



# Draft Biosecurity Bill

## Overview

Developing a new Biosecurity Act for South Australia



**Government  
of South Australia**  
Department of Primary  
Industries and Regions

# Draft Biosecurity Bill – Overview

Information current as of 31 July 2023

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## Acknowledgement of Country

The Department of Primary Industries and Regions respects Aboriginal people as the state's first people and nations. We recognise Aboriginal people as traditional owners and occupants of South Australian land and waters. We pay our respects to Aboriginal cultures and to Elders past, present, and emerging.

# Have your say

The Department of Primary Industries and Regions (PIRSA) is seeking feedback on a draft Biosecurity Bill, which will enable a modern approach to biosecurity in South Australia.

The consultation process is being run through [www.yoursay.sa.gov.au/biosecuritybill](http://www.yoursay.sa.gov.au/biosecuritybill)

Biosecurity affects everyone and everyone has a responsibility to play their part. Stakeholders include:

- Primary producers (agriculture, fisheries/aquaculture and forestry)
- Wholesalers, processors, transporters and retailers of primary produce
- SA government agencies and statutory authorities
- Other state/territory governments and the Commonwealth government
- Local government
- Urban and regional communities
- First Nations people and organisations
- Environmental protection and nature conservation organisations
- Land and water managers
- Mining, resources and energy sectors
- Tourism and recreation sectors
- Shipping and boating sectors
- Biosecurity professionals (including veterinarians, agronomists and pest controllers)
- Research, education and training providers

Consultation on the draft Bill through YourSAy will be undertaken for a period of 8 weeks, commencing on 1 August 2023 and closing on 26 September 2023.

There will be opportunities to participate in an online webinar to learn more about the draft Biosecurity Bill and what changes it could mean for you.

Your submission to provide feedback is important in helping to refine the Biosecurity Bill. We want to know what you support and don't support, and how the Bill could be improved.

Submissions are to be received electronically through the online survey provided in YourSAy. Submissions are due by 26 September 2023.

Please note that any submission or feedback may be made publicly available. If you do not wish for your submission or any part of your submission to be made public, please indicate when completing the YourSAy survey.

Please also be aware that your submission may be subject to disclosure if someone requests it through the *Freedom of Information Act 1991*.

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## Acronyms

CE	Chief Executive
CPPO	Chief Plant Protection Officer
CVO	Chief Veterinary Officer
DFB	Dog Fence Board
EADRA	Emergency Animal Disease Response Agreement
EPPRD	Emergency Plant Pest Response Deed
GBD	general biosecurity duty
ICA	Interstate Certification Assurance
ID	identification
IGAB	Intergovernmental Agreement on Biosecurity
NBC	National Biosecurity Committee
NEBRA	National Environmental Biosecurity Response Agreement
NLIS	National Livestock Identification Scheme
NSW	New South Wales
PIC	property identification code
PIRSA	Department of Primary Industries and Regions (South Australia)
SA	South Australia
SACAT	South Australian Civil and Administrative Tribunal
WA	Western Australia

# 1. Introduction

A Biosecurity Bill has been drafted for South Australia (SA). It proposes a new legislative framework that will strengthen protection of the state's economy, terrestrial and aquatic environments and communities from the impacts of pests, diseases and other biosecurity matters. The draft Biosecurity Bill 2023 proposes to replace the current *Livestock Act 1997*, *Plant Health Act 2009*, *Dog Fence Act 1946* and *Impounding Act 1920*. Certain provisions for aquatic pests in the *Fisheries Management Act 2007* would also shift to the new legislation. The Biosecurity Bill is not proposed to replace the weed and pest animal provisions in the *Landscape South Australia Act 2019*, nor the *Phylloxera and Grape Industry Act 1995*. Diseases in humans would continue to be regulated through the *South Australian Public Health Act 2011*.

South Australia is part of the national biosecurity system. The Commonwealth Government and state and territory governments are progressively shifting to consolidated biosecurity Acts. These broadly similar Acts are enabling harmonised, flexible and outcome-focused approaches to preventing, controlling and managing biosecurity risks. The Acts promote shared responsibility for biosecurity, with every person having a 'general biosecurity duty'. Co-regulation and partnerships are enabled through an ability to adopt industry biosecurity codes and standards, and through enabling third-party accreditation. The biosecurity Acts provide for traceability and market assurance of animals and plants and their products, through registration, identification and certification schemes. Consistencies in terms used and provisions in these Acts assist businesses that operate nationally to comply with biosecurity requirements across state and territory borders. The biosecurity Acts have a range of regulatory and compliance tools for short, medium and long-term needs, including enhanced powers for a rapid and effective response in a biosecurity emergency.

South Australia is seeking to reform its biosecurity legislation to align with other government jurisdictions in having a consolidated Biosecurity Act. The drafting of the SA Biosecurity Bill has been informed by the Biosecurity Acts of other jurisdictions, whilst maintaining strengths we have under our current Acts. The draft Biosecurity Bill is proposed as a means for SA to meet contemporary standards in biosecurity legislation. It will give consistency in how pests and diseases are managed within SA and nationally.

## Overview and Explanatory Guide

This Overview document describes current biosecurity arrangements in SA and nationally, how and why biosecurity threats are increasing and how governments can respond to these challenges. It then introduces the key concepts and elements in the Bill. The more detailed Explanatory Guide expands on the rationale for the draft Bill, going through the structure and content in the Bill clause by clause. The YourSAy website has other supplementary information, including an information sheet and presentation on the Bill.

Both the Overview and the Explanatory Guide cannot cover every aspect of the draft Bill. Hence it is recommended that you read the draft Bill to fully understand the ways in which it is proposed to regulate biosecurity in SA. This includes understanding the exact requirements needed to comply with the laws proposed by the Bill. The Overview and Explanatory Guide are not legal documents and should not be used as a basis for legal advice.

## What is a Bill?

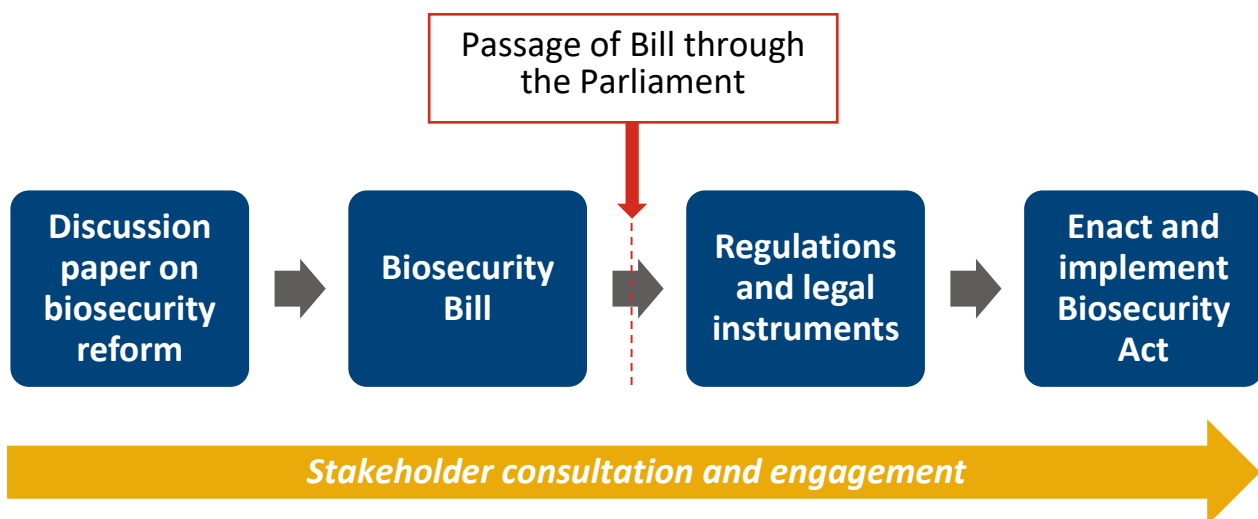
A Bill is a draft piece of legislation that is proposed to the Parliament. If passed by Parliament, it becomes an Act of Parliament. A Bill is set out in numbered clauses and sub-clauses (which later become 'sections' in an approved Act). Clauses are grouped under Divisions and Subdivisions (which broadly align with the subject matter), which in turn are grouped into Parts (akin to high-level chapters).

cl x Reference is made in this Overview to relevant clauses in the draft Bill as 'cl x' (e.g., cl 22 refers to clause '22—Objects' in the Bill). These clauses are indicated in blue, including in page margins.

## The process of developing and implementing legislation

The first step in developing a new Act of Parliament is an analysis of reforms needed, which leads to a discussion paper to facilitate formal consultation with stakeholders. Feedback on the discussion paper informs the drafting of a Bill, which is then put back to stakeholders for input. A final draft of the Bill is tabled in Parliament for debate. If Parliament passes the Bill, it is assented to by the Governor as a new Act. Subsidiary legislation called 'Regulations' are then drafted for the implementation of the Act. Draft regulations are approved by Cabinet, which are then assented to by the Governor. Further legal instruments, such as the declaration of particular pests and diseases, are approved by the Minister (or others permitted to do so under the legislation) to allow the implementation of the Act.

Stakeholder input and views are sought throughout the legislative development process. In developing a Biosecurity Act for SA, the Department of Primary Industries and Regions (PIRSA) initially reviewed existing biosecurity legislation in SA and other jurisdictions. PIRSA consulted with stakeholders, culminating in a technical directions paper for public consultation in 2020. The consultation summary was released in 2022 to provide stakeholders an opportunity to confirm or revise their feedback.



## 2. About biosecurity

Biosecurity is the management of risks to the economy, the environment and the community, of pests and diseases entering, emerging, establishing or spreading in an area, for example a property, state or country. The national benefits of biosecurity in protecting primary industries, infrastructure and companion animals have been estimated at over \$250 billion per year. There are also vital environmental and social benefits in protecting our unique flora and fauna, natural environments, culture and public amenity from a wide range of biosecurity threats.

Biosecurity is a key enabler of market access, providing assurances for the supply of safe agricultural, fisheries and forestry products to local, interstate and overseas markets. This includes the use of traceability systems to verify the health status of such goods, their point of origin and their movement through the supply chain. More broadly, biosecurity facilitates trade whilst mitigating any risks to the economy, environment and people to an acceptable level of protection.

