



GOVERNMENT OF
WESTERN AUSTRALIA

Review of the **Biosecurity and Agriculture Management Act**

Report for the Minister for Agriculture and Food

December 2023

Acknowledgement of Country

The Biosecurity and Agriculture Management Act Review Panel acknowledges the Traditional Custodians of Country, the Aboriginal people of the many lands that we work on and their language groups throughout Western Australia and recognises their continuing connection to the land and waters. The panel respects the continuing culture of Aboriginal people and the contribution they make to the fabric of our regions and we pay our respects to Elders past, present and emerging.

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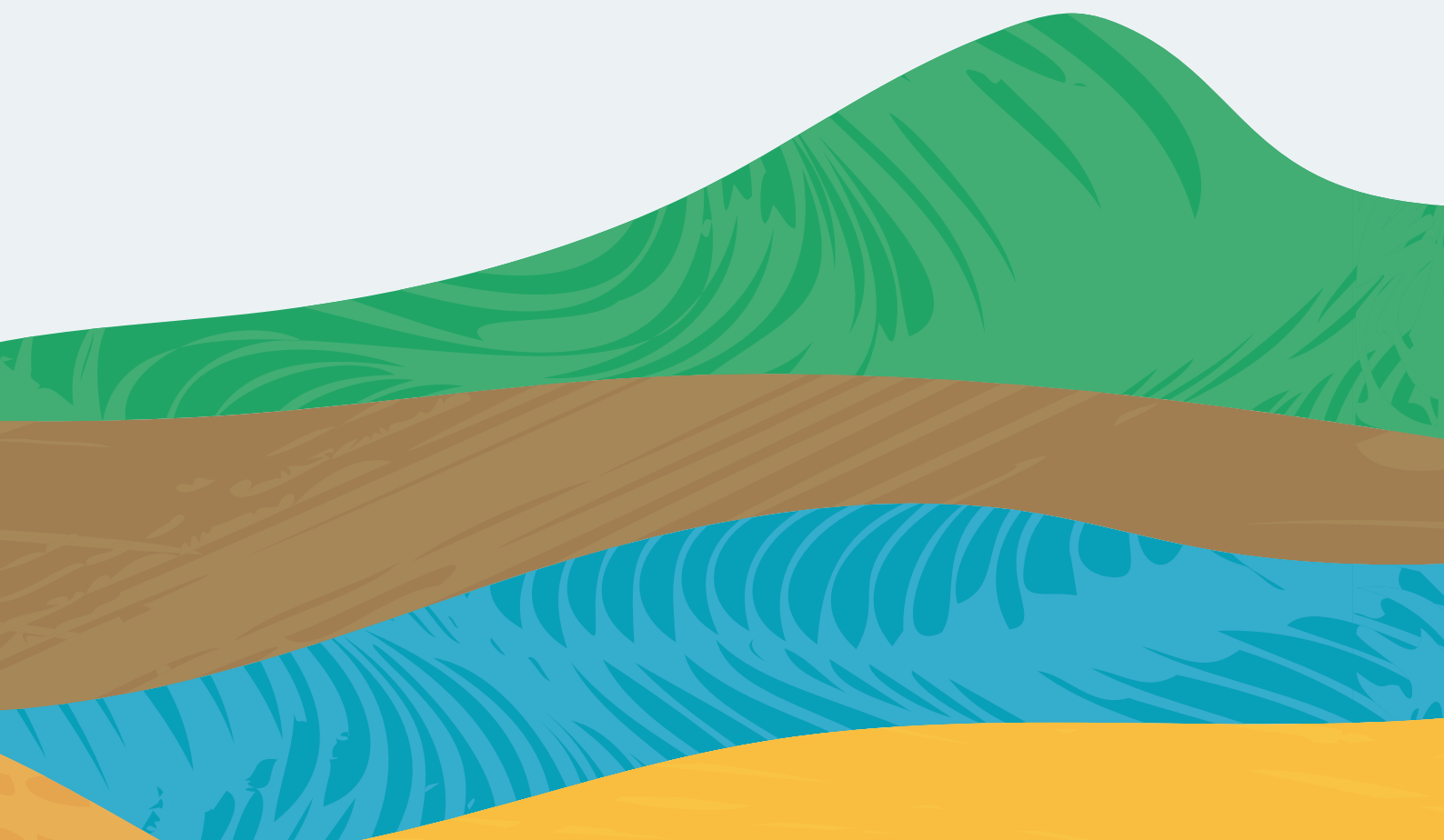
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Review of the

Biosecurity and Agriculture Management Act

**Report for the Minister
for Agriculture and Food**

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Chair's foreword

On behalf of my fellow panel members, I am pleased to present the final report of the independent statutory review of the *Biosecurity and Agriculture Management Act 2007* (BAM Act).



When I first delved into this review, at the request of the Minister for Agriculture and Food, I expected it to be a fairly straightforward task. After all, the BAM Act is a relatively recent piece of legislation. Initial conversations had indicated that the BAM Act was providing a good foundation for WA's biosecurity system and was supported by committed community groups, industry bodies and government agencies. However, it became evident early on that the BAM Act is not equipped to support WA's biosecurity into the future. The review was far from straightforward.

Biosecurity is critically important to WA but, as I discovered, the pressures are increasing and the operating environment is rapidly changing. The evidence is compelling – between 2018 and 2022, WA grappled with managing an average of 6 active responses to incursions of significant pest and disease threats each year. This is compared to an average of 4 active responses each year between 2013 to 2017 ([see Figure 2, Chapter 1](#)). Concerningly, a new record for WA will be set in 2023 with a total of 10 responses active in the year (as at 1 December 2023).

Today's environment is significantly different from the time when the BAM Act was initially developed. The panel is concerned about the immense and sustained pressure WA's biosecurity system is under and what a failure

of that system could mean for WA – economically, environmentally and socially.

Our conclusion from the review process is that significant reform is needed to ensure that, as a community, we can work effectively together to protect WA's unique natural environment and biodiversity, \$50.5 billion primary industry sectors, domestic food security and built infrastructure, as well as the health, wellbeing and quality of life of all Western Australians.

Western Australia's biosecurity system must be redesigned and recalibrated to defend our economy, environment and society from the introduction and spread of serious pests and diseases.

The review process highlighted to us that for biosecurity to be effective, it must manage the risks and impacts across many domains. Biosecurity is not just an agricultural or even a primary industries concern – it touches the lives of each and every one of us.

The panel observed that biosecurity's many stakeholders can often hold conflicting views about risks and impacts, what should or should not be done about them, and who is responsible for action. In addition, scientific understanding of those risks and impacts and how to control them is evolving, as are the technologies and practices used to manage them.

From a public policy perspective, this all needs to be considered alongside WA's obligations under national and international agreements that govern trade and how biosecurity controls are applied.

This is not an easy task, and one that the panel believes WA is currently not well positioned to undertake.

It is the panel's view that WA needs to develop a strong culture in which everyone values WA's biosecurity and actively participates in it, and where biosecurity is recognised as a shared responsibility. The risks and impacts are too vast and important for it to be left to individuals, communities, industries or public authorities to do it alone.

It was obvious to the panel that WA's collective efforts need to be better prioritised, coordinated and effective to ensure we are making the best use of available resources. The existing legal and institutional arrangements to achieve this are inadequate or becoming inadequate as the inherent complexity and dynamics of biosecurity continue to evolve.

There is great opportunity. The panel's recommendations, as a reform package, all contribute towards greater awareness and shared responsibility for biosecurity, improved prioritisation of risks and coordination of the system, more effective use of available resources and a more robust and secure legislative base.

The mix of skills, experience and expertise across the panel members has been invaluable, as has the generosity of the stakeholders who have shared their time, thoughts and experiences over the last 18 months. It has enabled us to grapple with the complexity of biosecurity, and work to provide the WA Government with a suite of recommendations that we believe will be transformative.

We have focused on the bigger picture and those areas of the BAM Act that are most in need of reform. We have also sought to focus on the strategic policy intent and avoid going into too much technical detail, to enable the review to be completed in a reasonable timeframe.

We trust that the reader will focus on the strategic intent of our recommendations and accept that there is still work to do in the next phase of the legislative reform to ensure the details are right.



Kaylene Gulich PSM

Chair, Biosecurity and Agriculture Management Act Review Panel

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Acknowledgements

The panel thanks the many stakeholders who gave their time to contribute to this inaugural review of the BAM Act. We could not have conducted this review without stakeholders taking the time to write submissions, complete surveys and attend meetings to provide their views, experiences and advice. These contributions have played a crucial role in focusing the review toward the most important areas and shaping and refining the panel's recommendations.

The panel would also like to thank the interviewees whose valuable contributions formed the basis of the case studies included throughout this report.

The panel acknowledges and appreciates the support provided by the team at the Department of Primary Industries and Regional Development (DPIRD), whose tireless efforts ensured the successful execution of the review. The team were instrumental in keeping the review on track and providing stakeholder liaison, communications, logistical support, drafting, research and analysis throughout the entire process.

The panel deeply appreciates the time, effort and expertise from all the individuals and organisations that contributed.

About this report

This report includes an executive summary, with the body of the report presented in 5 parts, each containing 2 to 4 chapters.

In this report:

- key terms that are, or are intended to be, legally defined terms are italicised
- ‘pest’ is used to collectively refer to invertebrate and vertebrate pests and weeds
- ‘disease’ refers to disease-causing organisms or agents (such as bacteria, viruses, fungi, parasites and prions) as well as the associated signs or symptoms of an illness or infection
- all stakeholder quotes were sourced from the review’s consultation process.

(photo: iStock)

Supplementary information to this report, including the review terms of reference and an overview of the BAM Act, can be found on the BAM Act review webpage at www.wa.gov.au/BAM-Act-review

Executive summary

Part 1 – About the review

This report is the culmination of a once-in-a-decade review of the operation and effectiveness of the *Biosecurity and Agriculture Management Act 2007* (BAM Act). The BAM Act is an important part of Western Australia's (WA) biosecurity system, providing a regulatory framework to help protect WA's economy, environment and community from the risks and impacts caused by pests and diseases.

A comprehensive 3-stage review process was undertaken by an independent review panel over 18 months, with each stage involving stakeholder engagement, research and input from experts in the field. More than 250 individuals, including representatives from 140 organisations, shared their views, helping the panel identify and explore key themes and to develop the 33 recommendations in this report.

Pest and disease risks are increasing and the operating environment is challenging and dynamic

Biosecurity is important to all Western Australians. The panel found that industry and communities in WA actively support and recognise the importance of biosecurity and the need for regulation.

The environment in which WA's biosecurity system operates is dynamic and rapidly changing. From the inception of the BAM Act, biosecurity risks have been increasing nationally and globally, placing sustained pressure on WA's biosecurity system. This trend is predicted to continue, with many factors driving the heightened threat environment including:

- climate change shifting the range and distribution of pests and diseases
- increases and changes in trade and travel patterns, including the significant rise in online shopping

- increasing biosecurity risks overseas, including in Australia's neighbouring countries
- major disruptions, such as the COVID-19 pandemic, civil unrest and natural disasters, driving changes in supply chains and the movement of goods and people.

Western Australia's legislative framework needs to keep pace under increasingly challenging circumstances and support evolving needs for risk and impact mitigation.

The BAM Act has provided a good foundation but it is not equipped to support WA's biosecurity into the future

Biosecurity legislation has evolved significantly since the BAM Act was passed by the Parliament of Western Australia in 2007. Like other legislation of its time, the BAM Act took a relatively narrow and prescriptive approach that focused on controls for organisms considered to be pests and diseases. It also regulated other activities that affect the safety and quality of WA's food and fibre products.

The panel concluded early in its review that, although the BAM Act has provided a good foundation for the state's biosecurity system, it is not equipped to support WA's biosecurity into the future. The BAM Act needs significant reform to meet new and increasingly complex challenges and better respond to future opportunities.

To protect WA from new and emerging biosecurity risks and impacts, and continue to manage the impact of current ones, legislative amendments alone are not sufficient. The panel looked at WA's biosecurity system as a whole, including its place in the national system. The panel sought to design for evolving WA's biosecurity system into a stronger, more resilient system capable of handling an increasingly complex risk environment.

[🔗 See Chapters 1 and 2](#)

Part 2 – Foundations

Build on the progress made in biosecurity legislation

The panel concluded that WA needs a biosecurity act that builds on the progress made in biosecurity legislation across Australia since the BAM Act was introduced. It is essential that the Act's title, purpose and objects reinforce its primary function – to regulate for the prevention, elimination or minimisation of biosecurity risks to WA's economy, environment and community. A reformed biosecurity act for WA should adopt modern objects, concepts and terminology. [See Chapter 3](#)

The BAM Act was landmark legislation for Australia, being the first to bring together multiple Acts to create consistent biosecurity regulation across plants, animals and landscapes. Other Australian jurisdictions have followed suit, using WA's example as a launchpad to develop even more effective biosecurity legislation.

The BAM Act's objects describe regulatory activities and do not refer directly to the primary goal of biosecurity. They do not align with the standard set in modern biosecurity legislation, nor do they reinforce the nationally agreed principles in the Intergovernmental Agreement on Biosecurity (IGAB 2019). Stakeholders were strongly supportive of modernising the purpose and objects of the BAM Act.

Many of the BAM Act's core concepts and defined terms are dated. Modern biosecurity legislation uses a suite of key concepts and terms such as *biosecurity matter* (which collectively defines pest, diseases and contaminants) and *dealings* (a person's interaction with *biosecurity matter* and *carriers*), among others. These modern concepts and terms work together to enhance the effectiveness of the regulatory framework within a dynamic and increasing threat environment. They also support the structuring of legislation to make it easier to navigate.

The words 'agriculture management' in the BAM Act title have contributed to a misconception that the scope of the BAM Act is limited to agriculture. Changing the title, to be simply the 'biosecurity act', will be a strategic and progressive move. It will align WA with contemporary thinking and highlight the interconnectedness of biosecurity and specific aspects of agriculture management in a unified system.

Shared responsibility – biosecurity benefits everyone and everyone has a role to play

The concept of biosecurity being a shared responsibility is widely accepted in Australia. To make it a reality, individuals and organisations need to understand how to contribute, what their biosecurity obligations are and the value of their active participation. The panel concluded that WA's biosecurity system will be stronger with the introduction of a *general biosecurity obligation* (GBO) requiring everyone to take reasonable steps to mitigate biosecurity risks and impacts. [See Chapter 4](#)

The panel firmly believes that for WA to maintain effective biosecurity, a fundamental transformation in how biosecurity is approached and embraced is essential. This transformation goes beyond legislative and policy changes, it requires a shift in attitudes and behaviours. Legislating shared responsibility is a necessary foundation for this transformation.

Despite its wide acceptance, the BAM Act does not define shared responsibility, and many stakeholders are confused about their roles and responsibilities. Shared responsibility is codified in other jurisdictions' legislation as a GBO or *general biosecurity duty*. This has proved to be a practical way to help create a culture of shared responsibility.

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A GBO applies beyond regulated organisms or activities to any situation where there is an expectation to take action. What this action might look like is determined by the risks and impacts involved, and considers the experience, knowledge and capabilities of the individual, business or organisation to address the situation.

Enhanced communications and engagement will be essential to increasing people's understanding of shared responsibility and their obligations. This includes ongoing biosecurity messaging to explain what biosecurity is and how it benefits all Western Australians, and to encourage everyone to participate.

Shared responsibility can be further embedded in the legislation through a clear statement that the administration of a reformed biosecurity act, where feasible, will be done in consultation with stakeholders.



BAM Act Review Panel members Dr Bruce Christie and Cliff Winfield with DPIRD Senior Quarantine Inspector and detector dog, Pablo, at Perth Airport
(photo: DPIRD)

Part 3 – Powers

Biosecurity matter is a fundamental regulatory construct

Western Australia needs to improve how it regulates *dealings* with *biosecurity matter* to differentiate how it manages the risks of pests and diseases entering, spreading and establishing in WA from how it manages the impacts of established pests and diseases on economic, environmental, social or culturally valued assets. This will result in a significant but essential transformation in how biosecurity is regulated in WA. Existing biosecurity measures will remain, but how and when they are applied will be better targeted and easier for stakeholders to understand. [See Chapter 5](#)

The declaration of organisms is central to the workings of the BAM Act's biosecurity provisions and fundamental to the operation of WA's biosecurity system. However, it is unwieldy and contentious. Many stakeholders criticised the declaration process for lack of clarity, inherent bias to agricultural pests and diseases, and inconsistencies in risk assessment. It was also found to be administratively burdensome and rigid.

Modern biosecurity legislation enacted in Australia in recent years brings together biosecurity risk and impact management into one legal construct of *biosecurity matter*, with regulatory action targeting *dealings* with *biosecurity matter*. Working in combination with the GBO, modern biosecurity Acts are more efficient to administer. A declaration is not necessarily needed for biosecurity action to be required because the GBO provides a base level of regulation for many types of *dealings* with *biosecurity matter*. The concept of *biosecurity matter* also allows for declaration of classes of matter, reducing the administrative burden associated with declaration and simplifying the framework for system participants.

Two distinct regulatory strategies are proposed:

- A declaration is used to trigger a stricter regime of regulatory controls to address priority state and national biosecurity risks.

- Established pests and diseases are regulated primarily through the GBO. Supporting policies, guidelines and codes of practice will be necessary, where appropriate. Subsidiary legislation may also be required.

Risk-based decision making to determine if specific *dealings with biosecurity matter* are to be declared and regulated, or managed through subsidiary legislation, will need to be transparent, robust and consistent. A policy statement is needed to guide this decision process, including how science-based risk assessment and stakeholder engagement are used.

Biosecurity emergency response supports rapid and decisive action

Western Australia requires more robust powers to initiate a rapid response and take decisive action in a *biosecurity emergency*. This will position WA to have the best chance of eradicating a new pest or disease and preventing negative social, cultural, environmental or economic impacts.

🔗 [See Chapter 6](#)

Although WA's *Emergency Management Act 2005* (EM Act) provides powers for a prompt and coordinated response to a serious biosecurity threat, it has never been used for this. Most biosecurity incursions do not warrant the use of these extraordinary powers. The BAM Act does not, however, adequately address *biosecurity emergencies* which has led to a reliance on day-to-day regulatory provisions to deal with such situations. The exercise of these ordinary powers can be challenged, causing delays in what are often time-critical situations.

The BAM Act does not include provisions to enable the WA Government to pay compensation, where it is appropriate to do so. This is a significant deficiency. Compensation encourages reporting and compliance with response activities – the earlier a pest or disease is detected, and the more efficient and effective the response, the better the chance of preventing it from spreading and establishing.

The reformed biosecurity act should have *biosecurity emergency* provisions, where declaration of a *biosecurity emergency* activates

special powers for rapid response. These powers would give the reformed biosecurity act authority over other laws where necessary and appropriate, and be exempt from review. Such declarations would only be made in situations that do not require the extraordinary powers of the EM Act but do warrant the use of special powers.

The reformed biosecurity act should also provide for compensation or reimbursement for direct losses under certain circumstances. These provisions would give confidence to industry and encourage prompt reporting and cooperation. Compensation and reimbursement can be a challenging and contested area with high stakes. Further work is required to develop the details and clear guidance will be needed to ensure fair, consistent and transparent decisions.

Compliance, enforcement and local laws

Stakeholders were very interested in seeing increased compliance with and enforcement of the BAM Act. More can be done to encourage compliance and make monitoring and enforcement activities visible. This needs to be supported by increased penalties. 🔗 [See Chapter 7](#)

Compliance with legislation is important, as laws and regulations exist to protect individuals, businesses and society as a whole. In the context of biosecurity, adhering to the requirements of the BAM Act protects WA's \$50.5 billion agriculture, fisheries and forestry sectors (DPIRD 2023a), \$8.7 billion tourism sector (Tourism WA 2023), unique natural and urban environments, and the social and cultural practices of its people. Despite this significance, the panel found relatively widespread perceptions of non-compliance with the BAM Act's biosecurity provisions.

Several legislative and non-legislative changes to encourage compliance and deter non-compliance are recommended. The reforms address stakeholder concerns and would bring a reformed biosecurity act in line with modern legislation, delivering:

- greater visibility of monitoring and enforcement activity

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- inspectors' powers and legal tools that support the enforcement of modern biosecurity concepts
- increased penalties
- aggravated offence provisions with higher penalties for intentional or reckless activities
- penalty units to represent the value of fines
- expanded scope of the BAM Act's local law provisions (section 193) to encompass established pests and diseases, not just weeds.

The panel concluded that more can be done to encourage people to do the right thing. An expanded suite of initiatives that encourages compliance, underpinned by behavioural science research, is recommended.

Certification of biosecurity requirements

Biosecurity certificates provide evidence that import or export requirements have been met. Improving efficiencies in certification processes is required to ensure the process is timely, continues to meet industry and customer needs and remains fit for purpose. [See Chapter 8](#)

A biosecurity certificate under the BAM Act and its regulations provides assurance that animals, agricultural products, potential *carriers*, animal feeds and fertilisers meet approved standards or requirements. Only BAM Act inspectors and other accredited persons can issue these certificates.

Third-party accreditation schemes are a part of modern biosecurity legislation. Under these provisions, a third party is authorised to accredit persons to issue certificates and to conduct audits to ensure accreditation conditions have been met. The government then audits the third-party accreditor to ensure the scheme maintains its integrity.

Including such provisions in the reformed biosecurity act can support WA's biosecurity on several fronts, including industry-driven innovation, efficiencies and outreach. The introduction of third-party accreditation schemes must be accompanied by significant penalties for authorised entities that do not comply with their accreditation and auditing requirements.

Part 4 – Enabling

Industry has an important role to play in WA's biosecurity

It is critical that WA industries continue to be supported to manage biosecurity risks and impacts that affect industry productivity, profitability and sustainability. The proposed introduction of state-level industry-government response agreements will complement and enhance existing industry-based funding schemes. Agreements will offer a clear framework for responding to incursions that primarily impact industry, including roles, responsibilities and cost-sharing arrangements with the WA Government. [See Chapter 9](#)

The WA-based industry funding schemes (IFSs) under the BAM Act are fit for purpose and supported by stakeholders. The schemes can raise funds from a wide range of agriculture related industries to support industry biosecurity priorities.

The panel noted that there are only 3 agricultural IFSs operating in WA. Eleven other industries, largely horticultural, raise a fee-for-service under separate legislation – the *Agricultural Produce Commission Act 1988*. The Agricultural Produce Commission (APC) fee-for-service funds industry services, which may include activities that support biosecurity. The panel supports the IFS provisions and considers the APC industry schemes to be a suitable alternative for industry to fund collective biosecurity action.

Some industry stakeholders suggested to the panel that more could be done to support industry to raise funds for biosecurity and respond to new incursions. The current schemes fulfil this role, but the panel agreed that more could be done.

State-level industry-government biosecurity agreements were identified as a way to strengthen industry biosecurity responses and establish cost-sharing arrangements before pest or disease incursions occur. Such agreements could leverage IFS and APC schemes for collective funding. This will encourage greater participation in these schemes and in industry-wide planning and coordination for biosecurity responses.

Coordinated established pest management to support community participation

How WA plans, coordinates and allocates resources to manage established pests needs reform. A more strategic, robust and accountable process for prioritising and publicly funding established pest management activities is required. Participation is needed beyond existing recognised biosecurity groups. The WA Government must lead the strategic coordination of this work across the state.
🔗 See Chapter 10

A coordinated approach based on collective community action is widely accepted and adopted across Australia to control established invasive pests. In WA, the BAM Act enables a declared pest rate (DPR) to be raised from landholders and matched dollar-for-dollar by the WA Government. The combined funds (known as Declared Pest Account funds) are provided exclusively to groups that have been formally recognised by the minister (known as recognised biosecurity groups, RBGs). RBGs use the funds for activities that support declared pest control in the area in which the DPR was collected. This is known as the DPR-RBG model.

Over the past decade, many concerns have been raised about the DPR-RBG model, and community support for it varies. The panel identified considerable limitations and concerns with how the model operates and determined that it needs significant reform to enable better coordinated management of established pests across WA.

A broader range of entities, in addition to existing RBGs, should be given access to funds under a reformed regional planning and resource allocation framework that pools, prioritises and allocates funds regionally.

Key to this reform is the introduction of *pest management regions*, with each region required to have an approved *pest management plan* to guide funding allocation. These science and risk-based plans will articulate the established

pest priorities and management activities for the region, informed by local, regional and state expertise and experience, and wide stakeholder consultation.

The WA Government should establish clear funding requirements and processes, and be responsible for funding allocation. The proposed biosecurity planning committee (🔗 see Chapter 12) could play a key role in facilitating and overseeing the funding allocation process, ensuring transparency in decision making, sound governance protocols and alignment with landscape-scale pest management priorities.

Funding established pest management

The current legislated ability to rate under the BAM Act and have the funds matched by government provides an important and stable funding source that should be retained. These funds are best directed to coordinated established pest management, ensuring landholders share the costs and benefits of funded activities. A simple, equitable and cost-effective rating system is needed, which requires significant reform of the DPR system. 🔗 See Chapter 11

The proposed regional planning and resource allocation framework for established pest management (🔗 See Chapter 10), should be supported by a DPR that is matched dollar-for-dollar by the WA Government. However, the DPR in its current form is too complex – it is impractical, inefficient and costly to administer, and difficult to understand. The DPR needs to be reformed so that it aligns with accepted revenue-raising principles.

The DPR needs to be renamed and evolved into a *pest management rate* that is applied consistently to certain land classes across WA. The rating structure should be simplified and standardised to align with the way other land-based levies or taxes are administered. These changes will help build equity, scale and resilience in the funding system, ensuring the rate has a robust and stable footing so that it can continue as a viable funding mechanism into the future.

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Part 5 – Transformation

Whole-of-state biosecurity system planning for a coordinated, strategic approach

Planning for and coordinating WA's biosecurity system across public authorities, industry and community needs to be assured by the reformed biosecurity act. This can be achieved through provisions that establish a biosecurity planning committee to provide strategic leadership and initiate whole-of-system planning, coordination and governance across the biosecurity continuum. The introduction of a biosecurity planning committee will set a new benchmark in the governance of state and territory biosecurity systems in Australia.

[🔗 See Chapter 12](#)

There is a significant gap in the institutional arrangements for WA's biosecurity system – there is no whole-of-system biosecurity planning and coordination. The recommendation for a statutory biosecurity planning committee (BPC) is based on feedback from stakeholders, several reviews of WA's biosecurity system and the panel's own vision for a more effective system.

The panel envisages that the BPC would provide leadership in planning and coordination across the biosecurity system and engagement with stakeholders. This won't be easy, but the complexity of the biosecurity system and the increasing challenges demand robust institutional arrangements to bring about transformational change and sustain an effective system. A BPC is seen as the most appropriate way to do this.

Ideally the BPC will have clear authority and capacity to undertake its role, including ongoing implementation of key recommendations in this report. Expert skills, and the capability and resources to carry out its functions effectively, will be critical to the success of the BPC.

A decade of transformation

The panel identified that WA's biosecurity system needs more than legislative amendment to ensure it can protect WA from biosecurity risks and impacts into the future. A new Western Australian biosecurity strategy, addressing legislative and non-legislative reform, is needed to achieve the panel's reform goals of:

1. a culture where everyone values biosecurity and actively participates in it
2. the legislative scope of the reformed biosecurity act is clear and understood
3. risk-based approaches are used to inform and achieve outcomes
4. public confidence in WA's biosecurity system
5. WA actively contributes to and benefits from the national biosecurity system.

[🔗 See Chapter 13](#)

The panel's recommendations are brought together to illustrate how these goals can be achieved over the next decade. Transformational changes will ensure that WA's biosecurity system can cope with the rise in biosecurity risks and the incursions of pests and diseases that will occur.

The panel took its lead from the recent reviews of modern biosecurity legislation enacted in New South Wales (DPI NSW 2023) and Queensland (DAFQ 2019). These emphasised that effective modern biosecurity legislation needs to be accompanied by non-legislative commitments to policy, communications and engagement, training, social research, and monitoring and reporting. This will assist all biosecurity stakeholders through the change process.

Learning and practising new legal concepts should be viewed as a gradual maturing process, with guidance providing support throughout. The creation of a new, rolling 10-year WA biosecurity strategy, under the direction of the proposed BPC, will offer the necessary guidance for this process. It will set WA on an ongoing journey towards a stronger and more resilient biosecurity system.

List of recommendations

Part 2 – Foundations

- 1 Change the title of the *Biosecurity and Agriculture Management Act 2007* to the ‘biosecurity act’, removing the reference to agriculture management and making clear the legislation’s scope extends beyond agriculture. [↗ See page 30](#)
- 2 Align the reformed biosecurity act’s purpose and objects with nationally agreed principles for biosecurity and set out what it is intended to achieve, modernising the legislation and making its intent clearer to system participants. [↗ See page 32](#)
- 3 Adopt defined terms and concepts for *biosecurity matter*, *dealing*, *event*, *impact*, *risk*, *emergency* and *carrier* that align with the national biosecurity system, aiming to harmonise approaches across state borders and facilitate compliance through a consistent framework. [↗ See page 34](#)
- 4 Structure the reformed biosecurity act so that its regulatory framework aligns with principles and key concepts that guide biosecurity across Australia, making it easier for stakeholders and administrators to understand, comply with and implement. [↗ See page 34](#)
- 5 Progress the amendments to the BAM Act listed in Attachment 1 to make the BAM Act more workable and better able to support WA’s biosecurity system while the more substantial legislative reforms recommended in this report are progressed. [↗ See page 35](#)
- 6 Finalise the repeal of the *Agriculture and Related Resources Protection Act 1976* and its subsidiary legislation, which was one of the 17 Acts intended to be fully superseded by the BAM Act. [↗ See page 35](#)
- 7 Improve biosecurity communications and engagement to enhance everyone’s understanding of what biosecurity is, how it benefits them, how they can contribute and the value of their participation. [↗ See page 39](#)
- 8 Include a statement in the reformed biosecurity act that the act is to be administered, where feasible, in consultation with the general public, communities, Aboriginal peoples, industries, and local, state and Australian government bodies, to reinforce the importance of consultation and engagement. [↗ See page 40](#)
- 9 Introduce a *general biosecurity obligation* into the reformed biosecurity act requiring individuals and organisations to take reasonable and practicable measures to prevent, eliminate or minimise biosecurity risks and impacts when *dealing with biosecurity matter*. [↗ See page 41](#)

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- 10 Regulate *dealings* with *biosecurity matter* as a more practical regulatory construct to underpin WA's biosecurity legislation into the future. [See page 48](#)
- 11 Target the use of declarations of *biosecurity matter* under the reformed biosecurity act to achieve an appropriate level of protection, ensuring that controls are proportionate to the risk and potential impact. [See page 49](#)
- 12 Regulate established pests and diseases using the *general biosecurity obligation* and subsidiary legislation when necessary, to support regulation that is flexible and appropriate to the impact presented. [See page 50](#)
- 13 Develop a policy statement to provide strategic direction and guide decisions on WA's regulatory approach for specific *biosecurity matter*, ensuring transparency and consistency. [See page 51](#)
- 14 Include *biosecurity emergency* provisions in the reformed biosecurity act, requiring the declaration of a *biosecurity emergency* to activate special powers. [See page 56](#)
- 15 Include authority for compensation and reimbursement to be paid under certain circumstances for direct losses incurred when destructive biosecurity measures are taken or ordered by the WA Government under the reformed biosecurity act. [See page 57](#)
- 16 Use behavioural science to better understand the values and views of system participants and inform an expanded program of initiatives that encourage compliance with WA's biosecurity legislation. [See page 60](#)
- 17 Consider expanding the use of regulatory personnel authorised under other legislation as BAM Act inspectors to bolster the on-ground presence of monitoring and enforcement. [See page 62](#)
- 18 Include in the reformed biosecurity act a suite of inspector powers and tools that support the enforcement of modern biosecurity concepts including the *general biosecurity obligation* and requirements relating to *dealings* with *biosecurity matter*. [See page 62](#)
- 19 Align the value of penalties in the reformed biosecurity act with the value of penalties in modern biosecurity legislation and WA environmental legislation to ensure the penalty is proportional to the harm caused. [See page 63](#)
- 20 Incorporate aggravated offence considerations in the reformed biosecurity act to reflect the seriousness of the action. [See page 64](#)
- 21 Use penalty units in the reformed biosecurity act as a versatile tool for setting and adjusting the value of penalties to account for inflation or changes in the economy. [See page 64](#)
- 22 Expand the scope of the provisions that enable local governments to make local laws to include established diseases, pest animals and plant pests. [See page 65](#)
- 23 Authorise third parties to deliver biosecurity accreditation schemes under robust oversight, and align certification regulations with the standard set in modern biosecurity legislation. [See page 69](#)

Part 4 – Enabling

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- 24** In consultation with industry, develop a whole-of-system biosecurity policy, framework and legal instruments for the introduction of industry-government biosecurity response agreements at a state level. [See page 75](#)
- 25** Establish *pest management regions* under the reformed biosecurity act, that are prescribed in regulation, and with a requirement for each *pest management region* to have a minister-approved *pest management plan*. [See page 86](#)
- 26** Allocate *pest management rate* and matched WA Government funds (currently known as Declared Pest Account or declared pest rate funds) raised from a *pest management region* to carrying out that region's approved *pest management plan*. [See page 87](#)
- 27** Establish clear funding and eligibility requirements, processes and guidelines that support the regional allocation of *pest management rate* and matched WA Government funds (currently known as Declared Pest Account or declared pest rate funds) through a competitive process and multi-year funding agreements. [See page 88](#)
- 28** The WA Government leads the allocation of *pest management rate* and matched funds (currently known as Declared Pest Account or declared pest rate funds) preferably through a central body such as the biosecurity planning committee, to support a robust, transparent and independent process. [See page 88](#)
- 29** Rename the declared pest rate to a *pest management rate* and apply it consistently across the state to pastoral and diversification leasehold land, and rural and urban farming freehold land in a way that targets landholders with significant pest management requirements who primarily benefit from funded coordinated pest management activities. [See page 95](#)
- 30** Consider implementing a simplified and standardised rating structure for the *pest management rate* that:
 - applies a progressive *ad valorem* (cents in the dollar) rate that increases commensurate with the total unimproved value of the land held by an individual entity
 - uses Land IDs as the basis for assessing the value of landholdings owned by an individual entity rather than Valuation Entity Numbers
 - applies a minimum flat rate and a capped maximum rate per individual entity.[See page 96](#)

Part 5 – Transformation

- 31** Establish a biosecurity planning committee under the reformed biosecurity act to provide strategic leadership and initiate whole-of-system planning, coordination and governance of WA's biosecurity system. [See page 104](#)
- 32** Replace the provisions of section 186 of the BAM Act with a requirement for public authorities to include a compliance statement as part of their own annual reporting that reports on biosecurity measures taken and discloses any directions issued to it. [See page 105](#)
- 33** Develop a new rolling 10-year Western Australian biosecurity strategy to provide strategic guidance and direction to help achieve a transformation of WA's biosecurity system. [See page 114](#)

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Part 1

About the review

The review of the *Biosecurity and Agriculture Management Act 2007* (BAM Act) was undertaken by an independent 6-member panel. This was a scheduled statutory review, providing an opportunity to ensure WA's biosecurity legislation is effective and will continue to be effective into the future.

