



QMDC Submission on the Queensland Biosecurity Act 2011

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1.0 Background

Managing weed and pest animals is an important component of the Regional NRM Plan that guides the Queensland Murray-Darling Committee Inc.'s (QMDC) core natural resource management (NRM) business.

QMDC staff work across landscapes and land tenures with rural communities, local government and key stakeholders to prevent impacts from activities or industries, caused by the introduction or spread of invasive plants and animals, and which pose a threat to riverine, floodplain, biodiversity, land and soil, and cultural assets and function in the Queensland Murray-Darling Basin (QMDB).

QMDC advances the prevention of the introduction or spread of invasive plants in QMDB from activities or industries by the following mechanisms:

- Adoption and implementation of an industry Code of Conduct that meets current legislative requirements within the *Land Protection Act (Stock Routes and Pest Management) 1994*, (now to be the *Biosecurity Act*) best management practice for weed seed spread prevention, and has adequate compliance for all stages of operations (and operators).
- Identification of risk of weed seed introduction or spread at all stages of exploration, production and rehabilitation operations of the mining and energy industries and associated activities.
- Preparation and delivery of pest management plans in line with the Code of Conduct, and property, district, local government, regional and state pest management plans to mitigate risk.
- Increasing the knowledge and skills of people living and working in the region to identify weeds and potential risks and respond appropriately.



Funded by:





2.0 General comments:

QMDC welcomes an Act to advance and implement biosecurity control and management mechanisms to prevent or minimize the impact of biosecurity risks.

QMDC supports the purpose of the Biosecurity Act (the Act) to better align legislation with those visions, strategies, policy principles, actions and priorities currently identified as being integral to biosecurity and regional natural resource management.

QMDC supports both actions of imposing a general obligation on all persons and further definition on the roles and responsibilities of stakeholders such as local government, community groups and authorized persons. QMDC acknowledges the Act's responsiveness to ongoing community concerns and its attempt to facilitate active coordination by all stakeholders to address regional and local biosecurity priorities and actions.

QMDC continues to assert that an integrated approach of planning, education, incentives and regulation are the four key mechanisms to achieve biosecurity action. The Act is likely to influence and support key stakeholder practice and attitude change aiding the delivery of actions on-ground which will emphasize coordinated planning at a number of levels including species specific and according to appropriate scales.

Managing the threats to regional assets requires legislation to provide impetus to planning processes that reflect the inter-linkages between local, regional, state and national strategies/plans, for example:

- regional Pest Management Plans & local government Pest Management Plans;
- area wide (sub-catchment) management plans;
- Rapid Response (emergency response) plans; and
- species specific guidelines for current recommended practices.

QMDC asserts that the strengthening of existing partnerships between key stakeholders is a priority to successfully deliver on biosecurity actions. QMDC notes that to date legislation has been publicly perceived as 'toothless' because there were not adequate resources to enforce them and a there was a lack of responsibility for enforcement. The challenge for the Act to ensure that it is meaningful and relevant is to deliver tools that are within the resources that are available to all stakeholders.

3.0 Specific comments

3.1 Section 3 Purposes of the Act

QMDC submits that **section 3 (at p.32)** of the Act needs to be strengthened to reflect the need to primarily **prevent** impact caused by biosecurity risks and not merely reflect a minimisation objective. Although the action to **prevent** the impacts of biosecurity risks is clearly indicated in **section 4 (at p.33)** of the Act, QMDC suggests that this action needs to be mirrored in **section 3**.



3.2 Section 6 Act binds all persons

QMDC supports regulation as a necessary support mechanism to ensure compliance and participation, especially when a voluntary and proactive approach is not capable of achieving full participation. The Act therefore must clearly enforce not only the responsibility of local governments but also the State and Commonwealth's responsibilities, as important functions in supporting the adoption and delivery of both mandatory and voluntary implementation of biosecurity activities. Although past legislation has supported regulatory roles which have promoted compliant participation in pest management; it has generally not been sufficiently fulfilled to act as a disincentive to non-compliance and participation in coordinated pest management activities. The decision to withdraw State Land Protection Officers, for example, from Warwick compromised successful biosecurity delivery. In QMDC's opinion such Officers and State commitment are clearly needed to support landholders dealing with pests such as rabbits.

