



Victorian  
Farmers  
Federation

# **Submission to strengthening biosecurity legislation in Victoria**

Agriculture Victoria

Department of Energy, Environment and Climate Action

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## Summary

The Victorian Farmers Federation (VFF) welcomes the opportunity to provide this submission to the Victorian Government's consultation on strengthening biosecurity legislation in Victoria. The VFF acknowledges the importance of strengthening biosecurity frameworks to protect Victorian agriculture, the environment, and public health.

The VFF supports the Victorian Government's initiative to introduce a General Biosecurity Duty, provided that it applies to all individuals and entities that may impact biosecurity. The duty must be accompanied by a proportionate penalty system, clear enforcement mechanisms for third parties accessing farmland, and the inclusion of invasive species within its scope.

The exclusion of invasive species from the proposed framework is a significant oversight that undermines the core intent of the GBD. The VFF strongly recommends that invasive species be incorporated into the GBD to ensure consistency in biosecurity obligations across all individuals, irrespective of land ownership.

The VFF supports the government's proposal to enhance livestock Property Identification Codes (PICs) data as part of the broader biosecurity reforms, provided that no fees are charged to farmers for registration or data management. The VFF calls for the scope of the improved PICs data to be proportionate, user-friendly, and focused on biosecurity needs without imposing unnecessary burdens on farmers. Additionally, privacy, data security, and stakeholder consultation must be prioritised to ensure the success and effectiveness of these reforms.

The VFF urges the Victorian government to consider our input in order to improve the proposed legislative reforms and ensure everyone is included and understands that they can have detrimental impact on Victorian agriculture.

The VFF looks forward to working with the government to refine the proposed legislation and ensure that Victorian farmers have the necessary tools and protections to manage biosecurity effectively.



**Brett Hosking**

President

Victorian Farmers Federation

## Introducing a General Biosecurity Duty

A well-defined GBD is essential to ensuring that all individuals who interact with biosecurity-sensitive areas contribute to maintaining Victoria's biosecurity integrity. Farmers have long been required to adhere to strict biosecurity protocols to protect their properties and the broader agricultural industry. However, under the current framework, responsibility is often disproportionately placed on landowners, even when external actors may be responsible for creating biosecurity risks. It is important to clearly distinguish between farmers and 'risk creators' in terms of biosecurity. Farmers are responsible for managing and preventing biosecurity risks on their land, while 'risk creators'—such as importers, transmission line workers, travellers, etc.—pose a threat by spreading risks. Recognising this difference highlights the unique role of farmers in biosecurity.

The VFF supports the formalisation of the concept of shared responsibility through the introduction of a GBD that applies to all members of the public. A robust GBD framework will align Victoria with other states, such as New South Wales and Queensland, where similar obligations apply across the community. This approach ensures shared responsibility and greater accountability for biosecurity management.

### **Compliance and enforcement**

The VFF strongly advocates for a compliance and enforcement system that is proportionate to the risk posed by an individual's activities. While it is essential to deter biosecurity breaches, compliance and enforcement must reflect the severity and likelihood of harm resulting from a particular action. Compliance and enforcement must also consider offences that already exist under biosecurity legislation.

A tiered compliance and enforcement system that scales appropriately based on risk and intent is necessary to ensure fairness and effectiveness. As noted in the discussion paper, compliance can be achieved through the use of control orders and directions prior to the need to issue infringement or prosecution. For example, a deliberate biosecurity breach that results in the introduction of a significant agricultural pest should attract a more severe penalty than an inadvertent failure to meet obligations that does not result in demonstrable harm. The VFF urges the Victorian Government to consider implementing a risk-based approach to enforcement and compliance that takes into account the level of biosecurity threat posed by a given action.

### **Ensuring Compliance Among Third Parties with Access to Farmland**

Farmers frequently contend with third-party access to their land, including utility companies, infrastructure operators, and recreational visitors. This land access can be done with legal authority or may constitute cases of trespass. Many of these individuals or entities may not be fully aware of biosecurity risks or the steps required to mitigate them. Without adequate education and enforcement mechanisms, these third parties may inadvertently introduce pests, weeds, and diseases onto farmland.

To address this, the VFF recommends that the government provide resources to support farmers in educating third parties about their obligations under the GBD. Additionally, there must be clear enforcement mechanisms to hold these third parties accountable for non-compliance. This could include specific requirements for risk mitigation plans, mandated inductions, and enforcement actions against entities that fail to adhere to biosecurity protocols.

### **Inclusion of Invasive Species Under the GBD**

The VFF is concerned that the proposed GBD does not extend to the management of invasive weeds, with the government asserting that such matters are addressed under the *Catchment and Land Protection Act 1994* (CALP Act). While the CALP Act places obligations on landholders, it does not adequately address the responsibilities of non-landowners who may contribute to the spread of invasive species.

A core principle of the GBD should be to ensure that biosecurity obligations apply to all individuals and businesses, irrespective of land ownership. The exclusion of invasive species from the GBD framework would create an inconsistency in biosecurity management, particularly when compared to other jurisdictions where invasive species management is integrated into general biosecurity duties.

