BIOSECURITY AND AGRICULTURE MANAGEMENT BILL 2006

Introduction and First Reading

Bill introduced, on motion by Mr M.P. Whitely (Parliamentary Secretary), and read a first time.

Explanatory memorandum presented by the parliamentary secretary.

Second Reading

MR M.P. WHITELY (Bassendean- Parliamentary Secretary) [10.10 am]: I move -

That the bill be now read a second time.

The purpose of the bill is to provide effective biosecurity and agriculture management for Western Australia. It will achieve this by establishing an effective means of controlling the entry, establishment, spread and impact of animal and plant pests and diseases; controlling the use of agricultural and veterinary chemicals; allowing standards to be set to ensure the safety and quality of agricultural products; and enabling certain funds to be raised for biosecurity-related purposes.

The Biosecurity and Agriculture Management Bill, the Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill and the Biosecurity and Agriculture Management (Rates and Charges) Bill were tabled as green bills for public comment in the Legislative Council in December last year. A period of extensive consultation on the bills followed. The consultation period revealed substantial support for the bills. A public consultation report prepared by the Department of Agriculture and Food included 21 recommendations, 14 of which proposed changes to the green bill. A number of other necessary changes were identified independent of the consultation, and these have been made in the bill now presented to the house. I have tabled a copy of the public consultation report so that members of the house can read it for themselves.

The bill aims to modernise and improve the efficient regulation of Western Australia’s agriculture sector and also to improve the management of biosecurity threats. The bill will replace 17 existing acts with one modern act that is supported by regulations and other subsidiary legislation. To establish a responsive and effective regulation framework, experience has shown that subsidiary legislation is a more appropriate place for much of the operational detail contained in the existing acts. Due to the extensive nature of subsidiary legislation authorised by the bill, it is the intention of the Minister for Agriculture and Food to refer the bill, together with as much information as possible about the proposed regulations, to a committee of the upper house.

Part 1 of the bill contains preliminary matters that include the meanings of terms used in the act, as well as other provisions that commonly feature in any modern legislation. Although the bill does not specifically define the term “biosecurity”, the term is used to describe measures taken to protect the state’s primary industries, environment and economy and people’s health from the risks posed by harmful organisms. This is achieved through activities that aim to exclude, eradicate or prevent the spread or minimise the impact of harmful organisms. The term “organism” is worth mentioning, as it is defined to include “disease”. A disease is not an organism in the ordinary meaning of that term, but this definition is used so that the act will be able to apply in the same manner to any biosecurity threat, regardless of whether it is characterised as a pest or a disease. A “disease” refers to a disease that affects plants or animals and does not include a purely human disease.

Part 2 of the bill deals with biosecurity. The bill represents a more modern approach than that taken under existing legislation, as it creates two main points of focus: border biosecurity and biosecurity within the state. This is different from the previous legislative structures that separated biosecurity controls by reference to animal pests, plant pests, stock diseases and plant diseases. The legislation now clearly recognises that the controls should be consistent, no matter what type of organism is involved and no matter what economic activity or aspect of life or endeavour is being protected in any particular case.

The proposed scheme for border biosecurity that will regulate the import of organisms into Western Australia hinges on organisms being categorised by declaration as either permitted or prohibited according to whether or not they pose a threat to the state’s primary industries, natural resources or public safety and amenity. Prohibited organisms are declared as such because they do pose a risk, and these organisms may be imported only in accordance with a permit and the regulations. Any organism that is not declared to be either permitted or prohibited is an unlisted organism. Until the risk posed by such an organism can be assessed, import will be allowed only in accordance with a permit and any relevant regulations.

Regulating the import of potential carriers of organisms is the other main focus of the border biosecurity provisions. Prescribed potential carriers will be those things that pose the highest risk of carrying declared pests. These carriers include animals, animal products and animal feed, plants and parts of plants, agricultural machinery, used earthmoving and mining machinery, and containers used in connection with agricultural
products. The import of prescribed potential carriers must take place in accordance with the regulations under which certain conditions of import will be imposed. Lists of permitted and prohibited organisms are required to be kept on the department’s web site.

As well as border biosecurity, the bill provides for biosecurity within the state, which allows for the control of harmful organisms - principally plants and animals and plant and livestock diseases - that are already present within the state. The central mechanism under the proposed act is the declaration of an organism as a declared pest. An organism may be a declared pest for the whole of the state or a specified area and may be assigned to a prescribed category by the declaration. The legislation imposes a duty to report the presence or suspected presence of a declared pest and a duty to control declared pests, and regulates the introduction and supply of declared pests. A list of declared pests and the relevant area and category must be kept on the department’s web site.

Under the new act, the minister will be required to establish a Biosecurity Council. The Biosecurity Council will be the principal source of independent advice to the minister and the Director General of the Department of Agriculture and Food on biosecurity issues. Its members will have a general or specific interest and expertise in the management of biosecurity in the state and will include members of community and producer organisations.

There is also provision in the bill for the minister to establish advisory groups and to recognise groups formed for, among other things, a relevant pest-control purpose as biosecurity groups. For example, an advisory group could be established to provide advice on the control of declared pests in a particular area of the state or in relation to a specific sector of primary production.

Part 3, division 1, of the bill provides for the management of land and agricultural products that may contain residues of harmful chemicals. This is a safeguard for both public health and trade. When there are residues on land to such an extent that stock or crops produced on it may contain excessive chemical residues, the owner of the land may be given a residue management notice. This notice will advise that there are residues on the land and that its use for agricultural production is restricted in accordance with the regulations. This part of the bill also provides for regulation of the use of agricultural and veterinary chemicals.

As well, offences are created for the deliberate adulteration or threatened or purported adulteration of stock, animal feeds or an agricultural product for the purpose of causing public alarm or anxiety, or economic loss; or being reckless as to whether public alarm or anxiety or economic loss will result.

Two types of funding schemes are provided for under the bill: a land-based rating scheme that can apply for the purpose of controlling declared pests in a prescribed area of the state, and industry-based schemes that may be established by regulation.

The declared pest rating provisions will allow rates to be imposed in prescribed areas of the state to raise funds for pest control purposes. Under these provisions the successful funding arrangements in pastoral areas under the Agriculture and Related Resources Protection Act 1976 will be continued. Although the provisions contemplate rating being applied in other areas of the state, initially only pastoral areas will be prescribed. If, in due course, there is agreement from the government and support from rural communities, a rating system could also be applied to some or all districts in the south west land division. Rates collected under the new legislation will be matched by an equal contribution from the consolidated fund, as currently applies with the rates collected in the pastoral region.

Provision has been included in the bill to allow industry funding schemes to be established by regulation. These industry schemes would enable producers to collectively fund control programs for specified declared pests that threaten a particular sector of industry and can provide compensation for losses suffered as a result of those pests or of control measures. However, a scheme can be established only following consultation with the affected industry sector.

It is intended that regulations under these provisions will replace existing industry funding schemes under the Cattle Industry Compensation Act 1965 and the Plant Pests and Diseases (Eradication Funds) Act 1974, which have been identified for some time as in need of either extensive modification or replacement. Neither of these acts will be repealed until such time as the minister certifies that a replacement scheme has been established under the new act.

This bill is a very important step in improving Western Australia’s capacity to prevent pests and diseases from impacting on the state’s primary industries, the environment and our public amenity, and to guard against the misuse of agriculture and veterinary chemicals. It will establish for Western Australia world leading biosecurity legislation able to address the existing and likely needs of this state’s community. I commend the bill to the house.

Debate adjourned, on motion by Mr R.F. Johnson.