



BAM Act Review Panel:

Four key biosecurity themes to consider – tell us what you think





Discussion paper for Stage 2 of the *Biosecurity and Agriculture Management Act (2007)* review

Many people contributed to Stage 1 of the review of the *Biosecurity and Agriculture Management Act 2007* (BAM Act), and the independent review panel thanks you for your participation and feedback.

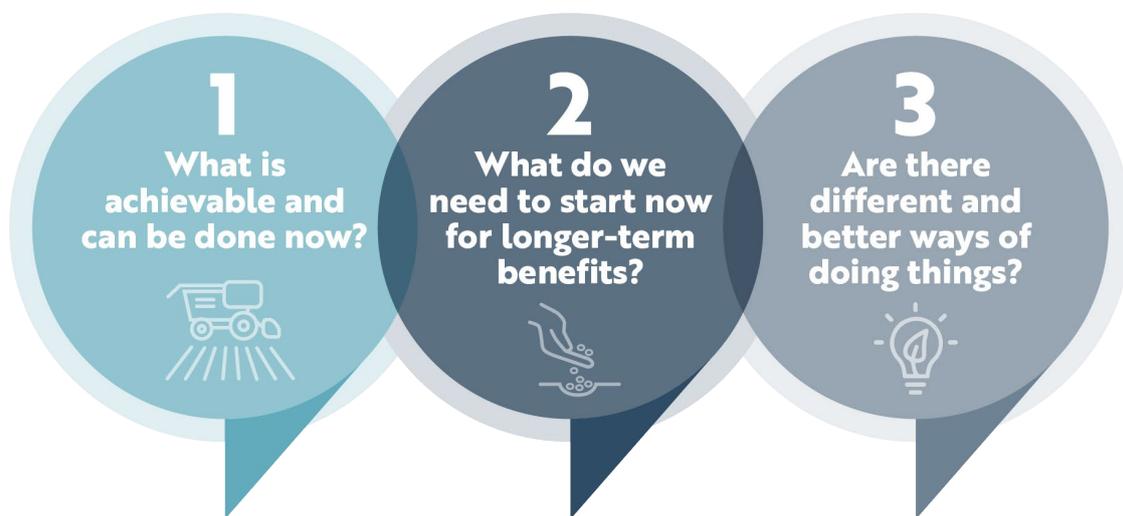
As part of Stage 2 of the BAM Act review, the panel is now exploring in greater depth four key themes to better understand how they impact stakeholders and identify potential options and ways to improve the Act.

The four key themes focus on biosecurity and are interlinked.

Biosecurity has been identified as particularly challenging. There is growing evidence that indicates biosecurity risks and outbreaks are increasing in volume and complexity, with increased trade, development, climate change and loss of biodiversity seen as contributing factors.

This means WA can expect to face a growing number of biosecurity threats and incidents. It's important that the BAM Act continues to support WA's ability to respond to and effectively manage whatever biosecurity risks emerge.

You can suggest options and solutions to the biosecurity challenges outlined in this paper by completing the short survey on the [Your Say page](#). You can also keep up to date by visiting the [Your Say page](#).



The deadline for completing the short survey is midnight **Sunday 4 December 2022**.

The four key themes are:

1. Principles to underpin WA's biosecurity
2. Legal foundations of WA's biosecurity
3. Planning, coordinating and resourcing WA's biosecurity system
4. Community-led pest and weed management.



Theme 1: Principles to underpin WA's biosecurity

Two existing principles of WA's biosecurity system were identified as areas that are critically important but challenging to put into practice – biosecurity in all contexts and shared responsibility. WA remains free of many pests, weeds and diseases found elsewhere, and all Western Australians benefit from this in one way or another.

Biosecurity in all contexts

How biosecurity protects our interests

Biosecurity is about protecting our interests by preventing and managing the impact of pests, weeds and diseases on people, industries, communities, the environment, biodiversity, and cultural heritage.

