



Victorian
Farmers
Federation

SUBMISSION

Response to Reforming Victoria's biosecurity
legislation

September 2022

Introduction

The Victorian Farmers Federation (VFF) welcomes the opportunity to provide feedback on reforming Victoria's biosecurity legislation public consultation. The VFF believes biosecurity legislation reform must reflect a commitment to protecting Victoria's world-leading agricultural industries, allowing them to continue to operate unimpeded by threats to biosecurity or onerous and prohibitive regulations.

As Australia's largest agricultural producer with a gross value of production at \$17.8, Victoria's agricultural production and supply chains are essential to the domestic and export economy, representing 27% of Australian food and fibre export value. With top-earning agricultural exports in 2019-20 including meat (\$4.7 billion), dairy (\$2.1 billion) and animal fibre (\$1.4 billion), Victorian agriculture is concerningly susceptible to biosecurity threats from exotic and endemic pest plants, animals and diseases and must be protected.

Given the integral role of agriculture to the Victorian and national economy, it is vital that agriculture is appropriately represented across all elements of reform, and that farmers continue to be recognised as key stakeholders in biosecurity reform discussions.

This response aims to explain where elements of reforming Victoria's biosecurity legislation can best serve Victorian agriculture, the wider farming community and recommend amendments to lawmakers that recognise agriculture's commitment to a strong and well-resourced biosecurity system.

Discussion

1. What improvements in Victoria's biosecurity legislation are most important to you? What do you want these improvements to achieve?

Changes to biosecurity legislation or regulation must be communicated in a means that is accessible to impacted stakeholders. The recently gazetted changes to the *Livestock Management Act 2010* and *Livestock Management Regulations 2021* introduced offences for non-compliance with prescribed biosecurity measures, including entering agricultural premises without consent. Failure to comply will face on-the-spot fines equivalent to \$1294 for individuals and \$8321 for organisations. More serious offending requiring a Magistrate will attract penalties of up to \$11,095 for individuals and \$55,476 for organisations.

While the VFF welcomed increased penalties for trespassing, communications of these updated regulations were not readily undertaken by Agriculture Victoria on the date of gazettal. The VFF recognises the significance of these regulations in protecting farmers from unauthorised entry to farm but is disappointed that the burden is shouldered by farmers to implement the new framework. This provides an opportunity for Victoria's new biosecurity legislation to be accompanied by a timely and adequate communications strategy to ensure impacted stakeholders are aware of their responsibilities.

Recommendation: Victoria's new biosecurity legislation must be accompanied by a suitable communications strategy.

Moreover, the VFF understands the importance of the implementation of biosecurity management plans for all stakeholders, including peri urban farming, hobby farms, smallholders, and primary producers. This can be achieved through regulation that encourages accessibility, and ease of access for these stakeholders so they can understand their responsibilities in the legal framework. Similarly, where farmland is accessed by government agencies and utilities providers and their personnel, land access agreements should be in place and should include a biosecurity clause or statement requiring an annual report on biosecurity compliance. During the period of land access activity occurring, reports should be provided to the landholder including personnel in attendance, locations accessed, materials or chemicals utilised, and any other information required under the farm's biosecurity plan.

Recommendation: Require government agencies and utilities to report against compliance with on-farm biosecurity plans where a land access arrangement is in place.

As reflected in the VFF's [Good Neighbour policy statement](#), Victoria's biosecurity legislation could be improved by ensuring that public land management standards are equivalent to those required of private landholders. This could include assessments of potential risks to private land emanating from public land such as fire risk, prevalence of pest plants and animals, overly abundant wildlife, biosecurity risks and risk to life and property from vegetation on boundaries or unauthorised access onto private property. Legal obligation to improve the management of Crown land should grant private landholders the ability to request appropriate risk reduction actions on crown land to protect their assets.

Recommendation: Shared responsibility must include the recognition of the government's obligation to appropriately manage Crown land.

2. What should be included in reformed biosecurity legislation? Why?

A farmer's right to farm is governed by several pieces of legislation and regulation including the *Catchment and Land Protection Act 1994* (CALP), *Livestock Disease Control Act 1994* (and regulations), *Livestock Management Act 2010*, *Livestock Management Regulations 2021* and the *Plant Biosecurity Act 2010*. The Biosecurity Strategy is unclear as to whether CALP will be amended during consolidation of legislation to remove noxious pest and weed management. This has repercussions for the regional listing and management of species and integrated pest plant and animal framework management.

Similarly, the VFF is concerned by the failure of the Biosecurity Strategy to recognise that government has a key role in active management of invasive species as the owner of nearly one third of the land in Victoria. The *Catchment and Land Protection Act 1994* binds the Crown. The VFF has long called for transparency by the Crown in how it fulfils its duties and responsibilities under CALP. Failure of the Crown to manage invasive species makes investment in their control by neighbouring landholders expensive and often unsuccessful.

Biosecurity should be a key objective of Crown land legislation to ensure a transparent understanding that biosecurity is a key consideration in responsible land management. The VFF's [Pest Plant and Animal Management policy statement](#) calls for a commitment by the Victorian Government to fully fund actions required by the Crown to stop the spread of all weeds and pest animals across Victoria. This should include investment in biosecurity programs to prevent and manage incursions of new and exotic pests and diseases and increase efforts to deal with established pests and diseases. No area will be deemed 'decontrolled', and each Crown land management body must report on the extent of their compliance with CALP in their annual reports.