A comprehensive 3-stage review process was undertaken, with each stage involving stakeholder engagement, research and input from experts in the field. The panel concluded that, although the BAM Act has provided a good foundation, it is not equipped to provide a strong, fit-for-purpose legislative framework to support WA's biosecurity into the future.

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Chapter One

Setting the stage for a once-in-a-decade review

This report is the culmination of a once-in-a-decade review of the operation and effectiveness of the BAM Act. This critical legislation provides the foundation for WA's biosecurity system, which manages risks to the economy, environment and community from pests and diseases entering, emerging, establishing or spreading. It is the panel's conclusion that, although the BAM Act has provided a good foundation to date, it is not equipped to support WA's biosecurity into the future.

This chapter introduces the independent panel that conducted the review and its terms of reference and provides a brief overview of the panel's overall assessment of the operation and effectiveness of the BAM Act.

To set the scene for the review, the environment in which the BAM Act operates is described. This includes state, national and global conditions and trends, and the interactions between Australia's biosecurity system and WA's system. The chapter also compares WA's approach to biosecurity legislation with newer laws in other Australian states and territories.

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Biosecurity protects WA's economy, environment and community

WA's biosecurity system works to protect WA's unique natural environment and biodiversity, primary industry sectors, domestic food security and built infrastructure, as well as the health, wellbeing and quality of life of all Western Australians.

\$50.5 billion
gross value of production

in WA's primary industries value chain
(DPIRD 2023a)



~180,000
jobs

across the primary
industries value chain
(DPIRD 2023a)



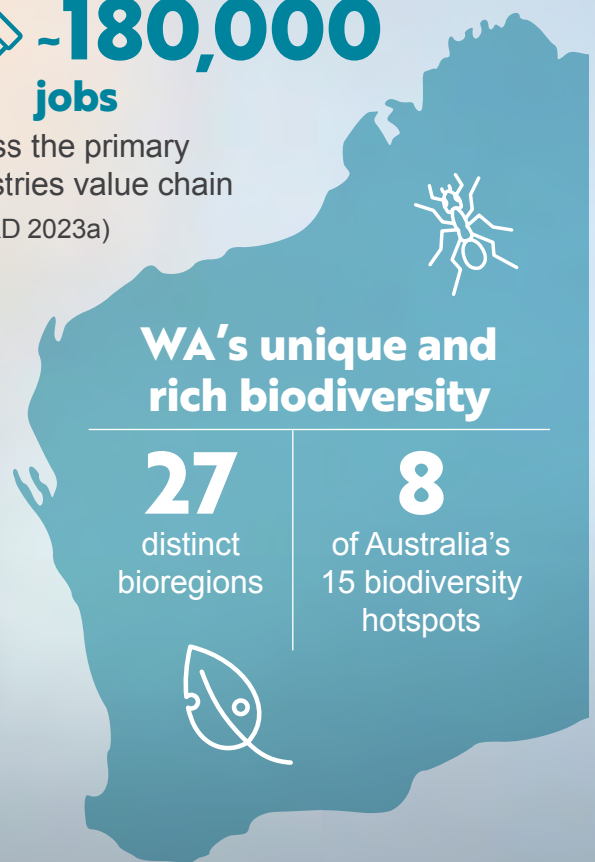
\$15.5 billion
in exports

from WA agricultural, fisheries and
forestry product
(DAFF 2023)



\$8.7 billion
in income

from direct and indirect tourism contribution
to WA's Gross State Product
(Tourism WA 2023)



Adapting to increasing biosecurity risks



Climate change



Trade and travel patterns



**Decreasing biodiversity
reducing resilience**



Changes in land use patterns

(DAFF 2022b)



Illegal activities



Major global disruptions



**Incursions of pests and
diseases into neighbouring
areas**

Working together across the biosecurity continuum



- Reducing the likelihood of pests and disease entering WA (pre-border)
- Intercepting and identifying biosecurity risks at WA's border (border)
- Responding to pests and diseases that arrive in WA and managing the impact of those that have established in the state (post-border)



>1.4 million
quarantine inspections

carried out across WA's air, road, mail and sea entry points

~650,000

interstate airline passengers screened

~160,000

vehicles screened at road checkpoints

>258,000

parcels screened at the mail centres across the metropolitan area



10
biosecurity responses

to exotic pest or disease incursions active in 2023 (as at 1 December 2023)



55,984 kg
of risk material intercepted



65
significant plant pests identified



247,831
tests conducted

to ensure early diagnosis of exotic or notifiable pests and diseases

All figures are for the 2022-23 year except the number of biosecurity responses, which is based on the calendar year

(DPIRD 2023a; WA Government 2023a)

(photo: iStock)



The review of the BAM Act

The BAM Act was passed by the Parliament of Western Australia in 2007 and became fully operational with the commencement of its central biosecurity provisions on 1 May 2013. The BAM Act prescribes that the minister must carry out a review of its operation and effectiveness every 10 years.

On 28 February 2022, the Minister for Agriculture and Food appointed a 6-member independent panel to undertake the first review of the BAM Act.

Terms of reference for the review

The panel's terms of reference tasked it with determining the review process and conducting a review that reports on:

- the operation and effectiveness of the BAM Act
- the adequacy of the penalties imposed under the BAM Act
- any other matters of significance arising from the review process.

The minister also requested the panel assess the role and effectiveness of a funding model enabled by the BAM Act, known as the declared pest rate and recognised biosecurity group model.

Overall effectiveness of the BAM Act

The panel found that industry and communities in WA actively support and recognise the importance of biosecurity and the need for regulation. However, the panel also identified misunderstandings about aspects of the biosecurity system and the role and intent of the BAM Act.

Further, with the operating environment changing rapidly and significantly, including the evolution of biosecurity approaches, the prescriptive focus of the BAM Act on things (for example, organisms, *carriers*, chemical products) rather than risks and impacts, makes it difficult for the legislation to keep pace and deliver an effective risk-based approach.

The BAM Act must operate across government portfolios, involve many different types of stakeholders, cover diverse landscapes and aquatic environments, and work locally and regionally across the entire state. It also needs to protect WA while meeting national and international objectives and requirements. This complexity necessitates clear communication, robust coordination, effective collaboration and partnerships, and appropriate support structures and mechanisms to be in place.

The panel concluded that, although the BAM Act has provided a good foundation for the state's biosecurity system, it is not equipped to continue to do so in the future.



BAM Act Review Panel

L to R: (back) Dr Mark Sweetingham PSM, Anna Ciffolilli, Dr Mia Carbon, Dr Bruce Christie; (front) Cliff Winfield, Kaylene Gulich PSM (Chair)
(photo: DPIRD)

The operating context for the BAM Act

The environment in which WA's biosecurity system operates is dynamic and rapidly changing. As the world and the economy evolve, new technologies, industries and business practices emerge, demographics, consumer behaviours and cultural values change, and biological systems shift and try to adapt. These changes have tested the effectiveness and resilience of WA's biosecurity system.

Biosecurity risks and impacts

Biosecurity is about managing the risks and impacts of pests and diseases on:

- agriculture, forestry and fisheries production and exports
- the tourism sector and other economic activities
- the health and biodiversity of native fauna and flora
- people, including their health, culture, lifestyle, built environments and infrastructure.

Activities are undertaken across the biosecurity continuum by community, industry and governments all working together to manage the risks and impacts:

- before the pest or disease enters WA (pre-border) – risk assessments, quality assurance programs, import restrictions to reduce the likelihood of a pest or disease entering WA
- at WA's border (border) – inspection, disease testing, treatments to prevent pests and diseases from entering WA
- after the pest or disease enters WA (post-border) – surveillance and emergency response (including response preparedness) to detect early and eliminate or contain pests and diseases that arrive in WA; and actions to manage the impact of those that have established in the state.

The generalised invasion curve is used to illustrate how pests and diseases can invade an area and become established, and the management objectives at the 4 different stages of invasion (Figure 1).

Some animal diseases can impact industry and human health

Biosecurity (and the BAM Act) deals with zoonotic diseases – diseases that are transmitted from animals to humans – that may require management of animals to prevent or reduce disease in humans. Biosecurity does not deal with diseases that only impact human health.

People might not be familiar with the term 'zoonotic' – but they'd probably be aware of zoonotic diseases such as Ross River virus, Japanese encephalitis virus and SARS (severe acute respiratory syndrome).

According to Emeritus Professor John Mackenzie AO at Curtin University, the importance of zoonotic diseases is undeniable.

'If you look at emerging diseases, most new, novel diseases that occur – virus diseases particularly – have an origin in animals,' he says.

An example of the impacts of a zoonotic disease is what happened in Malaysia in the late 1990s, where an outbreak of the bat-borne Nipah virus killed more than 100 people. One million pigs had to be culled to manage the outbreak.

'A big part of the problem with zoonotic diseases is often we have to battle new diseases we've not seen before,' says Mackenzie.

'This has been demonstrated by SARS, Hendra and Nipah viruses, and even HIV/AIDS, which was initially a primate virus.'

The threat to people and the economic toll of zoonotic diseases is almost immeasurable, which is why he says we have to be on constant alert.
(photo: iStock)



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Implicit in the generalised invasion curve is a declining return on public investment as a pest or disease incursion spreads (although there are exceptions – see Figure 1). Governments across Australia and globally use the curve to inform the strategic prioritisation of biosecurity efforts (e.g. DAFWA 2016; Invasive Plants and Animals Committee 2016; IPBES 2023).

Importantly, the invasion status of a species can change. A species that is being contained or under ongoing management may become eradicable using new technologies and scientific advancement.

The BAM Act and agriculture management

The use of the term agriculture management in the title of the BAM Act refers to the regulation of activities associated with veterinary and agricultural chemicals and other contaminants that can impact the quality and safety of food and fibre products. These regulated agricultural management activities are one aspect of biosecurity, and the risks associated with chemicals and other potential contaminants are not limited to agricultural contexts. For simplicity, biosecurity is used as the preferred term in this report as it encompasses these agricultural activities.

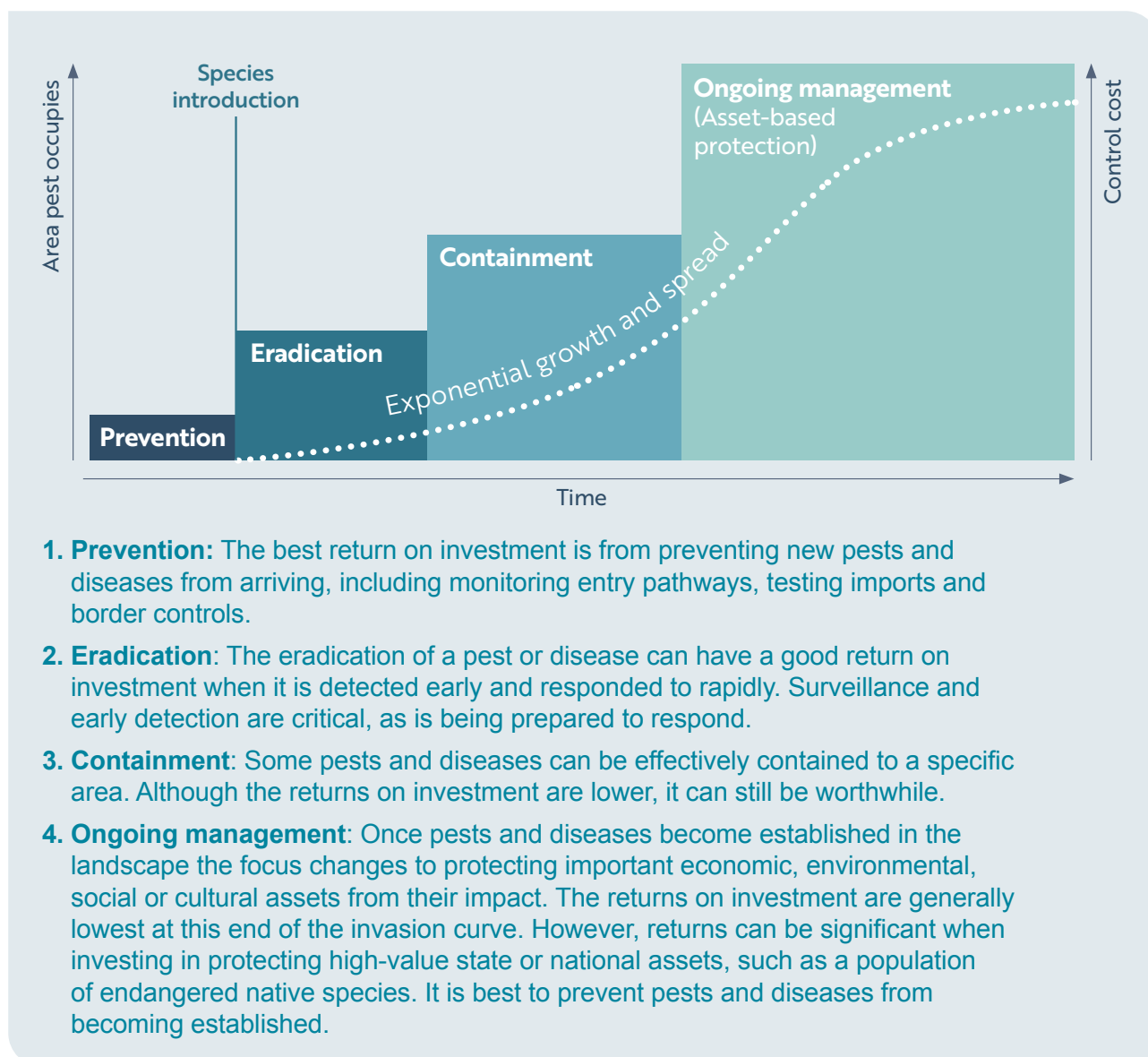


Figure 1: The generalised invasion curve

Australia's national biosecurity system and its benefit to WA

The national biosecurity system consists of the collective efforts of the Australian Government, state, territory and local governments, industries, supply chains and the community across the biosecurity continuum. The strength and effectiveness of Australia's national biosecurity system is critical to preventing the entry of high-risk pests and diseases from other parts of the world into WA and mitigating their impact when they arrive.

Western Australia contributes to and benefits from the national biosecurity system through its commitment to the Intergovernmental Agreement on Biosecurity (IGAB 2019). The objective of this agreement is to strengthen Australia's biosecurity system through enhanced national collaboration among all Australian governments. Nine key principles set out in the IGAB are applied to biosecurity systems across Australia, including WA. These principles highlight that biosecurity:

- is a shared responsibility, meaning everyone has a role to play in biosecurity
- is about managing risk cost-effectively and based on science
- must be addressed in a way that is transparent and complies with international rights and obligations.

As a party to the IGAB, WA has agreed that the foundations of the national biosecurity system include:

- managing risks to the economy, the environment and the community, of pests and diseases entering, emerging, establishing or spreading
- Australia's obligations to comply with international agreements, including those under the Convention on Biological Diversity, and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

Nine key principles Intergovernmental Agreement on Biosecurity

1. Biosecurity is a shared responsibility between all system participants.
 2. In practical terms, zero biosecurity risk is unattainable.
 3. Biosecurity investment prioritises the allocation of resources to the areas of greatest return, in terms of risk mitigation and return on investment.
 4. Biosecurity activities are undertaken according to a cost-effective, science-based and risk-managed approach.
 5. Governments contribute to the cost of risk management measures in proportion to the public good accruing from them. Other system participants contribute in proportion to the risks created and/or benefits gained.
 6. System participants are involved in planning and decision making according to their roles, responsibilities and contributions.
 7. Decisions governments make in further developing and operating our national biosecurity system should be clear and, wherever possible, made publicly available.
 8. The Australian community and our trading partners should be informed about the status, quality and performance of our national biosecurity system.
 9. Australia's biosecurity arrangements comply with its international rights and obligations and with the principle of ecologically sustainable development.
- (IGAB 2019, p. 3)

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The SPS Agreement allows World Trade Organisation members to maintain a level of protection they consider appropriate for life or health, known as an appropriate level of protection (ALOP). Australia's ALOP provides a high level of protection aimed at reducing risk to a very low level but not to zero (*Biosecurity Act 2015* (Cth)). This recognises that zero risk is not possible. Australia's ALOP applies across all Australian states and territories.

Parties to the SPS Agreement are encouraged to base their biosecurity measures on international standards, guidelines and recommendations. This means measures applied by the WA Government should be consistent with the standards set by:

- the Codex Alimentarius Commission (food safety, chemical usage, labelling)
- the World Organisation for Animal Health (animal health)
- the International Plant Protection Convention (plant health).

Western Australia also benefits from the national system through its participation in:

- the Emergency Animal Disease Response Agreement (AHA 2022)
- the National Environmental Biosecurity Response Agreement (DAFF 2022a)
- the Emergency Plant Pest Response Deed (PHA 2023).

These agreements formalise collaboration, oblige signatories to meet certain biosecurity requirements, and establish decision-making and cost-sharing arrangements between the Australian Government, the states and territories and industry for national biosecurity responses. This means that if a pest or disease of national significance is found in WA, a coordinated effort is used to try to eradicate it from the state, with costs shared between the state, other Australian jurisdictions and industry.

The *National Biosecurity Strategy* (DAFF 2022b) builds on the *National Biosecurity Statement* (DAFF 2018) developed in response to recommendations made through the 2017 review of the IGAB (Craik et al. 2017). It has been endorsed by the ministers responsible

for biosecurity in each Australian jurisdiction as the collective vision for the nation's biosecurity system. The purpose of the strategy is to guide activity to help the national biosecurity system maintain its resilience in the face of increasingly complex biosecurity risk (DAFF 2022b). The strategy recognises that collective action is required to achieve this, resulting in collective benefits – including to WA.



United against an angry ant

Red imported fire ants are relentless and aggressive pests that threaten our health, lifestyle, infrastructure, native wildlife and agricultural industries.

Every Australian mainland capital city port has had to deal with them. Thankfully, the ants were successfully eradicated from Fremantle Port in 2023.

Queensland is currently battling the ants across some 600,000 hectares in the state's south-east, and they have recently entered NSW. We don't want them to spread any further.

These pests are so serious that Australia pools its resources, through a national agreement, to share the costs of eradicating them. Eradicating this pest in Queensland and NSW protects the rest of the country.

Together, we've strengthened our defences, reinforcing the core principles of the IGAB and our unified efforts.

This isn't just about fighting an ant; it's protecting our collective future.

(photo: United States Department of Agriculture)

Australia's biosecurity system needs to adapt to increasing biosecurity risks

Biosecurity risks are increasing nationally and globally, placing sustained pressure on the capacity of Australia's biosecurity system to respond. The *National Biosecurity Strategy* highlights several factors that have increased biosecurity risks (DAFF 2022b):

- **Climate change** is shifting the habitat, range and distribution of pests and diseases and increasing their ability to spread within Australia and from overseas.
- Increases and changes in **trade and travel patterns**, including the significant rise in online shopping, are exposing Australia to additional biosecurity risks.
- **Decreasing biodiversity** from climate change, changing land use and invasive species, is reducing resilience to new and existing threats.
- **Changing land use**, including greater numbers of people with variable biosecurity understanding living in peri-urban and regional areas, is introducing new biosecurity risks.
- **Increasing biosecurity risks overseas**, such as foot-and-mouth disease in Indonesia, is increasing the risk to Australia.
- **Illegal activities** have increased, such as the importation of prohibited plants and animals.

- **Major global disruption**, such as the COVID-19 pandemic, has driven changes in supply chains and the movement of goods and people. Civil unrest and natural disasters also change how people and goods move around, shifting the biosecurity risk profile.

Changes in public awareness and rising expectations for safe, sustainable and ethical practices are creating a greater demand for transparent and responsible practices that prioritise environmental protection, animal and plant health, and food safety. International trading partners are also requiring greater transparency and an ability to track and verify products, to ensure safety and reliability. These contribute to the increased cost and complexity of biosecurity and its regulation.

The report *Australia's biosecurity future: Unlocking the next decade of resilience (2020–2030)* (CSIRO 2020) cautioned that increased investment in Australia's biosecurity system would not be enough on its own. Transformational change is needed to cope with the rise in biosecurity risks and the incursions of pests and diseases that will occur. The report pointed to the need for innovation to create a smarter, more agile national biosecurity system, with a focus on better information connectivity, shared responsibility and advances in science and technology.



Container ship at Fremantle Port. Rapid growth in global sea container movements, driven by factors such as increased trade, infrastructure development and consumer demand, is increasing the biosecurity risks to WA and Australia (photo: iStock)

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WA's biosecurity operating environment

The rise in biosecurity risks and incursions being experienced nationally and globally are also evident in WA (Figure 2). There has been a marked increase in the frequency and range of formal responses initiated in WA to address pest and disease incursions over the last decade, at ever-increasing cost. The WA Government has allocated \$32.6 million over the next 4 years just to help protect the state's livestock industries from increasing animal disease threats (WA Government 2023b).

The new normal for WA is managing multiple biosecurity responses at the same time, back-to-back and year-round. This is placing sustained and cumulative pressure on WA's biosecurity system, affecting its capacity to maintain critical prevention and early detection activities and build the resilience needed to respond to a heightened and increasing risk environment.

While WA's geographic isolation provides a natural barrier to some biosecurity risks, its size (more than 2,600,000 km²) and extensive border (approximately 21,000 km of coastline and land border) presents a challenge. WA is a vast and geographically diverse state with 27 distinct bioregions home to a rich biodiversity (including 8 of Australia's 15 biodiversity hotspots) and many endemic species.

The bioregions are overlaid with varying land uses including cities and towns, parks and reserves, transport and infrastructure networks, agriculture and pastoral, and mining and tourism, among others. How land is used in the state's regions varies significantly.

The biosecurity system must work with and respond to WA's vast and diverse bioregions and land uses, and the activities that occur in and across them. This supports WA's local food security as well as its economy, which relies heavily on strong and open trade:

- Approximately 80% of WA's agricultural production is exported (DPIRD 2021), with agricultural, fisheries and forestry product exports valued at \$15.5 billion in 2022 (DAFF 2023). Export markets require strict adherence

to international food safety, animal and plant health standards and biosecurity protocols.

- In 2021-22, goods imported into WA were valued at \$44.4 billion (DFAT 2022). Importing goods and products presents potential pathways for pests and diseases to enter WA.

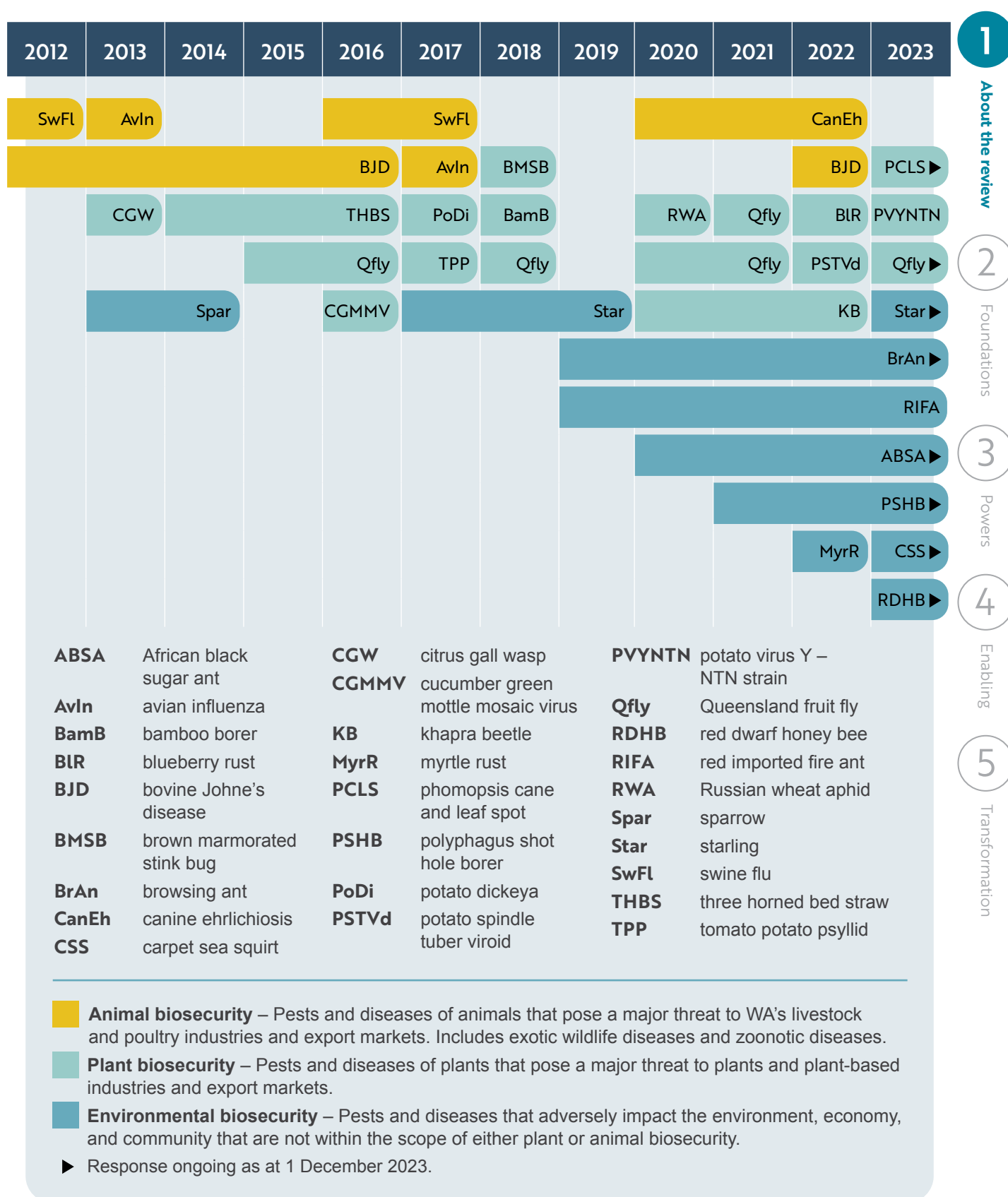
Biosecurity also ensures WA's unique biodiversity is protected from biosecurity risks. This helps maintain the ecological balance and the long-term resilience of WA's natural ecosystems. It delivers on Australia's commitment to the Convention on Biological Diversity and supports WA's \$8.7 billion tourism industry (Tourism WA 2023).

Like other Australian states and territories, WA's biosecurity system must effectively engage with the diverse range of stakeholders who participate in the system in different ways. Engaging these system participants involves collaborating across a complex web of individuals, community groups, industry bodies, research institutions and government departments and agencies that have their own interests and objectives. Given the increasing risks and incursions, it is vital for system participants to understand their roles and actively engage in WA's biosecurity system.

WA's biosecurity strategy

Western Australia's national commitments and the increased biosecurity risk environment have informed the *Western Australian Biosecurity Strategy 2016-25* (DAFWA 2016). The strategy sets the overall direction for managing emerging and ongoing biosecurity issues in WA. It recognises the importance of biosecurity to WA and the need to coordinate activities to manage risk across the biosecurity continuum.

The WA strategy complements and is consistent with the state's participation in the IGAB – it aims to improve shared responsibility, supports informed decision making and recognises the importance of re-invigorating and developing WA's future scientific and technological capability. The WA strategy also acknowledges the need for effective legislation and policy to underpin biosecurity efforts and commits to more effective preparedness and capacity to detect, respond and recover from new incursions.



Source: DPIRD (2023)

Figure 2: Incursion responses by organism over time (as at 1 December 2023)



Early detection, rapid responses vital to stopping invasive birds

Darren Dixon is a Biosecurity Officer with DPIRD – and a bird catcher.

But if he doesn't catch a single bird in one year, it's a good thing.

It's an even better thing for the WA economy – because if the birds he traps ever became established in WA, they could cause an estimated \$175 million a year in losses to the state's agriculture industry.

Darren is based in Esperance and part of his job is to catch any common starlings that might cross into WA from South Australia.

He says ongoing surveillance and trapping, early detection and eradication are the keys to preventing starlings – one of the world's top 100 worst bird pests – establishing a foothold in WA.

As well as the damage they cause, their extensive droppings spoil animal feed and water troughs – potentially spreading disease – and foul sheep wool as they perch on the animals' backs. Their extensive droppings also mar townships, shops, caravan parks and public amenities.

The WA starling management program aims to detect and capture starlings by using special trap cages.

In recent times, the program has embraced 2 new initiatives to help ensure any invading birds are detected early.

The program now incorporates the skills of Indigenous rangers from the Esperance Tjaltjraak Native Title Aboriginal Corporation to assist biosecurity officers set up and check the cage traps.

The program has also gone high tech, testing a call recognition system to detect and recognise the buzz and whistle calls of starlings with great accuracy.

DPIRD's starling management program has been running in WA for more than 50 years, since 1971.

The program is a good example of preventing an invasive species from becoming established in WA, rather than the more costly approach of having to try to battle a well-entrenched pest such as rabbits or feral cats.

A rapid response effort began in October 2023 after much higher-than-average numbers of the pest bird were trapped.

DPIRD Senior Biosecurity Officer shows BAM Act Review Panel members a cage used to trap starlings
(photo: DPIRD)



The nasty cannibal our grain industry doesn't ever want to find

The khapra beetle is a nasty insect, one you don't ever want to find.

The khapra beetle is regarded as one of the world's most serious pests of stored grain products. Not just because of the way it could cripple our grain industry and ruin our international trade, but also because of its peculiar biology.

It's small and hard to detect and can hide in the crevices of a shipping container that once carried grain in another country years ago, but might now be bringing in commercial or household goods to Australia.

The larvae can stay dormant for years without food or water, and few adult beetles are found because their offspring are cannibals that eat the dead adults for protein.

But the real nastiness is their effect on our grain trade.