The BAM Act and its regulations provide the legal framework for WA's biosecurity system. It focuses on:

- stopping pests, weeds and diseases from entering the State
- getting rid of the ones that do come in
- managing the impact of those that are here to stay.

What the current Act does

The *Biosecurity and Agriculture Management Act (2007)* is WA's primary biosecurity legislation.

The BAM Act provides the legal framework for the management of biosecurity risks to WA, from the entry, establishment, spread and impact of any pest, weed or disease threat in any situation – whether it is endangering WA's primary industries, our unique environment, or our way of life.

The only area it does not deal with is diseases that impact only humans. These are addressed through health legislation and systems.

Prior to the BAM Act, biosecurity and agriculture management was addressed through 17 separate Acts.

A few other pieces of legislation are still used to address biosecurity outside the BAM Act.

The challenge

While the existing legal framework was established to address biosecurity in all contexts, it's an ongoing challenge to balance different interests. There are limits to what can be done to protect WA from biosecurity threats with available resources.

Some people and organisations feel that their interests are not being adequately protected by the BAM Act, and that WA's biosecurity system is not appropriately balanced to deliver social, environmental and economic outcomes.

In particular, stakeholders told the review panel they are concerned that WA's natural and urban environments, biodiversity, and our way of life are not being adequately protected by the BAM Act from biosecurity threats.



It was suggested that there is a historical and structural bias toward protecting agricultural interests from biosecurity threats. This is despite the 'new' BAM Act recognising the need to work across government portfolios to deliver social, environmental and economic outcomes.

Shared responsibility

Why shared responsibility is important to biosecurity

The principle of shared responsibility recognises that everyone has a role to play in biosecurity. It is about government, communities, industry, businesses and the public together:

- taking steps to prevent new pests, weeds and diseases from coming to WA
- keeping an eye out for pests, weeds and diseases that may have recently arrived
- managing pests, weeds and diseases once they arrive.

Shared responsibility is a key principle of the national [Intergovernmental Agreement on Biosecurity \(IGAB\)](#) that WA is a signatory to.

The challenge

It's essential that we share responsibility for biosecurity, as it is not possible for any person, organisation, community or government body to do it alone.

The volume of pests, weeds and diseases that need to be stopped, eradicated, or managed on an ongoing basis makes biosecurity a never-ending and difficult task. While it's easy to agree that collective action is needed, what this means on the ground can be confusing and contested.

Sometimes, the government can take the lead to address new threats, such as eradicating [red imported fire ants](#). In other situations, stakeholders can work together to keep WA biosecure, such as [preventing foot-and-mouth disease in WA](#).

Industry can also take a lead by using [Industry Funding Schemes](#) (IFS) to fund actions on pests and diseases of interest to them, such as the Grains, Seeds and Hay IFS's work to eradicate three-horned bedstraw. In all cases, whether government-led or not, all stakeholders have a role to play.

The case for legislating shared responsibility

Across Australia, there is a growing interest in biosecurity legislation that incorporates a general biosecurity duty or obligation to highlight the importance of shared responsibility. It's about making it a legal requirement for people and organisations to act on biosecurity when it's reasonable to expect them to do so.

While the BAM Act does not currently have a general duty or obligation, it does have provisions consistent with the principle of shared responsibility.

This includes a duty to report pests, weeds and diseases, and an obligation to manage them. It also establishes funding mechanisms that share the costs of doing so between government, landholders and industry, as well as formalising decision-making responsibilities.



Theme 2: Legal foundations for WA's biosecurity

Legislation can support, enable or force certain actions. When legislation is used to make people and organisations act in a certain way, it's important that it is proportionate with the threat or harm being addressed.

Legislation also plays an important role in encouraging positive actions. It can provide industries and local/regional communities with the tools to act on biosecurity matters of interest to them.