Biosecurity is typically categorised into three broad sectors; animal health, plant health and environmental biosecurity (which includes natural and human environments). The number and diversity of pests and diseases that threaten our economy, nature and way of life are vast. Priorities need to be set to help focus prevention, surveillance, emergency response and ongoing management activities.

Contaminants of agricultural products, including in animals and plants and their products, stock feeds and fertilisers, may be managed as a biosecurity issue using similar regulatory means as for pests and diseases.

### Pests and disease risks to Australia

**Plant health** has a [‘top 40’](#) of national priority plant pests that includes such threats as *Xylella*, Khapra beetle, citrus canker and brown marmorated stink bug.

**Animal health** has [104 notifiable terrestrial animal diseases](#) and [51 notifiable aquatic animal diseases](#) nationally, including foot and mouth disease, rabies, lumpy skin disease and African swine fever.

**Environmental biosecurity** has prioritised [168 exotic pests, weeds and diseases](#) that pose a significant risk to Australia’s natural environment, including crayfish plague, Asian green mussel, white nose syndrome of bats, red imported fire ant and didymo algae.

These prioritised exotic pests and diseases are a small sample of those present elsewhere in the world that Australia doesn’t have. There are also thousands of pests and diseases already established within Australia that require ongoing management to reduce their spread and impacts.



Photo credit: Jennifer Read, NRCAN

[Brown marmorated stink bug](#) (BMSB) feeds on many fruit and vegetable crops and ornamental plants. It also infests buildings and is a smelly public nuisance. BMSB is a high priority incursion risk into Australia.



## The national biosecurity system

The Commonwealth Government and state and territory governments work together on legislative and policy settings for a national biosecurity system. Each jurisdiction has their role to play in ensuring Australia has the capacity to be able to prevent, respond to and manage significant biosecurity risks. Crucially, the system also relies on effective partnerships with industry and community stakeholders. Biosecurity works at all scales, including Australia's international border quarantine, state/territory joint arrangements, state-specific requirements and regional programs. Biosecurity is routinely done at the local level by owners, managers and volunteers caring for lands, waters and infrastructure, and by businesses involved in the transport and processing of animals, plants and their products.

Weak links in biosecurity can expose others in the complex network of dealings with biosecurity matter, and carriers of such matter, that occur on a daily basis.

South Australia is a signatory to the [Intergovernmental Agreement on Biosecurity](#) (IGAB). The IGAB defines the goal and objectives, and clarifies the roles, responsibilities and governance arrangements for the national biosecurity system. In general, the Commonwealth Government has responsibility for biosecurity measures before and at Australia's international border, which are managed under the Commonwealth's *Biosecurity Act 2015*. States and Territories are responsible for domestic measures to prevent entry of pests and diseases from other parts of Australia, responding to incursions in their jurisdictions and regulating the management of pests and diseases established within their own borders.

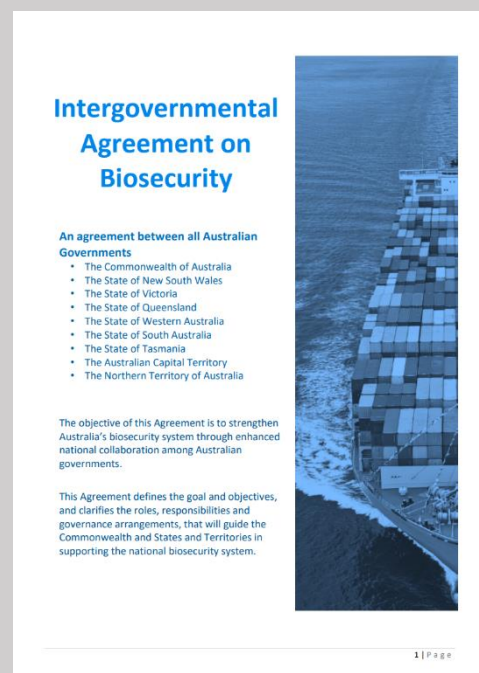
### Responsibilities of States and Territories under the IGAB

*States and Territories will take responsibility for*

*a. biosecurity within their borders, including:*

- i. enforcement actions and regulatory interventions*
- ii. managing eradication and containment programs for nationally agreed and other pest and disease incursions*
- iii. undertaking surveillance and diagnostics to support early detection and diagnosis*
- iv. biosecurity activities on public lands under their jurisdiction and, under certain circumstances, on private lands*
- v. regulating the keeping and movement of plants and animals that pose significant risks*
- vi. monitoring pest and disease status, including to assist the Commonwealth meet domestic and international obligations.*

*b. supporting the Commonwealth in international trade and market access negotiations and requests for information from trading partners.*



The most recent version of the IGAB was signed by the Premier of South Australia in January 2019.

Besides the overarching IGAB, SA is a signatory to other national biosecurity agreements. These include three deeds to implement cost-shared eradication responses to incursions into Australia of nationally significant pests and diseases:

- Emergency Animal Disease Response Agreement (EADRA)
- Emergency Plant Pest Response Deed (EPPRD)
- National Environmental Biosecurity Response Agreement (NEBRA)

South Australia is also a funding member of the Australian Plague Locust Commission. The Commission monitors and controls locust populations in situations where they have potential to inflict significant damage in more than one member state (i.e., SA, Victoria, New South Wales [NSW] and Queensland).

The Commonwealth, State and Territories also work together on national policy and operational matters through the intergovernmental [National Biosecurity Committee](#) (NBC) and its four subcommittees:

- Animal Health Committee
- Plant Health Committee
- Environment and Invasives Committee
- Marine Pest Sectoral Committee

Actions through these committees and other government working groups include establishing standards, systems and dispute resolution procedures for traceability, market access and domestic quarantine. Often these are in close cooperation with industry, for example the [National Livestock Identification Scheme](#) (NLIS) and the [Interstate Certification Assurance scheme](#) (ICA scheme).

States and Territories also work with the Commonwealth in determining Australia's pest and disease status, including certifying that products are free of certain pests or diseases to enable their export.

The [National Biosecurity Strategy](#) was agreed to by Biosecurity Ministers from each jurisdiction in 2022. It provides a strategic roadmap for all government, industry and community stakeholders to work together to build a more connected, resilient and shared national biosecurity system.

## Traceability

Traceability is an important outcome sought from biosecurity systems. This is the ability to follow the movement of a product through the supply chain stages of production, processing and distribution. Traceability is fundamental in tracing the possible movement of a pest, disease or contaminant in a biosecurity emergency. Traceability is also increasingly important for market access, enabling market assurances of the origin of a product, and assisting to achieve an efficient product recall or a targeted halt of trade if required.

Livestock traceability systems are well established, with the [National Livestock Identification System](#) (NLIS) for the identification (ID) and traceability of cattle, sheep, goats and alpaca, and [PigPass](#) for pigs. These systems have animal ID linked to property ID, and a system of reporting movements between premises (e.g., farms, saleyards, abattoirs) across Australia. In SA this is currently enabled by a property identification code (PIC) and stock agent ID under the *Livestock Act 1997*.

Industry and government are collaborating to build Australia's traceability capabilities, with the [National Agricultural Traceability Strategy 2023-2033](#) released in July 2023. Governments are progressing the national introduction of electronic identification devices (eIDs) for individual sheep and goats, to align with cattle. There is also work underway through the NBC to agree on and implement a national system for property ID in relation to production and movement of plant products.

## Biosecurity in SA

In the SA government, administration of various pieces of biosecurity legislation is spread across several agencies and statutory authorities. PIRSA is the operational lead on most aspects of biosecurity affecting primary industries. PIRSA also works as appropriate with SA Health on intersecting public health matters, such as diseases that can be spread between livestock and people. The Dog Fence Board, which oversees the maintenance of the dog fence, is hosted by PIRSA. Regional landscape boards and Green Adelaide lead on declared weed and vertebrate pest management. Vinehealth Australia drives biosecurity awareness and education for the grape and wine industries, and maintains a vineyard register.

The table below shows current SA legislation with links to biosecurity. Some Acts have a biosecurity focus (e.g., *Plant Health Act 2009*) whilst others include some biosecurity provisions as part of broader natural resource management objectives (e.g., *Fisheries Management Act 2007*). There are also Acts that regulate activities that may relate to tools or procedures used in biosecurity (e.g., use of agricultural and veterinary chemicals, animal welfare, veterinary practices).

Acts listed in the first column of the table are proposed to be replaced in whole or part in the draft Biosecurity Bill. Acts relating to livestock health, plant health, the dog fence and the impounding of stray livestock are proposed to be repealed and replaced. Specific functions regarding aquatic pests in the *Fisheries Management Act 2007* are proposed to be managed under the Biosecurity Act. All these Acts are currently assigned to the Minister for Primary Industries and Regional Development.

The second column in the table lists Acts which are not proposed to be included in the scope of the Biosecurity Bill. Nonetheless, for some Acts there may need to be simple updates, for example if they currently refer to Acts listed in the first column and will in the future need to refer to the Biosecurity Act.

SA Acts which include or relate to biosecurity	
Acts within scope of the Biosecurity Bill	Acts out of scope
Minister for Primary Industries and Regional Development <ul style="list-style-type: none"> <li>• <i>Dog Fence Act 1946</i></li> <li>• <i>Impounding Act 1920</i></li> <li>• <i>Fisheries Management Act 2007</i></li> <li>• <i>Livestock Act 1997</i></li> <li>• <i>Plant Health Act 2009</i></li> </ul>	Minister for Climate, Environment and Water <ul style="list-style-type: none"> <li>• <i>Animal Welfare Act 1985</i></li> <li>• <i>Landscape South Australia Act 2019</i></li> </ul> Minister for Health and Wellbeing <ul style="list-style-type: none"> <li>• <i>South Australian Public Health Act 2011</i></li> </ul> Minister for Primary Industries and Regional Development <ul style="list-style-type: none"> <li>• <i>Agricultural and Veterinary Products (Control of Use) Act 2002</i></li> <li>• <i>Biological Control Act 1986</i></li> <li>• <i>Genetically Modified Crops Management Act 2004</i></li> <li>• <i>Phylloxera and Grape Industry Act 1995</i></li> <li>• <i>Primary Produce (Food Safety Schemes) Act 2004</i></li> <li>• <i>Veterinary Practice Act 2003</i></li> </ul>

## State Biosecurity Policy

[South Australia's Biosecurity Policy 2020-2023](#) guides the strategic priorities for biosecurity across the SA government. The policy is driven by seven principles, which are relevant to both day-to-day biosecurity operations and to the state's underlying legislative framework for biosecurity.