'It would be completely disastrous, especially from a West Australian point of view when you're talking about a state that is pretty much 90 per cent export-orientated,' says Barry Large.

'Khapra beetle is not a risk we should be taking.'

Mr Large is a northern Wheatbelt farmer and

the Chair of Grain Producers Australia (GPA).

As the GPA Chair, he's also a signatory to Plant Health Australia's Emergency Plant Pest Response Deed for any biosecurity incursion into the grains industry.

The federal Department of Agriculture, Fisheries and Forestry says if khapra beetle were established in Australia, it would result in our trading partners rejecting our export grains. An outbreak could cost Australia \$15.5 billion over 20 years.

The wedding dress that sparked a biosecurity emergency

Some 15 years ago 2 people living at a house in Scarborough had waited 6 weeks for a container of their household goods to arrive in Perth from Scotland.

When the woman was unpacking her wedding dress, she was horrified to find masses of insects and sought the help of a commercial pest controller to deal with the problem.

Fortunately, the pest controller reported the unusual find, which turned out to be khapra beetle. This enabled it to be quickly eradicated before it spread.

(photo: DPIRD)



Legislating for biosecurity in WA and across Australia

Biosecurity is governed by a network of legislation, regulations, policies and procedures at state, national and international levels. Until relatively recently, biosecurity regulation tended to be managed separately through multiple Acts to address the different domains (e.g. plants, animals and the environment) and the different elements of the system (e.g. traceability and chemical use). Each had their own way of approaching the management of biosecurity risks and impacts but with the same goal in mind.

The BAM Act

Western Australia was the first Australian state to replace many historic Acts, 17 in total, that individually covered different elements of the biosecurity system with a single biosecurity act – the *Biosecurity and Agriculture Management Act 2007*. Like other biosecurity legislation of its time, the BAM Act took a relatively narrow and prescriptive approach that focused on organisms considered to be pests and diseases, the management of potential *carriers* of them, and the use of agricultural and veterinary chemicals to control them. It also regulated other contaminants that affect the safety and quality of WA's food and fibre products.

The objectives (known as 'objects' under the legislation) of the BAM Act are to provide effective biosecurity and agriculture management for WA by providing the means to control organisms and the use of agricultural and veterinary chemicals, establish standards for safe and quality agricultural products, and raise funds for biosecurity. The BAM Act contains many provisions that enable the WA Government to:

- prevent high-risk pests and diseases from entering WA
- detect, eradicate or contain pests and diseases
- manage the impacts of established pests and diseases

- control how contaminated land is used
- regulate for safe and quality agricultural products
- support the safe use of agricultural and veterinary chemicals
- facilitate financial contributions from system participants for collective action on biosecurity priorities
- establish advisory groups to inform government decision making
- administer and enforce the BAM Act.

The Minister for Agriculture and Food administers the BAM Act, principally assisted by the Department of Primary Industries and Regional Development (DPIRD). Although led by the WA Government's Agriculture and Food portfolio, biosecurity is a cross-portfolio matter. The BAM Act operates across government and in conjunction with other WA legislation. This includes laws that govern environment, wildlife and biodiversity conservation, natural resource management, fisheries, forestry and public health.

A modern approach to biosecurity legislation

One year after the BAM Act was passed by the Parliament of Western Australia, the Australian Government commissioned a review to identify how it could better respond to escalating biosecurity threats. The review, *One biosecurity: A working partnership* (Beale et al. 2008), found that although Australia had a good biosecurity system, far reaching change was needed to address operational deficiencies and increasing challenges. The recommendations made through the review were based on 3 core principles (Beale et al. 2008):

- The importance of an integrated biosecurity continuum.
- Risk assessment reflecting scientific evidence and rigorous analysis.
- Shared responsibility with the Australian and state governments, and between businesses and the general community.

The review led to the *Biosecurity Act 2015* (Cth) and the signing of the inaugural IGAB. State and territory biosecurity legislation introduced since 2010 is consistent with this national biosecurity reform agenda (e.g. *Biosecurity Act 2014* (Qld), *Biosecurity Act 2015* (NSW) and *Biosecurity Act 2019* (Tas)).

This new legislative approach focuses on principles to achieve outcomes and harmonisation across Australia's states and territories. Harmonisation is important to support WA's biosecurity as it simplifies things for businesses that operate, and people that travel, across the country. Using common biosecurity terms and approaches helps system participants to better understand and undertake their obligations with less red tape.

Principles-based legislation is well suited to the complex and dynamic biosecurity operating environment as it:

- provides a flexible framework that allows for adaptability to changing circumstances and evolving needs
- encourages creative and innovative approaches
- recognises that different situations require different approaches to achieve the desired outcomes
- can respond more effectively to emerging issues or unforeseen challenges
- can reduce red tape and administrative burden
- encourages accountability and responsibility.

The use of principles-based legislation in modern biosecurity legislation also encourages risk management through:

- a simplified regulatory construct of *biosecurity matter* to describe things that present a biosecurity risk
- a legislated *general biosecurity obligation* (GBO) or *duty* that requires all system participants to manage the risks of *biosecurity matter*, reinforcing shared responsibility.

These concepts are considered and explained in more detail in Chapters 3 and 4.

Reviews of the new biosecurity legislation in Queensland (DAFQ 2019) and New South Wales (DPI NSW 2023) found that both were working well, retaining the confidence of industry and community stakeholders. Only minor amendments were recommended for Queensland.

Significantly, the reviews concluded that the more contemporary provisions included in these Acts – the GBO or *duty*, regulation of *biosecurity matter* and risk management – remain effective. However, the reviews also identified that efforts beyond legislation, particularly communication and education, were needed to engage everyone to actively participate in the biosecurity system.

The Australian Capital Territory Government has recently passed a biosecurity bill (Biosecurity Bill 2023 (ACT)) and the South Australian Government has recently consulted on a draft biosecurity bill (Biosecurity Bill (The Draft Bill) 2023 (SA)). Both adopt similar approaches to New South Wales, Queensland and Tasmania. This also points to the soundness of the modernised approach to biosecurity regulation.

The panel found these modern biosecurity legislative frameworks to be a useful benchmark for this review of the BAM Act.

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DPIRD Senior Quarantine Inspector and Pablo the detector dog carefully screen parcels at Australia Post, Malaga, sniffing out potential biosecurity risks. BAM Act Review Panel members visited the Australia Post site during Stage 2 of the review to understand how the BAM Act works to prevent pests and diseases from entering the state through mail items (photo: DPIRD)

Chapter Two

The review process and reform goals

A comprehensive 3-stage review process was undertaken over 18 months, with each stage involving stakeholder engagement, research and input from experts in the field. More than 250 individuals, including representatives from 140 organisations, shared their views with the panel, helping the panel identify and explore key themes and, ultimately, to develop the recommendations in this report. The panel's recommendations were guided by 5 goals it considered essential to realising a future-proofed biosecurity system for WA:

1. A culture where everyone values biosecurity and actively participates in it
2. The legislative scope of the reformed biosecurity act is clear and understood
3. Risk-based approaches are used to inform and achieve outcomes
4. Public confidence in WA's biosecurity system
5. WA actively contributes to and benefits from the national biosecurity system.

This chapter sets out the panel's 3-stage review process to identify key themes for further investigation (Stage 1 Identify), to explore the 4 themes identified (Stage 2 Explore), and to develop its recommendations to the WA Government (Stage 3 Solutions). A summary of the activities undertaken in each stage is provided and the panel's 5 goals for reform are introduced.

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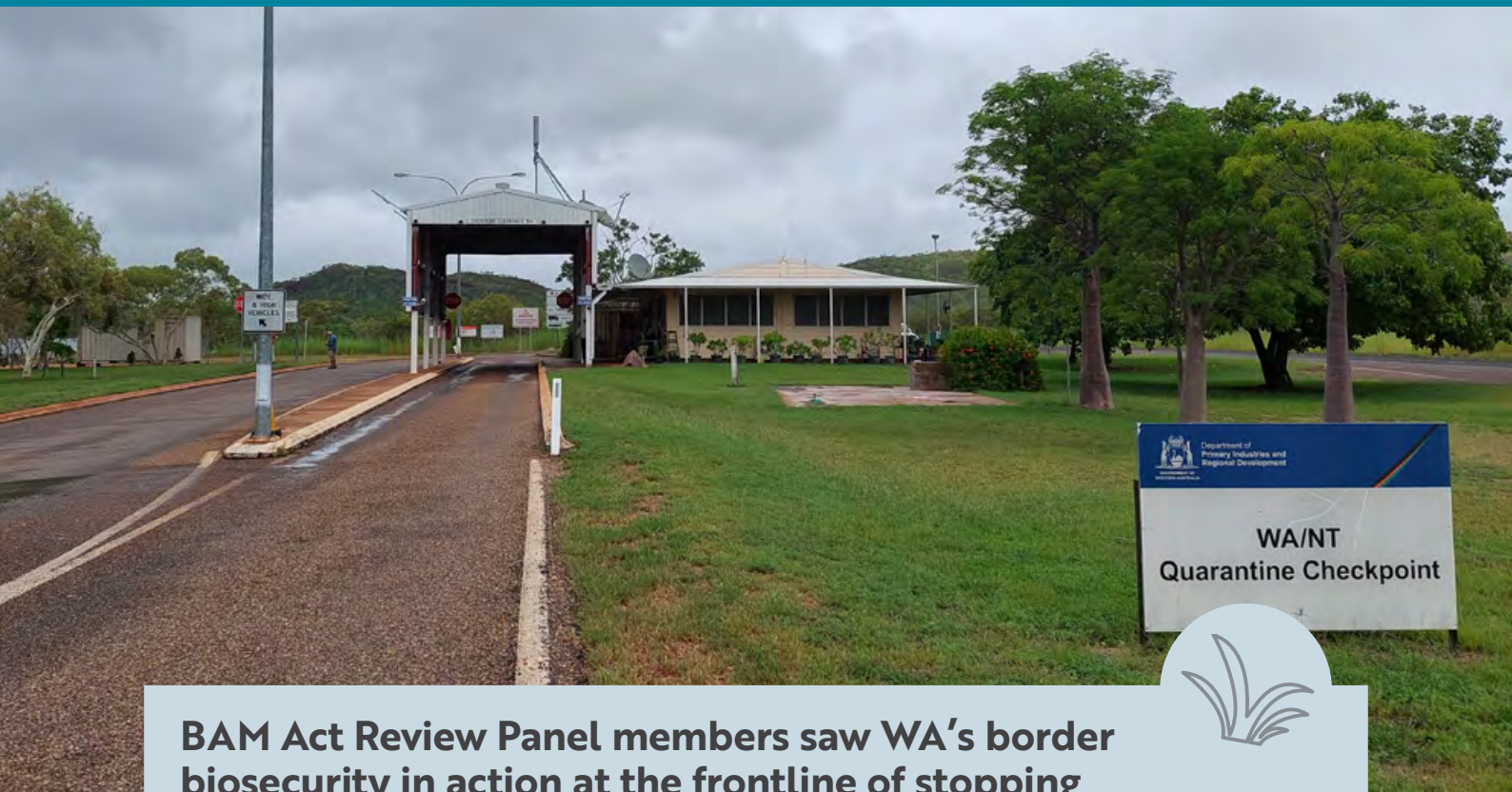
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BAM Act Review Panel members saw WA's border biosecurity in action at the frontline of stopping pests and diseases

Have you spotted the inquisitive detector dogs or the colourful quarantine bins at Perth Airport? How about the vehicle inspection stops at the WA border? These are all visual reminders of a simple message: WA takes its biosecurity seriously.

Border biosecurity is the frontline of WA's biosecurity system and is fundamental to stopping harmful pests and diseases from entering our state.

But keeping tabs on the vehicles, planes, trains and ships – and the various goods, produce and parcels brought into WA – is an enormous job.

'We have a lot of trucks come through the checkpoints, and many of them are transporting fresh produce,' says Louise Smith, DPIRD's Quarantine WA Quarantine Manager Checkpoints and Surveillance.

They need to declare not just what they're carrying, but also where they're going. This allows them to be directed for further inspection, or cleaning, if required.

With private vehicles, they're all inspected – inside and out.

'We do a full inspection of the vehicle including the surrounds of the vehicle as there might be plant material stuck in a bull bar, things like that', Smith says.

DPIRD's Quarantine WA staff also screen travellers and luggage at Perth Domestic Airport, using detector dogs to sniff out fresh fruit, vegetables, plant material and honey that require disposal.

Perth Mail Centre is another big one.

'The mail centre inspections play an important role in protecting WA's enviable biosecurity, especially as online shopping has really increased over the last few years,' says Smith.

DPIRD's Quarantine WA also inspects imported plants, seed, animals, honey and produce bound for the Perth Canning Vale markets to make sure they're not carrying any harmful pests or diseases.

Even products that seem harmless could pose a biosecurity threat to WA.

That includes things such as agricultural machinery and equipment, used earthmoving equipment and used vehicles, which might be carrying soil, plant material and seeds.

Stopping pests and diseases before they get a chance to spread in WA is much more effective than dealing with problems later on – and the powers of the BAM Act are vital to making this happen.

(photo: DPIRD)

Overview of the review process



The panel undertook its review in 3 stages. Each stage involved stakeholder engagement, research and input from experts in the field. The review process was comprehensive and consistent with the WA Government *Guidelines for reviewing legislation* (WA Government 2023c).

Stakeholders were provided many opportunities to share their knowledge and experiences with the panel and inform the review. Across the stages of the review, 282 survey completions and submissions were received. In addition, 177 individuals from 61 organisations met with the panel in person or online. These generous contributions were invaluable to the review.

Informed by these contributions, the panel identified key themes for further investigation, explored the key themes, and developed its recommendations to the WA Government.

At each stage of the review, stakeholder insights were complemented by the panel's own research, undertaken with the assistance of DPIRD staff. This involved:

- investigating how the BAM Act is currently applied, including operational and administrative experiences
- a comparative analysis of biosecurity legislation used in other Australian jurisdictions
- an assessment of the interactions between the BAM Act and other legislation in WA and Australia

- examining relevant reviews and reports, including the work of the Biosecurity Council of WA and the Office of the Auditor General for WA and several key national reviews
- inviting experts to provide their views on the strengths and weaknesses of WA's biosecurity system and provide solution-orientated perspectives.

Evaluating the declared pest rate-recognised biosecurity group model

An independent evaluation of the declared pest rate and recognised biosecurity group model (DPR-RBG model) was commissioned by DPIRD. This was undertaken by Synergies Economic Consulting in parallel with the panel's review process.

The model is complex and contentious and, as such, it warranted dedicated focus and consultation. The evaluation completed by Synergies Economic Consulting (2023a, 2023b) complemented the broader review. Informed by this evaluation, the panel was able to assess the role of the DPR-RBG model in supporting WA's biosecurity efforts.

The panel's own findings and recommendations on the DPR-RBG model are contained in Chapters 10 and 11.

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Stage 1: Identify themes

The BAM Act is an extensive piece of legislation supported by 11 sets of regulations. A key objective of the Stage 1 process was to identify the panel's areas of focus for the review. The panel was interested in what stakeholders identified as the most important and challenging aspects of the BAM Act, and identifying what would benefit most from detailed consideration and improvement.

A survey was used to determine the level of stakeholder familiarity with the BAM Act and the degree of confidence they had in its administration. It provided stakeholders with the opportunity to consider the breadth of the BAM Act, and to comment on areas of concern.

The panel received 113 responses, including 104 online survey completions and 82 submissions. Contributors were spread across business and commercial entities, community organisations, peak bodies and government agencies. Individuals comprised about one third of the total. The panel was satisfied input came from a sufficiently wide stakeholder and public sample.

Survey findings indicated broad agreement that the BAM Act is important legislation, with most respondents having at least some understanding of it. However, less than half the respondents felt the BAM Act was effective overall (Figure 3), or that it achieved positive outcomes for WA's environment (Figure 4). Little over one-half of respondents felt it was delivering positive outcomes for WA's economy, primary producers, and communities (Figure 4).

To complement the Stage 1 consultation process, the panel met with 11 groups of key users of the BAM Act (30 individuals) to discuss their operational and administrative experiences working with it on a daily basis.

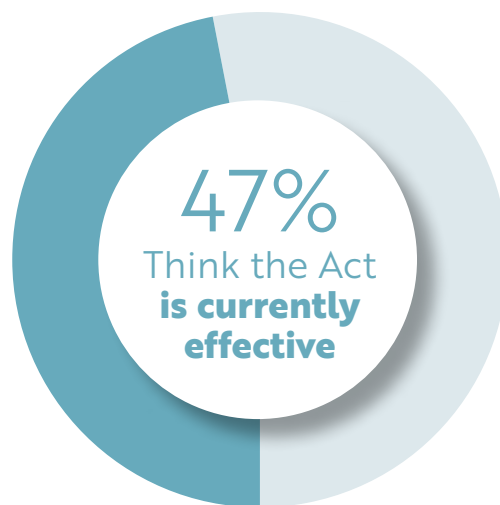


Figure 3: Percentage of respondents who believed the BAM Act is effective, overall (n=104)

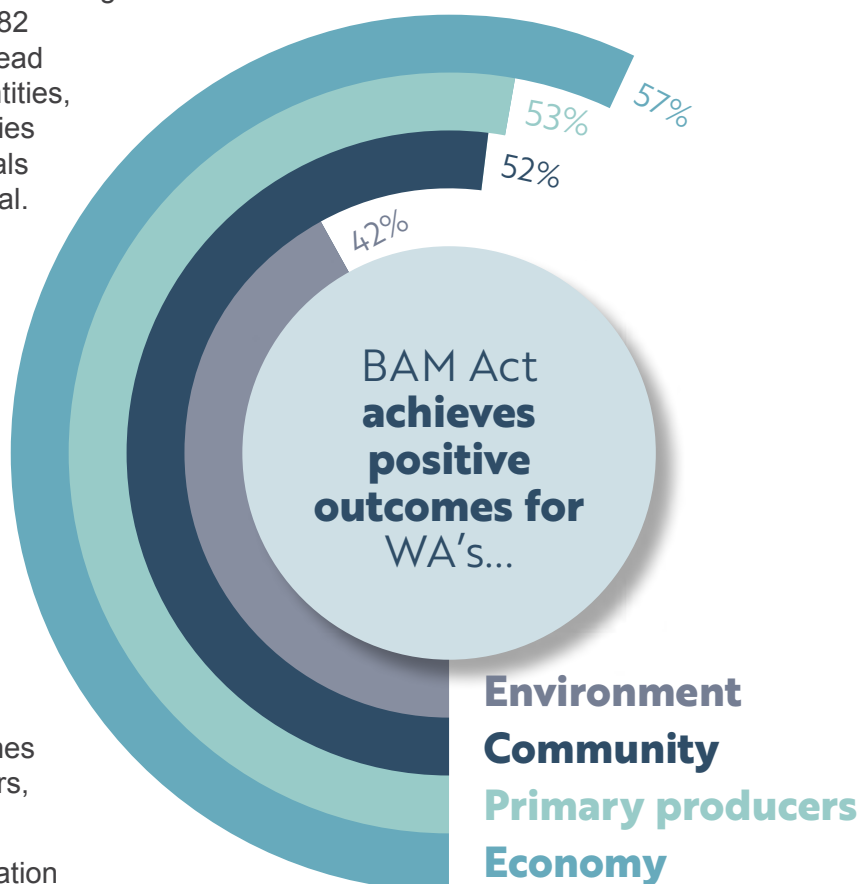


Figure 4: Percentage of respondents who believed the BAM Act is achieving positive outcomes for: environment, community, primary producers and economy (n=104)

Based on the insights and information collected from stakeholders through the Stage 1 process, the panel identified the following 4 key themes to focus on in Stage 2:

Theme 1: Principles to underpin WA's biosecurity

- Biosecurity in all contexts.
- Shared responsibility.

Theme 2: Legal foundations of WA's biosecurity

- Prioritising pests and diseases.
- Enabling industries and local/ regional communities to act.

Theme 3: Planning, coordinating and resourcing WA's biosecurity system

Theme 4: Community-led pest and weed management

- Declared pest rate.
- Recognised biosecurity groups.

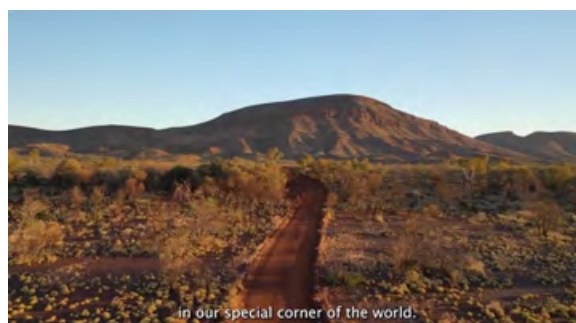
The panel also identified 4 additional, more administrative matters to investigate further. These were:

- the relationship between biosecurity and agriculture management
- compliance with and enforcement of the BAM Act, including the statutory requirement for the review to consider the adequacy of the BAM Act's penalties
- compensation to support biosecurity responses
- the Western Australian Agriculture Authority.

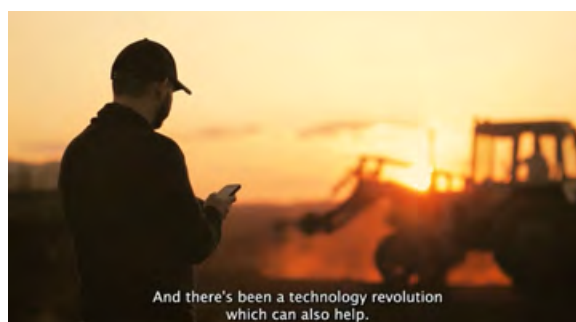
To promote Stage 1 of the review, videos were produced featuring gardening expert Sabrina Hahn. In 3 short videos, Sabrina explains how the BAM Act is vital for protecting our communities, environment and economy.



BAM Act review Stage 1 video – Community
[Watch video](#)



BAM Act review Stage 1 video – Environment
[Watch video](#)



BAM Act review Stage 1 video – Economy
[Watch video](#)

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Stage 2: Explore themes

To support stakeholder engagement in Stage 2 of the review process, the panel released a discussion paper (BAM Act Review Panel 2022), that described the 4 key themes being explored. The paper outlined the challenges WA's biosecurity system faces in relation to the identified themes, and invited stakeholders to share their views on options and solutions. The 4 additional, more administrative matters were explored directly with those working in these areas.

In Stage 2, the panel intentionally engaged stakeholders with a significant interest in the application of the BAM Act to explore potential solutions to issues identified. The panel also visited regional and metropolitan sites to see the BAM Act in action. Stakeholders were engaged across horticulture, forestry, nurseries and gardens, broadacre agriculture, pastoral, livestock, aquaculture and fisheries industries, supply chains and support services, local and state government, as well as Aboriginal, community, and natural resource management (NRM) organisations.

These targeted consultations covered 71 individuals from 46 organisations, with a separate workshop for 44 senior DPIRD staff involved in administering the BAM Act. During regional and metropolitan visits, the panel engaged in discussions with an additional 32 individuals from 9 organisations.

Anyone with an interest in the review was invited to contribute during Stage 2 through an open online survey. Sixty-three stakeholders took part, providing their feedback on the 4 key themes. All 4 themes were rated as important by survey respondents, with the planning and coordination theme most discussed, and community-led pest and weed management getting the most suggestions for improvement.

A dedicated forum on improving community-led pest management was also held as part of the independent evaluation of the DPR-RBG model. The forum was simultaneously conducted across 3 locations (Perth, Albany and Carnarvon) and online, with a total of 84 stakeholders participating. Participants included representatives from RBGs, state agencies and local governments, community and industry groups with an interest in pest management, and individual landholders.

The information gathered through Stages 1 and 2 of the review process, and the panel's own research, offered valuable insight to what is required to modernise WA's biosecurity legislation. At the conclusion of Stage 2, the panel was confident it had heard from a sufficient range of stakeholders to develop its reform goals and propose opportunities for reform.



The Import Clearance Manager at DPIRD's Quarantine WA takes BAM Act Review Panel members, Cliff Winfield and Mark Sweetingham, on a tour of the inspection stockyards near Kununurra. All livestock entering WA undergo thorough checks, preventing the introduction of unwanted pests or diseases into the state (photo: DPIRD)

Stage 3: Solutions

The final stage of engagement sought stakeholder feedback on the opportunities for reform identified by the panel to inform the development of the panel's recommendations.

A discussion paper was released for comment (BAM Act Review Panel 2023). The paper described 21 specific opportunities for legislative and non-legislative reform across 9 reform areas. The opportunities were explained and illustrated as potential solutions to the challenges that had emerged during Stages 1 and 2 of the review.

Stakeholders were encouraged to comment through an open online survey and could choose which reform areas to comment on. For each reform area, its perceived importance was tested, and the proposed outcomes were evaluated in terms of the level of stakeholder agreement. Opportunities were assessed based on how important stakeholders thought they were to pursue. Open-ended questions allowed stakeholders to provide their views on the benefits and issues associated with the reform areas and opportunities.

There were 106 responses overall – 85 completed the survey and 21 made a submission using a different format. Around half of the respondents were individuals, mainly from the farming sector along with other landholders from local communities. Authorised representatives of industry associations, community groups and organisations (including NRM groups and RBGs), local government and state government agencies made up the other half.

The panel's confidence in its proposed solutions grew as most respondents were positive toward them. Where reform was not as strongly supported, stakeholders provided constructive feedback and shared their concerns. This information was considered by the panel when developing its recommendations.

Reform goals

In Stage 3, the panel identified 5 reform goals to guide the development of its opportunities for reform and the recommendations in this report. The 5 goals were included in the Stage 3 discussion paper and have been further refined in this report. The panel considers achieving these goals as essential to realising a future-proofed biosecurity system for WA.

The goals are:

1. **a culture where everyone values biosecurity and actively participates in it**
2. **the legislative scope of the reformed biosecurity act is clear and understood**
3. **risk-based approaches are used to inform and achieve outcomes**
4. **public confidence in WA's biosecurity system**
5. **WA actively contributes to and benefits from the national biosecurity system.**

Guided by the WA Government's Better Regulation Program (Department of Treasury 2022) the review panel looked at various options for reforming the BAM Act. The proposed reforms aim to achieve the panel's goals and ensure that WA's biosecurity legislation and policies remain effective and adaptable in the face of a rapidly evolving operating environment. The remainder of this report lays out the legislative and non-legislative changes the panel considers essential to achieve the 5 goals.

In the final chapter of this report, Chapter 13, the panel returns to the 5 reform goals and explains how its recommendations, as a reform package, will help achieve them. Consideration is also given to what else is needed to set WA on an ongoing journey towards a stronger and more resilient biosecurity system.

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Yamatji Nation Rangers at Coalseam Conservation Park in WA's Midwest. The WA Government's Aboriginal Ranger Program aims to help Aboriginal organisations manage Country and protect the environment, in partnership with the public and private sectors. Aboriginal rangers undertake land and sea management activities, including feral animal and weed control (photo: Department of Biodiversity, Conservation and Attractions)

Part 2

Foundations

Western Australia needs a modern biosecurity act that builds on the progress made in biosecurity legislation across Australia since the BAM Act was introduced. This will enable WA to manage biosecurity risks and impacts more effectively and efficiently. Equally important is the need for WA's biosecurity legislation to encourage collaboration and sharing responsibility for biosecurity outcomes.

It is essential that people understand how to contribute, what their biosecurity obligations are, the value of their participation and why it is important. Improved biosecurity communication and engagement is critical.

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Chapter Three

A modern biosecurity act

The panel concluded that WA needs a biosecurity act that builds on the progress made in biosecurity legislation across Australia since the BAM Act was introduced. It is essential that the Act's title, purpose and objects reinforce its primary function – to regulate for the prevention, elimination or minimisation of biosecurity risks to WA's economy, environment and community. A reformed biosecurity act for WA should adopt modern objects, concepts and terminology that is consistent with those used across Australia and be user-friendly.

This chapter starts by addressing the foundations of WA biosecurity legislation – the title of the BAM Act and its purpose and objectives (known as 'objects' under the legislation). Core legal concepts and terms that support effective biosecurity risk management are then set out and a new legislative framework is recommended. The chapter concludes with a brief consideration of legislation related to the BAM Act that requires repeal and simple amendments to improve the operation of the BAM Act.

Recommendations made in this chapter will contribute towards ensuring WA has biosecurity legislation that:

- has a clear purpose and objects that incorporate nationally recognised principles and help readers to successfully understand and use the Act
- is positioned to respond to increasing biosecurity risk and complexity
- strengthens WA's contribution to Australia's biosecurity system.

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Foundations of WA's biosecurity legislation

The panel recommends that the BAM Act be retitled to the biosecurity act, and its purpose and objects modernised to ensure it can support WA's biosecurity into the future. This will provide a resilient legal foundation, capable of adapting to the dynamic landscape of biosecurity risks.

A biosecurity act for WA

The panel recommends that the BAM Act be re-named, as the current title is no longer fit for purpose. The panel concluded that taking the words agriculture management out will help remove any doubt or confusion that a reformed biosecurity act deals with biosecurity in all contexts, not just agriculture.

Consultation undertaken by the panel revealed misconceptions about whether the BAM Act did, could or should deal with biosecurity risks to and impacts on the natural and human environments, known as environmental biosecurity.¹ The panel concluded that the WA Government intended the BAM Act to address the biosecurity of WA's primary industries, environment and communities, and that the title of the BAM Act was a contributing factor to this confusion.

"Currently there is significant misunderstanding regarding the scope of [the] BAM Act – many think it is purely limited to Agriculture."

A DPIRD work team

As outlined in Chapter 1, the agriculture management aspects of the BAM Act are predominately biosecurity related activities. During its development, the BAM Act was initially named the Agriculture Management Bill because the legislation it was to replace was concerned with agriculture.

Later, the bill was renamed the Biosecurity and Agriculture Management Bill to reflect its broader purpose as WA's primary biosecurity legislation in areas extending beyond agriculture. This change in title occurred at a time when the nation was starting to better recognise the role of biosecurity beyond agriculture. Today, biosecurity legislation in Australia is simply titled as a biosecurity act.

"Amend the Act name by removing 'Agriculture' from the title to align with other contemporary legislation such as the *Biosecurity Act 2015 NSW* and *Biosecurity Act 2019 Tasmania*."

Biosecurity Council of WA

This recommended change does not diminish the important role the legislation plays in protecting WA's agricultural industries.

Recommendation 1

Change the title of the *Biosecurity and Agriculture Management Act 2007* to the 'biosecurity act', removing the reference to agriculture management and making clear the legislation's scope extends beyond agriculture.

¹ 'The protection of the environment and/or social amenity from the risks and negative effects of pests and diseases entering, emerging, establishing or spreading in Australia. Environment includes Australia's natural terrestrial, inland water and marine ecosystems and their constituent parts, and its natural and physical resources; social amenity includes the social, economic and cultural aspects of the environment, including tourism, human infrastructure, cultural assets and national image.' (DAFF 2022c, p.5)

The purpose and objects of the reformed biosecurity act

The panel concluded that the purpose and objects of the BAM Act need to better reflect the intent and fundamental principles underpinning the Intergovernmental Agreement on Biosecurity (IGAB 2019), the *National Biosecurity Strategy* (DAFF 2022b) and the *Western Australian Biosecurity Strategy 2016-2025* (DAFWA 2016).

Stakeholders strongly supported modernising the objects of the BAM Act. Many highlighted shortcomings of the current objects and welcomed the opportunity to align the BAM Act more closely with nationally agreed principles for biosecurity, such as shared responsibility. Changing the objects was seen as an important way to provide greater clarity on the purpose of the legislation.

“Improving the objects of the Act would greatly help to increase the clarity of the Act and what it is delivering.”

A natural resource management group

The purpose of the BAM Act, found in its long title (Figure 5), does not directly refer to the BAM Act’s primary goal of managing biosecurity risks. It also focuses on regulatory activities rather than the outcomes it is intending to achieve.

In contrast, the purpose of modern biosecurity legislation and bills is to provide for: prevention, elimination, minimisation and management of biosecurity risks (see *Biosecurity Act 2015* (NSW), *Biosecurity Bill 2023* (ACT) and *Biosecurity Bill (The Draft Bill) 2023* (SA)), protection and enhancement of biosecurity status (see *Biosecurity Act 2019* (Tas)) and a comprehensive biosecurity framework to manage pest and disease impacts and safety (see *Biosecurity Act 2014* (Qld)). Figure 5 provides an example of what the purpose for the reformed biosecurity act could be.

