

## Draft Biosecurity Bill public consultation: Frequently Asked Questions

This document provides additional information based on questions that have been received as part of PIRSA's consultation on a draft Biosecurity Bill.

### Why is PIRSA developing a draft Biosecurity Bill?

The development of a draft Biosecurity Bill will ensure that South Australia has a contemporary, flexible and appropriate legislative framework for managing current and future biosecurity issues. It will consolidate and update existing biosecurity legislation and help ensure that South Australia's regulatory framework is consistent with that of other jurisdictions. The proposed Bill will:

- provide South Australia a modern, flexible and responsive biosecurity framework
- support protection from pests and diseases that threaten our economy, terrestrial and aquatic environments or may affect public amenities, communities, and infrastructure
- bring consistency to the management of biosecurity across industries, by incorporating a number of biosecurity related Acts
- promote shared responsibility for biosecurity amongst government, industry and community.

### What happens following the public consultation and what is the process for developing the Regulations?

PIRSA will collate and carefully review all feedback received during the consultation. This will be considered, and the draft Bill will be revised as required. Following consideration of all consultation feedback, the Bill will be finalised for introduction to Parliament. If passed, it will become the Biosecurity Act.

The Bill is framework legislation, providing a suite of overarching tools, so the regulations will contain much of the important detail as to how particular biosecurity issues are addressed. Work on developing the Regulations can only begin once the Biosecurity Bill has been passed by Parliament. This is an important part of the process, and PIRSA will continue to engage closely with stakeholders during development of the regulations.

## What would change for an average citizen as a result of the new legislation?

It is not anticipated that there would be any major day-to-day changes for an average citizen. The proposed legislation provides a framework for managing biosecurity more effectively in this state, and an important new concept within the Bill is that every person has a General Biosecurity Duty. This is widely applicable, somewhat similar to the duty of care under Work, Health and Safety legislation. Further information is provided below.

## What is the General Biosecurity Duty?

In simple terms, it means having an awareness of the biosecurity issues that relate to you and taking appropriate steps to manage them. Under the General Biosecurity Duty everyone must take reasonably practicable steps to prevent, eliminate, minimise, control or manage a biosecurity risk, if the person knows or reasonably ought to know such a risk exists. This represents a shift to greater shared responsibility for managing biosecurity risks, and PIRSA would provide information, education and guidance to help people understand and meet their General Biosecurity Duty.

## Will landholders and producers be required to have biosecurity plans under the General Biosecurity Duty

This is not something that is specified in the draft Biosecurity Bill but could be considered through subordinate legislation such as the Regulations. For example, biosecurity plans could be a specified biosecurity requirement under the Bill. As with all of the Regulations, this would involve stakeholder consultation. Landholders and producers could also choose to develop and implement biosecurity plans as a way to help meet their General Biosecurity Duty, and in keeping with the aim of enhancing shared responsibility under the Bill.

## What is the requirement to notify of a biosecurity event?

Under the proposed legislation, people would be required to report a biosecurity event. This includes a detection of prohibited matter or a contaminant likely to cause a biosecurity impact. It also includes an incursion of a new pest or disease into the state. This is critical for protecting our state's biosecurity status, meeting our obligations under national agreements, and providing the best opportunity for successful eradication where this is feasible and appropriate.

## Will there be any changes to arrangements for management of vertebrate pests and weeds, currently managed under *Landscapes South Australia Act 2019*?

These arrangements would remain the same if the Biosecurity Bill becomes an Act. Management of declared weeds and vertebrate pests would continue to be the responsibility of Landscape Boards and to be implemented under the Landscapes SA Act. This exclusion from the scope of the Act would be through the regulations.

PIRSA would continue to provide high level technical advice and lead on the policy requirements for weeds and vertebrate pests. PIRSA would also continue to have responsibility for plant and animal pests and diseases, aquatic pests and invertebrates with amenity impacts.

### What would the Bill mean for the *Phylloxera and Grape Industry Act 1995* (P&GI Act)?

There would not be any significant changes to the operation of the P&GI Act under the proposed Biosecurity Act. The P&GI Act is not consolidated into the draft Biosecurity Bill. Vinehealth Australia would continue its role under the P&GI Act unchanged, including maintenance of the vineyard register, working alongside PIRSA to support emergency responses affecting the grape and wine industries, and raising awareness of biosecurity issues amongst industry. PIRSA would continue to have responsibility for the regulation of plant pests and diseases, as well as lead responsibility for emergency responses, as is the case currently under the *Plant Health Act 2009*.