The review panel has identified two legal foundations of WA's biosecurity system that are particularly challenging. These are:

- prioritising the pests, weeds and diseases that warrant a legislative response, and
- enabling industries and local/regional communities to act on pests, weeds and diseases of interest to them.

Penalties under the current BAM Act

The BAM Act has comprehensive penalties for offences under the Act, and some are serious. For example, if a person fails to comply with a pest control notice, they can be fined \$100,000 and go to jail for 12 months.

Enforcement of pest control notices is usually reserved for more serious pests rather than common pests that are here to stay and require ongoing management.

Prioritising pests, weeds and diseases

How the BAM Act prioritises biosecurity threats

The BAM Act prioritises our response to pests, weeds and diseases. The Act gives the State Government, through the Minister for Agriculture and Food, the power to declare a living thing (other than humans), a disease-causing agent, or a disease as either a:

- permitted organism
- prohibited organism
- declared pest

A formal, science-based risk assessment process is used to decide which declaration category is appropriate for an organism.

Prohibited organisms and declared pests (collectively known as 'declared pests') are subject to legal requirements under the Act.

These can include import restrictions; requirements for people to take action to eradicate the declared pest; requirements to contain or manage them; and the responsibility to report the presence of a declared pest.



How the current numbers stack up

Currently, the BAM Act has declared 56,266 organisms, consisting of:

- 51,586 permitted organisms
- 4,545 prohibited organisms, and
- 135 declared pests.

Declared pests may be assigned to one of three control categories: 'exclusion', 'eradication', or 'management'.

The 'management' category recognises that it isn't feasible to remove the pest, weed or disease from the landscape but that it is still important to control it to reduce its impact.

Permitted organisms include many prolific pests (such as the house mouse and cockroach) where legal obligations for biosecurity purposes cannot be justified.

The challenge

With so many organisms that already are or could become declared, it's a challenging job to keep the declared pest list up to date. It is also a challenge for government to ensure people are undertaking their obligations.

In addition, it can be hard to quantify the adverse effects of a pest, weed or disease (or benefits of acting) to support such declarations.

The declaration process has been questioned by some stakeholders, including the Biosecurity Council of WA, for being unduly influenced by interest groups.

There is concern that this can detract focus from more serious threats and put additional pressure on compliance and enforcement for lower priority pests and diseases. There has also been criticism levelled for focusing too much on declaring agricultural pests, weeds and diseases.

Enabling industries and local/regional communities to act

How the BAM Act enables

The BAM Act establishes two key funding mechanisms to support landholders and industry to proactively and collectively manage declared pests of concern to them.

These are the [Declared Pest Rate – Recognised Biosecurity Group](#) model and [Industry Funding Schemes](#). These funding mechanisms focus on pests declared under the BAM Act as a way of ensuring that significant pests are prioritised.

Industry and community groups have an important role to play in determining which declared pests should be funded through these schemes.

The BAM Act also enables local governments to make [local laws for pest plants](#). These enable local governments to address problematic plant species that do not meet the criteria for declared pest status but are likely to have adverse impacts in the district they are found. Landowners and occupiers can be required to control these pest plants, and local government authorities can enforce these local laws.



The challenge

Local and regional interests have sometimes sought to have specific pests declared so that they can access funding to assist them with their control efforts – even if these pests don't meet the scientific criteria for declaration.

The review panel has noted a tension between:

- ensuring the declaration and the assignment of control categories is limited to those pests, weeds and diseases that warrant having legislated requirements imposed on them, and
- enabling and empowering local and regional communities to respond to pests, weeds and diseases that impact them.

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

Why planning, coordination and resourcing matters

Effective planning and coordination of biosecurity issues across government, industries, communities and landholders is fundamental. It ensures we make best use of available resources and maximise our collective impact and responsiveness to emerging threats.

It also allows us to keep abreast of new technologies and ways of doing things, ensuring a modern, efficient and effective biosecurity system. Of course, having appropriate resources to support this is crucial.