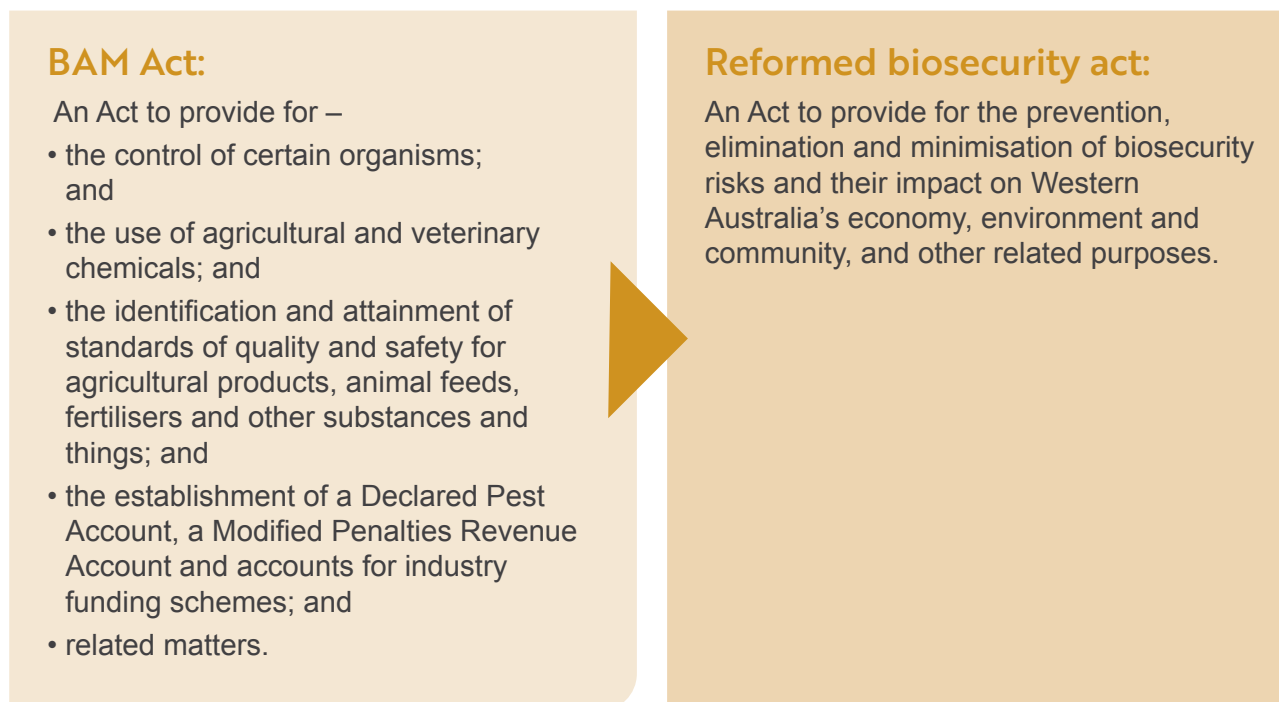


Figure 5: Current long title (purpose) of the BAM Act and example purpose for the reformed biosecurity act

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The objects of the BAM Act should be amended to set out how the reformed biosecurity act aims to achieve its more contemporary purpose. Informed by the precedent set in modern biosecurity legislation, Figure 6 provides an example of what the objects for the reformed biosecurity act could be.

Recommendation 2

Align the reformed biosecurity act's purpose and objects with nationally agreed principles for biosecurity and set out what it is intended to achieve, modernising the legislation and making its intent clearer to system participants.

BAM Act:

The current objects of the BAM Act are:

- 1) The objects of this Act are to provide effective biosecurity and agriculture management for the State by providing the means to –
 - a) control the entry, establishment, spread and impact of organisms that have or may have an adverse effect on –
 - i) other organisms; or
 - ii) human beings; or
 - iii) the environment or part of the environment; or agricultural activities, fishing or pearling activities, or related commercial activities, carried on, or intended to be carried on, in the State or part of the State; and
 - b) control the use of agricultural and veterinary chemicals; and
 - c) establish standards to ensure the safety and quality of agricultural products; and
 - d) raise funds for biosecurity-related purposes.
- 2) Nothing in this Act empowers the regulation of diseases which affect only human health.

Reformed biosecurity act:

- 1) Ensure responsibility for biosecurity is shared between government, industry and community.
- 2) Provide a framework for the prevention, elimination and minimisation of *biosecurity risks* posed by:
 - a) *biosecurity matter*
 - b) *dealings with biosecurity matter and carriers*, and
 - c) other activities that involve *biosecurity matter and carriers*.
- 3) Provide a framework for the timely and effective management of *biosecurity matter* that:
 - a) presents an economically significant risk to primary production industries
 - b) threatens terrestrial and aquatic environments
 - c) has known public health and safety risks
 - d) has an adverse effect on community activities and infrastructure.
- 4) Provide for scientifically robust risk-based decision making in relation to biosecurity.
- 5) Give effect to intergovernmental biosecurity agreements to which the State is a party.
- 6) Provide the means by which biosecurity requirements in other jurisdictions can be met to maintain market access for industry.

Figure 6: Current objects of the BAM Act and example objects for the reformed biosecurity act

A new framework for the reformed biosecurity act

The panel recommends adopting modern biosecurity concepts and terms in the reformed biosecurity act to better support a principles-based approach. This is also an opportunity to improve the organisation of the reformed biosecurity act to make it more user-friendly. The panel concluded that these changes are essential to enhancing the operation and effectiveness of WA's biosecurity legislation.

Core legal biosecurity concepts and defined terms

The panel found that many of the defined terms used in the BAM Act impede understanding and inhibit its operation and effectiveness. Terms were found to be narrow in focus, easily misunderstood and a hindrance to the BAM Act's administration. The panel also identified significant gaps in the concepts and terms used in the BAM Act when compared to modern biosecurity legislation.

Modern biosecurity legislation establishes broad high-level concepts that narrow down to more targeted regulatory concepts. At the highest level, pests, diseases and contaminants are collectively defined as *biosecurity matter*, and the things that carry them are *carriers*. *Biosecurity matter* is typically defined to include:

- animals, plants and other organisms (except humans), either living or previously living, including their parts and products
- diseases of animals, plants or other organisms (except humans)
- contaminants
- disease-causing agents of animals, plants and other organisms (except humans), including infectious proteins (prions)
- disease-causing agents of humans via transmission from a non-human host to a human.

The BAM Act does not have a term equivalent to *biosecurity matter*. Instead, the BAM Act uses several other terms (e.g. organism, animal, animal feed, agricultural product, adulterated, contaminated). This impacts the ability of the BAM Act to efficiently regulate pests, diseases and contaminants in WA and impedes stakeholder understanding of their obligations. This is further considered in Chapter 5.

As well as *biosecurity matter*, modern legislation gives meaning to other biosecurity terms and concepts that the BAM Act either does not contemplate or does not use in the same way. These include:

- *biosecurity event* – detection or suspected presence of *biosecurity matter* that may have a *biosecurity impact*
- *biosecurity impact* – the adverse effect of *biosecurity matter* on the environment, community or economy²
- *biosecurity risk* – the risk of creating a *biosecurity impact*
- *biosecurity emergency* – as declared by a decision-maker to trigger emergency response provisions
- *carrier* – anything that has, or is capable of having, any *biosecurity matter* on it, attached to it or contained in it
- *dealing* – a person's interaction with *biosecurity matter*. *Dealings* can be further classified according to risk to achieve more focused regulatory outcomes.

These high-level concepts provide a foundation for a suite of regulatory tools that use consistent terms applied across all biosecurity domains. These concepts are used throughout the remainder of this report and are fundamental to many of its recommendations.

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² For example, a *biosecurity impact* of a contaminant is it causing an animal or plant to be unfit for use or sale, or a risk to people or the environment. To avoid doubt, impacts resulting from stock feed, fertiliser and managed bees are specifically recognised.

A shared language in modern legislation supports the national biosecurity system. It enables harmonised biosecurity approaches across state borders, which simplifies processes for individuals or businesses operating across different states, reduces red tape and promotes a clear understanding.

Recommendation 3

Adopt defined terms and concepts for *biosecurity matter, dealing, event, impact, risk, emergency and carrier* that align with the national biosecurity system, aiming to harmonise approaches across state borders and facilitate compliance through a consistent framework.

Principles-based legislation

The proposed introduction of new terms and concepts in a reformed biosecurity act presents an opportunity to further embed and mature a principles-based approach. Principles-based legislation relies on broadly worded principles to articulate the outcomes to be achieved, leaving the details of implementation open. It is a common feature of modern biosecurity legislation and consistent with the WA Government's Better Regulation Program (Department of Treasury 2022), which guides the development, design and implementation of regulatory proposals in WA.

A principles-based approach in biosecurity supports flexibility, adaptability and responsiveness, which is important when operating in a dynamic environment. It also empowers system participants to determine the best way for them to achieve regulatory objectives. This can enhance the overall effectiveness of the regulatory framework and reinforce the concept of shared responsibility.

A prescriptive, rules-based approach remains appropriate for those aspects of WA's biosecurity system where adherence to specific standards is required, for example, maximum chemical residue limits. The panel concluded that biosecurity should be regulated using a combination of broad principles and prescriptive regulation.

Organising the reformed biosecurity act

The panel found that the BAM Act is not easy to navigate, and that its flow and structure could be improved to make it easier for users to understand. Modern biosecurity legislation uses the high-level concepts of *biosecurity matter, dealing, event, impact, risk, emergency* and *carrier* to structure their Acts in a more user-friendly way.

To illustrate, the BAM Act regulates organisms, their *carriers* and contaminants quite separately, likely due to the way the BAM Act brought together multiple legacy Acts. The BAM Act addresses activities, organisms and *carriers* in various sections in different and, at times, conflicting ways. For example, agricultural products (such as fruit and vegetables) are declared as permitted under section 11 but they are also prescribed potential *carriers*, meaning their import is regulated.

The use of high-level concepts as a structure minimises these discrepancies, making the legislation easier to understand and apply.

Recommendation 4

Structure the reformed biosecurity act so that its regulatory framework aligns with principles and key concepts that guide biosecurity across Australia, making it easier for stakeholders and administrators to understand, comply with and implement.

Other provisions and related legislation

The panel identified provisions in the BAM Act that require amendment to make them more workable, and related legislation that requires repeal.

Amendments to the BAM Act

The panel found several areas of the BAM Act requiring relatively minor amendment to make the provisions clearer and improve their application (see [Attachment 1](#)). The panel recommends that these amendments are progressed as a priority. This will make the BAM Act more workable and better able to support WA's biosecurity system while the more substantial legislative reform recommended in this report is progressed.

Recommendation 5

Progress the amendments to the BAM Act listed in Attachment 1 to make the BAM Act more workable and better able to support WA's biosecurity system while the more substantial legislative reforms recommended in this report are progressed.

Repeal of Agriculture and Related Resources Protection Act

The *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007* proposed the repeal of the *Agriculture and Related Resources Protection Act 1976* (ARRPA), which was one of the 17 Acts to be fully superseded by the BAM Act. The ARRPA's purpose was to manage, control and regulate certain plants and animals primarily for the protection of agriculture. To date, most of the ARRPA's provisions have been repealed by proclamation. The panel recommends finalising its repeal.

The ARRPA was last amended in 2010 to minimise duplication of functions with the BAM Act. Most functions and matters dealt with under the ARRPA were transferred to the BAM Act or are reliant on the provisions of the BAM Act for operational effect. Three pieces of subsidiary legislation remain in force under the ARRPA.³ The WA Government should ensure matters under the ARRPA still requiring regulation are dealt with in the BAM Act (if biosecurity related) or other appropriate legislation.

Recommendation 6

Finalise the repeal of the *Agriculture and Related Resources Protection Act 1976* and its subsidiary legislation, which was one of the 17 Acts intended to be fully superseded by the BAM Act.

WA Agriculture Authority

The WA Agriculture Authority (WAAA), a body corporate established under the BAM Act, was identified as one of 4 administrative themes to be explored through the review. The purpose of the WAAA is 'to further and promote the best interests of biosecurity and agriculture management' (section 151(b)). It is used by DPIRD to enter into commercial agreements to undertake biosecurity and primary industries research, and to commercialise the outcomes of that work for public benefit, and to provide specialist biosecurity services.

The panel concluded that, although the interpretation and application of the WAAA provisions may not fully align with the objects of the BAM Act in some instances, it is appropriate for WAAA to be retained. The research and development functions it enables are important to building the strength and resilience of WA's biosecurity system and its primary industries.

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³ Agricultural and Related Resources Protection Regulations 2011, Agriculture and Related Resources Protection (European House Borer) Regulations 2006, Agricultural and Related Resources Protection (Spraying Restrictions) Regulations 1979.

WA's biosecurity is a shared responsibility

Individuals and organisations can take action to protect WA across the biosecurity continuum.

Agricultural and environmental professionals

Extend knowledge to their clients, and report pests and diseases they encounter through their work.



Community groups

Coordinate and undertake pest management actions to address local, regional and priority pests and diseases.



Exporters

Have systems and processes in place to ensure products are free from trade-sensitive pests and diseases and protect WA's biosecurity status and reputation.



Home gardeners

Use MyPestGuide® to report pests and diseases and dispose of green waste properly.



Importers and online shoppers

Actively seek to understand and comply with import requirements that protect WA.



Industry bodies

Lead and fund collective biosecurity action in proportion to the industry benefit gained from those collective efforts.



Land managers

Manage the spread of pests and diseases found on their land and work with other land managers to reduce the impact of these pests and diseases.



Outdoor adventurers

Report anything unusual that might be evidence of harmful pests and diseases, and ensure their activities do not contribute to spread.



Pest controllers

Report unusual pests they encounter through their work.



Producers

Report unusual pests and diseases and have measures to reduce the risk and impact of them, and ensure the chemicals used to control them do not affect the safety and integrity of produce.



State and local government

Coordinate state and local biosecurity activities, contribute to the cost of measures in proportion to the public good, and carry out regulatory functions.



Travellers (domestic and international)

Ensure they do not bring any biosecurity risk items into WA (e.g. through clothing, shoes and equipment, or fresh produce, plant material and bee products).



Used for illustrative purposes only, there are many other roles not represented here.

Chapter Four

Shared responsibility

The concept of biosecurity being a shared responsibility is widely accepted in Australia. To make it a reality, individuals and organisations need to understand how to contribute, what their biosecurity obligations are and the value of their active participation. The panel concluded that WA's biosecurity system will be stronger with the introduction of a *general biosecurity obligation* (GBO) requiring everyone to take reasonable steps to mitigate biosecurity risks and impacts.

This chapter commences with a policy recommendation aimed at improving biosecurity communications and engagement. This is followed by a recommendation to embed in legislation a requirement for the government to consult on the administration of the reformed biosecurity act. The chapter concludes by recommending the introduction of a GBO.

Recommendations in this chapter encourage the wider community to actively participate in biosecurity by:

- increasing understanding of the importance of biosecurity and the benefits it delivers to them and to WA as a whole
- requiring everyone to take reasonable and practicable steps to reduce biosecurity risks and impacts.



Keeping Queensland fruit fly (Qfly) out of WA is a shared responsibility

A native to Queensland and northern NSW, Qfly is a threat to WA's \$1.49 billion horticulture industry.

If Qfly were to establish here, it could cut access to premium export markets for fruit and vegetables unless products are treated a certain way, with an estimated cost to WA growers of \$38 million.

The aim is to keep Qfly out of WA and, if it does get in, to eradicate it quickly before it gets a foothold.

It's a persistent pest and there have been 9 incursions in and around Perth over the past 3 decades, including in 2023.

A significant risk is people mailing parcels with fruit into WA.

'A great result from a few years ago was the detection of a leaky and smelly parcel by AusPost,' says biosecurity expert Dr Darryl Hardie, former Manager of Plant Surveillance at DPIRD.

DPIRD's analysis of the package, which was mailed from Queensland, found 10 kg of over-ripe tamarillos infested with more than 1,000 Qfly larvae.

This example shows how Qfly risks can be created by the public, and that people need to adhere to the requirements for bringing produce into WA.

'Residents can help by using the MyPestGuide® Reporter app to report the unusual and allow easy access to their properties for DPIRD staff for surveillance, trapping, inspections and during incursion responses and eradications,' says Dr Hardie.

Home gardeners can help by picking fruit as soon as it is ripe and putting fallen fruit in the bin. The horticulture sectors, which benefit from keeping WA free of Qfly, play a key role in supporting surveillance and eradication efforts.

Biosecurity is a shared responsibility – we all have a role to play to reduce the risks and impacts of pests and diseases.

(photo: DPIRD)



Raising biosecurity awareness

Shared responsibility is a fundamental principle of state and national biosecurity systems in Australia. It is widely accepted that everyone has a role to play. However, this principle can only be realised when system participants understand what biosecurity is, what their biosecurity obligations are, how to contribute and the value of their active participation to WA. The panel concluded that improved biosecurity communications and engagement in WA is required to achieve these things and encourage individuals and organisations to take action to protect WA across the biosecurity continuum.

Stakeholders strongly supported improved communication and engagement.

“To create a culture of shared responsibility around biosecurity, there needs to be effective and tailored communications.”

A natural resource management group

“Educational awareness of biosecurity responsibilities is a fundamental element of achieving voluntary compliance and has been a focus of the Shire’s Stable Fly program approach for past 3 years.”

Shire of Gingin

In Chapter 3, the panel recommends that shared responsibility be explicitly acknowledged in the objects of the Act, recognising its central role in the biosecurity system. Achieving shared responsibility requires ongoing, effective communication and engagement. There is significant room for improvement here. It was clear to the panel that many stakeholders are confused about the roles and responsibilities of different system participants and what shared responsibility means in practice.

Reviews of Queensland (DAFQ 2019) and New South Wales (DPI NSW 2023) biosecurity legislation highlighted the value of and ongoing need for information and education to help people understand their

statutory obligations. Government, industry, organisations and communities all have a role to play in communications and engagement for biosecurity. However, the panel recommends the WA Government lead an ongoing biosecurity awareness raising campaign for WA. The panel were impressed by New Zealand’s [Ko Tātou This Is Us](#) campaign and the Australian Government’s new www.biosecurity.gov.au website, as examples of how to do this well.

Recommendation 7

Improve biosecurity communications and engagement to enhance everyone’s understanding of what biosecurity is, how it benefits them, how they can contribute and the value of their participation.



Ko Tātou This Is Us

Ko Tātou This Is Us is a nationwide campaign designed to help New Zealanders understand and care about biosecurity. It supports New Zealand’s Direction Statement for its biosecurity – including building ‘a biosecurity team of 4.7 million’.

‘Biosecurity keeps our incredible home, Aotearoa New Zealand, safe from pests and diseases.

Ko Tātou This Is Us asks us to take a moment to think about how biosecurity protects our way of life, the outdoor environment where we fish, farm, hunt and explore, the beautiful biodiversity of our unique ecosystem and even the food we eat.

Every New Zealander has a role to play in preventing pests and diseases from getting into New Zealand or helping to stop their spread if they do get here.

It takes all of us to protect what we’ve got’.

www.thisisus.nz

(photo: iStock)

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Engaging in the operation of the Act

A clear statement should be included in the reformed biosecurity act highlighting the importance of consulting with system participants in its administration. This will further embed shared responsibility in WA's biosecurity legislation by developing and retaining support for it through its implementation. It will also serve as a catalyst for administrators to recognise and consider the invaluable perspectives and knowledge that system participants offer. The *Biosecurity Act 2014* (Qld) includes such a statement:

'This Act is to be administered, as far as practicable, in consultation with, and having regard to the views and interests of, public sector entities, local governments, industry, Aborigines [sic] and Torres Strait Islanders under Aboriginal tradition and Island custom, interested groups and persons and the community generally.'

Stakeholders strongly supported including a statement in the reformed biosecurity act.

Including a consultation statement will reinforce the importance of consultation and engagement to administrators. Consulting with system participants can help foster a culture where everyone recognises the value

of WA's biosecurity and actively contributes to it. The panel recognises that consultation will not be appropriate or feasible in some circumstances. The proposed statement is not intended to create a blanket requirement for consultation.

"Including a statement in the BAM Act that highlights the need to involve and engage all biosecurity system participants is important for inclusive decision-making, enhanced effectiveness, and cultural considerations."

A recognised biosecurity group

Recommendation 8

Include a statement in the reformed biosecurity act that the act is to be administered, where feasible, in consultation with the general public, communities, Aboriginal peoples, industries, and local, state and Australian government bodies, to reinforce the importance of consultation and engagement.

Biosecurity and caring for Country

For many people, rabbits are an introduced pest that cause immense damage to the landscape.

But for the Traditional Owners of the Great Victoria Desert, the Spinifex People, rabbits are their only source of bush meat and are now a culturally significant species.

While biosecurity activities can affect traditional practices and traditional lands, they can also help protect cultural heritage.

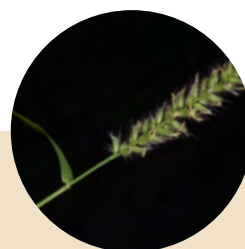
'Buffel grass up against rock art or petroglyphs may increase the exfoliation rate because the fire frequency has been

increased,' says Professor Stephen van Leeuwen, Australia's first Indigenous Chair of Biodiversity and Environmental Science, based at Curtin University.

Other introduced species, such as cane toads and feral cats, are also a problem as they prey on native species.

Prof. van Leeuwen says it's imperative to get the balance right: realising the importance of Traditional Knowledge and working with Indigenous communities to make the most of their knowledge.

(photo: DPIRD)



A general biosecurity obligation

The panel found the inclusion of a GBO or *duty* in modern biosecurity legislation to be a practical way to address shared responsibility. A biosecurity obligation or duty means that if someone can reasonably do something to prevent or minimise biosecurity risks and impacts, and they know (or ought to know) they should do it, then they must take responsibility and act.

Stakeholders strongly supported this reform, agreeing that it would help create a culture of shared responsibility. The panel and stakeholders recognised the importance of effective communication, extensive education and a robust compliance framework to ensure its success.

“Introducing a general legal obligation for biosecurity management in the Act will provide legislative weight to the concept of shared responsibility.”

A natural resource management group

The recommended introduction of a GBO complements other recommendations made in this chapter and elsewhere in this report.

🔗 **See Chapters 5, 7, 8 and 10**

GBOs and *duties* in place elsewhere in Australia typically require individuals and organisations to take reasonable and practicable measures to prevent or minimise known biosecurity risks and impacts when *dealing with biosecurity matter*. They apply to all individuals and organisations, including public authorities, and uses the core legal biosecurity concepts of *biosecurity risk*, *impact*, *matter* and *dealing* recommended in Chapter 3. Linking these terms to the GBO enables a more targeted regulatory approach to *biosecurity matter* that could not otherwise be achieved. 🔗 **See Chapter 5**

A key feature of a GBO is that it applies to situations that are strictly regulated while also providing a safety net for situations that are not. If a *dealing with a biosecurity matter* is not specifically regulated, individuals and organisations can determine the most reasonable and practicable way to address the risks and impacts based on their experience, knowledge and capability. The review of Queensland's *Biosecurity Act 2014* (DAFQ 2019) noted that its GBO allowed the new Act to be more flexible and, in many cases, simpler than the former prescriptive legislation.

The primary purpose of legislating a GBO is to encourage system participants to take responsibility for biosecurity by making it a clear expectation. When appropriate, it can be used in conjunction with other legislative tools to compel action or enforce compliance. Complying with a specified biosecurity requirement is part of meeting the GBO.

The BAM Act does not have an equivalent obligation that is applicable to any potential situation in which a biosecurity risk or impact could occur. The panel concluded that the operation and effectiveness of the BAM Act would be significantly enhanced through the addition of a GBO.

The use of the GBO in conjunction with other legislative tools is further explored in Chapters 5 and 10.

Recommendation 9

Introduce a general biosecurity obligation into the reformed biosecurity act requiring individuals and organisations to take reasonable and practicable measures to prevent, eliminate or minimise biosecurity risks and impacts when *dealing with biosecurity matter*.

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Bee carrying a varroa mite. Varroa mites are considered the single greatest threat to Australia's honey and honeybee-pollinated plant industries. It was detected in NSW in 2022
(photo: iStock)

Part 3

Powers

Western Australia's biosecurity system needs a more effective suite of powers that are aligned with modern biosecurity legislation, to manage biosecurity risks and impacts. This will ensure WA can continue to contribute to and benefit from the national biosecurity system on equal footing.

A new way of regulating *dealings with biosecurity matter*, robust powers to respond to *biosecurity emergencies*, improved compliance and tougher penalties are all required. Enhanced certification is also needed to support the core powers of a reformed biosecurity act for WA.

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Chapter Five

Biosecurity matter

Western Australia needs to improve how it regulates *dealings* with *biosecurity matter* to differentiate how it manages the risks of pests and diseases entering, spreading and establishing in WA from how it manages the impacts of established pests and diseases on economic, environmental, social or culturally valued assets. This will result in a significant but essential transformation in how biosecurity is regulated in WA. Existing biosecurity measures will remain, but how and when they are applied will be better targeted and easier for system participants to understand.

In this chapter the panel recommends that WA's organism declaration framework be reformed and repositioned to be centred on regulating *dealings* with *biosecurity matter*. Two distinct regulatory strategies are proposed. The first would address state and national-level biosecurity risks that need strict biosecurity controls; and the second would reduce the impacts of established pests and diseases. The panel highlights the importance of a robust, transparent and consistent decision-making process to determine which regulatory strategy should be applied.

The recommendations in this chapter are designed to ensure WA's biosecurity system has:

- appropriate regulatory controls for biosecurity risks and impacts
- system participants who understand how and why biosecurity risks and impacts are managed using certain regulatory strategies, and what their obligations are.

Regulating *dealings* with *biosecurity matter*

The panel proposes WA's current organism declaration framework be reformed and repositioned to operate in a new framework that regulates *dealings* with *biosecurity matter*. Stakeholders engaged in the review were mostly supportive of using the concept of *biosecurity matter* to regulate organisms and other things.

"We support improving the classification of biosecurity threats and that the proposed change appears to meet the needs of more simple language that ensures that appropriate actions are taken."

Biosecurity Council of WA

"This is a fantastic idea. Change is needed. The current permitted organism list protocol started with good intentions, however [it] has grown into a hard to understand monolith."

An industry stakeholder

Declaration of organisms under the BAM Act

Managing biosecurity risks and impacts under the BAM Act relies on the declared status of an organism. Individual species are declared under the BAM Act as permitted (section 11), prohibited (section 12), or declared pests (section 22(2)), depending on their impact (or potential impact). The term 'declared pests' is also used as a collective term for prohibited organisms and section 22(2) declared pests.

The declaration of an organism as prohibited or as a section 22(2) declared pest establishes legal obligations for system participants. This includes a duty to report suspected declared pests (section 26) and a duty to control declared pests for landowners and occupiers and persons conducting an activity on land (section 30). Declaration also makes

it possible for the minister or DPIRD to use provisions in the BAM Act to manage risks and impacts, such as imposing import restrictions on declared pests and *carriers* of declared pests. The Biosecurity and Agriculture Management Regulations 2013 allow further classification of declared pests and set out control and keeping requirements for them.

Unlisted organisms are organisms for which there is no active declaration. The import of an unlisted organism is treated as seriously as that of a prohibited organism as the risk is unknown. Directions and notices can be issued to control unlisted organisms when required.

Contention with WA's declaration framework

The panel found that the process to declare organisms in WA is contentious and has been criticised by a range of stakeholders, including the Biosecurity Council of WA (2020, 2022) and the Office of the Auditor General for WA (2013, 2020).

Issues identified include:

- lack of clarity about how a declaration status is determined
- perceived bias towards declaring agricultural pests and diseases over environmental ones
- the declaration of established pests and diseases that may not warrant strict regulatory controls.

Limitations of the existing framework

The panel identified that the BAM Act's organism declaration framework and how it is applied in WA is not fit for purpose. It is also impractical to maintain and difficult for system participants to understand. Declaring an organism under the BAM Act is a significant technical and administrative undertaking that involves:

1. identifying an organism that is unlisted or that may need a change in its declared status
2. gathering and collating the data required to undertake a risk assessment

3. conducting a risk assessment, consultation and review against applicable standards to establish if there are reasonable grounds for believing the organism has (or may have) an adverse effect
4. making a recommendation to the minister on an appropriate declaration
5. the minister deciding whether to act on that recommendation and make a declaration, seeking advice as necessary to help make the decision
6. publishing the declaration in the *WA Government Gazette*
7. updating the Co-ordinated Approval System for the BAM Act with the supporting data and the record of the minister's declaration, this then includes the declaration on the Western Australian Organism List (DPIRD 2023c)
8. communicating the declaration to relevant biosecurity system participants
9. periodically reviewing the declared status of the organism to ensure it remains current and relevant.

There are currently 56,338 organisms with a declaration in force under the BAM Act, of which about 92% are permitted organisms.

The volume of declarations required to effectively regulate biosecurity risks under the BAM Act creates challenges. This includes maintaining the currency of declarations and keeping system participants updated. Further, the volume of declarations is expected to increase over time. The panel suggests that the declaration of organisms as permitted may be an unnecessarily burdensome way to indicate that an organism is not a declared pest or unlisted. It is also important to note that import restrictions and other legislative requirements under the BAM Act apply to many permitted organisms, as potential *carriers* of declared pests (for example, livestock).

The focus of the BAM Act on the organism and its reliance on the organism's declared status to establish regulatory controls, makes declaration a relatively rigid and blunt legislative tool. This may be appropriate when the aim is to exclude or eradicate a pest or disease using a strict regime of biosecurity controls. However, it is problematic when the aim is to reduce the impact of a pest or disease. The panel found that these situations may be better served by using a more nuanced and flexible regulatory approach.



The domestic horse is a permitted organism under the BAM Act. However, horses cannot be brought into WA from interstate or overseas unless they meet certain conditions and are certified as eligible for entry. This helps ensure that horses that enter WA are not carrying any unwanted pests or diseases, such as liver fluke (photo: iStock)

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A modern focus on *biosecurity matter*

As explained in Chapter 3, *biosecurity matter* is a defined term that brings together several areas of biosecurity risk and impact management into one legal construct. Modern biosecurity frameworks target *dealings* with *biosecurity matter*. This concept works in combination with the GBO (↗ see Chapter 4) to provide an efficient way of regulating to minimise biosecurity risks and impacts.

Under these modern frameworks, a declaration is not needed for action to be taken. This is because the GBO requires reasonable and practicable measures to always be taken to manage the risks and impacts of *dealings* with *biosecurity matter*. Declarations are still used to trigger a stricter regime of regulatory controls where there is significant biosecurity risk. For example, a declaration may be made to enable regulatory actions to prevent the entry of *biosecurity matter* infected with a specific disease.

Declaration frameworks can be designed to accommodate classes of matter, as well as specific matter. This reduces the number of declarations, and therefore the technical and administrative burden, compared to organism-based frameworks. Tasmania uses such a framework (Table 1). It has a biosecurity compendium that lists all declared *biosecurity matter* regulated under its *Biosecurity Act 2019* (Tas).

The compendium contained 266 declared *biosecurity matter*, compared to WA's list of 56,338 declared organisms.

Although modern declaration frameworks reduce the volume of declarations, it is still necessary to assess the risk of *biosecurity matter* to identify whether stricter regulatory controls (and therefore declaration) are necessary. *Biosecurity matter* that is assessed as not requiring declaration can still be documented and described in regulations, plans, codes of practice or other ways. For example, Tasmania has created an additional category of *biosecurity matter* in regulation. This category is specifically for established pests and diseases and includes 342 organisms. This approach allows these pests and diseases to be regulated in a different way to *biosecurity matter* that is declared directly under the *Biosecurity Act 2019* (Tas).

The panel recommends that the approach used in modern biosecurity legislation for regulating *dealings* with *biosecurity matter* is reflected in WA's reformed biosecurity act. This will deliver a practical declaration framework capable of handling the growing complexity and frequency of biosecurity risks while maintaining the effectiveness of WA's biosecurity system.

Recommendation 10

Regulate *dealings* with *biosecurity matter* as a more practical regulatory construct to underpin WA's biosecurity legislation into the future.