### State Biosecurity Policy principles

1. Collaboration is central to our approach and there is an understanding of the accountabilities between governments, industries, communities and individuals.
2. Development, implementation, monitoring and review of biosecurity programs is underpinned by science.
3. Detection and identification of new pests, diseases or contamination sources is both rapid and accurate.
4. Preparedness, prevention and early intervention form the central focus of our activities.
5. Our biosecurity systems evolve as new knowledge and technologies become available to meet ever changing pest and disease threats.
6. Cost of biosecurity programs is shared equitably where feasible, between beneficiaries and risk creators.
7. We take a collaborative and integrative approach to human, animal and ecosystem health.



## The future of biosecurity

### Increasing biosecurity pressures

The [National Biosecurity Strategy](#) describes how various pressures at the national and global level are driving increased and changing biosecurity risks. These include:

- **Climate change** enabling pests and diseases to invade new areas. Climate change also affects the resilience of primary production and natural systems to pest and disease invasions, particularly in the face of more extreme weather events and natural disasters.
- **Changing land use** and increased migration to regional areas are bringing people, primary production and wildlife closer together. This brings more pathways for pest and disease spread.
- **Global trade** continues to increase. Coupled with more complex global supply chains, there is more pressure on border screening and increased freight within Australia. More shipping vessel movements raise risks of introducing new marine pests and diseases.
- **Tourism and migration** also continue to increase post-COVID-19. This brings associated biosecurity risks where people unintentionally or deliberately transport biosecurity matter.
- **Invasive species** are a major cause of a global decline in biodiversity, including for Australia's threatened flora and fauna.
- **E-commerce** is enabling greater volumes of trade, including illegal trade in declared pest species, both into and within Australia.
- **Increasing biosecurity risks overseas** are geographically closer to Australia, and/or occurring in locations frequented by travellers. For example, foot and mouth disease, rabies, lumpy skin disease and African swine fever are present in south-east Asia.

- **Increasing resistance to agricultural and veterinary chemicals** can limit what effective controls are available to prevent and manage biosecurity pests and diseases.

## Improving biosecurity

The National Biosecurity Strategy has also identified opportunities to significantly increase the effectiveness of jurisdictions' biosecurity systems. These include:

- **Greater engagement** with stakeholders in the biosecurity system to build shared ownership, from the grassroots to national level. A shared and collaborative biosecurity culture is needed, that drives behaviour change and positive actions.
- **A more flexible and improved, risk-based regulatory system** to drive efficient and harmonised processes, including through co-regulation with industry. There is much potential for better use of data for decision-making and traceability.
- **Ensuring protection of the environment and human communities** is included in the design and operation of biosecurity systems.
- **Building a skilled workforce, infrastructure and systems** to be able to take advantage of new technologies, research and data. This includes use of transformative technologies to detect, risk assess, trace and control pests and diseases.
- **Better sharing of risk information** and threat assessments, both across government regulators and with a wider range of biosecurity stakeholders. This would drive consistency in decision making and priority setting, giving more consistent biosecurity regulation.
- **Continuous improvement in biosecurity emergency preparedness and response** to increase the timeliness and probability of success of eradication programs. This includes nationally coordinated systems for surveillance, traceability and information management.

## Biosecurity reform for South Australia

The above biosecurity pressures and opportunities are applicable to SA. Whilst the state is in a good position nationally in terms of its current pest and disease status, we cannot be complacent.

The state's biosecurity legislative framework needs to be responsive and adaptable to changing biosecurity risk profiles. Legislative reform needs to ensure a strong focus on prevention and better enable collaborative biosecurity programs that empower industry and community stakeholders. A 'future proof' approach is needed that can utilise new technology as it arises.

Businesses commonly operate across state borders and interstate trade is fundamental to Australia's domestic economy. Consistency in risk-based decision making, biosecurity measures required and traceability across States and Territories is important. This brings efficiencies in business operations, reducing red tape and increasing the likelihood of voluntary compliance.

Consistency is especially important in conducting biosecurity emergency responses. Often an incursion of a new pest or disease poses a threat to multiple states and territories. Hence SA needs to play its part in having appropriate emergency powers, particularly for a likely future of increased and more diverse incursion events.

Contemporary biosecurity regulation has flexibility through having a range of regulatory and compliance tools. These enable reasonable measures that are proportionate to the level of risk posed. The various tools enable a pro-active focus on achieving biosecurity outcomes, rather than being rigidly prescriptive.

They also enable equivalent protections to address economic, environmental and social impacts of pests and diseases.

Biosecurity regulatory reform has been occurring around the country. The Commonwealth, Western Australia (WA), Queensland, NSW and Tasmania have consolidated Biosecurity Acts that take a proactive approach to preventing and managing biosecurity risks. The Australian Capital Territory has introduced a Biosecurity Bill to their Parliament and Victoria is progressing down the path of developing a bill. WA and NSW are currently reviewing their Acts.

In proposing a Biosecurity Bill, SA is participating in the process of national biosecurity reform. The Bill proposes a legislative framework that is contemporary, consistent in how it can manage pests and diseases, and inter-operable with that of other jurisdictions. Strengths of the current SA legislation are retained in the Bill, whilst building in greater flexibility in effectively responding to new and existing biosecurity risks. Under the provisions proposed in the draft Bill, individuals, businesses and government will all be more aware of their biosecurity obligations, whilst having more opportunities to act to avoid biosecurity risks. This will result in a more proactive and effective biosecurity system for SA.

### 3. The draft SA Biosecurity Bill 2023

The draft SA Biosecurity Bill 2023 sets out the overarching concepts, principles, functions, and legal mechanisms to support biosecurity management into the future. It also outlines the responsibilities and rules that apply to everyone or to certain people, to protect the state's valuable biosecurity status.

The draft Bill has 17 Parts containing 301 clauses. There are a further 6 Schedules with further clauses. This Overview document refers to key clauses, whilst the Explanatory Guide covers all clauses. You should refer to the draft Bill for the full legal text that is proposed.

#### Outcomes sought

cl 22 The objects of an Act describe what it is intended to achieve. The objects proposed in the draft Biosecurity Bill are given in the box below. Summarising these, the outcomes sought are to:

- Protect SA's economy, environment and way of life from pests and diseases
- Share responsibility for biosecurity amongst government, industry and community
- Have risk-based decision making
- Have a flexible and responsive framework that covers the continuum of biosecurity actions from prevention to emergency response to control programs
- Use scientific and technological advances to continually improve biosecurity practices
- Comply with national biosecurity agreements and better align with other jurisdictions in the national biosecurity system
- Facilitate market access for primary products
- Foster people's compliance with biosecurity obligations, including communicating requirements so people voluntarily and routinely comply with these.

#### Objects of the draft Biosecurity Bill

##### 22—Objects

The objects of this Act are—

(a) to protect South Australia from—

(i) pests, diseases and other biosecurity matters that are economically significant for the State; and

(ii) threats to terrestrial and aquatic environments arising from pests, diseases and other biosecurity matters; and

(iii) pests, diseases and other biosecurity matters that may have an adverse effect on public amenities, community activities and infrastructure; and

(b) to ensure that responsibility for biosecurity is shared between government, industry and the community; and

(c) to provide a framework for risk and evidence-based decision making to ensure timely and effective management of biosecurity risks and impacts; and

(d) to provide a framework that is flexible and responsive so as to enable the effective prevention, elimination, minimisation, control or management of the risk of adverse impacts

on the South Australian economy, environment and community in connection with biosecurity risks; and

(e) to establish a biosecurity system that is focused on science in evidence-based decision making, innovative technologies, risk assessment, information management, planning, training and communication; and

(f) to give effect to intergovernmental agreements relating to biosecurity to which South Australia is a party and to facilitate the alignment of the State's approach to biosecurity management with other States and nationally; and

(g) to support market access, and to facilitate trade of South Australia's food, fibre, beverages and other products; and

(h) to promote compliance with statutory duties and requirements through effective enforcement measures, and communication and collaboration between government, industry and the community.

## Key concepts in the draft Biosecurity Bill

### Biosecurity matter, carriers and dealings

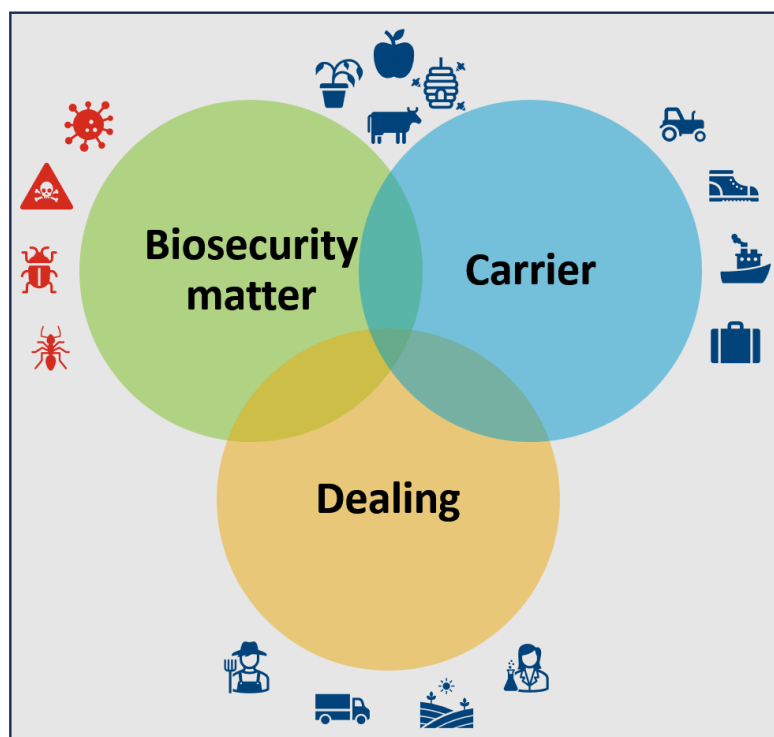
Under current SA legislation there are different ways in which pests, diseases and contaminants are prevented and managed. In the draft Bill they are part of a broader category called 'biosecurity matter', which in turn may be moved into and throughout SA by 'carriers'. A person's interaction with biosecurity matter and carriers is called a 'dealing'. The Minister can declare 'prohibited matter', 'prohibited dealings' and 'regulated dealings'.