WA also plays an important role in Australia's national biosecurity system and responses through various deeds and agreements and the [Intergovernmental Agreement on Biosecurity \(IGAB\)](#).

WA's coordination and planning needs to align with the objectives of the national biosecurity system and ensure WA meets its legal and contractual obligations nationally, as well as the expectations of international trading partners.

The challenge

Contending with an increasing volume of pests, weeds, and diseases across the whole of WA, and working with many stakeholders, means that planning, coordinating, and allocating resources for biosecurity issues is no easy task.

The key to good planning and coordination is determining who is responsible for what, and what will and won't be done, and when.

This is critical to effective resource allocation and establishing a case for increased resourcing when justified. However, sometimes difficult decisions have to be made on whose interests will be protected with public funds and to what extent.

The review panel noted significant interest from stakeholders about the effectiveness of biosecurity planning, coordinating and resourcing and different opinions about who should be doing and paying for different aspects within the biosecurity system.



How the BAM Act is administered

The Minister for Agriculture and Food is responsible for administering the BAM Act, and the Department of Primary Industries and Regional Development (DPIRD) is the agency principally assisting the Minister to lead biosecurity for the State. Several other WA Ministers and agencies also play important roles.

Currently, [WA's Biosecurity Strategy 2016-25](#) sets the overall direction for managing ongoing and emerging biosecurity issues in Western Australia.

The BAM Act provides for management plans, various types of control notices, and directions to be issued under the Act to control declared pests in a specific area, or the movement of things that may carry pests and diseases.

Theme 4: Community-led pest and weed management

How the Act enables community-led pest and weed management

Community-led pest and weed management is currently supported by funding under the BAM Act. The WA Government raises a Declared Pest Rate (DPR) from landholders in specific areas, and matches the funds raised dollar-for-dollar.

The combined funds are made available to Recognised Biosecurity Groups (RBGs), which help landholders fulfil their obligations to manage declared pests and weeds on their land.

The funding supports RBGs in conducting pest and weed management awareness initiatives and education, as well as coordinating and undertaking pest and weed management activities.

Under this model, RBGs work with their communities to determine which pests are priorities to them.

There are currently 14 RBGs in WA, and it is anticipated that just over \$6 million will be made available to RBGs through this model in 2022-23.

The challenge

The challenges identified under the previous themes are all relevant to the DPR-RBG model.

Community support for the DPR-RBG model varies significantly across the State, reflecting the diverse landscapes, communities, and pest management challenges present in WA.

There is significant stakeholder interest in, and different views about, whether the model is a good way to support communities to work together to manage declared pests, and particularly those that are here to stay.

The Minister for Agriculture and Food has requested the review panel assess the role and effectiveness of the DPR-RBG model and consider whether it is fit-for-purpose.



What landholders say about the DPR-RBG model

“I believe that our local group are doing a good job with the resources available to them, and could be more effective if more landholders paid the rate.”

“I am contributing funding towards a group, which has been largely ineffective, as well as having to outlay to control weeds and feral animals on my own property.”

“The RBG model provides landholders and wider community the opportunity to have input into declared species coordinated control in their local area.”

“Government department lands and Shire roadside are full of declared weeds, we control weeds on our properties yet we are forced to pay this fee. It doesn't make sense.”

Tell us what you think by 4 Dec 2022

The review panel is keen to hear what stakeholders think in relation to the four themes and biosecurity challenges outlined in this paper. For more information on how to share your thoughts via a short survey go to yoursay.dpird.wa.gov.au

The short survey closes at midnight on **Sunday 4 December 2022**.

Important disclaimer

Although reasonable care has been taken, the State of Western Australia makes no representation as to accuracy or completeness of this information and accepts no liability whatsoever by reason of negligence or otherwise arising from the use or release of this information or any part of it.

Copyright © State of Western Australia 2022