Types of <i>biosecurity matter</i>	Examples
Permitted matter <i>Dealings</i> are not subject to any regulatory obligations other than the general biosecurity duty	• Commercially produced dried nuts • Chickens, ducks, geese and other domestic poultry and poultry hatching eggs
Restricted matter <i>Dealings</i> are subject to evidence of biosecurity measures such as proof of pest freedom, treatment, or biosecurity registration	• Soil • Restricted animal fittings • All plants and plant products that are not permitted matter or prohibited matter
Prohibited matter <i>Dealings</i> are subject to strict case-by-case management	• Infection with foot-and-mouth disease virus • <i>Bactrocera tryoni</i> (Queensland fruit fly)

Source: Adapted from Tasmania Biosecurity Matter Listings (DNRE 2023)

Table 1: Types of *biosecurity matter* declared under Tasmania's *Biosecurity Act 2019*.

Regulation of *dealings* with *biosecurity matter* in practice

Regulating *dealings* with *biosecurity matter* through a GBO will bring WA into step with modern biosecurity legislation and help address challenges associated with the administrative, technical and regulatory burden. Consistent with a modern approach, additional regulatory strategies are needed to ensure certain *biosecurity matter* is appropriately controlled to manage the risks and impacts.

Regulating national and state biosecurity risks

The panel concluded that strict legal obligations on *dealings* with *biosecurity matter* should be limited to risks of national or state significance. As a party to the Intergovernmental Agreement on Biosecurity (IGAB 2019), WA has agreed that risk management measures will not be more trade restrictive than is required to achieve an appropriate level of protection (ALOP – [see Chapter 1](#)). Biosecurity controls should only be applied proportionate to the risk and potential impact – the lower the risk or potential impact, the lighter the regulation.

Declarations made under the reformed biosecurity act to impose strict obligations should therefore be used to mitigate the risk of pests and diseases entering, spreading and establishing in WA. This would include pests and diseases that have been nationally or internationally assessed as a biosecurity risk to Australia or assessed by WA as a biosecurity risk to WA specifically.

These declarations would not typically be applied to established pests and diseases.⁴ The panel concluded that established pests and diseases are more appropriately managed using a different regulatory strategy designed to reduce the impact of these on current or future economic, environmental, social or culturally valued assets.

Recommendation 11

Target the use of declarations of *biosecurity matter* under the reformed biosecurity act to achieve an appropriate level of protection, ensuring that controls are proportionate to the risk and potential impact.



Protecting WA's shellfish

White spot disease is a highly contagious viral infection of crabs, prawns and lobsters.

It is significant – it can wipe out entire prawn stocks on farms within days.

The disease isn't here in WA, but it did cause significant issues in prawn farms over east.

When that happened, WA's biosecurity system sprang into action.

'When white spot first occurred in prawn farms in Queensland in 2016, the BAM Act was used to put import restrictions on live and uncooked crustaceans coming from the

risk area to protect WA,' says Dr Katie Webb, Manager of Aquatic Animal Health with DPIRD.

'So while the issue was being investigated and Queensland was working to eradicate the disease on the farms, products or animals that could transfer the virus into WA were restricted from coming in.'

Strict rules can serve as a critical defence – especially when it comes to protecting WA and its industries and people from devastating pests and diseases, like white spot.
(photo: iStock)

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⁴ Recognising that advances in science and technologies, changes to species distributions due to climate change, or other factors may make eradication of an established pest or disease possible in the future.

Regulating established pests and diseases

The panel recommends that established pests and diseases be primarily regulated using the GBO and, when necessary, subsidiary legislation. This will allow for more nuanced and flexible regulation to manage the ongoing impact of these pests and diseases on environmental, economic and social assets.

The GBO should be supported by policies, plans, guidelines/ manuals, and codes of practice. It may also be further articulated in subsidiary legislation where required. These supporting tools provide guidance to system participants on how to reduce the spread and manage the impacts of specific established pests and diseases, as well as providing for instances where regulatory requirements are needed and appropriate. In doing so, these documents establish the reasonable and practicable actions that system participants can be expected to undertake in order to meet their GBO. This approach offers greater:

- flexibility in describing the measures required to reduce the impact of *biosecurity matter*

- recognition of the assets targeted for protection through impact mitigation measures
- opportunity for industry and community ownership of biosecurity risks and impacts, and collective action
- discretion for individuals and organisations to take measures they consider appropriate to their specific circumstance, or to innovate.

The statutory link created by the GBO in combination with defined terms for *dealings* and *biosecurity matter* provides a pathway to enforcement even when subsidiary legislation is not in force.

Recommendation 12

Regulate established pests and diseases using the *general biosecurity obligation* and subsidiary legislation when necessary, to support regulation that is flexible and appropriate to the impact presented.

Cattle tick and Queensland's GBO

Cattle, cattle tick and the cattle tick fever they can transmit are all *biosecurity matter* under Queensland's biosecurity legislation, but are not declared as prohibited or restricted matter.

As established pests and diseases, cattle tick and cattle tick fever require ongoing management to reduce their economic impact. The regulatory framework supporting the GBO in addition to the *Biosecurity Act 2014* (Qld), includes the *Biosecurity Regulation 2016* (Qld) and a *Biosecurity manual* (DAFQ 2023), which describe risk minimisation requirements and procedures. Queensland's first prosecution for failure to comply with its GBO resulted in a transport company being fined \$25,000 and a truck driver \$5,000 (Qld Government 2020).

The company had moved cattle from a cattle tick infested zone through a cattle tick free zone.

Cattle escaped from the truck leading to the infestation of 2 properties in the tick free zone.

It was found that it was self-evident that the cattle should not have been moved from the infested zone into the free zone, as they had not been inspected and treated before the journey.

The truck driver had been trained, the cattle were obviously infested, the saleyard was equipped with facilities to treat ticks, and the tick free zone was visibly promoted.

(photo: DPIRD)



Transparent, robust and consistent decision making

A transparent, robust and consistent risk-based decision-making process is needed to determine the regulatory strategy to be applied to specific *dealings* with *biosecurity matter* under the reformed biosecurity act. The panel recommends that a policy statement be developed to guide the decision-making process. The statement should provide strategic direction for the regulation of biosecurity risks and impacts, and address science-based risk assessments and system participant engagement as essential to the decision-making process.

The panel recognises that system participants may advocate for specific *biosecurity matter* to be regulated in a certain way and can hold conflicting views on the risk or impact of *biosecurity matter* and how it should be managed. The interests and perspectives of different system participants need to be considered alongside a science-based risk assessment in an open and transparent

manner. It is also important to acknowledge that it can be difficult to accurately determine the level of risk that certain *biosecurity matter* presents when scientific literature is sparse or contested.

The process to determine the regulatory strategy for *dealings* with *biosecurity matter* needs to be designed to deal with competing interests and scientific complexity. The proposed biosecurity planning committee could play a key role in designing the policy statement and overseeing its implementation.

[↗ See Chapter 12](#)

Recommendation 13

Develop a policy statement to provide strategic direction and guide decisions on WA's regulatory approach for specific *biosecurity matter*, ensuring transparency and consistency.



Skeleton weed is a declared pest under the BAM Act but not everyone thinks the wiry, green weed should be
(photo: DPIRD)

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A cow showing symptoms of foot-and-mouth disease, which is one of Australia's greatest biosecurity risks. An outbreak of foot-and-mouth disease in Australia would be a *biosecurity emergency* that would immediately and severely impact WA's access to livestock and livestock product export markets. To ensure WA is prepared, DPIRD staff and others involved in the livestock industry have participated in foot-and-mouth disease training in countries where the disease is prevalent (photo: DPIRD)

Chapter Six

Biosecurity emergency response

Western Australia requires more robust powers to initiate a rapid response and take decisive action in a *biosecurity emergency*. This will position WA to have the best chance of eradicating a new pest or disease and prevent negative social, cultural, environmental or economic impacts.

This chapter recommends new powers be introduced to ensure appropriate and timely responses to pest and disease incursions that, if left unchecked, could have significant impacts on WA's people, economy or environment. These powers should be complemented by clear authority for the WA Government, under certain circumstances, to compensate and reimburse direct losses that may occur during a *biosecurity emergency* because of actions taken under the reformed biosecurity act.

Recommendations in this chapter aim to ensure WA's biosecurity system is supported by a state government that:

- can take rapid and decisive action to manage serious pest and disease incursions
- has clear authority to pay compensation or reimbursement for direct losses incurred due to actions taken under the reformed biosecurity act during a *biosecurity emergency*.

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The tiny wood-boring beetle killing Perth's trees

Across the length and breadth of Perth, an invasive wood-boring beetle is threatening many of the beautiful trees that provide shade and amenity for our streets, gardens, homes and recreational parks.

The polyphagous shot-hole borer (PSHB) is a native to Southeast Asia. It's small, about the size of a sesame seed, and ingenious – tunnelling into trees and cultivating a fungus to feed on.

Unfortunately for the tree it targets, the fungus-filled tunnels cause dieback that can eventually kill the host tree.

PSHB was first detected in East Fremantle in 2021. Since then, it has been detected in trees across Perth, including some landmark gardens such as Kings Park and Perth Zoo.

DPIRD has mounted a response involving a team of about 130 people to contain and eradicate PSHB. A quarantine area has been established covering 25 local councils to support this effort.

More than 3,000 traps with pheromone lures have been laid in parks, gardens and verges to attract the pest. More than 1.5 million

trees have been inspected on over 56,000 properties.

And the hard work is paying off.

At the time of writing, the borer had been found in about 2,200 trees across 450 sites. Depending on the severity of the infestation, affected trees are either cut down or have branches removed to stop the spread.

'Considering we have looked at more than a million trees, when you put that into context only a relatively small number of trees are infested,' says David Cousins who's leading DPIRD's response to the exotic beetle.

While the challenge for WA is to eradicate the tree-killing borer, the challenge for the BAM Act is to provide the tools so agencies can mount successful responses to social and environmental pests such as PSHB, as well as those affecting WA industries.

The DPIRD response for the borer beetle is nationally significant as PSHB has not been detected elsewhere in Australia, and because of this the cost of WA's response is shared nationally.

(photo: DPIRD)

Provisions to declare an emergency and mount a rapid response

Existing arrangements

The *Emergency Management Act 2005* (EM Act) is the legislative base of the State Emergency Management Framework that supports a prompt and coordinated response to emergencies in WA. Under this framework, DPIRD is the agency responsible for hazards concerning plant or animal pests or diseases. The Director General of DPIRD is authorised under the EM Act to declare an emergency situation when it is necessary to invoke the extraordinary powers provided for through the EM Act.

To date, an emergency situation has not been declared for a plant or animal pest or disease in WA. Despite the significant number of biosecurity response activities managed by DPIRD (↗ see **Figure 2, Chapter 1**), most biosecurity incursions do not warrant the use of emergency powers provided within the EM Act, even those that meet the definition of an emergency under the national biosecurity response arrangements. Instead, DPIRD manages pest and disease incursions through the provisions of the BAM Act and other relevant legislation,⁵ and the arrangements set out within the *State Hazard Plan: Animal and Plant Biosecurity* (WA Government 2022a).

The panel found that existing powers in the BAM Act to support a rapid response⁶ are limited and are not routinely used. Instead, response activities are being undertaken using the BAM Act's everyday powers and tools. While these powers and tools are sufficient in many circumstances, their use can be challenged. This can result in delays or the inability to act during a time-critical response.

Modern biosecurity legislation in Australia establishes an authority to declare a *biosecurity*

emergency, which triggers special powers for use during declared emergencies. These special powers are designed to ensure authorised persons can take the necessary action to respond to a significant pest or disease incursion and manage the biosecurity risk to the state. The BAM Act does not explicitly address *biosecurity emergencies*.

Incorporating biosecurity emergency into WA legislation

The panel concluded that the reformed biosecurity act needs to include powers to support swift and decisive action during a *biosecurity emergency*. Stakeholders engaged in the review were strongly supportive of this.

“The cost benefit of [a] fast response to past outbreaks or a potential FMD [foot-and-mouth disease] outbreak are proof enough of the need for government powers for quick action.”
WAFarmers

The *biosecurity emergency* provisions in the reformed biosecurity act should be at least equivalent to the standard set in modern biosecurity legislation and other relevant WA biosecurity legislation. This would mean that when a *biosecurity emergency* is declared the special powers that may be required in a *biosecurity emergency* response can be used. The panel identified that the following special powers are critical to WA, but are current deficiencies of the BAM Act:

- Clear authority of the reformed biosecurity act over WA legislation that regulates access to, or activities on, land and waterways that could be in conflict with or an impediment to taking action during a *biosecurity emergency*.
- Non-reviewable powers to ensure that time critical actions are not impeded, similar to the ‘urgent measures’ provisions of the BAM Act and the *biosecurity emergency* provisions in modern legislation.

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⁵ Other legislation is also used to respond to biosecurity incursions including the *Exotic Diseases of Animals Act 1993* (WA), for certain diseases affecting livestock and other animals; and the *Aquatic Resources Management Act 2016* (WA), for aquatic biosecurity.

⁶ Urgent measures (Division 4).

The panel heard that other relevant WA biosecurity legislation, such as the *Exotic Diseases of Animals Act 1993*, has stronger powers and would be used instead of the BAM Act in certain situations. The reformed biosecurity act needs to bring together response powers from biosecurity legislations operating across aquatic and terrestrial ecosystems. This will support a robust, unified and effective approach to biosecurity responses and ensure the best of WA's legislative powers for biosecurity are available for use in any situation.

The panel also recognise that appropriate controls and limitations need to be placed on the declaration of a *biosecurity emergency* and subsequent use of special powers. This is to ensure they are only activated when necessary and appropriate.

“There are increasing challenges posed by new pests, weeds and diseases. It is critical that the BAM Act includes effective emergency provisions for pests and diseases that have not yet arrived within our borders (not limited to declared pests), or subject to delay during reviews by the State Administrative Tribunal.”

WA Local Government Association

Access to modern *biosecurity emergency* provisions will strengthen WA's position to respond to the increasing frequency and seriousness of pest and disease incursions and support a nationally consistent approach to *biosecurity emergency* response.

Recommendation 14

Include *biosecurity emergency* provisions in the reformed biosecurity act, requiring the declaration of a *biosecurity emergency* to activate special powers.

Provisions to compensate and reimburse

The panel recommends the reformed biosecurity act provides for compensation and reimbursement, under certain circumstances. Specifically, for direct losses incurred when destructive biosecurity measures are taken or ordered by the WA Government under the reformed biosecurity act. Stakeholders strongly supported the inclusion of compensation and reimbursement provisions in addition to those available under the BAM Act industry funding schemes (IFSs).

“It is important that people affected by drastic action sometimes required in a biosecurity emergency are protected from unnecessary financial consequences. A lack of compensation would be a disincentive to reporting and cooperating and could easily compromise control efforts.”

A local government

The existing IFS compensation and reimbursement provisions only apply to agricultural industries that have an IFS in place. Compensation and reimbursement via an IFS is fully funded by industry, for industry, and only applies in relation to pests and diseases listed under the IFS regulations. It is up to the industry to decide if it wants an IFS to be established and what pests and diseases are compensable using IFS funds.⁷

All Australian states, including WA via the *Exotic Diseases of Animals Act 1993*, have legislated compensation provisions relating to incursions of animal diseases. Only some include provisions relating to plant diseases. Modern biosecurity legislation establishes authority to compensate and reimburse losses, in specified circumstances, in relation to both pest and disease incursions. It also expressly excludes indirect or consequential loss or damages.

⁷ Chapter 9 contains more information on IFSs and how they contribute to biosecurity risk management.

The panel concluded that the absence of provisions to support the payment of compensation or reimbursements by the WA Government is a significant deficiency of the BAM Act. The WA Government needs clear authority under the reformed biosecurity act to compensate or reimburse eligible losses that have been incurred as a direct result of destructive actions to control pests or diseases during:

- national cost-shared biosecurity response
- *biosecurity emergencies* declared under the reformed biosecurity act
- state-level cost-shared response. [See Chapter 9](#)

Clear compensation and reimbursement provisions are required that identify when compensation and reimbursement for damage or loss is warranted. This will provide confidence to system participants and encourage prompt reporting of biosecurity risks. This is essential as any delay in action being taken could result in a pest or disease becoming established when it might have been eradicated or contained.

“Many business owners are too afraid of going under or losing everything as evident in the past from lack of compensation. Giving this will help people report early and get on top of situations.”

An individual

Limitations on payments

Compensation and reimbursement can be a challenging and contested area with high stakes. Clear guidance is needed to ensure fair, consistent and transparent decision making. The panel acknowledges that work is required to develop the details of any statutory compensation and reimbursement provisions. However, after considering the feedback from stakeholders and examining how it is addressed elsewhere, the panel identified that compensation and/or reimbursement should:

- cover direct commercial loss or damage to plants and animals and loss or damage to property, but exclude indirect and consequential losses
- not be payable if a like benefit is payable under another mechanism
- not be payable if a person with knowledge (or who ought to have knowledge) of the pest or disease that the compensation or reimbursement relates to failed to report its presence, or if the destructive action (or cost/expense) is caused by failure to comply with the legislation.

Although there were mixed responses from stakeholders regarding the compensability of consequential and non-commercial losses, the panel concluded that these do not need to be covered by new compensation provisions. The WA Government has powers to consider payments for such losses by way of *ex-gratia* application and can develop community or industry recovery packages to aid specific pest or disease response. Agricultural industry sectors may also decide to establish schemes that might consider payments for consequential and/or non-commercial losses. For example, the IFS regulations under the BAM Act allow payments to be made to non-commercial entities that have incurred a direct loss.

“We agree with the intention to restrict compensation to producers incurring direct costs.”

Biosecurity Council of WA

Recommendation 15

Include authority for compensation and reimbursement to be paid under certain circumstances for direct losses incurred when destructive biosecurity measures are taken or ordered by the WA Government under the reformed biosecurity act.

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A DPIRD Inspector with water hyacinth seized following an investigation into the alleged online sale of the category 1 declared pest and Weed of National Significance. Water hyacinth is an environmental weed that can block agricultural irrigation channels. Inspectors from DPIRD's Biosecurity Compliance section located, seized and destroyed a large quantity of the plant, and issued infringement notices for non-compliance with the BAM Act (photo: DPIRD)

Chapter Seven

Compliance, enforcement and local laws

Stakeholders were very interested in seeing increased compliance with and enforcement of the BAM Act. More can be done to encourage compliance and make monitoring and enforcement activities visible. This needs to be supported by increased penalties.

This chapter recommends encouraging compliance through expanded and enhanced behaviour change initiatives. It also contains several recommendations to deter non-compliance by ensuring monitoring and enforcement activities are visible and better supported by inspector powers and penalties. The chapter concludes by recommending expanding the scope of local laws that local governments can use to manage established pests and diseases.

Recommendations in this chapter are designed to ensure:

- initiatives to encourage compliance are underpinned by behavioural science
- penalties match the offence and are appropriately enforced
- local governments can regulate the control of established pests and diseases that are a local community priority.

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Encouraging compliance with WA's biosecurity laws

The panel identified that more initiatives, informed by behavioural science, are required to develop a culture of compliance among biosecurity system participants. Stakeholders were strongly supportive of this and recognised that such initiatives require a long-term commitment to have impact.

"We suggest that best-practice behavioural science should be accessed to inform behaviour-change programs, and these are most likely to be sourced from outside of government."

Biosecurity Council of WA

Helping people do the right thing

Activities that encourage and enable people to do the right thing are integral to how regulatory agencies, including DPIRD, achieve compliance. Education programs, industry guidance and information about the purpose of the legislation and the penalties that apply are important ways DPIRD, as lead agency for the BAM Act, encourages compliance with WA's biosecurity laws. However, providing information on its own is not enough to achieve effective compliance.

Regulatory agencies across Australia are increasingly investing in behavioural science research to help inform effective policies and strategies. The panel identified this as an area that can be improved in WA.

Expanding WA's compliance initiatives

The panel recommends work is done to better understand the values and views of WA's biosecurity system participants. This information can drive the improvement and expansion of initiatives that aim to encourage compliance.

It is important to create a culture in which individuals and businesses understand the importance of adhering to biosecurity laws and actively take steps to ensure they are compliant.

Tailoring the initiatives, based on this deep understanding of target groups, is necessary for success.

"Understanding the key motivators that will change behaviour is as essential as ensuring and enforcing compliance, but each needs the other."

An environmental group

"By incorporating behavioural science principles, we can better understand the motivations, attitudes, and behaviours of individuals and tailor compliance strategies accordingly. This approach acknowledges that simply relying on punitive measures may not always be effective in achieving desired outcomes."

A recognised biosecurity group

The panel highlights that this will require a long-term commitment. Introducing a *general biosecurity obligation* (GBO) ([see Chapter 4](#)) provides an opportunity to drive this behavioural change. This is because a GBO incentivises industry and government to take a more proactive, prominent and ongoing role in promoting actions to support biosecurity to system participants, including compliance.

Recommendation 16

Use behavioural science to better understand the values and views of system participants and inform an expanded program of initiatives that encourage compliance with WA's biosecurity legislation.

Detering non-compliance with WA's biosecurity laws

The panel found strong and widespread perceptions of non-compliance with and non-enforcement of the BAM Act. Activities to encourage compliance need to be balanced with activities to discourage non-compliant behaviours – penalties, monitoring and enforcement. Stakeholders agreed with this position, with many emphasising that behaviour change initiatives by themselves are not enough, and that enforcement is also required.

“Public education programs, particularly in the initial stages, will be significant to achieving success but are not sufficient on their own to bring about change. It will be necessary to have strong systems in place to monitor compliance and apply penalties when landowners are not compliant.”

A natural resource management group

Penalties, monitoring and enforcement under the BAM Act

The BAM Act includes penalties for various offences. It also supports modified penalties to be issued via infringement notices – a type of enforcement action typically issued for minor offences. Penalties serve as a form of punishment, helping to ensure that those who break the law face consequences for their actions. The BAM Act uses fixed penalty values that have not been updated to account for inflation, or to reflect changing biosecurity risks. The panel identified that the penalties under the BAM Act may not be sufficiently severe to deter non-compliant behaviours.

Monitoring and enforcement are also important ways to deter non-compliance. DPIRD, as the regulating authority for the BAM Act, takes a risk-based, outcome-focused approach to this. The panel agrees with this approach, which involves identifying and prioritising areas of regulatory risk based on the likelihood and potential impact of non-compliant behaviour (DPIRD 2022a). However, the panel heard significant stakeholder concern that DPIRD was not doing enough to monitor and enforce compliance – especially in relation to laws requiring established declared pests to be controlled. Weak enforcement, whether perceived or real, may reduce the deterrent effect of laws, regulations and penalties. It may be beneficial to increase the visibility of monitoring and enforcement.

“Strong visible enforcement of compliance will support those community members who do the right thing but feel let down by the current lack of enforcement.”

A recognised biosecurity group

Supporting monitoring and enforcement

For enforcement action and penalties to be effective deterrents, people need to believe that there is every chance that they will be caught and that a consequence for their non-compliance is likely. The panel concluded that monitoring and enforcement actions need to be visible and better supported by inspector powers and penalties.

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Strengthening the enforcement presence

The panel found that many stakeholders do not see or understand the current monitoring and enforcement efforts. There is a need for greater visibility of these actions.

The panel concluded that it may be appropriate to make better use of the provisions that allow persons other than DPIRD officers to be appointed as BAM Act inspectors. This is in addition to leveraging personnel who operate in other regulatory areas but are already authorised under the BAM Act.⁸ WA is a geographically large state. Expanding the workforce of inspectors by leveraging officers that already have authorisations/regulatory roles under other legislation and are well placed to identify and address biosecurity risks, may be an effective way to increase monitoring and enforcement capacity and visibility, when appropriate and feasible.

Training and ongoing inter-agency cooperation, led by DPIRD as the regulating agency, will be required to ensure all inspectors understand the legislation and are confident in applying their regulatory skills to biosecurity.

Recommendation 17

Consider expanding the use of regulatory personnel authorised under other legislation as BAM Act inspectors to bolster the on-ground presence of monitoring and enforcement.

Inspector powers

Powers and legal instruments need to be robust enough to enable an effective regulatory response that supports WA's biosecurity. Although stakeholders told the panel the powers of the BAM Act were generally sufficient, relatively minor amendments can be made to improve these powers ([see Attachment 1](#)). For example, the BAM Act allows 21 days for an inspector to issue an infringement notice from the time the alleged offence occurred. However, the investigative work required can often exceed 21 days, especially when travel or diagnostic testing is required. The panel identified that comparable legislation provides for longer investigative periods.

The panel concluded that work will be required to ensure that inspector powers and legal tools under the reformed biosecurity act are appropriately designed to enable an effective regulatory response. The powers and tools should align with and support the GBO and measures aimed at mitigating the risks and impacts associated with *dealings* with *biosecurity matter*.

Recommendation 18

Include in the reformed biosecurity act a suite of inspector powers and tools that support the enforcement of modern biosecurity concepts including the *general biosecurity obligation* and requirements relating to *dealings* with *biosecurity matter*.

"I value compliance through education and behavioural change, but I recognise that without strict and visible compliance follow up and presence, ultimately people become complacent and lazy. Compliance enforcement can be costly, however, compliance presence is a crucial element of prevention by keeping people honest. Right now, compliance presence is seemingly almost non-existent in many industries. It appears that for someone to be fined is near on impossible. This is problematic because it sends a message that it is unlikely you will ever be disciplined, even if you are in the wrong."

An individual

⁸ Police officers, fisheries officers and wildlife officers are authorised under the BAM Act to exercise powers as inspectors in relation to certain organisms/activities.

Appropriate penalties to deter non-compliance

Penalties to reflect the seriousness of the offence

Penalties in the BAM Act are generally lower than for comparable offences in other Australian jurisdictions, and would need to increase fourfold to be commensurate with most jurisdictions.

The panel learnt that penalties in the *Biosecurity Act 2015* (NSW) were modelled on environmental legislation and provide for some of the largest biosecurity penalties in Australia (up to \$2.2 million). This is a reasonable comparison as the harm caused by biosecurity breaches can be extensive, long-lasting and difficult or impossible to reverse, similar to breaches of environmental laws (for example, if illegal actions resulted in the declared pest Myrtle rust becoming established, it could cause irreversible damage to WA's landscape).

Appropriate and proportionate penalties are essential to effective deterrence. The panel concluded that penalties attached to biosecurity

offences in WA should be brought into line with penalties in modern biosecurity legislation and with WA's environmental penalties.

"We support the increase in the monetary value of the penalties. As a minimum, penalties should align with WA's *Environmental Protection Act 1986*, which provides a tiered penalty system (Tier 1 maximum penalty for a corporate body of \$500,000). This is significantly higher than the current maximum post-border biosecurity penalty of \$100,000 under the BAM Act."

WA Local Government Association

Recommendation 19

Align the value of penalties in the reformed biosecurity act with the value of penalties in modern biosecurity legislation and WA environmental legislation to ensure the penalty is proportional to the harm caused.



Myrtle rust

Myrtle rust is a serious disease caused by a fast-spreading fungus that infects and kills many plants belonging to the Myrtaceae family.

The fungus was first found in Australia in 2010 in NSW and has spread to Queensland, Victoria, Tasmania and the Northern Territory.

It was detected in an isolated part of northern WA in June 2022.

"We were lucky to first detect the pathogen in such a remote area where there is little to no human access, and we accessed it by helicopter" says Mia Townsend, former Coordinator of the Plant Diseases Program with the Department of Biodiversity, Conservation and Attractions.

Myrtle rust spreads easily by wind-borne spores, and WA has more than 1,000 potential host plant species.

Many WA species could be infected, including melaleuca, peppermint trees, waxes, bottlebrush, lilly pilly and paperbarks.

"The fact that it's established so quickly in Australia since its initial arrival in NSW in 2010, and is predicted to drive at least 16 native species to the brink of extinction in the next few years, is pretty alarming," says Ms Townsend.

Under the BAM Act it is illegal to import potential *carriers* of Myrtle rust into WA, except under approved conditions.

(photo: CSIRO)

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Introduce aggravated offences

An aggravated offence is an offence committed intentionally or recklessly. An aggravated offence attracts a higher penalty to reflect the seriousness of the action and to ensure the penalty is proportional to the harm caused. Stakeholders were supportive of introducing aggravated offence provisions.

“The inclusion of ‘aggravated’ offence provisions contributes to maintaining public trust in the biosecurity system. It demonstrates that the legislation acknowledges the varying levels of culpability and takes into account the seriousness of the harm caused.”

A recognised biosecurity group

Recommendation 20

Incorporate aggravated offence considerations in the reformed biosecurity act to reflect the seriousness of the action.

Introduce penalty units

The panel recommends using penalty units to ensure the value of penalties can be easily updated to align with inflation. The penalties in the BAM Act are set at a specific dollar value. For example, a fine of \$50,000 is the penalty for illegally importing a prohibited organism. The disadvantage of this approach is that the monetary value of the penalty diminishes over time, and updating it requires an amendment to the BAM Act.

A penalty unit is a figure used to represent an amount of a fine, and the value of that unit can be changed. Fines are calculated by multiplying the current value of the penalty unit by the number of penalty units assigned to the offence. If the penalty is 10 penalty units and the value of a penalty unit is \$100, the amount payable is \$1,000. It is more efficient to adjust the value of a penalty unit to account for inflation or other changes in economic conditions than it is to amend a fine with a specific dollar value assigned in legislation.

“The benefits of using penalty units in the BAM Act ensures that the value of penalties remains current, maintains efficiency in adjusting penalties, promotes consistency and fairness, enhances legislative stability, and aligns with established best practices.”

A recognised biosecurity group

Recommendation 21

Use penalty units in the reformed biosecurity act as a versatile tool for setting and adjusting the value of penalties to account for inflation or changes in the economy.

Compliance statements on the performance of public authorities

The BAM Act requires the Director General of DPIRD to publicly report on public authorities that fail to comply with the duty to control declared pests, or with a pest exclusion notice or a pest control notice. However, this provision has not been an effective driver for accountable pest control actions by public authorities. The panel discusses this in Chapter 12 and makes recommendations that improve the transparency and accountability of actions taken by public authorities to manage biosecurity risks and impacts.

Expanded enforcement options for local government

The BAM Act contains provisions for local government to prescribe a weed that is not a declared pest under the BAM Act as a pest plant, and to make local laws to regulate that plant. The local government can then undertake monitoring and enforcement actions in relation to the pest plant under the *Local Government Act 1995*. The panel recommends the scope of the provisions for local government to make local laws be extended to include established diseases, pest animals and plant pests.

Expanding the scope of local laws

The WA Local Government Association is not opposed to local governments having an expanded ability to create local laws (WALGA 2023). However, there are concerns in the sector that it could be a sign of cost shifting of monitoring and enforcement that it believes should be undertaken by the WA Government.

The panel concluded it is appropriate for the reformed biosecurity act to provide the authority for local governments to create local laws for established diseases, pest animals and plant pests that a community would like to regulate locally. However, it should not be seen as a requirement or expectation. The objective is to remove the barriers that prevent local governments from regulating established pests and diseases of local concern. The nature and type of established pests and diseases that could be made the subject of a local law will need to be determined in consultation with local governments, and in the context of recommendations made in Chapter 5, specifically the:

- declaration framework designed to manage *dealings with biosecurity matter*
- GBO to manage established pests and diseases.

In some circumstances, local action may be an effective way at achieving compliance and making it visible to the community.

Removing the barriers that prevent local governments from regulating established pests and diseases can be an important step, especially when control is a local community priority.

Recommendation 22

Expand the scope of the provisions that enable local governments to make local laws to include established diseases, pest animals and plant pests.



How local governments can manage local priority weeds

Caltrop thorns are nasty. They are painful to step on and puncture bike tyres, but the weed is not a declared pest under the BAM Act because it is well-established in WA and doesn't warrant a state-wide regulated response.

However, under the BAM Act, local government can prescribe any plant – other than a declared pest – to be a pest plant.

Which is exactly what the City of Joondalup did with caltrop when it introduced its Pest Plant Local Law 2012 to eliminate caltrop on public and private lands.

The Pest Plant Local Law 2012 means that the City can direct landowners to remove or eradicate caltrop from their property to stop its spread.

'The City currently has 532 listed sites on the priority weed register with 18 of those sites on private property,' says Colin Crockett, a Technical Officer with the City's Parks Services team.

'On the last inspection, 7 of the private property sites were found to have caltrop active. On the remaining 11 sites, there was no caltrop found.'