Biosecurity matter includes any living thing, part of a living thing or product of a living thing (other than a person), or a disease or contaminant, or a disease agent that can cause disease. The red icons in the diagram indicate prohibited matter.

A carrier is any thing (other than a person) capable of having biosecurity matter on, attached to or contained within it. It does include things worn or carried by a person.

It is possible to be both. In the diagram the fruit, bees, cow and plant are biosecurity matter. They can also be carriers of pests or diseases and hence may be the subject of regulated dealings.

There are many ways to deal with a biosecurity matter or a carrier. These include growing plants, selling or moving produce, keeping animals, and researching a pest or disease.





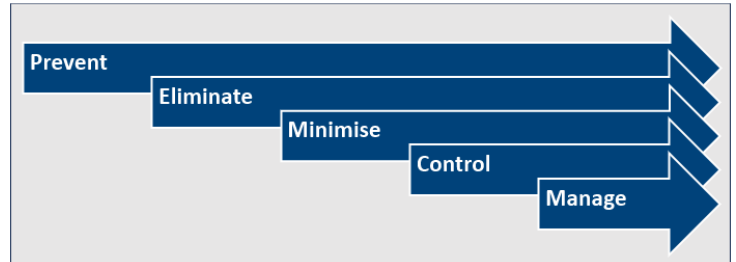
## Biosecurity risk and biosecurity impacts

- cl 3 The draft Bill has an underlying philosophy of risk-based decision-making. 'Biosecurity risks' are the risks
- cl 5 of 'biosecurity impacts' arising from biosecurity matter or a carrier. These detrimental impacts may be economic, environmental or social. Examples of biosecurity impacts include livestock sickness or death, crop yield loss, products made unfit for market, harm to native animals or plants, damage to infrastructure and dangers to public safety.

Throughout the draft Bill reference is made to 'preventing, eliminating, minimising, controlling or managing' a biosecurity risk, or biosecurity impact. This relates to what is 'reasonably practicable' to do to limit the risk or impact. Preventing a new pest or disease is the most cost-effective action in biosecurity. If an

cl 12

incursion of a significant new pest or disease occurs, its elimination (i.e. eradication) is considered. If it is not feasible to eliminate then it may be possible to take ongoing actions to minimise any further spread. For more widely established pests or diseases the reasonably practicable approach may be a regional control program to reduce spread, or a focus on better managing the biosecurity impact.



## A regulatory 'toolkit' for biosecurity

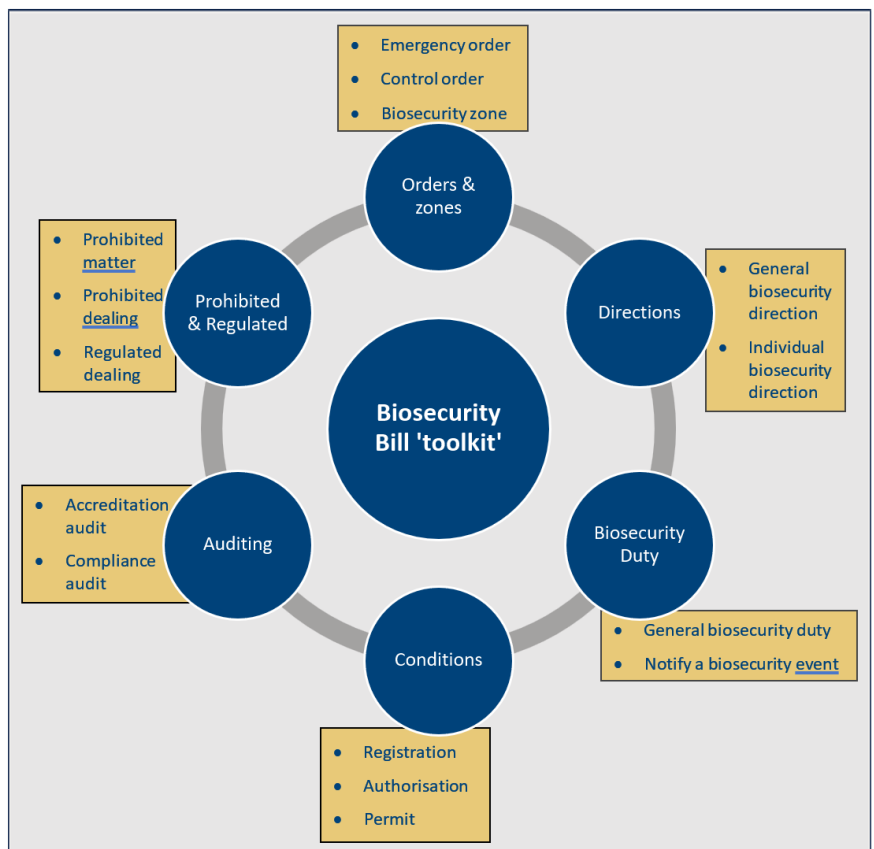
The Bill provides a range of regulatory tools to guide, direct or, if necessary, enforce actions to manage risks and impacts of biosecurity matter and carriers. This gives flexibility in how a particular biosecurity issue can best be addressed. The elements in the diagram below are discussed throughout this key concepts section.

Powers to make certain decisions in the draft Bill sit at various levels of seniority, in line with the seriousness, urgency, number of people affected and duration of the measure to be imposed. For example:

- The Minister would determine prohibited matter and prohibited and regulated dealings, and the establishment of biosecurity zones.
- The PIRSA Chief Executive (CE) approves an emergency order and non-government persons as accreditation authorities.

cl 23

- A Chief Officer (CO) ('Chief Veterinary Officer' (CVO) and 'Chief Plant Protection Officer' (CPPO)) in PIRSA would be able to establish control orders, give general biosecurity directions and approve permits.

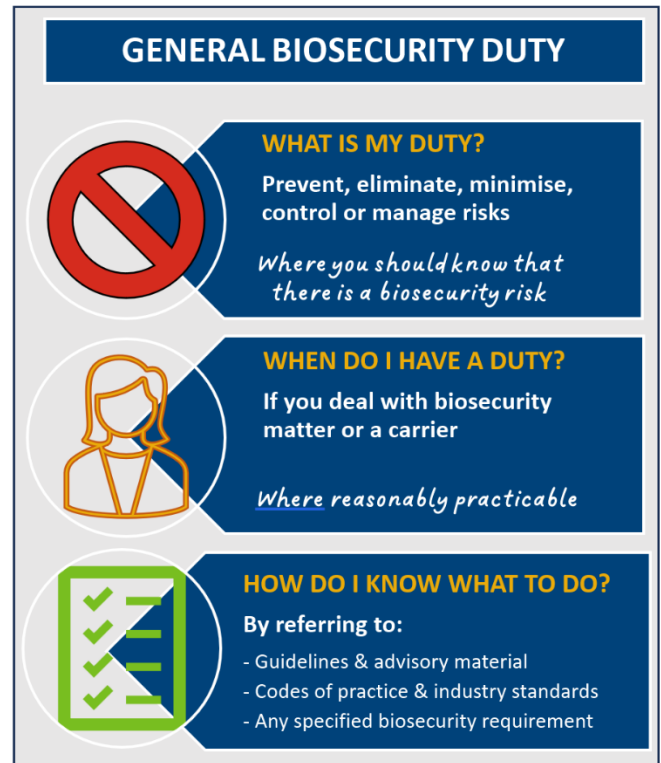


## General biosecurity duty

cl 40 The Bill aims to build a culture of shared responsibility to protect SA from the impacts of pests, diseases and contaminants. Central to this is that every person has a 'general biosecurity duty' (GBD) to prevent, eliminate, minimise, control or manage biosecurity risks, when dealing with biosecurity matter or a carrier.

Examples of complying with the GBD are cleaning cropping machinery when leaving a property or complying with visitor biosecurity instructions at an intensive livestock facility. Many industries have codes, standards and advisory materials on good biosecurity practice. The draft Bill also enables cl 42 'specified biosecurity requirements' to be set as part of meeting the GBD, for certain biosecurity matter or carriers.

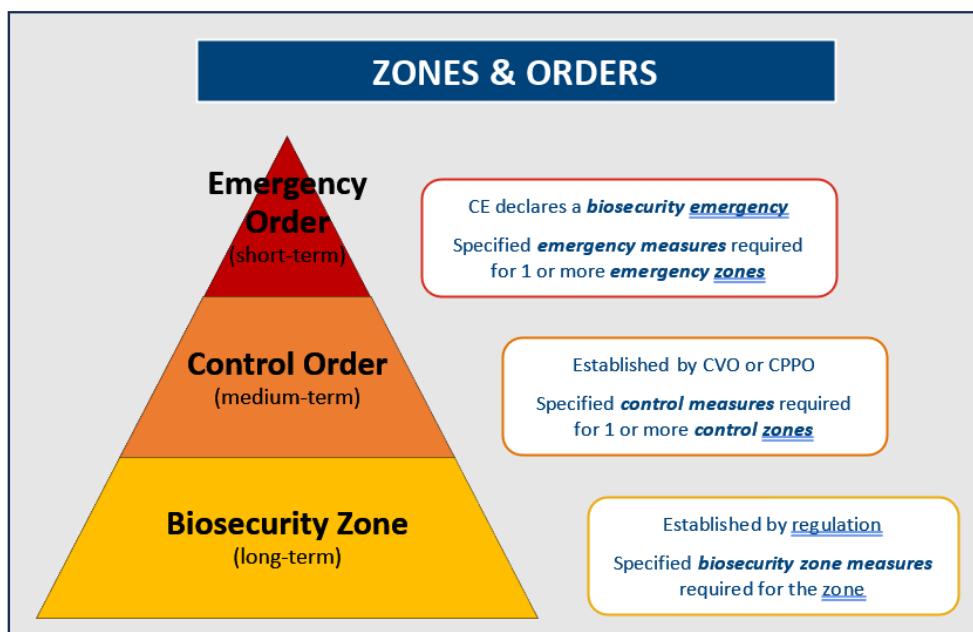
cl 49 In addition to the GBD, there is also a biosecurity duty to 'notify a biosecurity event' proposed in the Bill. If prohibited matter, an incursion of a new pest or disease, or a contaminant incident is observed (or suspected) then there is a legal requirement to notify PIRSA.