The VFF urges the Victorian Government to reconsider its position and include invasive species within the scope of the GBD. This would ensure that all individuals, including those accessing farmland, have a duty to take reasonable steps to prevent the spread of invasive species, aligning Victoria with best practices observed in other states. CSIRO research found that invasive species now cost Australia around A\$24.5 billion a year, or an average 1.26% of the national gross domestic product. ABARES has more recently estimated the cost to Victorian farmers of controlling weeds to be \$0.7 billion.

### **Truck washes Under the GBD**

It is the VFF's expectation that the introduction of the GBD, will not impose mandatory truck wash requirements for farmers. Few Victorian farmers have expressed concerns about the potential implementation of track washes as part of the broader biosecurity duty. They worry that this potential misplaced responsibility would place enormous strain on their operations, especially as there is an absence of co-ordinated truck washes throughout Victoria.

### **Illegal trespassing on farm properties**

It is important for the VFF and our members to acknowledge and emphasise the risk to biosecurity under the proposed GBD that is posed by trespassers when illegally entering farm properties.

While the VFF understands that illegal trespassing, video recording and removal of animals on farms is controlled under the various legislative acts, it is crucial for the GBD legislation to clearly outline the potential impacts of such behaviours on biosecurity.

## Improving Property Identification Code data quality

As part of the Victorian Government's proposed biosecurity legislation reform, the VFF acknowledges the need to improve data for livestock Property Identification Codes (PICs) to strengthen traceability and enhance biosecurity responses. However, the VFF offers the following key points on the scope and implementation of these improvements, with a focus on ensuring no fees are charged:

### **Support for Improved Data Collection and Traceability**

The VFF supports the government's intention to improve livestock property identification through enhanced data for PICs. This will strengthen the ability to trace the movement of livestock and effectively manage biosecurity risks, particularly in the event of disease outbreaks or pest incursions. Improved PICs data is essential to monitor and track livestock, enabling swift biosecurity actions and responses to safeguard Victoria's agricultural industries. Improved data can also assist the government's response in the case of other emergencies (such as bushfire or flood) to ensure resources to assist farmers and livestock are made available efficiently and effectively.

### **No Fees for PIC Registration**

The VFF strongly advocates for the policy that no fees be charged for the registration or management of PICs. The VFF understands that legislation already enables government to impose fees related to PIC data, but that it is a practice not currently followed. In opening a conversation about fees relating to PICs as part of this consultation, the government has not provided any justification for there being any change to the present arrangements regarding fees.

The VFF believes that charging fees could be a financial burden on farmers, particularly small-scale and family-run farms. Moreover, the introduction of fees could lead to perverse behavioural outcomes by discouraging full participation in the PICs system, leading to gaps in data accuracy and traceability. Government must acknowledge the cost of compliance that farmers take in participating in strong biosecurity systems such as the NLIS and industry quality assurance. It is essential that the government continues to support the costs of maintaining the PIC system to ensure that farmers are not financially penalised for complying with biosecurity regulations.

It is important for government acknowledge that livestock traceability for cattle, sheep and goat is already largely achieved by the existing systems while industries such as the horse industry are not a part of the current system and introducing new species to the existing system should not be paid by livestock producers.

### **Data Collection Should Be Proportionate**

While the VFF supports enhanced data collection for PICs, it stresses that the data collected must

be proportionate to the biosecurity risks being managed. The VFF is concerned that overly broad or excessive data requirements could create unnecessary administrative burdens for farmers. The scope of the data collected should remain focused on critical biosecurity needs, ensuring that farmers are not overburdened with complex reporting or maintenance of unnecessary records.

### **Simplified Data Management and Reporting**

The VFF advocates for simplicity and clarity in the way data is collected, reported, and maintained. Farmers should not be overwhelmed by complex systems or reporting processes and these should be integrated with schemes that farmers already participate in such as NLIS and industry quality assurance. Government should ensure that the improved PICs data is interoperable with other biosecurity and livestock tracking systems. The ability to seamlessly share data between different platforms would strengthen the overall biosecurity framework and facilitate a more coordinated response to emerging threats. The VFF encourages the government to ensure that any improvements to the PICs data system are user-friendly, with streamlined processes that facilitate compliance without adding unnecessary administrative tasks.

### **Privacy and Data Security**

As data privacy is of utmost importance, the VFF requests that the government establish strict protocols to ensure the security and confidentiality of farmers' PICs data. Farmers need to trust that their sensitive information will not be misused, and appropriate safeguards must be in place to protect their data from unauthorised access.

### **Clear Communication and Stakeholder Engagement**

The VFF stresses the importance of ongoing consultation with farmers, industry stakeholders, and biosecurity experts during the development and implementation of the improved PICs system. This engagement is crucial to address potential concerns, ensure the system meets practical needs, and provide farmers with sufficient education and resources to comply with any new requirements.

## Victorian Farmers Federation

*The voice of Victorian farmers and rural communities since 1979*

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