'After 5 years, if there's no caltrop found on that site, it gets removed from the register.'
(photo: DPIRD)

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DPIRD Diagnostic Laboratory Services Seed Testing and Certification Manager inspects a subclover crop to determine whether it meets international standards. Field inspections are needed to ensure WA-grown product that is destined for export markets meet certain requirements (photo: DPIRD)

Chapter Eight

Certification

Biosecurity certificates provide evidence that biosecurity requirements, such as import or export requirements, have been met. Improving efficiencies in certification processes is required to ensure the process is timely, continues to meet industry and customer needs and remains fit for purpose.

This chapter recommends the introduction of third-party accreditation schemes that enable authorised entities to accredit persons to issue biosecurity certificates.

The recommendation in this chapter is designed to ensure tools are in place to support industry to efficiently provide assurance of compliance with import and export requirements.

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Certification

A biosecurity certificate provides assurance that animals, agricultural products, potential *carriers*, animal feed or fertilisers meet an approved standard. Industries and governments rely on these certificates as evidence that certain requirements have been met, for example import or export requirements. Requirements can include elements such as physical inspection, laboratory testing or treatment to reduce the risk of a consignment carrying and spreading pests and diseases.

Existing BAM Act regulations establish how biosecurity certificates are issued in WA and offences associated with non-compliance. Regulation also enables certificates issued in other states and territories to be recognised in WA.⁹

Western Australia's regulations identify various types of assurance certificates: export, import, interstate export, interstate import and intra-state movements. In modern biosecurity legislation, the terminology is simplified to refer to all these certificates under the umbrella term 'biosecurity certificate' or 'approved biosecurity certificate'.

Currently, certificates can be issued in WA by BAM Act inspectors, or by persons accredited by the Director General of DPIRD to issue their own certificate. DPIRD manages the accreditation process and conducts audits to ensure accreditation conditions are being met.

The panel identified that the options currently available for certification are limited and could impact the continued effectiveness of the certification system. As biosecurity risks grow, industries expand and consumer demands for safe and quality products increase, there will be mounting pressure on certification processes. The current system and processes are unlikely to keep pace.

Third-party accreditation schemes

The panel noted the inclusion of third-party accreditation schemes in modern biosecurity legislation and concluded that third parties should also be authorised to accredit persons to issue biosecurity certificates in WA. This will help ensure certification can keep pace with growing demand. Under a third-party accreditation scheme, a third party can be authorised to accredit persons to issue certificates and conduct audits to ensure accreditation conditions are being met (Figure 7). The government then audits the third-party accreditor to ensure the scheme maintains its integrity.

Key industry stakeholders with experience of third-party accreditation schemes were very interested and supportive of this proposal. Some stakeholders lacked confidence in third-party systems and were concerned about potential non-compliance or costs to industry.

Third-party schemes are provided for in all modern biosecurity legislation and bills. Some third-party entities are already operating in multiple states and territories. Certificates being issued under these schemes are also accepted by WA as evidence that import requirements have been met.

The panel identified that third-party schemes positively contribute to the management of biosecurity risks. Schemes operating in other jurisdictions provide the persons they accredit with educational support, and make accreditation subject to training, planning and reporting requirements. This enables industry to play a more active role in the regulatory process and creates opportunities for industry-driven innovation, efficiencies and outreach.

Under the *general biosecurity obligation* ([see Chapter 4](#)), persons accredited and trained through a scheme may have a higher obligation than persons who have not been trained through such a scheme. This is because

⁹ Biosecurity and Agriculture Management Regulations 2013 and Biosecurity and Agriculture Management (Quality Assurance and Accreditation) Regulations 2013.

what they know, or should reasonably know, of the biosecurity risks associated with their activities is enhanced by participation in the scheme.

The panel considered stakeholder concerns about potential non-compliance and recommends that any third-party accreditation scheme in WA will need robust oversight by DPIRD. The introduction of a third-party accreditation scheme should be carefully planned and its administration appropriately resourced. It must be accompanied by significant penalties for authorised entities that do not comply with their accreditation and

auditing requirements. In New South Wales, the maximum penalty for a corporation that contravenes the conditions of its approval to operate a third-party accreditation scheme is \$440,000 and, in the case of a continuing offence, a further \$110,000 for each day the offence continues.

Recommendation 23

Authorise third parties to deliver biosecurity accreditation schemes under robust oversight, and align certification regulations with the standard set in modern biosecurity legislation.

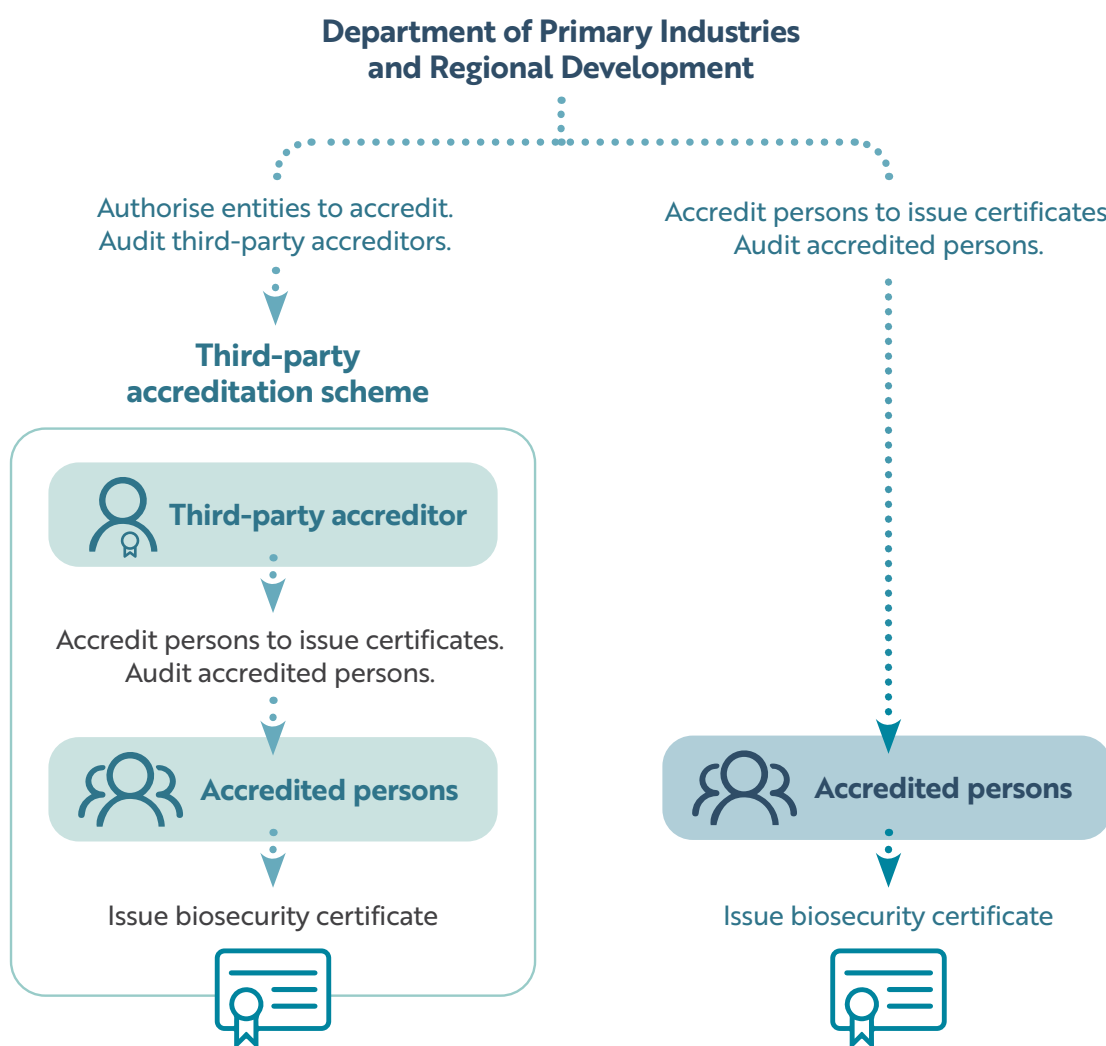


Figure 7: Overview of how a third-party accreditation scheme (left) could operate alongside the existing accreditation process (right).

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Feeding the fish in an aquaculture sea cage. Biosecurity is a critical part of safeguarding aquatic environments and maintaining the health of WA's aquaculture industries (photo: DPIRD)

Part 4

Enabling

Western Australian industries and communities need legislative tools and funding schemes to support them to manage biosecurity risks and impacts. Existing schemes for industry to raise funds for collective biosecurity action are fit for purpose. The introduction of industry-government response agreements at a state level will complement them.

However, major reform of the declared pest rate-recognised biosecurity group model is needed to better support community collective actions in managing established pests and diseases across WA. A more strategic and accountable process for prioritising pest management activities and allocating public funds is required, as is a simpler and more equitable and cost-effective pest rating system, with state government matching of the funds raised continuing.

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Chapter Nine

Industry

It is critical that WA industries continue to be supported to manage biosecurity risks and impacts that affect industry productivity, profitability and sustainability. The BAM Act's industry funding scheme provisions were found to be fit for purpose. The proposed introduction of state-level industry-government response agreements will complement them. Agreements will offer a clear framework for responding to incursions that primarily impact industry, including roles, responsibilities and cost-sharing arrangements with the WA Government.

This chapter recommends the introduction of industry-government response agreements at the state level.

The recommendation in this chapter will ensure WA industries can access and take advantage of legislated support structures to establish and deliver collective and coordinated biosecurity actions for their priority pests and diseases.

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Industry biosecurity funding schemes

Industry funding schemes

The panel concluded that the provisions enabling state-based industry funding schemes (IFSs) under the BAM Act are fit for purpose and supported by stakeholders, with a relatively minor amendment relating to compensation recommended. [🔗 See Attachment 1](#)

“The Industry Funding Schemes under the BAM Act [work well] for many reasons... It is inherently industry-driven – empowers industry and supports industry collaboration and engagement on biosecurity issues (self-fund and manage risk and incursions).”

Industry stakeholders

Industry can choose to collectively fund biosecurity activities using the IFS provisions to establish a scheme, form an Industry Management Committee and raise funds for:

- programs and other measures to control declared pests
- the payment of compensation for loss incurred as a direct result of a declared pest or measures taken to control a declared pest
- costs and expenses of destroying animals and agricultural products because of infestation or infection by a declared pest.

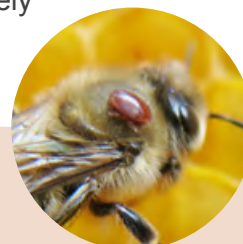
The BAM Act makes provision for IFSs across a range of industries, including apiculture, aquaculture, forestry, viticulture, horticulture, agriculture and nursery industries. However, only 3 IFSs have been established for cattle; sheep and goats; and grains, seeds and hay. The panel found that some industries were unaware of the opportunity to form an IFS.

Producers participating in the IFS pay voluntary financial contributions towards addressing their industry’s declared pest priorities. DPIRD administers the IFS accounts in consultation with the Industry Management Committee. The BAM Act also allows the Treasurer to loan money to an IFS if there are insufficient funds to meet requirements.

Agricultural Produce Commission

In addition to the IFS provisions in the BAM Act, industries can also choose to raise funds for biosecurity purposes through a fee-for-service under the *Agricultural Produce Commission Act 1988*. The Agricultural Produce Commission (APC) fee-for-service charge is paid by producers to fund industry services such as biosecurity, research, compensation, training, marketing and promotion. Eleven industries have created Producers’ Committees to oversee the implementation of a fee-for-service charge. The APC is responsible for establishing the Producers’ Committees and providing them with governance and financial services.

The panel identified the APC as a suitable alternative for industry to fund collective biosecurity action. The IFSs and APC together provide WA industries with the capability to collectively fund biosecurity activities for their benefit.



The destructive varroa mite

The tiny varroa mite is a big threat to Australia’s honey industry. Found in NSW in 2022, the focus has now shifted to managing its impacts, despite best efforts to eradicate it.

WA beekeepers are worried about how the pest will be addressed if it is detected in WA.

Will the WA Government commit funds to eradicate the pest or compensate affected beekeepers?

Even if the mite were to establish in the east, it might not establish in WA thanks to our geography and strict biosecurity laws. So prevention, early detection and eradication are key.

The WA beekeeping industry wants to be on the front foot to protect their bees and businesses. An IFS or APC Producers’ Committee could help make this happen.

(photo: iStock)

WA industry-government biosecurity response agreements

Some industry stakeholders suggested to the panel that more could be done to support industry to raise funds for biosecurity and respond to new incursions. The current schemes adequately fulfil this role, but the panel agreed that more could be done. Specifically, there is need to identify roles and responsibilities and cost-sharing arrangements before a biosecurity response occurs.

The panel identified industry-government biosecurity response agreements, at a state level, as a way to address this and deliver benefit to WA industries. Stakeholders were supportive of formalising roles and responsibilities, including cost sharing, for industry-focused biosecurity responses. However, they wanted to understand how these would work in practice and recognised that it would involve complex negotiations.

“Cost-sharing structures (like the national EPPRD) for eradication of regionally exotic pests have not been established. Some discussion/agreement on cost sharing between different industries and the government (to account for environmental and/or social impacts) would help industry to determine how they can respond to incursions (how much money they can commit).”

An industry group

There is precedent for industry sharing the cost of biosecurity responses with government.¹⁰ The proposed agreements would be similar to the national deeds but at the state level, to formalise cost-sharing arrangements, including roles and responsibilities, relating to WA-based responses to pests and diseases that impact WA industries.

Cost sharing would need to be negotiated before a pest or disease incursion occurs, based on an agreed public-to-private benefit ratio. The IFS and APC schemes should be leveraged for the collective funding of an industry's financial contribution to an agreement. It is anticipated that the opportunity to enter into an industry-government agreement will encourage more industries to participate in IFS and APC schemes.

An agreement could also provide for the WA Government to cover the upfront costs of a response, with industry repaying its agreed share. This could be facilitated through existing IFS provisions (or new provisions under the reformed biosecurity act specifically for agreements) or industries with an APC scheme.

Introducing state-level industry-government response agreements will need a whole-of-system policy, framework and appropriate legal instruments to be effective. Industry-wide planning and coordination will also be required to support cooperation across industries and coordination with IFS and APC committees and national response deeds. The biosecurity planning committee recommended in Chapter 12 could play a role in overseeing the development of these in consultation with industry.

Recommendation 24

In consultation with industry, develop a whole-of-system biosecurity policy, framework and legal instruments for the introduction of industry-government biosecurity response agreements at a state level.

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¹⁰ For example, through the [Emergency Animal Disease Response Agreement](#), the [National Environmental Biosecurity Response Agreement](#) and the [Emergency Plant Pest Response Deed](#) (EPPRD).

Community volunteers and staff from Peel Harvey Biosecurity Group (PHBG) and the Department of Biodiversity, Conservation and Attractions at a cotton bush information event in Serpentine National Park. The event was part of a 3-year community-coordinated project to undertake cotton bush control activities in the area surrounding the heritage-listed Spencer's Cottage in the Serpentine National Park (photo: PHBG)



Chapter Ten

Coordinated established pest management

How WA plans, coordinates and allocates resources to manage established pests¹¹ needs reform. A more strategic, robust and accountable process for prioritising and publicly funding established pest management activities is required. Participation is needed beyond existing recognised biosecurity groups (RBGs). The WA Government must lead the strategic coordination of this work across the state.

In this chapter, the panel makes several recommendations to enable greater participation in established pest management, funded from the Declared Pest Account (DPA). The chapter explains that the current RBG delivery model is limiting. More strategic planning and coordination at the state and regional level is needed, as well as collaboration across RBGs and other entities, including natural resource management organisations and local governments. A regional planning and resource allocation framework is proposed. The recommendations complement proposed reforms outlined in Chapter 11 to rename and evolve the declared pest rate (DPR) into a *pest management rate*.

Recommendations in this chapter will contribute towards ensuring WA has biosecurity legislation that provides for:

- concentration of effort on established pest management regionally and at a landscape scale
- collaboration between different entities involved in pest management activities, informed by local and cultural knowledge and scientific evidence
- risk-based decision making, and greater transparency and good governance in funding administration
- innovation in pest management activities with cost-effectiveness and targeted pest management outcomes improving over time.

¹¹ In this chapter, pest refers to both pests and diseases.

WA's existing established pest management approach

Established pests are pests and diseases that have spread to such an extent that it is no longer feasible to eradicate them from the state. They fall on the right-hand side of the generalised invasion curve (↗ see **Figure 1, Chapter 1**) and need ongoing management to reduce their impact. There tends to be less return on public investment for the ongoing management of established pests compared to prevention, eradication or containment of new incursions.

Established pests can affect the environmental, social, cultural and economic assets of communities and industries across WA. Their impact can be severe, and their ongoing management unrelenting and resource intensive. Managing priority established pests is a common aspect of biosecurity systems nationally. However, how responsibility is shared in practice varies and can be very contentious. State audit office reports in WA (OAG 2013, 2020) and in Queensland (Qld Audit Office 2023) have highlighted that planning and risk-based frameworks for established pests need improvement.

The allocation and use of public resources for established pest management requires careful consideration. System participants can have very high expectations for control of these pests that are unlikely to ever be met. The need will always be greater than available funds, and stakeholders can hold conflicting views about which established pests should be prioritised and why.

Collective community action

Ultimately, land managers (including public land managers) working collaboratively in their communities, are responsible for managing the impact of established pests on assets. A coordinated approach based on collective community action has been adopted nationally and in WA to support this. Under this approach, landholders, community groups and others with an interest share responsibility for managing established pests. Local knowledge and expertise is harnessed and resources are coordinated and concentrated. These collective actions complement individual landholder efforts and are generally more effective at managing established pests across land areas and boundaries (i.e. at a landscape scale). A coordinated, community-based approach to established pest management not only supports WA's biosecurity system, it also contributes to sustainable land management, conservation practices and Caring for Country.

Much has been invested in this approach, from landholder and volunteer efforts to public and private funding. Community groups (including RBGs), industry funding schemes (IFSs), philanthropic conservancies, public authorities, and research and technology innovation all play their part.

However, there is also confusion and contention over who is responsible for pest management on land of different tenures, what pest management should look like and achieve, and which pests should be the priority. Stakeholders frequently raise concerns about what they see as government not doing enough to manage pests on public land. Pests of particular concern to an individual landholder may be less of a concern to other landholders, or to the broader community, depending on the assets they threaten.

The priority focus for the WA Government's direct investment in biosecurity is, appropriately, on preventing new pests from entering, spreading and becoming established in WA. However, the WA Government should also provide the supporting infrastructure, including public investment, to enable effective collective efforts in managing the impacts of established pests.

The declared pest rate-recognised biosecurity group model

The DPR-RBG model is the primary way that a coordinated community-based approach to established pest management is currently supported in WA.

Under the BAM Act, the WA Government operates a compulsory, land-based rating scheme, known as the DPR. Funds raised from the DPR are matched dollar-for-dollar by the WA Government, with the combined funds held in the DPA administered by DPIRD. DPA funds are used on activities associated with controlling declared pests in the area from which the rate was collected. Ratepayers reasonably expect to benefit from the pest management activities they help fund.

Declared Pest Account funds are currently provided exclusively to community-based pest management groups recognised by the minister, known as RBGs. Unlike most government funding programs that use non-statutory funding guidelines, ministerial recognition of a group under the BAM Act enables DPA funds to be transferred to it.

Recognised biosecurity groups use DPA funds to help landholders meet their obligations to control declared pests (specifically, established pests) on their land. RBGs coordinate or undertake pest management activities and education, and work with their local communities to determine which declared pests are priorities for action. Examples of the variety of activities undertaken by RBGs in their communities using DPA funds are shown in Figure 8.

There are currently 14 RBGs in WA, covering more than 95% of the state's vast land area (Figure 8). However, there are noticeable gaps in areas with substantial agricultural production and ecosystem biodiversity. Although not a legislative requirement, under the current model a DPR is only raised in an area where an RBG is in operation.

Recognised biosecurity groups are not the only groups involved in, or capable of, undertaking coordinated established pest management in WA. The 7 Australian Government recognised natural resource management (NRM) regional organisations (e.g. NRM or Catchment Council), many other catchment groups, Landcare and feral species networks, local governments and other community groups also work to manage established pests across the state. In addition, IFSs (see Chapter 9) contribute funding for established pest management where the pest has industry-wide impacts (for example, wild dog management in areas not covered by an RBG (DPIRD 2023b)).

Comparison to other jurisdictions

Unlike some other states, WA does not have state-wide coverage of statutory entities (including under a NRM or Landcare management framework) for the purposes of planning and coordinating established pest management at local, regional or landscape scales. The legislative underpinning of WA's DPR-RBG model is quite different to the coordinated established pest management approach of other states.

The 7 NRM regional organisations operating across WA do plan and undertake pest management in partnership with local communities outside of the DPR-RBG model, but do not have a legislated mechanism for this. In the biosecurity context, the NRM regional focus is on protecting environmental and biodiversity values and assets, largely influenced by federal funding priorities.

South Australia has statutory regional land boards. It regulates established pest management within the context of Landcare, principally under its *Landscape South Australia Act 2019* (SA). New South Wales has statutory Local Land Services at the regional scale that have natural resource management and primary industry extension functions, which includes pest management. Queensland requires its local governments to develop and implement biosecurity management plans and assists them with some state-level resourcing.

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Declared Pest Account funds in action

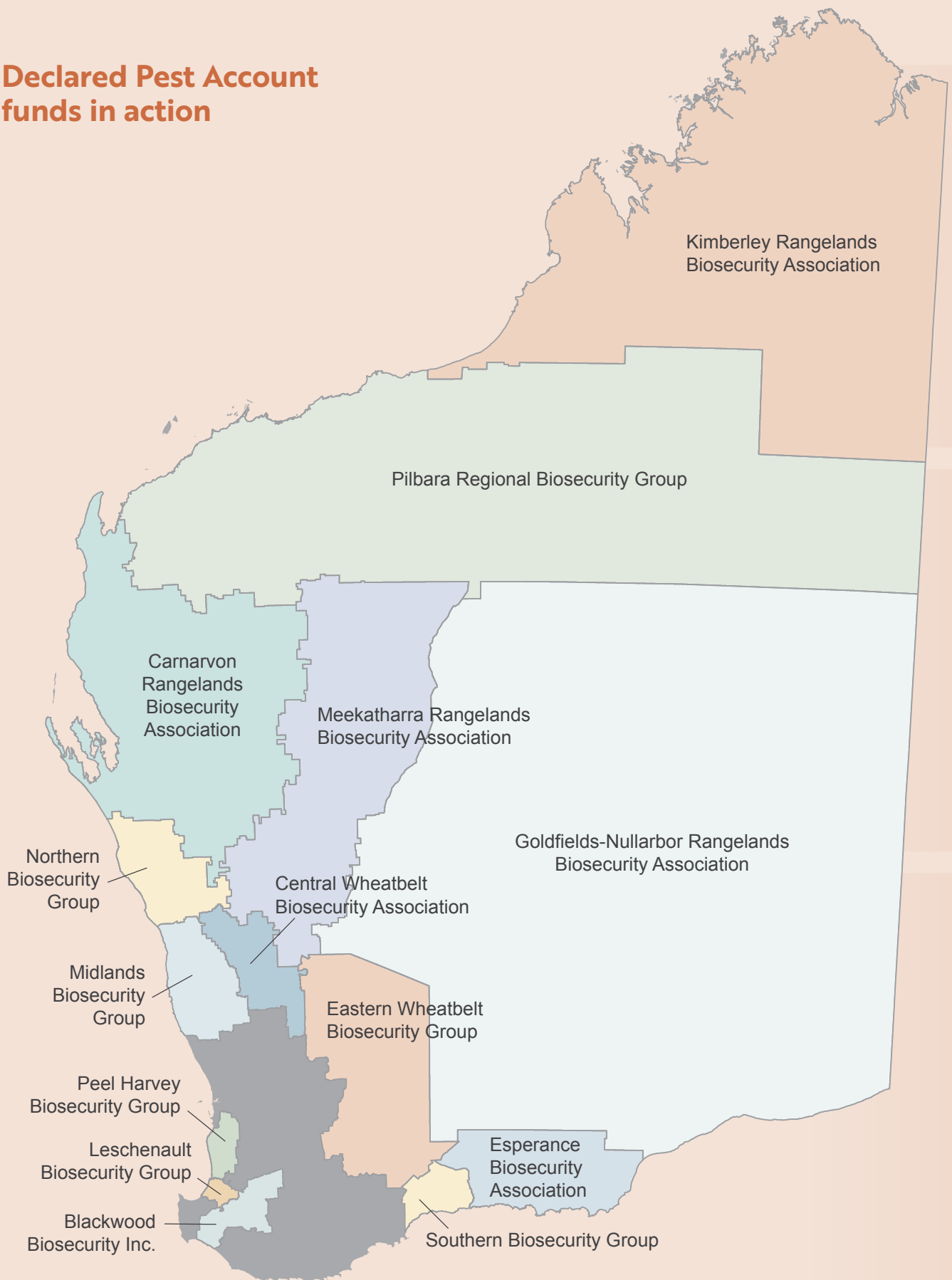


Figure 8: DPA funds in action – operational areas of WA’s 14 RBGs and example RBG activities undertaken using DPA funds

Baiting and aerial control together



Northern Biosecurity Group supports landholders to manage wild dogs, feral pigs, foxes and rabbits. This includes holding community baiting days to help landholders control pests in a cost effective, coordinated and safe way. The group even operates an aerial feral pig culling program targeting identified hotspots. Participating landholders contribute to this program over and above the declared pest rate they already pay.

Educating on invasive species control



Peel Harvey Biosecurity Group has developed a working relationship with Central Regional TAFE to host training in Rural and Environmental Pest Management (at Certificate III level) every 2-years. Participants willing to volunteer their pest management services in the Peel Harvey area are offered a \$500 subsidy to complete the 5-day course, which is currently only available in Carnarvon.

Long-term weed control



Kimberley Rangelands Biosecurity Association runs, or contributes to programs focused on significant weeds such as prickly acacia and mesquite. The group also works collaboratively with landholders and agencies to tackle rubber vine. It leveraged its DPA funding to successfully receive State NRM funding to help with this work on two large sites in the East and West Kimberley.

Engagement with Traditional Land Custodians



Goldfields Nullarbor Rangelands Biosecurity Association (GNRBA) engages with Aboriginal pastoral businesses on integrated pest management programs. The GNRBA have also established a good working relationship with Native Title holders including Spinifex, Birriliburu, Ngadju and Matu People.

Equipment for loan and pocket cards to raise awareness



Leschenault Biosecurity Group has a spray trailer available for loan. It was recently used to mop-up blackberries in those hard to reach places after a neighbourhood drive to remove the bulk of the infestation. It also distributes pest pocket cards that help landholders identify pests and take action to contribute to community control efforts.

Spreading the word at agricultural shows



Blackwood Biosecurity Incorporated (BBI) attends agricultural shows like the Darkan Sheepfest, Dinninup Show and Bridgetown Agricultural Show. The goal is to get the word out on how to manage pests and encourage landholders to work with each other and BBI to make their efforts more effective – like when BBI worked with neighbouring landholders to tackle a feral pig problem. Trail cameras were used to keep an eye on 1080 impregnated oats, and drones were used to find deceased pigs so that they could be disposed of.

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Limitations of the DPR-RBG Model

Over the last decade, concerns with how the DPR-RBG model operates have been raised by various bodies including the Office of the Auditor General for WA (2013, 2020), the Biosecurity Council of WA (2020, 2022) and the WA Local Government Association (2017). Community support for the model varies significantly across WA, reflecting the differences in RBG operational approaches and time in operation, as well as the size and diversity of the communities and land that they are operating across.

Recognised biosecurity groups have also raised concerns about the operation of the existing model, especially its administration. Like many volunteer-based community groups, they experience skill and capacity constraints in carrying out their work (including administration of public funds) and must deal with the challenges associated with engaging landholders and other stakeholders in collective action.

Stakeholders were particularly forthcoming in sharing their views about the model with the panel.

“Their (RBG) advantage is targeted work and local impact, but their weakness is not wanting to lose their identity/funding and sometimes using funding for small projects that don’t always achieve best value for dollar.”

An individual

“Despite having to pay the DPR, there is still endless cottonbush and lovegrass on the road verges that has not been touched for years... these community groups are clearly ineffective. We should not be forced to pay for ineffective strategies. This should be voluntary. If there is good work being done, people would be more willing to support it.”

An individual

“The management of the DPR and its funding cycles becomes more cumbersome every year for volunteer run RBGs this includes the lack of financial security for planned programs.”

A recognised biosecurity group

“RBGs and the DPR are not working well in the South West region. Primarily because it is difficult to unite a community on a particular subject and requires a lot of consultation... the introduction, implementation and the model itself have been extremely divisive in our community.”

An individual

“The implementation and establishments of RBGs works well in engaging the local community in the management of direct threats to their regions. It encourages great partnerships between regional stakeholders in meeting obligations to manage declared pests at a community level.”

A recognised biosecurity group

Through consultations and the independent evaluation of the DPR-RBG model (Synergies Economic Consulting 2023a, 2023b), the panel identified considerable limitations and concerns with how the exclusive delivery of DPA funds through RBGs supports WA’s biosecurity system. The panel also identified issues with the current approach to raising a DPR. [↗ See Chapter 11](#)

Most notably, there is a significant lack of strategic planning and coordination of established pest management priorities and actions at the regional and state levels. Planning and coordination are critical to guide the appropriate investment of public funds and efficient use of limited resources, and ensure all stakeholders have an opportunity to participate in the process.

A key issue affecting the level of community support for RBGs involves the DPR. Opposition to paying the rate can negatively influence how stakeholders perceive and engage with their local RBG. Other stakeholders object to the rate because they question the effectiveness of their local RBG in supporting landholders. This conflation of the rate with RBGs, although problematic, is understandable given RBGs have exclusive access to the funds raised from the rate. Supported by the WA Government, RBGs have also played a key role in the rating process, being instrumental in its introduction and proposing the rates to be applied. However, as community organisations, RBGs do not have any statutory role or accountability for imposing the WA Government rate on land, or even exclusive right of access to the funds raised from it.

Other concerns raised by stakeholders in the context of the model include:

- that there is not enough resourcing, both within and outside the DPR-RBG model, committed to the ongoing management of established pests, and community pest management activities specifically
- potential gaming of the system, by lobbying for an RBG to access government co-funding or by lobbying for pest declaration where it is not warranted to access funding
- that both state and local governments should be doing more to control declared pests on public land they manage
- insufficient funding for managing pests that impact the natural environment, with concerns that DPA funds are too focused on protecting pastoral and agricultural productive assets
- insufficient levels of compliance and enforcement activities for established declared pests
- funding that is tied to a high number of prescribed rating areas with limited flexibility to adapt as circumstances and priorities change across boundaries.

“The RBG model only supports pastoralists. There need to be avenues for Native Title groups and other land interests to have input into biosecurity priorities and have access to funds and resources.”

A community organisation



RBGs, NRM and other community organisations, state and local governments, and landholders were represented at a forum on improving WA's community-led pest and weed management, held in November 2022. Various consultation and engagement formats were used to enable community and other stakeholders to contribute their views (photo: DPIRD)

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An improved regional pest management model¹²

The panel concluded that the current RBG delivery approach for managing established pests in WA is limiting and experiencing significant challenges. It needs significant reform to better support communities to manage established pests across WA, and address local, regional and state priorities.

The panel identified a need to improve strategic planning, prioritisation and coordination of established pest management activities at regional and state levels, to better guide funding allocation. Wider collaboration and participation of entities, beyond the existing RBGs, is essential.

The panel recommends a regional planning and resource allocation framework that:

- establishes *pest management regions* across the entire state with each requiring a *pest management plan* approved by the minister
- allocates *pest management rate* and matched WA Government funds (currently known as DPA or DPR funds) regionally, aligned with approved *pest management plans* and through an open, competitive process focused on multi-year funding agreements.

Importantly, under this framework rate revenue raised from a *pest management region* and matched by the WA Government would be allocated back to that region in accordance with its approved *pest management plan*.

The panel envisages a critical mass of expertise and skill brought together in a well-coordinated regional endeavour, providing more effective management of the variable impacts of established pests across WA's landscapes. Regional planning and prioritisation of pest management activities will occur through a transparent and widely consultative process, where local knowledge and experience and science-based risk assessment are key inputs.

A greater diversity of community organisations working together on planned pest management will be enabled. Under the regional framework, formal ministerial recognition of biosecurity groups would no longer be required to enable transfer of funds.