## Zones and orders

cl 169 The Bill has an adaptable approach to using zoning to regulate a biosecurity risk in an affected area,  
cl 182 with a hierarchy of a short-term 'emergency order', medium-term 'control order' and long-term  
cl 159 'biosecurity zone'. Zones are scalable, ranging in size from premises to localities to regions to statewide.  
cl 175 Required 'measures' are prescribed for an order or biosecurity zone. A broader range of measures is available under an emergency order.

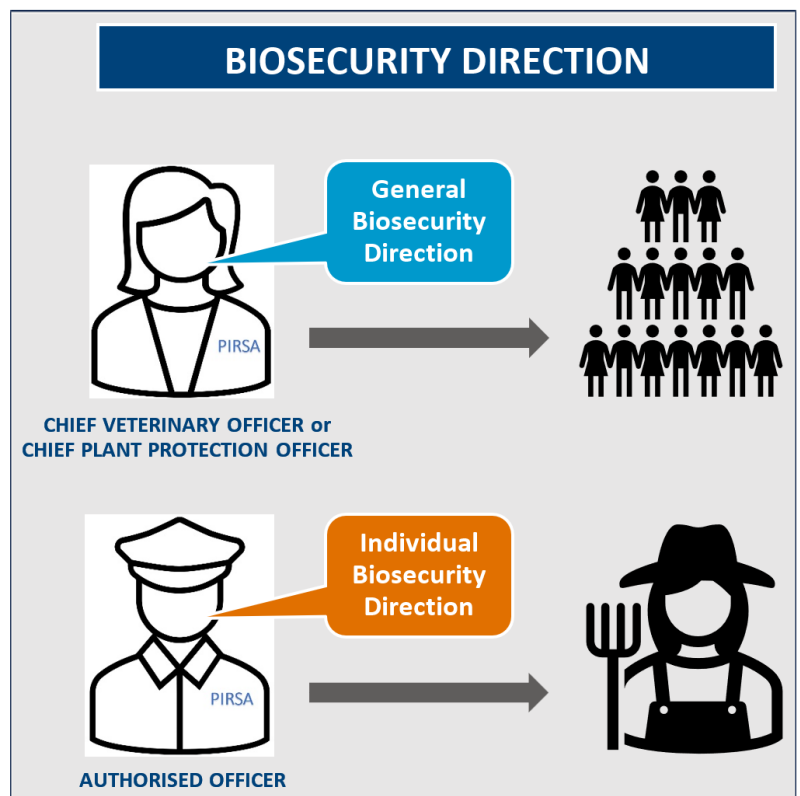
One use of a biosecurity zone is to establish ongoing preventative measures to protect the pest or disease-free status of a particular area (e.g., restrictions on entry of fruit into a production area).



## Biosecurity directions

cl 197 A Chief Officer (i.e., the CVO or CPPO) may give a 'general biosecurity direction' to people that engage in a certain dealing. The direction specifies measures to be taken for the purposes of assessing, preventing or managing a biosecurity risk or impact, supporting market access or otherwise implementing the Act.

cl 26  
cl 199 A person approved by the CE as an 'authorised officer' under the Biosecurity Bill may give an 'individual biosecurity direction' to a person, requiring them to undertake specified actions to manage a biosecurity risk or prevent a contravention of the Act. For example, directing them to take specified actions to destroy a pest on their property which is prohibited matter, or to stop doing a particular activity which is not allowed under a control order.



## Biosecurity emergencies

cl 169  
cl 200  
cl 175 The draft Bill has special emergency provisions and enhanced powers for authorised persons to enable a rapid and effective response to a declared 'biosecurity emergency', or where an emergency is suspected to be or at risk of occurring. For example, 'emergency biosecurity directions' have additional powers and emergency orders have additional emergency measures not allowed under a control order.

Under the Bill it is proposed that an authorised person can take a decision to act if they reasonably suspect a biosecurity risk, rather than having to wait for definitive proof such as test results. This enables pro-active biosecurity measures to be taken to prevent the risk of impacts and spread. Importantly, pro-active measures are more likely to succeed in managing a biosecurity risk and also to be more cost effective.

## Extraterritorial powers

cl 19  
cl 32 The draft Bill proposes to have 'extraterritorial' application, so that provisions could potentially be enforced outside of SA. This would allow for compliance measures against interstate activities which pose a biosecurity risk to SA. An example is the interstate purchase and shipping to SA of animals, plants or their products that are or contain prohibited matter. Online trade is a major challenge in biosecurity compliance, due to dealings occurring across more than one government jurisdiction.

## Biosecurity programs

The draft Bill includes a provision for the Minister to approve biosecurity programs intended to prevent, eliminate, minimise, control or manage a biosecurity risk or impact. Depending on its purpose, a biosecurity program may have wide application or be limited to a specific industry or a geographic area.

cl 152 A program can be proposed by an industry or community body or be led by government. The Minister  
cl 157 must approve an industry or community proposed biosecurity program and has discretion to choose to agree to fund a proportion of the costs. The broad aim is to foster partnerships, shared responsibility and co-investment in reducing a biosecurity risk or impact.

### Offence to release an agent to cause harm

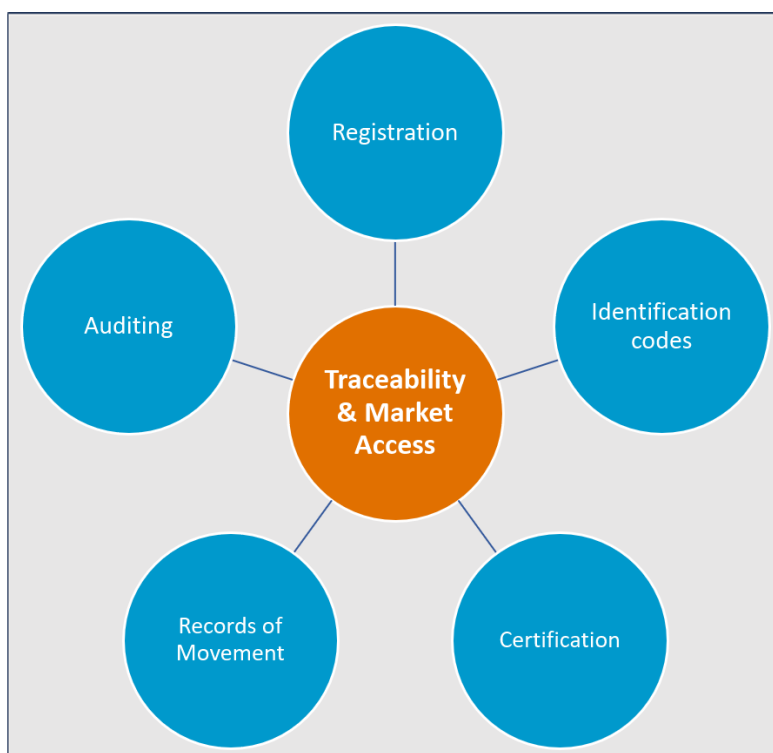
cl 242 The Bill proposes strong penalties for the release of a 'prescribed agent', including offences related to  
cl 243 causing substantial harm or material harm, with the intent of killing, harming, damaging, infecting or infesting animals or plants, . This is intended to prevent malicious activity that could cause substantial harm or material harm, such as the deliberate release of a livestock disease.

### Traceability, market access and industry co-regulation

#### Registration and identification codes

cl 52 Under the draft Biosecurity Bill, a person who engages in a 'regulated dealing' needs to be registered to do so. Where required under the regulations, a person, property or biosecurity matter may also be  
cl 75 allocated an 'identification code'.

This is akin to current requirements for SA livestock producers to be registered and being allocated a Property Identification Code, enabling participation in the NLIS. Registration and ID are needed to enable traceability of products and market assurance. They are vital in a biosecurity emergency to rapidly trace the movement of a pest, disease or contaminant.



#### Accreditation and industry standards

The Bill enables co-regulation with industry to bring efficiencies and share biosecurity responsibilities. There is  
cl 301 scope to legally recognise industry codes of practice, standards and market assurance schemes.

cl 79 Both government and non-government organisations can be 'accreditation authorities'. Such authorities  
cl 124 accredit 'biosecurity certifiers' who can certify that products meet required conditions for market access.

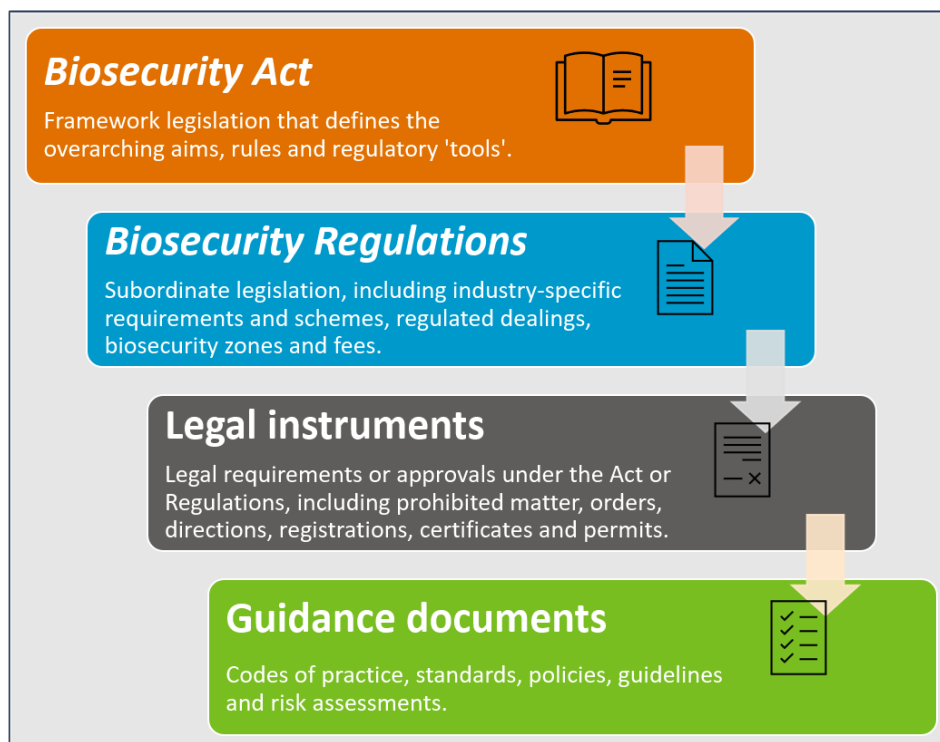
cl 100 Accreditation authorities also appoint 'biosecurity auditors' to audit and inspect business operations, assessing such things as eligibility to hold a registration, or compliance with conditions of registration or certification requirements.