Recommendation: that a working group be set up between DELWP, CMAs, Agriculture Victoria and the VFF to ascertain how CALP aspects of biosecurity will be delivered and to ensure that Lands Act Reform can appropriately reference biosecurity in its objectives and duties.

Recommendation: the Biosecurity Legislation requires each public land manager to include in its annual reports a statement as to how it has met its various obligations, or general biosecurity duty under Biosecurity legislation and highlight any areas that require investment in research or on the ground management.

3. How could Victoria's biosecurity legislation support the varied roles and responsibilities in managing biosecurity risk? You may like to consider:

Co-regulation and recognition of private schemes are paramount to ensuring that governmental process is not duplicated, and instead relies on credible quality assurance schemes. Enhanced, voluntary measures were introduced into The Australian Pork Industry Qualification Program (APIQ) to increase permit access for the movement of live pigs and semen in the event of an African swine fever outbreak in Australia¹. This enables business continuity in the event of a biosecurity emergency through defining set biosecurity standards while simultaneously reducing the need for the government to enact permitting systems.

Similarly, mosquito control has also been introduced into the APIQ program in response to the outbreak of Japanese encephalitis in Australia in early 2022. The rolling in of the APIQ program, and other quality assurance and auditing schemes into the legislative framework supports governmental monitoring of potential threats to biosecurity, achieved through Agriculture Victoria's surveillance and mitigation activities in conjunction with the Department of Health.

Recommendation: Victoria's biosecurity legislation must recognise private and quality assurance schemes in the agricultural sector that reduce duplication of process.

The VFF believes that shared responsibility must be inclusive of the Crown and management of Crown land to reduce biosecurity risk to neighbouring private properties or the wider environment. Enshrining this element of shared responsibility requires an ongoing commitment of the state government to ensure that all Crown land managers have dedicated funding to manage pest plant and animal issues on Crown land and are able to comply with actions required under a cross tenure pest plant and animal plan.

¹ Animal Health Committee, 2022. Vet Communiqué. Accessed at: <https://www.agriculture.gov.au/sites/default/files/documents/ahc-vet-communique-may-2022.pdf>

4. What tools should Victoria's biosecurity legislation provide for managing biosecurity risks? Why?

The VFF Pest Plant and Animal Management policy statement highlights key sections where legislative reform may work toward managing biosecurity risks. In high-level legislation, the VFF seeks a public acknowledgement by the State of Victoria that pest plants and animals and overly abundant wildlife are key threats to biodiversity, biosecurity and productivity and that active management across tenure is required to reduce these impacts.

The setting of a general biosecurity duty in the legislation is pivotal to ensuring that all stakeholders understand their roles and responsibilities across the biosecurity continuum. Currently, the Livestock Disease Control Act Regulations 2017 do not define a producer. Moreover, growers involved in commercial farming are typically tasked with ensuring that biosecurity is appropriately acknowledged through an inherent biosecurity duty, assessed via quality assurance and auditing schemes. The VFF acknowledges that Victorian farmers act as the first line of defence against persistent threats to biosecurity. However, the agricultural sector must have a clear definition of a producer, which could be expanded to include smallholder and hobby livestock owners to ensure they also understand their role in the biosecurity legislative and regulatory framework.

In line with the Tasmanian *Biosecurity Act 2019*, emphasis on shared responsibility underscores that biosecurity is integral to all stakeholders and widens the scope to include the community. The VFF understands that Victoria's new biosecurity legislation will be high-level, thus requiring the necessary profiles to ensure stakeholders are aware of their roles and responsibilities in the biosecurity continuum. The VFF Biosecurity Policy indicates that there must be shared responsibility of importers, exporters and government in the screening, surveillance, monitoring, chemical treatment or destruction of import products coming into Australia to protect agriculture from exotic pests, weeds and diseases. This includes identifying stakeholders across the supply chain who have their own unique responsibilities under a general biosecurity duty.

Examples of this include the Plan for Victoria's new animal care and protection laws, where legislative reform impacting certain stakeholders were identified. Similarly, general biosecurity duty reflected in the Tasmanian Biosecurity Act 2019 also identified profiles in industry, community and government, flagging the importance of biosecurity management plans, biosecurity actions, contact and reporting for livestock producers².

Recommendation: Victoria's new biosecurity legislation must include a description of roles and responsibilities, so all stakeholders understand their role in the biosecurity continuum.

² Department of Natural Resources and Environment Tasmania, 2022. Livestock Producer – General Biosecurity Duty. Accessed at: [https://nre.tas.gov.au/biosecurity-tasmania/general-biosecurity-duty-\(gbd\)/gbd-industry-community-and-government-profiles/livestock-producer](https://nre.tas.gov.au/biosecurity-tasmania/general-biosecurity-duty-(gbd)/gbd-industry-community-and-government-profiles/livestock-producer)

5. What do you agree with most strongly in this Discussion Paper? What do you disagree with most strongly? Why?

While the high-level approach of a single system that is outcomes focused, adaptable, proportional, consistent and predictable and transparent and accountable the discussion paper and current Biosecurity Strategy is not truly cross sectoral, and the reasons for this are not clearly discussed in the position paper.

Currently there are two main areas of Biosecurity legislation in Victoria, and they are administered by two different Departments. The consultation draft embeds the failure to understand that biosecurity applies to endemic and emerging threats and that endemic pest plants and animals have major impacts to the economy and biodiversity.