Importantly, the panel's proposed reforms address the limitations of the current RBG delivery model. Elevating established pest management to the regional level will provide better strategic direction, rigour and collaboration for the planning and prioritisation of funding allocation than can currently be achieved. It will also embed greater flexibility in the system so it can respond to pest management challenges across landscapes and geographical boundaries. This flexibility does not exist under the current model, where funding is tied to a high number of prescribed rating areas with limited ability to adapt as circumstances and priorities change across boundaries.

The proposed regional framework will also help to consolidate and better coordinate regional and local pest management resources and knowledge systems to improve effectiveness at a landscape scale. Other state-wide control programs for established pests, such as the *Western Australian Wild Dog Action Plan* (DPIRD 2022b) and Western Shield for predator management on public lands (DBCA 2023), could be integrated within the framework. This would ensure resources and efforts are aligned to achieve shared pest management outcomes. Further integration with natural resource management and biodiversity protection efforts across WA could also be investigated in the future.

The panel believes that its proposed reforms will facilitate improved information collection and sharing on the abundance, impact and threat of established pests. This will better inform future biosecurity plans and decisions, and develop a more effective biosecurity system over time.

¹² To reflect the panel's proposed reforms to rename and evolve the current DPR into a *pest management rate* (see Chapter 11), the term *pest management rate* is used from this point on instead of DPR to refer to the legislated, land-based rate administered (and matched) by the WA Government.

Stakeholders supported a coordinated pest management approach based on collective community action in which local communities, networks and groups lead and take action.

There was divided opinion, largely between RBG and non-RBG stakeholders, on the potential impact of these reforms on existing RBG efforts. RBGs were concerned that loss of exclusive access to funds would compromise the local focus and disrupt pest management activities and outcomes in their local area. They claimed that they are working well, with strong community support, and are best placed to deliver outcomes. Other stakeholders felt that RBGs were not sufficiently representative of their community, that RBG exclusive access to funds may not be best value for money, and that there are gaps in the current model's coverage across WA.

In principle, stakeholders supported the pooling and allocation of the rate revenue and matched funds according to a clearer and more robust process.

"Apportioning funds would undermine RBGs' ability to effectively manage pests, jeopardising long-term projects and community-led initiatives. It would also compromise evaluation and transparency, as tracking specific outcomes and impacts would become more challenging."

Several recognised biosecurity groups

"[The proposed reforms are] A good step forward to ensuring a more consistent approach to pest management."

A local government

"We are very supportive of this reform. It will allow and support the peri-urban and rural landowners within the City to undertake a meaningful/coordinated approach to feral animal management which impacts their values, lifestyle and businesses."

A local government

"Pooling and broadening the range of entities eligible to receive funding, will only serve to weaken the ability of the RBG's, as they will be forced to compete for funding with smaller organisations, many of which have little if any experience in dealing with major feral pest control."

Pastoralists and Graziers Association of WA

The panel recognises that the proposed reforms are a significant change to the current RBG delivery model – notably, RBGs would no longer have exclusive, non-competitive access to the rate revenue (and matched WA Government funds) raised from its area of operation.

The panel concluded that change is necessary to better support public investment and a more sustainable established pest management model overall. The panel believes that RBGs are well-placed to play an important role within the reformed regional pest management model. They will bring in-depth pest management knowledge and expertise across various land types and uses, and invaluable experience working with communities to plan, prioritise and coordinate pest management activities.

The panel also believes there are considerable benefits to RBGs as a result of the proposed changes, most notably the opportunity for greater funding stability through multi-year funding agreements and for removing the groups' association with raising the rate (and the community consultation and angst that can come with it).

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Pest management regions and plans

The panel recommends the introduction of *pest management regions* in the reformed biosecurity act to establish in legislation the foundation for a regionally coordinated approach that covers the entire state. This approach will ensure pest management planning and prioritisation considers the diversity of groups, interests and activities impacted by established pests, and lead to more effective landscape management.

It is critical that the number of prescribed *pest management regions* be kept to a minimum (for example, 4 to 5 across WA) to ensure the model operates at an appropriate scale. Consultation will be required to determine the most appropriate regional boundaries for WA, taking into consideration various factors such as land use patterns, bioregions, communities of interest and existing regional boundaries (such as those used for Regional Development Commissions).

The panel also recommends that each *pest management region* has a *pest management plan* consistent with the purpose and objects of the reformed biosecurity act and approved by the minister. The plans will articulate the established pests and associated management activities that are a priority for the region over a 3 to 5-year timeframe. The plans will be informed by:

- science-based risk and impact assessments
- local and cultural knowledge and experience
- regional and state agency expertise
- wide stakeholder consultation.

The *pest management plans* will provide a strategic framework to guide established pest management roles and responsibilities, activities and investment, incorporating local, regional and state priorities. Although they are intended to provide a long-term management focus, the plans must also be adaptable to changes in pest priorities and emergent challenges and opportunities. The development of regional *pest management plans* will also help alleviate

concerns that priorities and funding allocation are skewed towards managing particular pests or protecting particular assets, with regional plans intended to operate across all biosecurity contexts.

It is vital that a robust and collaborative process is in place for preparing the *pest management plans* to ensure consistency, rigour and appropriate stakeholder input within and across the *pest management regions* (such as templates, development guidelines, and statutory review and consultation requirements). The panel concluded that the WA Government must be responsible for coordinating and overseeing this process given the complexity and diversity of interests and stakeholders involved. Ideally, this would be through a body such as the proposed biosecurity planning committee (↗ see Chapter 12). The biosecurity planning committee could establish subcommittees for each *pest management region* to support it to undertake this work.

Importantly, the plans will also support land managers to understand what their *general biosecurity obligation* is in relation to established pests, and form part of the regulatory framework for that obligation. ↗ See Chapters 4 and 5

Recommendation 25

Establish *pest management regions* under the reformed biosecurity act, that are prescribed in regulation, and with a requirement for each *pest management region* to have a minister-approved *pest management plan*.

Regional allocation and expenditure of funds

The panel recommends that *pest management rate* funds raised from a *pest management region* and matched by the WA Government, are pooled and allocated to carrying out that region's approved *pest management plan*.

The panel initially considered pooling funds centrally for allocation across the state according to state, regional and local priorities supporting landscape scale pest management. After considering stakeholder feedback, the panel concluded that this approach did not adequately reflect ratepayers' reasonable expectation that funds raised from their area are clearly used for the benefit of it.

"At present, ratepayers accept and have buy-in knowing that their declared pest rates can only be spent back in their area... Apportioned funds may reduce ownership over programs, increase competition between groups for resources, influence the capacity for local organisations to deliver effective programs."

A recognised biosecurity group

"Utilising funds outside of the local context could lead to resentment among landholders and a loss of ownership in pest management efforts."

Several recognised biosecurity groups

The panel also concluded that aligning expenditure to the regional *pest management plans*, rather than restricting it to the specific area from which the funds are raised (which occurs under the current model), provides important flexibility and opportunity for funding pest control activities across regional boundaries.

For example, region A's *pest management plan* could fund control activities undertaken in region B to prevent the spread of pest(s) not yet established in region A but which are a risk to its priority assets.

This approach ensures that each prescribed region will directly benefit from the funds raised in that region, while also having the flexibility to contribute toward pest management activities at a landscape scale and across regions.

Recommendation 26

Allocate *pest management rate* and matched WA Government funds (currently known as Declared Pest Account or declared pest rate funds) raised from a *pest management region* to carrying out that region's approved *pest management plan*.

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Competitive, multi-year funding opportunities

The panel recommends that eligibility for the funding be open to a broad range of pest management delivery entities, including RBGs, regional NRM organisations, local governments and other relevant community groups. Competition for funds will encourage innovation and provide a greater diversity of skills and knowledge available to improve pest management practices, including in relation to governance and communications. It is also more inclusive and equitable.

With increased opportunity for delivery entities to participate, clear funding and eligibility requirements, processes and guidelines will be essential. Eligible delivery groups will develop funding proposals to undertake pest management activities or projects that significantly contribute to the delivery of a regional *pest management plan(s)*. Eligible groups could choose to participate in various ways, including:

- facilitating regional collaboration
- recruiting landholder and volunteer effort
- tapping into local community and Aboriginal peoples' knowledge systems
- drawing in outside expertise and innovation
- on-ground pest management including contracting services.

Stakeholder collaboration across local, regional and state levels, and across landscapes, should be a key focus of funding proposals.

Sizeable, multi-year funding agreements are also preferable to support the ongoing management efforts required for established pests. Importantly, longer agreement periods will provide greater funding certainty and support the financial viability of participating community groups. Financial and non-financial co-contributions from funding recipients should be encouraged.

The proposed biosecurity planning committee (see [Chapter 12](#)) could play an important role in facilitating and overseeing the allocation of each *pest management region's* pool of available funds to eligible entities. This will help to ensure transparency in decision making, sound governance protocols and alignment with landscape-scale pest management.

"Apportioning of funds by a formalised biosecurity body to management of pests will assist with a strategic understanding of importance at different scales – local, regional and state – and help to ensure transparency."

A natural resource management group

Recommendation 27

Establish clear funding and eligibility requirements, processes and guidelines that support the regional allocation of *pest management rate* and matched WA Government funds (currently known as Declared Pest Account or declared pest rate funds) through a competitive process and multi-year funding agreements.

Recommendation 28

The WA Government leads the allocation of *pest management rate* and matched funds (currently known as Declared Pest Account or declared pest rate funds) preferably through a central body such as the biosecurity planning committee, to support a robust, transparent and independent process.



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Community groups keen to look after their local patch

The Chittering Landcare group is a small community-led group operating about 60 kilometres north-east of Perth.

It runs on a shoestring budget relying on competitive grants and whatever funding it can scrape together.

The group's work includes biosecurity activities to manage invasive weeds and pests.

The group became involved in feral pig control in 2010 when it received \$25,000 in funding from the McCusker Foundation.

'Thus began the journey where Chittering Landcare Group began a considerable contribution to biosecurity within our catchments – without additional funding, apart from what we can get through competitive grants,' says Rosanna

Hindmarsh, the coordinator of the Chittering Landcare Group.

The role of community groups in pest management was an important consideration during the BAM Act review. Under the current system, RBGs receive funding via a declared pest rate that is matched by the WA Government.

But some community groups – such as Chittering's – operate outside this system.

'It would be good to receive some formal recognition of the work this landcare group undertakes and achieves in the biosecurity space, and we are sure there are other peri-urban groups in the same position.'

A dedicated volunteer from Chittering Landcare after a day of planting seedlings
(photo: Chittering Landcare)

Northern Biosecurity Group, Department of Primary Industries and Regional Development staff and Department of Biodiversity, Conservation and Attractions staff collaborating on feral pig control research and a targeted aerial cull
(photo: DPIRD)



Chapter Eleven

Funding established pest management

The current legislated ability to rate under the BAM Act and have the funds raised matched by government provides an important and stable funding source that should be retained. These funds are best directed to community-coordinated established pest¹³ management, ensuring landholders share the costs and benefits of funded activities. A simple, equitable and cost-effective rating system is needed, which requires significant reform of the current declared pest rate (DPR) system.

This chapter outlines the panel's recommendations to reform the Declared Pest Account financial provisions in the BAM Act, to better support established pest management efforts in WA. The panel focused on provisions relating to the rate imposed on land, known as the DPR, and the dollar-for-dollar matching of rate revenue by the WA Government. The chapter commences by clarifying the purpose of the funds raised – to support the collective efforts of landholders and communities to reduce the impact of established pests in WA. Recommendations are then made for renaming and evolving the DPR into a *pest management rate* that is applied consistently and equitably, and for simplifying and standardising the rating system. The chapter concludes by outlining the value of maintaining the WA Government's matching of rate revenue raised.

Recommendations in this chapter will contribute towards ensuring WA has biosecurity legislation that provides for a:

- dedicated and ongoing funding source for established pest management activities across the state
- simple and efficient funding system that supports equitable cost-sharing arrangements between system participants.

¹³ In this chapter, pest refers to both pests and diseases.

Purpose of legislated rate and matched government funding

The panel concluded that a legislated land-based rate administered by the WA Government (currently known as the DPR under the BAM Act) and associated matched government funding is an essential, dedicated funding source that should continue under the reformed biosecurity act. Importantly, this funding enables community-coordinated pest management efforts, supporting landholders to manage established pests and meet their legal obligations.

In the previous chapter, the panel outlined its recommendations to reform how WA's biosecurity legislation enables community-coordinated established pest management at a landscape scale. This includes establishing *pest management regions* across the state, each with a regional *pest management plan*. Rate revenue raised from a *pest management region* and matched by the WA Government would be allocated back to that region in accordance with its approved *pest management plan*. This ensures that a rate raised at a state level is directed to addressing established pest management priorities of the region from where it was raised. As outlined in Chapter 12, the proposed biosecurity planning committee could play a key role in coordinating the allocation of these funds to eligible groups to undertake pest management activities according to the regional plans.

A reformed pest management rate

The panel concluded that it is impractical and inefficient to maintain, let alone expand, the rating system in its current form. How the rate is applied needs significant reform to ensure it can adequately support WA's biosecurity system into the future. The panel did not come to this conclusion lightly and considered the outcomes of its consultations and the independent evaluation of the DPR-RBG model (Synergies Economic Consulting 2023a, 2023b).

The panel identified the need to better align the rate with accepted revenue-raising principles, improving its simplicity, equity and cost-effectiveness, and to remove the link between administration of the rate and the pest management delivery groups who receive the funding. The panel recommends renaming the DPR to a *pest management rate* and:

- applying the rate in a consistent manner across WA (to land of certain classes and an agreed minimum size)
- simplifying and standardising (as far as possible) the rating structure in line with existing land tax systems.

These reforms will result in rates applied consistently to land across the state, regardless of where it is located and independent of any particular pest management group operating in the area. This is a significant change to the current rating system, which in practice is triggered by the formal recognition of a biosecurity group (RBG) in a defined geographical area (usually covering on average 3 to 5 local government districts).¹⁴

Supported by the WA Government, RBGs were significantly involved in developing the rate and rating method to be applied in their operational area, in consultation with their communities.

¹⁴ This is not a legislative requirement under the BAM Act. Legislative provisions relating to rate determination by the minister are separate to those relating to RBGs.

This has led to a complex array of rating combinations¹⁵ evolving across the current 14 rating areas, with 35 gazetted rate calculations and 79 potential rate combinations in 2022-23 (*Western Australian Government Gazette*, No. 78, 15 June 2022). The rate can (and does) apply differently (or not at all) to similar land across the state.

For example, freehold land described as urban residential and urban farming is rated differently across the 14 rating areas. In most rating areas, land of this nature is not rated. In 3 rating areas (Ravensthorpe, Blackwood and Peel Harvey) a flat rate is applied to both urban residential and urban farming land according to size: land of any size is rated in Blackwood (\$40) and Ravensthorpe (e.g. \$24 for land 50 hectares (ha) or less), and land greater than 1 ha is rated in Peel Harvey (\$30). In Leschenault, a rate is applied to urban farming land greater than 1 ha (e.g. \$47.20 for land between 1 and 10 ha), but not to urban residential land.¹⁶ The local government district of Serpentine-Jarrahdale (within Peel Harvey) is the only district from the Perth Metropolitan area that is currently rated (*Western Australian Government Gazette*, No. 78, 15 June 2022).

The panel's recommended changes to the rate will reduce the complexity and costs involved in its administration, make the rate more transparent and easier for landholders to understand, and help to address concerns that the rate is applied unfairly. Importantly, it will provide for a base level of ongoing and dedicated funds to support community efforts across the whole state in the ongoing management of established pests.

Stakeholders were mostly supportive of simplifying the rate and applying it consistently across the state. This was seen to provide a more equitable system that addresses existing funding gaps across WA – where the rate currently applies to just less than half (65 of 137) of all local government districts in the state.

"We consider that a broad-based DPR as a key need to reform the biosecurity system to encompass a whole of WA funding mechanism."

Biosecurity Council of WA

"In-principle, a broad-based DPR across WA for all freehold or leasehold or rural land classes of sufficient size represents a fairer system of funding the biosecurity system and creates a greater pool of funds for pest management programs."

WA Local Government Association

There were diverse views on the potential impacts of a reformed rating system. This included concerns about who pays (or doesn't pay) the rate, non-ratepayers disengaging from participating in pest management activities, increased community expectations, as well as issues around applying a single rating method across diverse regions.

Some stakeholders, and particularly RBGs, were very concerned about the potential impact on RBGs and local biosecurity outcomes.

"A simplified uniform rating structure across Western Australia may overlook varying land management needs across different areas, discouraging proactive land management practices and introducing administrative complexities and increased costs."

Several recognised biosecurity groups

15 While the BAM Act allows for only 2 core rate methods for the DPR (*ad valorem* and flat rate) the component factors used to apply these methods, such as land size and types or classes of land, can result in various rating combinations.

16 Listed rating areas are comprised of the following local government districts: Ravensthorpe biosecurity area – Ravensthorpe; Blackwood biosecurity area – Boyup Brook, Bridgetown-Greenbushes, Donnybrook-Balingup (specified localities only); Peel Harvey biosecurity area – Harvey, Mandurah, Murray, Serpentine-Jarrahdale and Waroona; Leschenault biosecurity area – Bunbury, Capel, Dardanup and Donnybrook-Balingup (specified localities only).

“Streamlining of the rating process is seen as a good thing. Creating a standard across the State will be useful.”

A natural resource management group

“Just because you live on a residential land block, does not mean that you do not have an influence on the land around you. Everyone should be invested in the biosecurity of our state. People should be aware of what the rate is for, how it will be used, how they can benefit from it and how to pay it easily.”

An individual

The panel recognises that its recommended changes are a significant shift from how the rate currently operates as a primary funding source for RBGs. The panel concluded that this shift is necessary to:

- support a broader collaborative approach which delivers better landscape-scale management of established pests in WA.
[🔗 See Chapter 10](#)
- ensure the rate has a robust and stable footing so that it can continue as a viable funding mechanism.

The panel acknowledges that further work will be required, including extensive consultation, to determine the exact rating parameters to be used and the land size, type and classes to be rated. The recommendations outlined in the following sections provide a principles-based starting point for that work.

Consistent application of the rate

The panel recommends that the DPR be renamed and evolved into a *pest management rate* that is applied consistently across the state to pastoral and diversification leasehold¹⁷ land, and rural and urban farming freehold land of an agreed minimum size.¹⁸

In this context, land with rural characteristics such as agricultural and pastoral properties, privately-owned conservation land, market gardens, vineyards and rural lifestyle properties would be included. Land with these characteristics in areas not currently rated would be rated. Local, state and federal government-owned land and Crown land (such as parks and reserves) that is not currently rated¹⁹ or which cannot be rated, would continue to not pay a rate. However, matching of rate revenue by the WA Government would continue. The panel also concluded that the rate should not be applied to land less than 1 ha or land classed as urban residential or similar.

The intention of this proposal is to apply the rate to land that has significant pest management requirements. This targets landholders who the panel believes would primarily benefit from coordinated funded activities in a *pest management region* ([🔗 see Chapter 10](#)). The benefit is that landholder cost/ effort associated with meeting their pest management obligations is eased (but not replaced) by these collective activities.

17 Diversification leases are a new form of tenure under the *Land Administration Act 1997* (WA) that are designed for broadscale and multiple uses.

18 Freehold land on the rural valuation roll, and freehold land described as ‘urban farming’ on the urban or metropolitan valuation rolls maintained under the *Valuation of Land Act 1978*.

19 There are various entities that cannot be rated under various legislation.

The recommended reforms will result in landholders on small residential properties no longer paying a rate. It will also result in other relevant landholders paying a rate for the first time. By doing so, their community will also have greater access to resources for coordinated established pest management activities which will in turn benefit them.

Recommendation 29

Rename the declared pest rate to a *pest management rate* and apply it consistently across the state to pastoral and diversification leasehold land, and rural and urban farming freehold land in a way that targets landholders with significant pest management requirements who primarily benefit from funded coordinated pest management activities.

State-wide biosecurity levy – not recommended by the panel

Coordinated and collective actions to manage established pests contribute to an effective and well-functioning biosecurity system, from which everyone benefits. Many stakeholders reasoned that if everyone benefits, everyone should contribute through paying the rate. Indeed, it is already technically possible under the BAM Act to rate any class of land in any local government district to create a very broad-based rate.

The panel considered the option of replacing the current model with an Emergency Services-style biosecurity levy. This would be a whole-of-state levy paid by everyone and administered by local governments to raise funds for biosecurity activities. This option was raised by many stakeholders during the review, particularly in relation to funding established pest management. The Biosecurity Council of WA has consistently promoted such a levy to the panel as the preferred funding

mechanism for WA's biosecurity system (BCWA 2022). However, the WA Local Government Association's submission to the panel (WALGA 2023) indicated that this approach is generally not supported by local governments who would need to play an instrumental role in its administration.

A state-wide levy solely for biosecurity is also not consistent with other states' funding practices. For example, rates are charged by NSW Local Land Services for pest management purposes, but they only apply to land over a certain size threshold (generally 10 ha). While South Australia has a Landscape Levy that applies to all landholders, the funds raised are used for sustainable resource and environmental management, of which pest management is just one part.

The panel concluded that public funding of WA's biosecurity system by the WA Government is best supplemented through a mix of revenue-raising and other funding mechanisms. These should be tied to specific roles and responsibilities and the benefits gained or risks created by those roles. This includes the reformed *pest management rate* (this chapter), proposed industry-government response agreements and existing industry funding schemes (🔗 [see Chapter 9](#)) and national cost-sharing response agreements and deeds. 🔗 [See Chapters 1 and 9](#)

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Simple and standardised rating structure

The panel recommends consideration of the following structure for the *pest management rate*:

- Applying a progressive *ad valorem* (cents in the dollar) rate that increases commensurate with the total unimproved value²⁰ of the land held by an individual entity.
- Utilisation of Land IDs as the basis for assessing the value of landholdings owned by an individual entity rather than using Valuation Entity Numbers.
- Applying a minimum flat rate²¹ and a capped maximum rate per individual entity.

The panel believes that by considering these elements in the rating structure, it will enable the administration of the *pest management rate* to closely align with the way RevenueWA administers other levies or taxes applied to land (for example, Land Tax). This leveraging of existing tax systems will improve the efficiency of rate administration, enhance accuracy and transparency in rating calculations, and make it easier for ratepayers to understand. It will also provide a consistent rating method across the state, alleviating concerns that the rate is applied unfairly.

The panel identified that it is likely that different parameters (minimum flat rates, land value brackets and cents in the dollar rates) for pastoral leasehold land will be necessary within the progressive *ad valorem* rating structure. This will allow adequate funds to be raised despite the significantly lower unimproved land values generally associated with this land class.

The rate should be set at the lowest reasonable level possible to allow for it to grow over time, if necessary. The proposed biosecurity planning committee (🔗 see Chapter 12) could play a key role in:

- recommending the rating parameters to apply in a financial year(s)
- undertaking periodic reviews of the rating system.

Responsibility for final rate determination would continue to rest with the minister.

Recommendation 30

Consider implementing a simplified and standardised rating structure for the *pest management rate* that:

- **applies a progressive *ad valorem* (cents in the dollar) rate that increases commensurate with the total unimproved value of the land held by an individual entity**
- **uses Land IDs as the basis for assessing the value of landholdings owned by an individual entity rather than Valuation Entity Numbers**
- **applies a minimum flat rate and a capped maximum rate per individual entity.**

20 Unimproved value is the value of the land only and is determined annually by the Valuer General.

21 Applied to an individual entity whose aggregated unimproved land value is below a defined threshold.

Government matching of rate revenue

The panel concluded that the legislated requirement for the WA Government 1:1 matching of rate revenue is appropriate and a key strength of the funding model. It supports the principle of shared responsibility by providing a base level of secure government funding for established pest management activities equal to the direct financial contribution made by landholders, creating scale in the funds available.

The matching of funds also recognises the large public landholdings (which are typically not rated) that benefit from coordinated pest management efforts, and that these collective efforts deliver important public benefits, such as environmental protection.

Stakeholders were strongly in favour of retaining the legislated 1:1 government matching of rate revenue. Some stakeholders proposed increasing this ratio, for example to 2:1 or 3:1, to provide for large areas of state land that benefit from collective pest management efforts.

“Currently the 1:1 matched funding represents the State’s obligation in the shared responsibility model and validates the DPR for landholders.”

An individual

“The dollar-for-dollar matching mechanism is a tried and tested funding model that should be retained and, if anything, increased for continued success in declared pest management efforts.”

A recognised biosecurity group

The panel noted that the WA Government invests significant resources into managing established pests, and supporting landholders to do so, outside the matched rate contribution. This includes through information services like DPIRD’s Pest and Disease Information Service and MyPestGuide®, natural resource management community grants like the Feral Cat Management Grants (WA Government 2023d) and pest-focused initiatives such as the Western Shield program (DBCA 2023) and the *Western Australian Wild Dog Action Plan* (DPIRD 2022b).

The panel’s recommended changes will see more funds being raised through the legislated rate and, consequently, the WA Government’s financial contribution to coordinated established pest management will also increase.



A section of the 660 km extension to the State Barrier Fence near Esperance, WA. The fence protects farms from the impact of wild dogs and emus. The Esperance extension is part of the WA Government’s Wild Dog Action Plan. Since 2017, the WA Government has spent \$20.58 million on a wild dog action package to help deliver the plan, and protect and revitalise pastoral and agricultural industries. A further \$13.4 million has been committed to deliver the plan from 2021 to 2025 (photo: DPIRD)

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Winemaker with grapes from his vineyard. The dedication of growers to biosecurity doesn't only protect their businesses, it contributes to WA's biosecurity system and protecting WA's food and fibre industries from invasive pests and diseases, ensuring top-quality products (photo: iStock)

Part 5

Transformation

Western Australia's biosecurity system needs clear structural arrangements for system-wide planning, reporting and decision making across all biosecurity domains. Strategic leadership is critical to effective coordination at a time when pest and disease risks and impacts are growing.

The introduction of a biosecurity planning committee will pioneer a new standard in the governance of state and territory biosecurity systems in Australia, and a new strategy will guide the way for the transformation.

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Chapter Twelve

Whole-of-state biosecurity system planning

Planning for and coordinating WA's biosecurity system across public authorities, industry and community needs to be assured by the reformed biosecurity act. This can be achieved through provisions that establish a biosecurity planning committee to provide strategic leadership and initiate whole-of-system planning, coordination and governance across the biosecurity continuum. The introduction of a biosecurity planning committee will set a new benchmark in the governance of state and territory biosecurity systems in Australia.

This chapter explains the institutional arrangements for biosecurity in WA, and why it needs to be improved. Although the WA Government is not, nor should be, responsible for all biosecurity activities, effective institutional arrangements to plan for and coordinate WA's biosecurity system are needed. The panel recommends a biosecurity planning committee be established to provide strategic leadership and to engage system participants in planning and coordination.

Establishing a biosecurity planning committee is essential to the success of previous recommendations made in this report, and will help to ensure:

- a strategic risk-based, system-wide approach to biosecurity planning and coordination
- government resource allocation is prioritised based on risk and the cost-effectiveness of mitigation, informed by science and stakeholder input
- state government agencies and local governments contribute to biosecurity risk and impact management in proportion to public good, and all other system participants contribute in proportion to the risks created and/or benefits gained
- system participants are engaged in biosecurity planning and decision making.

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Existing institutional arrangements for biosecurity planning and coordination in WA

State government

The Minister for Agriculture and Food is responsible for administering the BAM Act, and DPIRD is the agency supporting the minister to do this. Although the legislative responsibility for biosecurity is primarily within the Agriculture and Food portfolio, other ministerial portfolios and state government agencies have both an important role to play and an interest in biosecurity outcomes. These include, but are not limited to, the Minister for Environment, Minister for Fisheries, Minister for Forestry, Minister for Lands, and the Minister for Health. It also includes the Department of Biodiversity, Conservation and Attractions; the Department of Planning, Lands and Heritage; the Department of Health; and the Department of Water and Environmental Regulation.

The Minister for Agriculture and Food and DPIRD take a system-wide lead for WA's biosecurity because of their responsibilities under the Intergovernmental Agreement on Biosecurity (IGAB 2019) and for BAM Act administration. Biosecurity risks, issues and incursions are increasingly impacting areas beyond agriculture – including the natural environment and communities. A cross-portfolio approach is therefore necessary.

The *Western Australian Biosecurity Strategy 2016-2025* (DAFWA 2016) provides strategic guidance across government. However, it is not a statutory requirement to have a whole-of-state strategy in place and, alone, it cannot achieve the level of planning and coordination that is needed. Likewise, the Biosecurity Senior Officers' Group, comprised of senior officers from relevant agencies, supports interagency cooperation but is not positioned to facilitate whole-of-state biosecurity planning and coordination.

State emergency management

The WA Government plans for the prevention of, response to and recovery from emergency

animal or plant biosecurity incursions through the *State Hazard Plan: Animal and Plant Biosecurity* (WA Government 2022a).

This plan is one of 14 hazard plans arranged by the State Emergency Management Committee, established under the *Emergency Management Act 2005* (EM Act).

Although the hazard plan is critically important to WA's biosecurity, its scope is the operational arrangements used in emergencies. It does not provide a strategy for ongoing biosecurity arrangements or whole-of-system planning and coordination spanning prevention, eradication, containment and long-term management.

Local government

Local governments contribute to WA's biosecurity as land managers, local regulators and local service providers. They play an important role in managing established pests in their district.

Under section 5.56 of the *Local Government Act 1995*, local governments are required to plan for the future of their district. For many, this includes planning for the long-term management of established pests. Additionally, section 36 of the EM Act prescribes the functions of local government. These include ensuring local emergency management plans are in place and managing recovery following emergencies. These functions of local government are reflected in the *State Hazard Plan: Animal and Plant Biosecurity* (WA Government 2022a).

Biosecurity Council of WA

The BAM Act requires a Biosecurity Council be established to advise the minister and the Director General of DPIRD on any matter related to biosecurity. Matters can be referred to the council by the minister or the Director General of DPIRD, or initiated of its own motion. The Biosecurity Council's annual report to the minister on its activities is tabled in Parliament.

The legislated role of the Biosecurity Council is advisory. It does not have a role in planning and coordination. However, it has prepared a range of reports valuable to understanding and improving the performance of WA's biosecurity system.

A WA biosecurity planning committee

The panel recommends the creation of a new formal body, a biosecurity planning committee (BPC), to address the significant gap in the institutional arrangements. This recommendation is based on feedback received through the review process, recommendations made by others that have reviewed parts of WA's biosecurity system (e.g. BCWA 2018, 2022; OAG 2013, 2020) and the panel's own vision for biosecurity in WA. The BPC's role would be to provide strategic leadership for WA's biosecurity system as a whole and to engage with decision-making system participants. The panel believes that establishing a BPC will help resolve issues related to strategic coordination and planning, including defining roles and responsibilities in WA's biosecurity system.

Stakeholders generally agreed that improved planning and coordination was needed and were mostly supportive of creating a new formal body. It was believed that such changes would result in a more resilient biosecurity system for WA and improve effectiveness, efficiency and transparency.

"A formal body to provide strategic leadership for biosecurity through the development of a plan for the collaborative management and prioritisation of investment in pests and diseases across WA is critical to achieving outcomes."

WA Local Government Association

Some stakeholders were hesitant, identifying the difficulties such a body would face in managing the competing priorities across biosecurity and effectively engaging with the diverse stakeholder groups. The panel agrees that the work of the BPC will not be easy. However, it is this complexity in the biosecurity system that demands robust institutional arrangements to drive planning, coordination and effective protection for WA.

Rigorous system-wide planning and coordination will help to ensure resources are used wisely, focusing on the most important tasks. It will also require consultative and collaborative approaches, delivering a biosecurity system that is not only more targeted and efficient, but one that is underpinned by reliable information, evidence-based decisions and sound processes. The panel concluded that a functional and effective BPC is the most appropriate approach to bring about this transformational change to enhance the overall effectiveness and resilience of WA's biosecurity system.

"A formal body to oversee planning, prioritisation, and evaluation of implementation will be essential to achieving outcomes. It will require high levels of expertise – especially in the engagement of the diverse stakeholders in the sector and capacity to listen to and consider grievances. System-wide planning, prioritisation, evaluation and reporting/transparency and supporting adaptive management is essential to gaining public confidence and participation. Review of resourcing requirements and allocation based on evidence and emerging issues will be critical."

A natural resource management group

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BPC form and function

To support the panel's vision for biosecurity planning and coordination, the panel envisions the BPC operating as depicted in [Figure 9](#). This would involve the BPC functioning at a strategic level across the biosecurity continuum and all biosecurity domains, not just agriculture. The panel does not see the BPC as an operational entity that delivers (or directs the delivery of) biosecurity activities.