## Framework legislation

As in other jurisdictions' recent Biosecurity Acts, the draft Bill has been written as outcomes-focused 'framework' legislation. The Bill doesn't prescribe every measure that must happen for every pest and disease. To do so would limit the flexibility to rapidly respond to changed circumstances, new information or new threats. Rather, the Bill lays down the general obligations, principles, risk management and compliance tools that may be applied in responding to particular biosecurity risks or impacts.

cl 301 If the Biosecurity Bill is passed by Parliament to become an Act then more specific measures will be drafted as 'Regulations' (i.e. subordinate legislation) and other legal instruments (e.g. notices, orders, directions) as enabled under the Act. As is standard practice, these will be developed in consultation with affected stakeholders before being approved by the Government.

The Biosecurity Act would not come into force until required Regulations and legal instruments are also ready for implementation.



## Pest and disease scope

cl 3 In keeping with a holistic approach, definitions in the draft Biosecurity Bill for pest and disease are  
cl 10 necessarily broad. However, provision is made in the Bill to exclude certain types of pests by regulation, so their management can remain covered by other existing SA legislation:

- Prevention and control of declared weeds and vertebrate pests (excluding fish) will continue to be regulated by regional landscape boards through the *Landscape South Australia Act 2019*. An exception is that provisions for wild dog prevention and destruction will be both in the *Landscape South Australia Act 2019* and in the draft Bill (incorporating the provisions of the existing *Dog Fence Act 1946*).
- Human diseases will continue to be regulated through SA Health through the *South Australian Public Health Act 2011*. Humans are excluded from being biosecurity matter. However, the draft

cl 6

Bill will continue to allow for animal biosecurity measures to prevent, eliminate and minimise the impacts of diseases which can be spread from animals to people (i.e., zoonotic diseases).

The scope managed under the Biosecurity Bill will include animal and plant pests and diseases currently addressed through the *Plant Health Act 2009* and *Livestock Act 1997*. It will also cover functions currently managed under the *Fisheries Management Act 2007* to prevent or manage aquatic pests (e.g., *Caulerpa taxifolia*) and diseases (e.g. white spot), but not those relating to aquaculture species or release of fish for stocking.

The draft Bill will also enable greater clarity regarding the regulation of environmental pests and diseases that are not comprehensively covered by existing Acts, such as exotic wildlife diseases and terrestrial invertebrates that have predominantly social or ecological impacts (e.g., invasive ants).

The *Phylloxera and Grape Industry Act 1995* is not proposed to be incorporated into the draft Bill. However, significant grape diseases such as phylloxera would be regulated as prohibited matter under the draft Bill, maintaining current arrangements under the *Plant Health Act 2009*.

## Contaminant scope

cl 3 The definition of 'contaminant' is broad in the draft Bill. However, a decision to respond to a contaminant  
cl 5(2) issue would be based on the risk of any biosecurity impact it may pose. An animal, plant or product thereof is considered contaminated if it is made unfit for use, a risk to people or the environment, or does not meet market requirements.

Examples of contaminants that could be regulated under the Bill's provisions include heavy metals in plant fertilisers, toxins in animal feed, or meat meal in stockfeed intended for ruminant animals. Animals or plants or their products could be prevented from sale if found to have contaminants, including heavy metals and pesticide residues above maximum limits. Such limits are set nationally through the [Australia New Zealand Food Standards Code](#).

The draft Bill regulates animal food, which by definition excludes food for a human being. Human food safety risks from primary produce, including meat, seafood, dairy, eggs and seed sprouts will continue to be regulated through the *Primary Produce (Food Safety Schemes) Act 2004*, or more broadly through the legal requirement to sell safe food under the *Food Act 2001*.

In the event of inappropriate use of a pesticide or veterinary medicine implicated through contaminated produce or livestock, any compliance action relating to the use of these chemicals would be through the *Agricultural and Veterinary Products (Control of Use) Act 2002*.

## Inclusion of the Dog Fence Board

Sch.2 The draft Biosecurity Bill incorporates legislation for the establishment and operations of the Dog Fence  
cl 36 Board. The Board would continue as a statutory corporation under the Biosecurity Act. The Board's current legislation originates from 1946 and has been revised in the Bill to align with contemporary legislation standards and changes in stakeholder organisations.

cl 35 The Bill establishes standard governance arrangements for statutory corporations established under the  
Sch.1 Act. These apply both to the Dog Fence Board and to any future body that could be established for specific biosecurity purposes under a Biosecurity Act.

## Provisions for stray livestock

The draft Biosecurity Bill includes straightforward provisions for the management of stray stock, where they are considered to pose a biosecurity risk. The intent is to modernise and simplify the current system under the *Impounding Act 1920*, providing a fair and efficient way for producers to manage biosecurity risks posed by stray stock on their land, without incurring undue costs.

- cl 280 Stray stock may be detained whilst efforts are made to identify and contact their owner. If unsuccessful then there is provision for selling or destroying the stock, and to recover costs from the owner. Dedicated
- cl 281 facilities to detain stray stock may also be established, through an agreement between a land owner and the CVO.

## Summary of Biosecurity Bill provisions and terms

Attachment 1 summarises the legal provisions proposed in the draft Biosecurity Bill. To aid understanding these have been grouped according to the broad outcomes the Bill seeks to achieve for SA's biosecurity system.

Attachment 2 summarises the general meaning or intent of key terms used in the Biosecurity Bill. Refer to the Bill itself for full definitions and explanatory details.

## Penalties

- cl 251 Attachment 3 collates all of the offences (and their maximum penalties) proposed in the draft Biosecurity Bill. Fines are higher for body corporates than for individuals. Certain offences have provisions for continuing offences that apply for each day that the person fails to comply, thereby increasing the overall penalty.

## Attachment 1 — Summary of provisions in the Bill

Outcomes sought	Elements in the Bill	Bill reference
Protection from pests and diseases	<p>The Minister can list <i>prohibited matter</i> where it poses a significant <i>biosecurity risk</i>. This includes pests, diseases, animal and plant products and contaminants. The Minister can also declare <i>carriers</i> to be prohibited matter.</p> <p>Through the regulations, the Minister can declare dealings. <i>Prohibited dealings</i> relate to a person engaging in some way with a biosecurity matter and/or carrier that poses an unacceptable biosecurity risk. <i>Regulated dealings</i> are those that only certain registered persons can undertake.</p> <p><i>Biosecurity registration</i> enables a person to engage in a regulated dealing, provided they meet required biosecurity conditions. Interstate registration schemes may be recognised.</p> <p>A <i>manifest</i> may be required to inform when prescribed biosecurity matter is entering or transiting through South Australia.</p> <p>The Chief Executive can establish a <i>biosecurity control agreement</i> with the owner of a facility that undertakes treatment or destruction activities for biosecurity matter.</p> <p>The powers and operations of the <i>Dog Fence Board</i> align with contemporary legislative standards.</p> <p><i>Specific biosecurity offences</i> are established for the deliberate or reckless release of a prescribed agent, such as a harmful disease.</p> <p>(see also other Bill elements below)</p>	<p>cl 6, 13 cl 3</p> <p>cl 7, 13</p> <p>cl 8, 14</p> <p>cl 45</p> <p>Part 5</p> <p>cl 46</p> <p>cl 158</p> <p>cl 36 Sched. 1, 2</p> <p>Part 15</p>
Sharing of responsibility	<p>Everyone has a <i>general biosecurity duty</i> to take measures so that they do not pose a biosecurity risk. <i>Specified biosecurity requirements</i> may be developed for certain biosecurity risks, which are required to be met as part of complying with the general biosecurity duty.</p> <p>There is also a <i>biosecurity duty to notify</i> the occurrence or likely occurrence of a <i>biosecurity event</i> (that being a detection of prohibited matter, an incursion of a pest or disease, or a contaminant likely to cause a biosecurity impact).</p>	<p>cl 40-41 cl 42</p> <p>cl 49 cl 4</p>



	<p><i>Statutory corporations</i> can be established by regulation for specified biosecurity purposes. The Dog Fence Board is established as a statutory corporation within the Bill.</p>	<p>cl 35 cl 36</p>
	<p>Third parties can be approved by the Chief Executive to be an <i>accreditation authority</i>, who in turn can accredit persons as <i>biosecurity certifiers</i> or appoint persons as <i>biosecurity auditors</i>.</p>	<p>cl 79 cl 124 cl 100</p>
	<p>An industry standard, rule, code, specification, program, procedure or guideline can be adopted in whole or part.</p>	<p>cl 301(6)</p>
	<p>Non-government <i>biosecurity programs</i> may be proposed to the Minister for approval.</p>	<p>cl 152</p>
	<p>In specified circumstances there is scope for <i>reimbursement</i> to an owner following the death or necessary destruction of an animal, plant, or other property in a biosecurity emergency response.</p>	<p>cl 209-212</p>
Risk-based decision making	<p>Decisions to impose regulatory measures are based on a consideration of <i>biosecurity risk</i> (meaning the risk of a <i>biosecurity impact</i> occurring).</p>	<p>cl 5</p>
	<p>Biosecurity matter or a carrier must pose a <i>significant biosecurity risk</i> for it to be declared prohibited matter.</p>	<p>cl 13</p>
	<p>Guidance is given on what constitutes a <i>reasonably practicable</i> biosecurity measure to impose, or an action that is taken.</p>	<p>cl 12, 18, 40, 49</p>
	<p>A Chief Officer (i.e., CPPO or CVO) may give a <i>general biosecurity direction</i> to the public generally or to specified people that engage in a certain activity. The direction specifies measures to be taken for the purposes of assessing, preventing, or managing a biosecurity risk or impact, supporting market access, or otherwise implementing the Act.</p>	<p>cl 197-198</p>
	<p>An authorised officer may give an <i>individual biosecurity direction</i> to a person, requiring them to undertake specified actions to prevent a contravention of the Act.</p>	<p>cl 199-200</p>
	<p>A Chief Officer may establish a <i>control order</i>, under which specified <i>control measures</i> are to be performed within 1 or more <i>control zones</i>. The control order seeks to prevent, eliminate, minimise, control or manage a biosecurity risk or impact over a timeframe of up to 5 years.</p>	<p>cl 182-193</p>
	<p>A long-term <i>biosecurity zone</i> may be established by regulation. A zone may be of any size (e.g., specified premises, locality, whole of state). Ongoing <i>biosecurity zone</i></p>	<p>cl 159 cl 160</p>

