

5 February 2016

Biosecurity Act 2015
NSW Department of Primary Industries
Locked Bag 21
Orange NSW 2800

Email: submissions.biosecuritylegislation@dpi.nsw.gov.au

Dear Mr Hansen,

Re: Biosecurity Act 2015 – development of supporting regulations

EDO NSW welcomes the invitation to comment on the development of supporting regulations for the *Biosecurity Act 2015 (the Act)*.

In making this submission, we provide a number of overarching comments that relate to any proposed regulations and discussion papers, and comment on a selection of individual discussion papers.

General Comments

1. Principle of shared responsibility

EDO NSW welcomes the principle of shared responsibility for biosecurity and the hierarchy of responses in the framework for management of biosecurity risks. We support the development of a robust set of tools that address biosecurity risks at different stages of risk development and in different locations. These tools should be supported by a stronger focus on preventing new incursions to reduce overall biosecurity risks.

2. General Biosecurity Duty

The General Biosecurity Duty is welcomed an important tool for involving the general public in reducing biosecurity risk. To be effective, it will be necessary to support the legislative framework with community education and shared management initiatives.

3. Environmental weeds

We believe that the regulations would benefit from a greater focus on environmental risks than is suggested by the Discussion Papers, particularly for weeds and pest species. For example, the current list of prohibited matter in the Weeds Discussion Paper has a strong focus on agricultural weeds, without recognising a number of important environmental weeds. In addition, many key threatening processes are also biosecurity risks in the form of weeds or invasive pest species. There should be a stronger focus on preventing new biosecurity incursions that may cause harm to existing threatened species or put additional native species at risk. This should include an automatic response to reported incursions of species such as crazy ants.

4. Compliance

The proposed management arrangements would benefit from the addition of a clear hierarchy of compliance. For example, a local council may act as a local control authority and appoint Authorised Officers, however if a council is not fulfilling its obligations under the Act, the regulatory regime should expressly empower the Secretary to nominate Authorised Officers to fulfil these obligations. We note that the Act explicitly states that the Secretary retains their enforcement powers for weeds, regardless of any other operations of the Act, but believe that similar provisions and a clear hierarchy of enforcement should be included for all biosecurity risks. The ability of the Secretary to act is particularly important given that the Act does not allow for civil enforcement (section 6). EDO NSW believes that the community should be allowed to do this.

5. Review of management systems and measuring progress

Additional analysis should be provided of previous biosecurity management systems and how the proposed new systems will address any shortcomings. For example, the Weeds Discussion Paper lists four outcomes the new arrangements are designed to address, however nowhere in the Discussion Paper is there a review of previous weed management strategies or clear targets to measure success of the current proposals. Biosecurity risks in NSW should be systematically reviewed and response measures should be prioritised according to risk. Rather than simply transfer existing management measures and priorities to new systems under the Biosecurity Act, a transparent, science based methodology to managing risk should be articulated and implemented. Regulatory supporting material should clearly outline the scientific basis of management targets so that future reviews can measure the success of regulations and management systems.

Discussion papers

6. Management of Widespread Pest Animals Discussion Paper

EDO NSW generally supports the four key strategies proposed for the management of pest animals but believes eradication should also be the goal for localised self-sustaining populations. Additional research and management effort should be prioritised in areas where pest animals species are causing significant harm, for example where they are impacting on populations of threatened species.

Cane toads, feral cats, feral goats, feral horses and deer should be added to the list of species for which a General Biosecurity Duty will apply and there should be a greater focus on controlling, and where possible eliminating, populations of these pest species.

Any recommendations arising from the Natural Resources Commission review of pest species should also be considered before regulations relating to pest species are finalised.

7. Weeds Discussion Paper

EDO NSW generally supports the principles outlined in the Weeds Discussion Paper, particularly the implementation of a General Biosecurity Duty for all weeds, subject to the comments below. We contend that the ultimate aim for all weeds should be eradication wherever possible, nonetheless we support the proposed general outcome categories as a way of preventing further weed incursions, managing existing weed issues and limiting the spread of weed species.

The species listed in Appendix 1 – Prohibited Matter should be expanded to include all Weeds of National Significance and environmental weeds listed as a priority for state control. Listing for management in specific Biosecurity Zones (as is proposed for alligator weed for example) is important, but preventing the further introduction and spread of these species should be made a priority through a listing as prohibited matter. EDO NSW believes that any species included in Regional Weed Strategies and prioritised for regulation should be subject to a mandatory duty to notify and a mandatory measure not to sell or knowingly distribute the species.

Biosecurity Zones should reflect not only geographic area but the transport vector of the relevant weed, where possible.

Weed management would be enhanced by the biosecurity regulations adopting the Natural Resources Commission recommendation to have a *permitted list* of species, rather than adding species to a list of Prohibited Matter once a problem has already occurred.

8. Wild Dogs Discussion Paper

EDO NSW does not support the inclusion of dingoes in the definition of wild dogs. As an apex predator, dingoes play an important role in maintaining a natural balance in the Australian environment. The current proposals prioritise primary production ahead of appropriate conservation of a native species and in fact reduce controls on the killing of dingoes.

Any management of dingoes that includes lethal means should occur separately to the Wild Dogs biosecurity proposals. Any approvals for culling of dingoes should be subject to a rigorous environmental assessment process that considers the environmental harm caused by such a cull against any commercial benefits, and closely monitors the number of animals killed with a view to understanding the impact of such culls on dingo populations. If these changes are not implemented, at a minimum, the current management notification requirements must be maintained.

We look forward to the opportunity to provide further input into this process as it develops. If you would like to discuss this submission further, please contact rachel.walmsley@edonsw.org.au or (02) 92626989.

Yours sincerely,
EDO NSW



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