The panel suggests that the BPC membership would need a broad skill set with extensive expertise relevant to its functions and responsibilities. This will help ensure it retains the confidence of public authorities, industries and commerce, community and environmental organisations and the public. Representation of key public authorities on the BPC is considered essential. This will ensure that the BPC's recommendations and plans consider the WA Government's priorities and align with the public authorities' capacity to implement. The BPC will need members with knowledge and experience in how scientific, risk-based biosecurity decision making intersects with industry and community interests, and state and national biosecurity obligations.

The panel recognises that the scope of work it sees for the BPC may not be practical for a single functional body. It would be reasonable for the BPC to have the authority to delegate functions and responsibilities to subcommittees it establishes, and that it is supported by staff with appropriate skills and networks. The panel sees the use of subcommittees as a particularly important avenue for engaging system participants in planning and coordination and advising on the progress and effectiveness of activities to support WA's biosecurity system – including areas requiring attention. For example, the BPC could establish a subcommittee(s) to support the proposed regional model for coordinated established pest management across the state. [See Chapter 10](#)

As is standard practice, members of the BPC should be ministerially appointed. To build and retain public confidence in the BPC's decision making, it is suggested that appointments are

made on the advice of a selection panel with an independent presiding chair and a transparent and robust selection process.

“Establishing a formal body for biosecurity could improve outcomes, provided the body is set up with capacity to engage with landowners and stakeholders.”

A community organisation

Facilities, services and remuneration

The BPC would require facilities and services, including staff, that the minister considers reasonably necessary to enable it to perform its functions to a high standard. Further, the panel considers it appropriate for the BPC to be remunerated, and for it to have a dedicated budget and control of that budget.

“Establishing a formal body to provide strategic advice and leadership for WA's biosecurity system is needed but needs to be resourced and guide the prioritisation and investment in line with the BAM Act.”

A voluntary regional organisation of councils

“This is a great initiative, however without an increase in funding and resources provided by the state government it may find itself unable to deliver for stakeholders.”

An individual

Recommendation 31

Establish a biosecurity planning committee under the reformed biosecurity act to provide strategic leadership and initiate whole-of-system planning, coordination and governance of WA's biosecurity system.

Planning and coordination to inform action

An anticipated outcome of improved biosecurity system planning and coordination, as envisioned by the panel, is that state and local governments contribute to risk and impact management in proportion to public good, and all other system participants contribute in proportion to the risks they create and/or benefits they receive. In making this statement, the panel is:

- recognising that local government makes a meaningful public contribution to biosecurity through its existing functions, capability, and capacity
- reinforcing the importance of both state and local government directing its efforts toward actions that deliver the greatest public benefit, consistent with the principles established in the IGAB
- acknowledging the importance of biosecurity planning and prioritisation processes undertaken by system participants at all levels (e.g. industry, region, local and individual levels).

The comprehensive and realistic system-wide biosecurity planning enabled by the BPC will help provide clear direction to government on state-wide priorities, which will help direct resources. Although several stakeholders felt the level of WA Government biosecurity resourcing was inadequate, it is not the panel's role to form an opinion on this. However, the panel considers improved planning and coordination as essential to understanding the extent to which WA Government resourcing is, or is not, adequate and being appropriately directed.

The reporting requirements for public authorities, as recommended by the panel in the next section, will be an important part of the process. These will provide transparency and accountability, helping ensure publicly-funded contributions toward the strategic direction are appropriate and consistent with the IGAB principles.

BPC system-level planning and coordination will complement and support industry and the community to plan and prioritise their own efforts and reinforce the overall resilience of WA's biosecurity system.

Compliance statements for public authorities

The BAM Act requires the Director General of DPIRD to publicly report on public authorities that fail to comply with the duty to control declared pests, or with a pest exclusion notice or a pest control notice. However, this provision has not been an effective driver for accountable pest control actions by public authorities.

Having the BPC be responsible for preparing biosecurity plans and publicly reporting on their implementation and effectiveness, as suggested by the panel, will make the biosecurity activities of public authorities and other system participants more transparent and, therefore, increase accountability. The panel considers this to be a more appropriate and effective way to improve biosecurity performance than to continue with the statutory reporting required by the Director General of DPIRD.

To reinforce the BPC's work, annual reports of public authorities should be required to include a statement of compliance that:

- reports on measures taken by the public authority to implement approved BPC plans
- reports on measures taken by the public authority to meet its *general biosecurity obligation*
- discloses any directions issued to it under the BAM Act (or reformed biosecurity act) and actions taken in response to that direction.

Recommendation 32

Replace the provisions of section 186 of the BAM Act with a requirement for public authorities to include a compliance statement as part of their own annual reporting that reports on biosecurity measures taken and discloses any directions issued to it.

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What a BPC could look like

A leadership team for planning and coordination and good governance of WA's biosecurity system, making recommendations to the minister on strategic issues facing the state in managing its biosecurity risks and impacts.

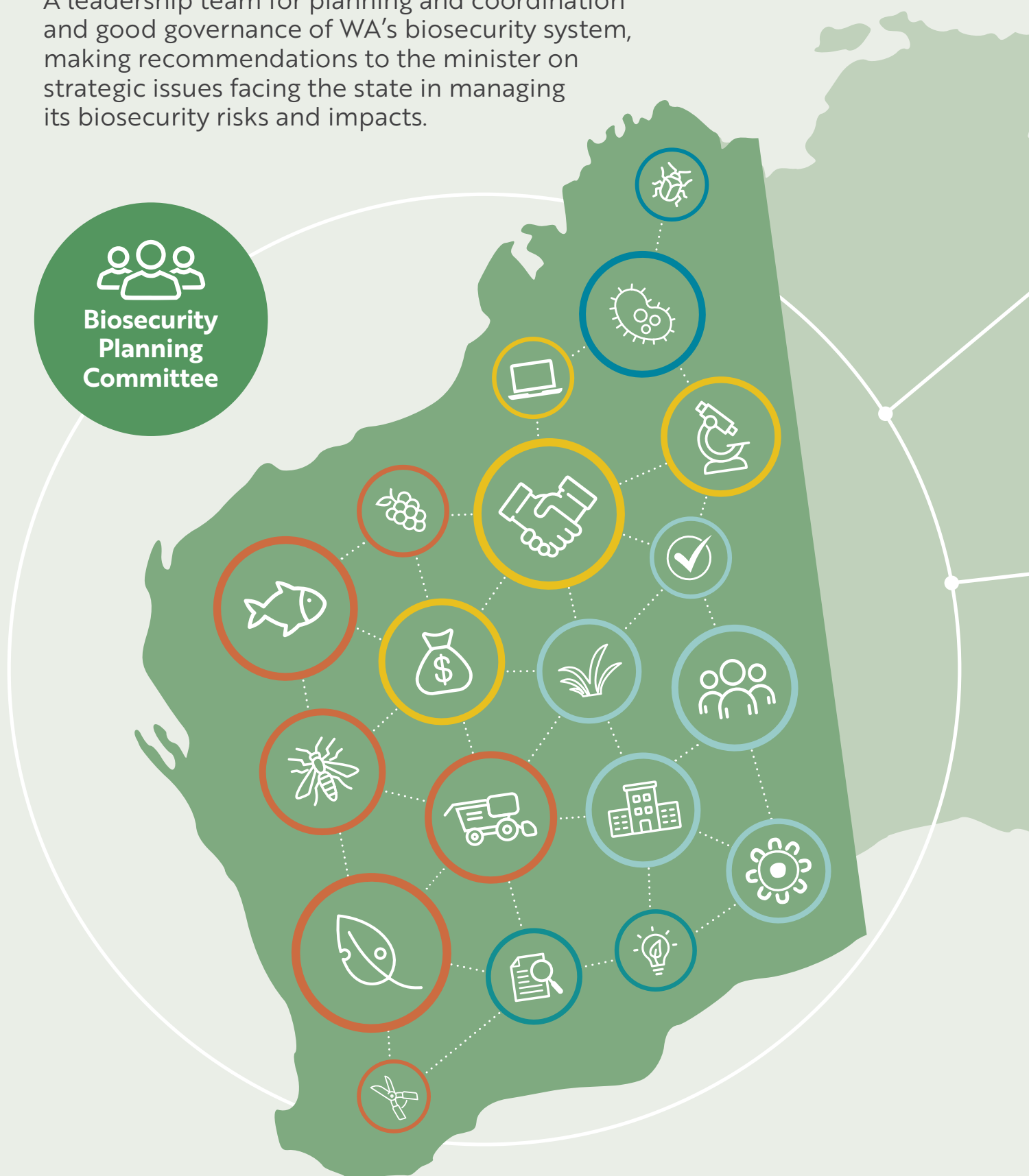


Figure 9: What a BPC could look like – functions, responsibilities and membership

Responsibilities

- undertake functions in consultation with system participants
- prepare policy that supports state-wide objectives for WA's biosecurity system
- prepare any state biosecurity plan necessary for the effective operation of the system
- coordinate the allocation of *pest management rate* revenue and matched WA Government funds to deliver regional *pest management plans* (↗ see **Chapters 10 and 11**), and any other associated funds
- report annually to the minister and Parliament, including on the implementation and effectiveness of approved biosecurity plans and the WA biosecurity strategy.

Membership

- independent chairperson of high standing
- 2 members recognised as experts in a scientific field directly related to biosecurity, and who have established international or national standing
- 4 members with biosecurity knowledge and standing in industry and commerce, environment, community and local government settings, with each setting represented by at least 1 member
- Director General of the agency administering the reformed biosecurity act – DPIRD
- Director General of one other state agency with a key role in the biosecurity system – such as the Department of Biodiversity, Conservation and Attractions.

BPC supersedes Biosecurity Council

The creation of a BPC supersedes the need for a statutory Biosecurity Council to advise the minister on biosecurity matters. While the Biosecurity Council has made a valuable contribution to improving the biosecurity system, the proposed institutional arrangement is seen as a critical enhancement. In particular, the BPC, by virtue of its membership, will be able to consider and effectively action whole-of-system improvements for primary industries, the environment and the wellbeing of all Western Australians.

The proposed institutional arrangement for the BPC would still provide for independent advice on the operation and effectiveness of aspects of the biosecurity system, the role currently fulfilled by the Biosecurity Council. The BPC could establish subcommittees to provide it with independent advice and to actively gather feedback from system participants, similar to the operation of the Biosecurity Council, as required.



Federation Walkway in Kings Park, Perth, WA. Just like locals, tourists play an important role in protecting WA's biosecurity. Every action taken in WA's biosecurity system matters in preserving WA's natural environment from invasive pests and diseases
(photo: iStock)

Chapter Thirteen

A decade of transformation

The panel identified that WA's biosecurity system needs more than legislative amendment to ensure it can protect WA from biosecurity risks and impacts into the future. A new Western Australian biosecurity strategy, addressing legislative and non-legislative reform, is needed to achieve the panel's reform goals of:

1. a culture where everyone values biosecurity and actively participates in it
2. the legislative scope of the reformed biosecurity act is clear and understood
3. risk-based approaches are used to inform and achieve outcomes
4. public confidence in WA's biosecurity system
5. WA actively contributes to and benefits from the national biosecurity system.

In this chapter, the panel returns to each of its 5 reform goals to describe how recommendations in this report work together as a reform package. The panel also touches on other non-legislative reforms it identified as critical to successfully implementing legislative change. The panel explains that a new WA biosecurity strategy is needed to guide this reform and ensure WA's biosecurity system has the capability and capacity to deal with increasing biosecurity risks and impacts in a financially sustainable way.

Goal 1: a culture where everyone values biosecurity and actively participates in it

A legislated *general biosecurity obligation* (GBO) ([↗ see Chapter 4](#)) will drive the realisation of the widely supported principle of shared responsibility and greater engagement with biosecurity over time. A reformed biosecurity act will also explicitly require consultation on its administration ([↗ see Chapter 4](#)), as far as practicable, reinforcing the importance of shared responsibility in the understanding and regulation of biosecurity risk and impacts.

Achieving a firm understanding of the GBO will require a sustained communication and engagement program ([↗ see Chapter 4](#)). This is not a small undertaking given the complexity of biosecurity with its changing risks and impacts. It is further complicated by the diversity of system participants who need to be supported to understand what biosecurity means to them in practice and to act accordingly.

Every instance of elevated risk, or an actual *biosecurity event* or response, is an opportunity to engage with system participants on what their GBO is in a way that is relevant and practical to them. Overtime, these cumulative experiences will build a strong culture of biosecurity as a shared responsibility. Developing an effective evidence-based strategy to leverage these learning opportunities is essential. The panel's recommendation to improve biosecurity communications and engagement is not a platitude, it is a substantive recommendation that warrants a significant and sustained response.

The New South Wales (DPI NSW 2023) and Queensland (DAFQ 2019) reviews of their modern biosecurity legislation also recommended new or sustained communications and training to improve shared responsibility. In both states, significant progress had been made since the introduction of their modern Acts. However,

there was more to do to raise awareness and understanding of the key concepts of GBOs, risk-based decision making, biosecurity planning, emergency response preparedness and compliance. Further maturation of a principles-based biosecurity system ([↗ see Chapter 3](#)) puts all system participants on a shared learning path that can be expected to take many years, requiring ongoing effort.

Changes in biosecurity awareness and participation need to be measured and progress monitored, evaluated and reported. WA needs to start doing this before any reform commences in earnest. The New South Wales review had the benefit of a baseline survey of awareness and understanding, then used a follow-up survey to identify changes and inform its recommendation for further commitment to communication and training. Queensland's review recommendations for training of authorised officers were also informed by a survey.

Shared responsibility will be further supported in WA by the proposed introduction of state-level biosecurity response agreements, to support industries and government to work in partnership on biosecurity ([↗ see Chapter 9](#)). A wider community of landholders, relevant pest management entities and local governments will also be able to contribute to coordinated established pest management, joining RBGs at the regional and local level ([↗ see Chapter 10](#)). Over time, industry and community entities engaging with the biosecurity planning committee ([↗ see Chapter 12](#)) to develop biosecurity plans and participating in compliance-driven behaviour change initiatives ([↗ see Chapter 7](#)) will draw in a wider range of system participants to identify and collectively act on shared priorities.

Goal 2: the legislative scope of the reformed biosecurity act is clear and understood

Legislative changes to the title and objects of the BAM Act (↗ see Chapter 3) will lay the foundation to ensure the reformed biosecurity act has a clear scope that is more easily understood. Importantly, this will help to ensure biosecurity is seen as more than an agricultural concern. This shift in emphasis will not diminish the critical importance of biosecurity regulation to agriculture in WA, including in maintaining access to export markets. Reviews of the New South Wales (DPI NSW 2023) and Queensland (DAFQ 2019) biosecurity Acts have shown their short biosecurity titles have not been an issue for the ongoing regulation of agricultural management activities for biosecurity purposes.

The panel is confident that introducing modern biosecurity concepts and defined terms (↗ see Chapter 3) will be welcomed by biosecurity participants because they support simplicity and flexibility. Significantly, the meaning of most of these concepts is implicit in their wording and there is some uniformity in their adoption and application nation-wide, which supports consistency in their understanding. This benefits all stakeholders, particularly those working across different jurisdictions.

The regulation of *dealings* with *biosecurity matter* (↗ see Chapter 5) in combination with the GBO will allow WA to better differentiate how it regulates the mitigation of significant biosecurity risks from the management of established pest and disease impacts. The current conflation of these different biosecurity objectives is a contributing factor to system participants' confusion and frustration with how established pests and diseases are regulated. Developing regulatory strategies that are better suited to managing the impacts of these pests and diseases is essential to reduce this confusion.

A smooth transition to the new legislation will require effective and targeted communication that puts a straightforward interpretation of the reformed biosecurity act to system participants. This will be essential not only to building support for the introduction of reformed legislation, but also to its implementation. The panel is confident that understanding and acceptance of the legislation's simpler title, objects and key concepts can be achieved relatively quickly – within years.



Amazon frogbit infestation at a wetland north of Lake Joondalup Nature Reserve, WA. Amazon frogbit is a declared pest under the BAM Act. Biosecurity is not just an agricultural concern, invasive pests and diseases, such as Amazon frogbit, can also have significant impacts on WA's natural environment. Some stakeholders would like to see Amazon frogbit more tightly regulated

(photo: Department of Biodiversity, Conservation and Attractions)

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Goal 3: risk-based approaches are used to inform and achieve outcomes

While the panel is confident that, with further embedding and maturing, principles-based concepts will be widely accepted, the shift to greater emphasis on risk will be a more significant change for some system participants. Risk-based decision making is a scientific and structured process for assessing risk that is based on the estimation of potential frequency and impact. Along with system participant perspectives, it helps decision-makers to make informed choices to avoid potential harms.

Risk assessment rigour is particularly important to determining which *biosecurity matter* should be regulated to achieve an appropriate level of protection (↗ see **Chapters 1 and 5**). Those closely involved or affected by such decisions will have to cast off old definitions and reasoning for new definitions and language, and understand and accept an increased emphasis on science-based decision tools within the decision-making process.

In the compliance and enforcement setting, authorised officers will need to continue to apply a risk-based outcomes approach to prioritise the areas of greatest regulatory risk. They will also need to learn how to decide whether a GBO (↗ see **Chapter 4**) to take reasonable and practicable measures to prevent, eliminate or minimise biosecurity risks has been met. For experienced officers and new recruits, training will be required to develop their confidence in enforcing the GBO. They are also part of the learning journey and maturation of the reformed biosecurity system.

Similar discipline with risk-based assessments will be required for planning, priority setting and resource allocation. The new tools will need to be applied efficiently and with consistency by government and other system participants whose capability with these risk-based assessments will need to be developed over time.



A Laboratory Technician at DPIRD's Diagnostic Laboratory Services examines petri dishes for diagnostic analysis. Through structured and rigorous assessments, underpinned by science, WA can confidently meet the challenges of the changing operating environment for biosecurity (photo: DPIRD)

Goal 4: public confidence in WA's biosecurity system

For WA's biosecurity system to build and retain public confidence, it needs to be effective in the face of increasing threats and seen to be generally complied with. A reformed biosecurity act will provide a foundation for this to occur.

Reform will enhance WA's capability to respond to *biosecurity emergencies* rapidly and efficiently and increase the likelihood of successful eradication (↗ see Chapter 6). The recommended provisions for industry to partner with government in biosecurity responses via formal agreements will enhance the system's responsiveness to pests and diseases that impact industry (↗ see Chapter 9). Funded *pest management plans* will coordinate collective action regionally and toward landscape management. These plans will also formalise what the GBO means for the pests identified in that plan (↗ see Chapters 5 and 10). The reforms will provide greater certainty on how pests and diseases will be managed and what compliance means in practice. This will address a significant deficiency in how WA's biosecurity system currently operates.

One of the key factors of a successful biosecurity system is that it provides confidence to consumers, communities and trading partners regarding biosecurity and the integrity of goods and products. More efficient practices for certification (↗ see Chapter 8) can assist here and help ensure WA goods and products continue to meet appropriate standards.

The panel also identified that perceived non-compliance, particularly at the farm level and on public lands adjacent to farms, is undermining confidence in the biosecurity system. The panel reviewed the current compliance approach and penalties regime and made recommendations to improve it, including increased focus on encouraging behavioural change (↗ see Chapter 7). Achieving behavioural change in a compliance setting can be challenging, independent of

improved biosecurity communications and engagement (↗ see Chapter 4).

As the principal agency assisting the minister to administer the Act, DPIRD needs to take the initiative on ensuring behavioural science research is used to underpin compliance initiatives. Given the challenge of bringing about behavioural change, DPIRD should seek to collaborate with its counterparts across the country and research institutions to develop a purpose-built approach for WA. The proposed biosecurity planning committee should provide strategic guidance in relation to this work.

The biosecurity planning committee will also play a central role in building and maintaining confidence in the biosecurity system. The panel's vision for the biosecurity planning committee will see it providing strategic leadership, whole-of-system planning, coordination and governance across the biosecurity continuum (↗ see Chapter 12). Confidence in the biosecurity planning committee, in large part, will be a reflection on the standing of its membership, rigour and consistency of its decision making and advice, and in its commitment to two-way engagement with system participants.

All these reforms are necessary in the face of rising frequency of biosecurity threats, detections and incursions. CSIRO (2020) has forecast that the scaling of resources alone is not enough and that transformational change is required. The panel's recommendations, if implemented, will help drive this transformation. Innovation in science and technology, and digital systems for greater connectivity and more timely data sharing, is needed. While biosecurity research and innovation were outside the scope for this review, the panel fundamentally supports and highlights the need for increased investment in science and technology capability to bolster the proposed legislative changes. These innovations will allow WA's biosecurity system to achieve more.

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Goal 5: WA actively contributes to and benefits from the national biosecurity system

Australia is on the cusp of a harmonious cross-jurisdictional legislative framework for biosecurity, guided by the Intergovernmental Agreement on Biosecurity (IGAB 2019), if the key reforms recommended in this review are implemented. Existing biosecurity Acts in Queensland, New South Wales and Tasmania, and biosecurity bills in the Australian Capital Territory and South Australia have adopted the same concepts. The Victorian Government is also reviewing its biosecurity legislation.

Nationally aligned legislations will strengthen Australia's national biosecurity system for the benefit of WA and the entire country. It will also support industries with interstate supply chain and market links, reducing their uncertainty and costs while allowing for more efficient cooperation and compliance. For WA, there should be greater efficiency in resolving matters under the IGAB and in biosecurity administration.

A new Western Australian biosecurity strategy

A new biosecurity strategy for WA is needed to guide and bring together legislative and non-legislative reforms to achieve transformation. This is a significant change agenda that will need to be a priority-driven process staged over time. The panel expects it will take at least a decade to implement. The current *Western Australian Biosecurity Strategy* 2016-2025 (DAFWA 2016) is due to expire in 2025; there is an opportunity to develop a new strategy designed to facilitate system-wide transformation.

The statutory review of the *Biosecurity Act* 2015 (NSW) (DPI NSW 2023) spoke of maturing their biosecurity risk management system and regulatory framework. After 5 years in operation, it had made good progress and, with largely non-legislative improvements, that progress will continue. This notion of maturing the biosecurity system over time is considered most appropriate for what can occur with a fit-for-purpose WA biosecurity act supported by non-legislative changes.

The panel's final recommendation is that a new 10-year biosecurity strategy for WA be developed to guide the legislative and non-legislative reforms recommended in this report.

This will support WA's biosecurity system to be more effective and receptive to new thinking in biosecurity strategy, legislation and governance in this state and elsewhere. The strategy should be designed as a rolling strategy (routinely reviewed and updated every 2 to 4 years) so that it is dynamic, adaptable to changing circumstances and maintains a 10-year horizon.

For example, late in this review, an advanced version of a major report by the United Nations' Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services was released. The report (IPBES 2023) gave the panel an insight into the evolution of biodiversity strategy, highlighting the importance of ensuring WA's biosecurity strategy is reflective of new knowledge. Transformation of WA's biosecurity system will be an ongoing and adaptive endeavour for the foreseeable future.

The panel envisaged that the biosecurity planning committee, once established, would play a key role in developing the strategy and overseeing its implementation.

Recommendation 33

Develop a new rolling 10-year Western Australian biosecurity strategy to provide strategic guidance and direction to help achieve a transformation of WA's biosecurity system.

**Agriculture at the foothills of the
Stirling Range National Park, WA**
(photo: Cliff Winfield)

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List of shortened terms

ALOP	appropriate level of protection
APC	Agricultural Produce Commission
ARRPA	<i>Agriculture and Related Resources Protection Act 1976</i>
BAM Act	<i>Biosecurity and Agriculture Management Act 2007</i>
BPC	biosecurity planning committee
Cth	Commonwealth
DPA	Declared Pest Account
DPIRD	Department of Primary Industries and Regional Development
DPR	declared pest rate
EM Act	<i>Emergency Management Act 2005</i>
EPPRD	Emergency Plant Pest Response Deed
GBO	general biosecurity obligation
ha	hectare
IFS	industry funding scheme
IGAB	Intergovernmental Agreement on Biosecurity
NRM	natural resource management
NSW	New South Wales
Qld	Queensland
RBG	recognised biosecurity group
SA	South Australia
SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures
Tas	Tasmania
WA	Western Australia
WAAA	Western Australian Agriculture Authority

Glossary

Term	Definition
Appropriate level of protection (ALOP)	A level of protection considered appropriate for life or health. Australia's ALOP provides a high level of protection aimed at reducing risk to a very low level but not to zero. <i>Biosecurity Act 2015 (Cth)</i>
Assets	Something that provides a current or future economic, environmental, social or cultural benefit or value for an individual or other entity.
Biosecurity	The management of risks to the economy, the environment and the community, of pests and diseases entering, emerging, establishing or spreading. IGAB 2019
Biosecurity continuum	Describes the range of locations where biosecurity risks may arise and where biosecurity activities take place; pre-border, at the border, and post-border.
Biosecurity emergency	For the purposes of this report, the occurrence or imminent occurrence of a biosecurity risk that is of such a nature or magnitude that it requires an urgent and coordinated response including the activation of special powers under the reformed biosecurity act.
Biosecurity impact	The adverse effect of biosecurity matter on the environment, community or economy.
Biosecurity matter	A collective term for pests, diseases and contaminants
Biosecurity risk	The risk of creating a biosecurity impact.
Biosecurity system	Government and non-government structures, processes, and activities to manage risks to the economy, environment and community, of pests and diseases entering, emerging, establishing or spreading.
Carrier	Anything that has, or is capable of having, any biosecurity matter on it, attached to it or contained in it.
Consequential loss	An indirect or flow-on consequence of damage or loss, for example, unrealised earnings stemming from the closure of a business, lost time or productivity.
Dealings	A person's interaction with biosecurity matter and carriers of biosecurity matter.
Declared pest	a. A prohibited organism under section 12 of the BAM Act; or b. an organism for which a declaration under section 22(2) of the BAM Act is in force.
Disease	For the purposes of this report, disease-causing organisms or agents (such as bacteria, viruses, fungi, parasites and prions) as well as the associated signs or symptoms of an illness or infection.
Environmental biosecurity	The protection of the environment and/or social amenity from the risks and negative effects of pests and diseases entering, emerging, establishing or spreading in Australia. Environment includes Australia's natural terrestrial, inland water and marine ecosystems and their constituent parts, and its natural and physical resources; social amenity includes the social, economic and cultural aspects of the environment, including tourism, human infrastructure, cultural assets and national image. DAFF 2022c, p.5

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Term	Definition
Established pests and diseases	A pest or disease that is perpetuated, for the foreseeable future, within its ecological range in an area and where it is not feasible (whether in terms of technical feasibility or a cost-benefit analysis) to eradicate the pest or disease. Adapted from IGAB
General biosecurity obligation/duty	A legal requirement for individuals and organisations to take reasonable and practicable measures to prevent, eliminate or minimise biosecurity risks and impacts when dealing with biosecurity matter.
Generalised invasion curve	A graphical representation of the stages of an invasive species' establishment and spread within a new environment or geographical area, and the management objectives at different stages of invasion.
Inspector (under the BAM Act)	a. In relation to the identification or movement of stock – an inspector appointed under section 162 (of the BAM Act) or a police officer; and b. in relation to fish – an inspector appointed under section 162, a fisheries officer or an inspector appointed under the <i>Pearling Act 1990</i> section 35(1); and c. in relation to a declared pest other than fish – an inspector appointed under section 162 or a wildlife officer; and d. in relation to anything else – an inspector appointed under section 162. BAM Act
Modern biosecurity legislation	Biosecurity legislation that was introduced in Australia after the BAM Act was enacted including <i>Biosecurity Act 2014</i> (Qld), <i>Biosecurity Act 2015</i> (NSW) and <i>Biosecurity Act 2019</i> (Tas).
Permitted organism	An organism for which a permitted declaration is in force under section 11 of the BAM Act.
Pest	For the purpose of this report, invertebrate and vertebrate pests (excluding humans) and weeds.
Prohibited organism	An organism for which a prohibited declaration is in force under section 12 of the BAM Act.
Public good	A commodity, service or resource that is: a. non-excludable – the use of the good/service/resource by one person does not preclude anyone else from using the good b. and non-rival – the use of one good/service/resource by one person does not diminish the utility of another person consuming the good/service/resource.
Recognised biosecurity group	A community-based independent association recognised by the minister under section 169 of the BAM Act.
Reimbursement	Payment to a person, under specific circumstances, to cover money spent or costs incurred from a biosecurity incident or emergency response.
Stakeholders	In this report, refers to individuals and organisations with an interest in the BAM Act review.
System participants	Individuals, governments, entities, industries and other stakeholders that participate in biosecurity and agriculture management related activities.
Unlisted organism	An organism that is not a permitted organism or a declared pest under the BAM Act.

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Attachment 1

Proposed amendments to the BAM Act for short-term workability

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Part 1 – Preliminary

Section of the Act	Proposed amendment
Section 6. Terms used	For the terms 'infected' and 'infested', replace the words 'liable, by reason of contact or proximity' with the words 'reasonably suspected', to simplify the wording and facilitate the diagnosis and management of all pests and diseases
Section 6. Terms used	Amend the definition of 'organism' to include organisms that are no longer living, as these may also be a potential biosecurity risk

Part 2 – Biosecurity

Section of the Act	Proposed amendment
Heading: Part 2 Division 2 – Importing organisms into Western Australia	Insert 'and potential carriers' into the title of Part 2 Division 2 to clarify that the provisions apply to prescribed potential carriers as well as organisms
Section 19. Obligation of commercial passenger carrier	Insert the words 'or the requirements as published on the departments electronic site' after the words 'the regulations (if any)' in subsection 3. This will address difficulties in enforcing the provisions and improve efficiencies and compliance
Section 22. Declared pests	Make it clear that the declaration status of a prohibited organism may be changed to a section 22(2) declared pest without first having to be unlisted or declared as permitted
Section 31. Pest control notice	Allow for an inspector to direct a person to report in a specified manner to demonstrate they have appropriately controlled a declared pest or complied with a pest control notice. This will enable inspectors to monitor compliance without having to attend a property
Section 45. Management plans	Require that management plans be subject to review after a time period to ensure the plans remain relevant and effective
Division 6 – Biosecurity Council	Amend so that membership terms can roll over until a replacement/reappointment is made. This will ensure the Council maintains an appropriate number of members for continuous and effective operation

Part 4 – Inspection and compliance

Section of the Act	Proposed amendment
Section 65. Entry and access to place or conveyance, and inspection powers	Replace vehicle with the defined term ‘conveyance’ to reduce the limitations on how an inspector may enter or access a place for inspection
Section 67. Other direction	Redraft and group powers to provide clarity. This will ensure inspectors can give clear directions and support the effective use of the available authorities
Section 67. Other direction	Amend subsection 1(a)(iii) to include the words ‘or previous owner’ to ensure the required information can be obtained to support inspection and compliance
Section 76. Power to direct that organism or potential carrier be moved for treatment	Make it clear that the direction made by an inspector can direct the owner, consignor, consignee or person in control of an organism or potential carrier to treat the organism or potential carrier, in accordance with the direction. This will improve efficiencies

Part 5 – Legal proceedings

Section of the Act	Proposed amendment
Section 126. Infringement notices	Enable an infringement notice to be issued within 45 days. This is a more realistic timeframe for inspectors to meet the evidential standard required to issue an infringement notice, and is consistent with the timeframe used in other Australian jurisdictions

Part 6 – Financial provisions

Section of the Act	Proposed amendment
Section 145. Application of prescribed account	Enable Industry Management Committees to approve the payment of compensation or reimbursement of costs and expenses to any person, if the committee is satisfied it is in the best interest of the scheme participants to do so. This will better support the reporting of biosecurity risks by persons that do not contribute financially to the scheme. Payments should continue to remain not payable to persons that have opted out of the scheme

Part 7 – Administration

Section of the Act	Proposed amendment
Section 184. Information sharing	Update and simplify the information sharing provisions to ensure information can be shared responsibly for biosecurity purposes, while protecting privacy

Biosecurity and Agriculture Management Regulations 2013

Proposed amendment
Include regulations for official testing of declared pests and diseases of plants and terrestrial and aquatic animals, and residues, to meet certain standards and requirements

Other

It will be necessary to make further amendments to the BAM Act to improve its workability if certain recommendations made by the panel are not progressed. This will include improving the BAM Act’s declaration provisions to address issues relating to unclear terminology, transparency and practicalities.

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