	<p><i>measures</i> are required to be implemented to prevent or manage a specified biosecurity risk.</p>	
Flexibility and responsiveness	<p>There is a wide range of specific measures that may be implemented to deal with a biosecurity risk or biosecurity impact.</p> <p><i>Authorised officers</i> have a broad range of functions and powers to be able to fulfil the objectives of the Act, commensurate with the risk.</p> <p>Powers of the Minister, Chief Executive, Chief Officer, Deputy Chief Officer or a statutory corporation (established under the Act) can be delegated.</p> <p>The Bill has broad powers to make <i>regulations</i> for the purposes of implementing the Act.</p> <p><i>Extraterritorial powers</i> are intended to enable Act enforcement to be undertaken outside South Australian territorial limits, to prevent a biosecurity risk or biosecurity impact to South Australia. This could include online trade.</p> <p>A <i>permit</i> or <i>emergency permit</i> may be issued with conditions to a suitable person, exempting them from requirements under the Act (as specified in the permit).</p> <p>Proactive biosecurity action may be taken based on a <i>reasonable suspicion</i> of presence or exposure to a pest or disease organism, rather than having to wait for laboratory confirmation.</p> <p>The Chief Executive can declare a <i>biosecurity emergency</i>, whether occurring, suspected or imminent. This is through the issuing of an <i>emergency order</i> to enable the immediate undertaking of a rapid response. The emergency order includes an <i>emergency zone</i> or zones and <i>emergency measures</i> to be followed. <i>Emergency biosecurity directions</i> have additional powers. An <i>emergency permit</i> may be issued by the Chief Executive or a Chief Officer allowing activity in contravention of an emergency order or emergency biosecurity direction.</p> <p>A <i>quarantine station</i> can be quickly established as part of an emergency response.</p>	<p>Schedule 3</p> <p>cl 26 Part 14</p> <p>cl 39</p> <p>cl 301, Schedule 5</p> <p>cl 19</p> <p>Part 8</p> <p>cl 276-278</p> <p>cl 9 cl 169 cl 173 cl 174, 197(5), 201 cl 134</p> <p>cl 37</p>
Scientific and technological advances	<p>Allows for future adoption of digital technologies to undertake functions under the Act.</p>	<p>cl 298</p>

National alignment	<p>An employee of the Commonwealth or of another State can be appointed as a SA <i>authorised officer</i>. Agreement may also be made between jurisdictions to enable work to be undertaken under a corresponding interstate biosecurity law.</p> <p>The <i>Chief Officer</i> statutory positions of <i>Chief Veterinary Officer</i> and <i>Chief Plant Protection Officer</i> are retained. All jurisdictions have these roles.</p> <p><i>Biosecurity emergency (response and cost-sharing) agreements</i>, such as the EADRA, EPPRD and NEBRA, are recognised. Provisions for owner <i>reimbursements</i> in an emergency response are to align with the requirements in these agreements where such agreements have been invoked for the response.</p>	<p>cl 26 Part 14 cl 32</p> <p>cl 23</p> <p>cl 3 cl 209-212</p>
Market access	<p><i>Biosecurity certificates</i> may be issued and inspected, facilitating trade in products that meet prescribed conditions. Interstate biosecurity certificates may be recognised.</p> <p><i>Identification code</i> schemes may be prescribed in the regulations for identifying biosecurity matter, places and/or persons authorised to handle such matter.</p> <p>A specified <i>biosecurity zone</i> may be <i>accredited</i> by the Minister to be free of a specified pest or disease.</p> <p>A <i>general biosecurity direction</i> (see below) may be given to support a market access arrangement.</p>	<p>cl 124-131</p> <p>cl 75</p> <p>cl 163</p> <p>cl 197</p>
Enabling compliance	<p><i>Biosecurity audits</i> may be performed, either as <i>accreditation audits</i> (e.g., for eligibility to hold a registration or permit) or <i>compliance audits</i> (for assessing a person's compliance with the Biosecurity Act).</p> <p>Authorised Officers have a wide range of enforcement powers, including for information gathering, entry and investigations. These are proportionate to risk and urgency and include increased powers in the case of an emergency.</p> <p>There are a range of offences for not complying with provisions proposed in the draft Bill. Maximum penalties for offences throughout the Bill reflect the seriousness of the biosecurity impacts that can be arise by failing to comply with requirements. These range from \$1,000 to \$1,000,000.</p> <p>With specific regard to the dog fence, an owner of any part of the fence must maintain it in a dog-proof condition, inspect it and destroy all wild dogs in the vicinity. Maximum penalties for offences in relation to the dog fence are up to \$10,000.</p>	<p>cl 104-107 cl 108-113 cl 114-121</p> <p>Part 14</p> <p>(Refer Table 3 in this guide)</p> <p>Part 3 in Schedule 2</p>

## Attachment 2 — Key terms in the Bill

Term	Explanation ( <i>in summary</i> )	Bill reference
<b>accreditation audit</b>	An assessment to determine a person's eligibility to hold a registration or permit, or be a biosecurity auditor or certifier.	cl 108, 111
<b>accreditation authority</b>	A person that can appoint biosecurity auditors or accredit biosecurity certifiers.	cl 79
<b>authorised officer</b>	A person formally approved to enforce a provision of the Act, typically, but not limited to, a state government employee.	cl 3, 26
<b>biosecurity certificate</b>	A certificate issued that provides assurance that a product meets specified biosecurity requirements. Certificates are typically used for product verification and market access.	cl 125
<b>biosecurity direction</b>	Formal instructions requiring certain action/s to be done or refrained from, to address a specified biosecurity risk or impact.	cl 194
	A Chief Officer (CVO or CPPO) can issue a <b>general biosecurity direction</b> that applies to people involved in certain dealings.	cl 197
	An authorised officer can issue an <b>individual biosecurity direction</b> to a person.	cl 199
	An <b>emergency biosecurity direction</b> can be issued in the event of an emergency.	cl 3
<b>biosecurity event</b>	The detected or suspected presence in South Australia (or part thereof) of prohibited matter, an incursion of a new pest or disease, a contaminant posing a risk of a biosecurity impact, or any other prescribed event.	cl 4
<b>biosecurity impact</b>	The negative economic, environmental and/or social effects caused by pests, diseases and contaminants. For example, illness in animals, reduced crop yield, loss of access to markets, reduction in biodiversity, risks to public safety.	cl 5
<b>biosecurity matter</b>	A broad term for any living thing, part of a living thing or product of a living thing (other than a person), a disease or a contaminant.	cl 6

	<b>Prohibited matter</b> is biosecurity matter (or a carrier) that has been declared by the Minister as it poses a significant biosecurity risk to all or part of South Australia.	cl 13
<b>biosecurity program</b>	An ‘on-ground’ program of works, approved by the Minister, that targets a particular biosecurity risk or impact. Activities within a program may be focused on the prevention, eradication, containment, reduction of spread, improved management and/or impact reduction of a pest, disease, or contaminant. An approved biosecurity program may be led by an industry or community organisation, or a <b>government biosecurity program</b> .	Part 9
<b>biosecurity registration</b>	A required formal approval for a person to engage in a regulated dealing.	Part 5
<b>biosecurity risk</b>	A risk of a biosecurity impact occurring.	cl 3
<b>biosecurity zone</b>	An area (e.g., certain premises, part or the state, whole of the state) declared by regulation for which <b>biosecurity zone measures</b> must be applied by specified persons to prevent, eliminate, minimise, control or manage a biosecurity risk or biosecurity impact.	cl 159
<b>carrier</b>	Things which carry biosecurity matter – whether on, attached to or inside (e.g., animals or plants, products for sale, vehicles, vessels, soil, shipping containers). Places may also be carriers (e.g., a premise such as a farm, packing shed, abattoir or distribution centre).	cl 7 cl 276
<b>Chief Officer</b>	Statutory roles of Chief Plant Protection Officer and Chief Veterinary Officer.	cl 23
<b>compliance audit</b>	An assessment to determine a person’s capability to comply with relevant provisions of the Biosecurity Act, whether they are doing so, and any measures needed to improve compliance.	cl 114, 119
<b>contaminant</b>	Any non-living thing occurring in or on a biosecurity matter or carrier. A biosecurity impact of a contaminant is one which makes an animal or plant, or a product thereof, unfit for use, poses risks to people or the environment, or does not meet market requirements.	cl 3 cl 5
<b>control order</b>	An order issued by a Chief Officer requiring specified control measures within one or more	cl 182

	control zones. The control order seeks to prevent, eliminate, minimise, control or manage a biosecurity risk or impact, generally over a timeframe of up to 5 years.	
<b>dealing</b>	A person's interaction with biosecurity matter and/or a carrier. Such dealings may present a biosecurity risk.	cl 8
	A person must not engage in a <b>prohibited dealing</b> .	cl 14
	A person must not engage in a <b>regulated dealing</b> unless they are registered to do so.	cl 14, 45
<b>emergency</b>	A biosecurity emergency, whether occurring, suspected or imminent.	cl 9
<b>emergency order</b>	An order issued by the Chief Executive following their declaring a <b>biosecurity emergency</b> . Specified <b>emergency measures</b> are required within one or more <b>emergency zones</b> . The order may be to isolate an area or isolate, prevent the spread of, or eradicate biosecurity matter, generally over a timeframe of 12-18 months.	c169
<b>external treatment</b>	A treatment such as cleaning and disinfection that is limited to the external parts of a person's body.	cl 3
<b>extraterritorial powers</b>	The ability to enforce the Biosecurity Act outside of South Australia's territorial boundaries	cl 19
<b>general biosecurity duty</b>	A person's duty to take, so far as is reasonably practicable, measures to prevent, eliminate, minimise, control or manage a biosecurity risk when dealing with biosecurity matter, or a carrier.	cl 40
<b>instrument</b>	Legal documents prepared under an Act or Regulations. For example, documents which give directions, provide an approval, or document an agreement. Under the Act these include notices, certificates, directions, registrations, orders and permits.	
<b>permit</b>	A document issued to a person that exempts them from specified requirements under the Act.	cl 132
	The Chief Executive or a Chief Officer may issue a <b>prohibited matter permit</b> or a <b>prohibited dealing permit</b> . They can also issue an <b>emergency permit</b> , exempting a person from or authorising them to do certain actions that would otherwise contravene an emergency order or emergency biosecurity direction.	cl 132