QMDC recognises the key role of the State to enforce a fair and equitable participation of all people and sectors. Non participation is a risk which needs specific management and enforcement to achieve a complementary and successful biosecurity system. Biosecurity Queensland through its legislative processes is in a strong position to ensure that priorities are reflected through 'incentives' and 'disincentives' within the biosecurity framework. A range of measures to assist with establishing ownership of risk within the various legislations should clearly identify roles with regard to investment.

QMDC does not support the immunity for the State and Commonwealth from prosecution afforded by **section 6(2) at (p.35)** of the Act. QMDC is also concerned that **section 6(2)** may interfere with compensation allowed in **section 322 (at p.264)** of the Act.

3.3 Section 11 Community involvement in administration of Act

QMDC asserts that the administration of the Act if it is to have regard to community views and interests relies on adequate resources being provided to the community and interested groups and persons. QMDC seeks clarity on what resources the Queensland government will provide to community organisations like QMDC to ensure that community involvement is meaningful and relevant in accordance with the Act.

If a well-coordinated regulatory process is to be achieved 'resourcing' must better reflect the true costs – time, monitoring, inspections, mapping, works, information exchange, planning, incentives, and regulation. Funding should therefore be allocated based on risk and benefit that balances local, regional and national priorities.

3.4 Section 15 What is a biosecurity risk

A comprehensive identification and assessment of biosecurity risks must include recognition of existing risks within Queensland from region to region. Recognition and risk management requires the coordination of roles and responsibilities. In basic terms, a commitment by stakeholders to the sharing and ownership of the 'problem' and 'solution' will be determined by the success of engagement processes such as community consultation and education, and also by decision-making processes. This could be delivered at a local or regional level by introducing a vendor declaration system for wash down to prevent the spread of weeds.



Perhaps the greatest challenge to providing a coordinated regulatory process is ensuring that the sharing of responsibilities and ownership of risk actually occurs. A clear definition for all stakeholders regarding roles, responsibilities and risk acceptance needs to be supported by adequate decision making responsibility for different stakeholders and adequate resourcing where necessary.

3.5 Section 22 What is a *general biosecurity obligation*

Relevant to the issues raised in the above paragraph is a person's obligation "to take all reasonable and practical measures to prevent or minimize the biosecurity risk" (**see section 22(2) at p.43 of the Act**). QMDC recommends that "reasonable and practical measures" need to be further qualified in the Act to reflect the likelihood and degree of ecological and economic impact that could be caused by either the introduction or spread of a weed or pest. The seeds of rat's tail grasses, for example, remain viable for 40 years and should it be deemed reasonable and practical for a landholder to manage to his/her best means ONLY some of the infested area the likely future risk is ongoing infestation or spread. QMDC in such a scenario would be concerned if the Act considered the landholder's initial action as "reasonable". QMDC suggests the Act needs to provide a mechanism which clearly outlines the parameters of a reasonable and practical measure relating those parameters to the nature of the biosecurity risk.

3.6 Section 236 Appointment and qualifications

QMDC and QRITC are currently working on defining what the "necessary expertise or experience" should be for "inspectors" (**see section 236(4) at p. 211 of the Act**), particularly when it comes to vehicle inspections for weed spread prevention. QMDC recommends that the relevant regulations reflect not only current best practices but are also informed by localised and regionalised knowledge and research. This will ensure the Act and its regulations will serve to further the Act's effectiveness and efficiency.

Regulations to manage biosecurity risks are dependent on the availability of people who not only have the relevant skills, knowledge and experience but also have the ability to adapt and apply new products, technologies and information to their local and regional needs (**see section 236(1)(b) at p. 211 of the Act**). QMDC recommends the implementation of regulations which build the capacity to deliver further important knowledge and technological advances to Queensland and its regional communities.