Australia's robust biosecurity measures play a large part in protecting our primary industries.

Thanks to our rigorous and highly responsive biosecurity measures, South Australia is the only mainland state in Australia that is fruit fly free, and one of the few places in the world that is free of the vine destroying pest phylloxera.

A strong and effective biosecurity system is a priority for the South Australian Government. It is essential for protecting South Australia's reputation for exceptional food and wine, and for maintaining and increasing access to international and domestic markets.

This is what the new Biosecurity Act will enable. It will protect and enhance biosecurity, for the benefit of our industries, environment and community by providing for the prevention, detection, eradication and management of disease, pests and any other biosecurity issue.



The opportunities and benefits

To ensure our biosecurity system remains effective and sustainable into the future, it's important to review and improve existing legislation. Our current biosecurity legislation is a patchwork of Acts that have been developed independently over the last century, without unified principles or goals.

The fundamental purpose of the new Biosecurity Act will be the protection of South Australia from pests and diseases that are economically significant, threaten our terrestrial and aquatic environments, or that may affect public amenities, community activities and infrastructure.

A new Biosecurity Act will improve the current system, by providing strong powers for the prevention, detection, management and eradication of pest and disease incursions.

For the first time, South Australia will have a biosecurity framework with a consistent approach under a single set of principles. This means that we will have the same, consistent framework for animal and plant health, fisheries and aquaculture biosecurity.

Consolidating the control measures and tools into a new Biosecurity Act will address the issues of inconsistency and complexity, and enable a modern, flexible approach to managing biosecurity risks.

The new Act will not seek to increase regulation or business costs across the system; instead the new Act will simplify our system, clarify roles and responsibilities, and make the system more efficient and easier to understand and comply with.

It will also support alignment and consistency with national and interstate biosecurity frameworks; multiple jurisdictions around Australia already have consolidated biosecurity acts.

Ultimately, it will continue to provide for a strong biosecurity system and implement improvements that will benefit our industries, environment and community.



The development of a new Biosecurity Act will provide opportunities to:



MODERNISE

- introduce greater flexibility to respond to biosecurity threats, and enable action based on a reasonable suspicion of risk, where appropriate
- enhance South Australia's ability to meet trade market protocols and improve market access, for example by establishing pest-free areas recognised by key export markets
- enable the identification and uptake of new technology and methodologies to support a strong biosecurity system
- appropriately share responsibility for biosecurity between government, industry and the community.



IMPROVE

- reduce red tape by consolidating administration, empowering industry to take the lead through accreditation programs, and recognising appropriate existing industry practices to avoid duplication
- enable consistency in applying an evidence-based risk analysis approach to biosecurity management and events
- improve governance arrangements and interaction with other related South Australian Acts
- ensure clear and strong powers for biosecurity officers and a comprehensive compliance framework to manage biosecurity risks and establish effective deterrents
- enhance knowledge and understanding of biosecurity among the South Australian community.



CONSISTENCY AND EFFICIENCY

- create an efficient harmonised system for government, industry and community
- improve consistency in biosecurity management with the Commonwealth and other jurisdictions
- establish industry-based boards and funding mechanisms to achieve specific industry-based biosecurity outcomes.



A shared responsibility

Good biosecurity requires every South Australian to work together and take responsibility.

Whether you are a landowner, agricultural producer, food manufacturer, transporter, tourist or member of the community, everyone has a role to play.

It is proposed that the new Biosecurity Act introduces a new concept: a General Biosecurity Duty.

It is a general duty of care requiring biosecurity risks to be managed by all South Australians. This will be a legal obligation to ensure all South Australians take responsibility for managing their own biosecurity risks.

The new Act will also empower industry to take leadership and ownership of biosecurity risks, through recognition and accreditation of third party or industry certification or audit schemes, and industry quality assurance and traceability programs with appropriate assurance and verification measures.

The goal of shared responsibility is to reduce government intervention, by appropriately sharing responsibility between government, industry, and the community.





Timeline of the Biosecurity Bill