### How would the Bill interact with the *National Parks and Wildlife Act 1972*, e.g. if a disease affecting an industry sector was carried by wildlife?

There are provisions in the Bill which consider the National Parks and Wildlife Act, including its protections of native species. In enforcing the requirements of the proposed Biosecurity Act in an emergency, PIRSA would be conscious of and consider the objects of other relevant legislation, and work with the appropriate agencies.

The Bill also provides for greater environmental protections for South Australia. It enables a biosecurity emergency response to a new pest or disease incursion which poses a significant risk of impact on wildlife or native plants.

### Have the additional provisions under the *Livestock Act 1997* introduced in 2022 been carried over into the Bill?

Amendments were passed in 2022 to the Livestock Act to ensure a comprehensive, rapid and effective emergency response, should an animal disease outbreak occur. The powers and functions of these amendments will be carried over into the Biosecurity Bill, although the framework of the Bill means that some will be implemented through a different mechanism.

### I have backyard bees. What would the Biosecurity Bill mean for me?

As with current arrangements, the Bill provides for regulations requiring the registration of beehives. Hobbyist beekeepers would need to understand and comply with the General Biosecurity Duty, and to avoid creating a biosecurity impact by creating a risk to public safety or a public nuisance.

### I am a recreational boat owner. What would the Biosecurity Bill mean for me?

The Bill provides a framework for managing biosecurity risks. Recreational boat owners would need to meet the General Biosecurity Duty that applies to everyone, to ensure their activities did

not create biosecurity risks or impacts. Biosecurity risks created by issues such as biofouling and in-water cleaning could be managed through the Regulations, and development of these would involve consultation with all affected stakeholders. The Bill provides for a risk-based approach to managing biosecurity risks, including providing for controls of higher risk activities such as long distance vessel movements and for protecting areas free of marine pests.

### Is the Bill consistent with the Biosecurity Acts of other jurisdictions?

The consolidation of previous biosecurity legislation into a single Biosecurity Act is similar to the approach taken by other jurisdictions. Most other states and territories have, or are developing, consolidated biosecurity legislation with a similar framework to that in the draft Biosecurity Bill for South Australia. A consistent approach and terminology across jurisdictions will make it easier for industry to understand and comply with requirements and facilitate effective emergency responses where these operate across state borders.

### Would PIRSA administer the Act?

Yes, it is intended that PIRSA would administer the Biosecurity Act.

### What provisions are there for reimbursement and compensation in the Bill?

The Bill allows for reimbursement for the death or destruction of an animal, plant or property, where it is covered under a national biosecurity emergency response agreement. Provision for reimbursement may also be included in a biosecurity program approved by the Minister. The Bill also provides discretion for the Minister to grant compensation to someone who has suffered loss or damage as a result of a direction or order issued under the Bill.

### Are there provisions in the Bill that would deal with abandoned production properties?

The flexibility of the proposed Bill provides a number of possible approaches to manage biosecurity risks arising from abandoned production properties. The General Biosecurity Duty requires property owners to understand their obligations and to take measures to ensure their actions are not introducing biosecurity risks or creating biosecurity impacts. Depending on the circumstances, a General Biosecurity Direction may be issued to require an industry to avoid creating biosecurity risks and impacts arising from abandoned production properties. Alternatively, in the case of a specific property, an Individual Biosecurity Direction may be issued to the person responsible, requiring that action be taken to avoid those biosecurity risks and impacts. The General Biosecurity Duty, General Biosecurity Directions and Individual Biosecurity Directions are enforceable and carry penalties for non-compliance.

### Will there be increased costs to industry or the public under the Biosecurity Bill?

The Biosecurity Bill itself does not propose new fees or charges. Fees and charges as set out in the Bill would be specified within the Regulations, which would be developed in consultation with affected stakeholders. It is not anticipated that there would be any new or increase in costs as a result of introduction of the proposed Biosecurity Act.

How would identification codes be managed under the proposed Bill? Will a plant property ID and traceability system be implemented under the Act?

The Bill provides for the allocation of identification codes, such as in the existing Property Identification Code (PIC) scheme for livestock properties and the ability to have individual animal IDs. The measures in the proposed Biosecurity Act will provide for a similar system to be applied for plant property identification.