	An authorised officer may issue a permit authorising a dealing that would otherwise be unlawful under the Act.	cl 132
<b>premises</b>	A building, structure or portion of land. This may be where a certain biosecurity measure is required or where a biosecurity risk occurs. In a biosecurity emergency, places where the targeted pest or disease is present are called 'infected premises'.	cl 3
<b>reasonably practicable</b>	Whether a particular biosecurity action is reasonably able to be done by a person. This includes the degree of biosecurity impact posed and the risk of this occurring, what a person knows or could be reasonably expected to know, and whether there are available and suitable ways to manage the biosecurity risk and the cost of these.	cl 12
<b>register</b>	An information management system that collates approvals, decisions, required measures and other requirements as specified under the Biosecurity Act.	cl 38
<b>registered entity</b>	A person who holds a biosecurity registration.	cl 3
<b>regulations</b>	Subordinate legislation that provides additional interpretation and rules, used to assist with the implementation of an Act.	
<b>specified biosecurity requirement</b>	A component of the general biosecurity duty whereby certain persons are expected to follow existing written biosecurity requirements recognised by the Biosecurity Act or another relevant Act. These requirements relate to preventing, eliminating, minimising, controlling or managing a current or potential biosecurity risk.	cl 42
<b>treatment measure</b>	A treatment or process for the prevention, elimination, minimisation, control or management of a biosecurity matter, biosecurity risk or biosecurity impact. This includes cleaning, fumigation, disinfection, medication, vaccination, and inoculation.	cl 3

## Attachment 3 — Offences proposed in the Bill

Offence provisions <i>(in summary)</i>	Maximum penalty	Bill reference
* continuing offences		
<b>Authorised officer provisions</b>		
Not returning an identity card upon a person ceasing to be an authorised officer	\$1,000	cl 27(4)
Obstructive or misleading behaviours in relation to a person administering the Act	\$25,000	cl 33
<b>Biosecurity duty provisions</b>		
* Causing a significant biosecurity impact by knowingly or recklessly failing to comply with the general biosecurity duty	\$500,000 body corporate \$100,000 person	cl 41(1)
* Not complying with the general biosecurity duty	\$250,000 body corporate \$50,000 person	cl 41(3)
* Failure to comply with biosecurity duty relating to requirement to notify a biosecurity event	\$250,000 body corporate \$50,000 person	cl 50
<b>Prohibited matter provisions</b>		
* Dealing with state-level prohibited matter	\$500,000 body corporate \$100,000 person	cl 43(1)
* Dealing with biosecurity matter in the part of SA where it is prohibited, or causing such matter to be moved to a part of the state where it is prohibited	\$500,000 body corporate \$100,000 person	cl 43(2)
<b>Dealing provisions</b>		
* Engaging in a prohibited dealing	\$500,000 body corporate \$100,000 person	cl 44
* Engaging in a regulated dealing when not registered to do so	\$250,000 body corporate \$50,000 person	cl 45
<b>Product provisions</b>		
Bringing prescribed biosecurity matter into SA for commercial purposes without lodging a manifest	\$250,000 body corporate \$50,000 person	cl 46(1)
Moving prescribed biosecurity matter through SA for commercial purposes without lodging a manifest	\$250,000 body corporate \$50,000 person	cl 46(2)
Not producing a manifest for prescribed biosecurity matter at a quarantine station	\$50,000 body corporate \$10,000 person	cl 46(3)



Selling prescribed biosecurity matter for propagation without a label or notice giving prescribed information	\$50,000 body corporate \$10,000 person	cl 47
Selling prescribed biosecurity matter without meeting packaging and labelling requirements	\$50,000 body corporate \$10,000 person	cl 48(1)
Selling prescribed biosecurity matter in used packaging where this doesn't comply with regulations	\$50,000 body corporate \$10,000 person	cl 48(2)
<b>Registration and identification code provisions</b>		
* Failure to comply with a condition of registration	\$250,000 body corporate \$50,000 person	cl 69
Not complying with a condition attached to the suspension, cancellation or surrender of a registration	\$250,000 body corporate \$50,000 person	cl 74(4)
Not having a current identification code required by the regulations	\$50,000 body corporate \$10,000 person	cl 75(3)
<b>Accreditation authority, audit and certification provisions</b>		
* Contravening a condition of approval as an accreditation authority	\$125,000 body corporate \$25,000 person	cl 92(1)
* Contravening a condition of appointment as a biosecurity auditor	\$125,000 body corporate \$25,000 person	cl 92(2)
* Contravening a condition of accreditation as a biosecurity certifier	\$125,000 body corporate \$25,000 person	cl 92(3)
Not returning an identity card or similar document if an authorisation as an accreditation authority, biosecurity auditor or biosecurity certifier is cancelled	\$1,000	cl 95(7)
Not complying with a condition attached to the suspension, cancellation or surrender an authorisation as an accreditation authority, biosecurity auditor or biosecurity certifier	\$125,000 body corporate \$25,000 person	cl 98(4)
Obstructive or misleading behaviours in relation to a person acting as a biosecurity auditor	\$25,000	cl 123
Various false or misleading actions regarding biosecurity certificates	\$250,000 body corporate \$50,000 person	cl 131(1) cl 131(2) cl 131(3) cl 131(4)
	\$25,000 person	cl 131(5)
Obstructive or misleading behaviours in relation to a person acting as a biosecurity certifier	\$25,000 person	cl 131(6)
<b>Permit provisions</b>		

* Failure to comply with a permit condition	\$250,000 body corporate \$50,000 person	cl 146
Not complying with a condition attached to the suspension, cancellation or surrender of a permit	\$250,000 body corporate \$50,000 person	cl 151(4)
<b><i>Biosecurity control agreement provision</i></b>		
Contravening a biosecurity control agreement	\$125,000 body corporate \$25,000 person	cl 158(3)
<b><i>Biosecurity zone provisions</i></b>		
* Failing to comply with a biosecurity zone measure	\$250,000 body corporate \$50,000 person	cl 161(1)
Not using approved wording in representing that an animal or plant or a product thereof is from a biosecurity zone accredited to be free of a pest or disease	\$25,000 person	cl 163(3)
<b><i>Emergency order and control order provisions</i></b>		
* Contravening an emergency order	\$500,000 body corporate \$100,000 person	cl 179(1)
Not advising the intended sale of a premises that is under an emergency order	\$10,000	cl 179(3)
Hindering or obstructing a person complying with an emergency order	\$25,000	cl 179(5)
* Contravening a control order	\$125,000 body corporate \$25,000 person	cl 192(1)
Not advising the intended sale of a premises that is under a control order	\$10,000	cl 192(3)
Hindering or obstructing a person complying with a control order	\$25,000	cl 192(4)
<b><i>Biosecurity direction provisions</i></b>		
* Contravening a biosecurity direction	\$125,000 body corporate \$25,000 person	cl 206(1)
Acting in contravention of a sign erected for a biosecurity direction	\$25,000	cl 206(4)
Hindering or obstructing a person complying with a biosecurity direction	\$25,000	cl 206(5)
<b><i>Reimbursement provision</i></b>		

Making a false claim or otherwise being fraudulent in relation to making a claim for reimbursement	\$50,000 body corporate \$10,000 person	cl 216
<b>Authorised equipment provision</b>		
Interfering with a device, trap or other equipment, or any sign, placed on premises for an authorised purpose	\$20,000 body corporate \$4,000 person	cl 241
<b>Release of prescribed agent provisions</b>		
Release of a prescribed agent with intent to harm or infect/infest animals or plants and cause substantial harm to an industry or the state economy	\$1,000,000 or 10 years imprisonment or both	cl 243(1)
Release of a prescribed agent with intent to harm or infect/infest animals or plants and cause material harm to an industry or the state economy	\$500,000 or 5 years imprisonment or both	cl 243(2)
Release of a prescribed agent, without lawful excuse, with intent to cause harm to animals or plants	\$250,000	cl 243(4)
Release of a prescribed agent, without lawful excuse, that may harm or infect/infest animals or plants and cause substantial or material harm to an industry or the state economy	\$250,000	cl 244(1)
Intentional or reckless release of a prescribed agent where the person ought reasonably to know that the release will harm or infect/infest animals or plants and cause substantial or material harm to an industry or the state economy	\$125,000	cl 244(2)
Release of a prescribed agent, without lawful excuse, that may cause harm or infest/infest animals or plants	\$25,000	cl 244(4)
<b>Court order provision</b>		
Contravening a court order	\$50,000 body corporate \$10,000 person	cl 275
<b>Miscellaneous provisions</b>		
Giving false or misleading information to the Chief Executive, a Chief Officer or other authority under the Act	\$125,000 body corporate \$25,000 person	cl 283
Contravening a condition of a Ministerial exemption from provisions of the Act	\$500,000 body corporate \$100,000 person	cl 300
<b>Dog Fence provisions</b>		

Fence owner failing to maintain or sufficiently inspect of their part of the fence. Fence owner failing to destroy wild dogs in the vicinity of the fence.	\$10,000	13 in Sched. 2
Failure to apply a payment made to a fence owner for the purposes of fence maintenance or inspection or wild dog destruction	\$10,000	16(13) in Sched. 2
Failure to comply with a requirement within a specified period regarding a required financial statement of expense	\$5,000	16(14) in Sched. 2
Causing damage to the dog fence	\$10,000	31(1) in Sched. 2
Removal of any part of the dog fence or any other act causing a part of the fence to cease to be dog-proof	\$10,000	31(2) in Sched. 2
Leaving a gate open in the dog fence	\$5,000	32 in Sched. 2
<b><i>Regulation and expiation provisions</i></b>		
A breach of a regulation	\$25,000	19 in Sched. 5
Expiation fee for any offence against the Act	\$5,000	20(a) in Sched. 5
Expiation fee for any offence against the regulations	\$2,500	20(b) in Sched. 5