

Biosecurity Management in Western Australia

Stage 3 of the statutory review of
the *Biosecurity and Agriculture
Management Act 2007*

Submission

June 2023

Acknowledgement

The WA Local Government Association (WALGA) acknowledges the many traditional owners of the land on which we work throughout Western Australia. We pay our respects to their Elders, past, present and emerging. WALGA acknowledges the continuing knowledge and cultural practices that they bring to the Local Government and biosecurity management sectors to support resilient and sustainable land management.

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Introduction

Local Government plays a key role in biosecurity management in Western Australia. Biosecurity impacts many areas of Local Government services and operations, including but not limited to natural area management, emergency management arrangements and economic development.

Local Governments' involvement in biosecurity ranges from assisting with early detection and reporting of pests and diseases, participating in State responses to biosecurity incursions, managing declared pests on lands owned under State law, working in partnership with Recognised Biosecurity Groups on control activities for declared pests, developing and enforcing pest management local laws, and supporting community groups to implement management actions for pests and diseases. It does this through organisational leadership, building and utilising strong networks and partnerships with stakeholders, and delivering on-ground action.

The *Biosecurity and Agriculture Management Act 2007* (BAM Act) came into effect in May 2013 with the *Biosecurity and Agriculture Management Regulations 2013*. The BAM Act and associated regulations are the legal framework that supports biosecurity and agriculture management for Western Australia by providing the essential powers and duties that enable:

- leadership in the biosecurity system
- shared responsibility, including funding arrangements and cost recovery for some areas of biosecurity
- surveillance for pests, weeds and diseases
- prevention and timely responses to incursions
- long-term management of pests, weeds and diseases that have established in WA
- management of the sale and use of agricultural and veterinary chemicals.

In December 2013, an assessment by the Office of the Auditor General, [Managing the Impact of Plant and Animal Pests: A State-wide Challenge](#) found that the BAM Act was failing to achieve state-wide pest management. The State Government responded to the Auditor General's report by developing the [Invasive Species Plan for Western Australia 2015-2019](#) and the [Western Australian Biosecurity Strategy 2016-2025](#). In 2020, the [Auditor General conducted a follow-up audit](#) which found that State Government had not effectively addressed all the findings from the 2013 audit, although some progress had been made.

The Minister for Agriculture and Food has responsibility for administering the Act and is required to carry out a review every ten years from commencement. In March 2022, the State Government appointed an independent review panel to undertake the statutory review. The panel has been tasked with assessing the extent to which the BAM Act provides a fit-for-purpose, efficient and effective legal framework to underpin a world class biosecurity system, and related agricultural management, for Western Australia. The review panel aims to ensure the BAM Act interfaces with national biosecurity legislation and agreements as well as relevant state legislation, and builds upon the reforms undertaken in other jurisdictions in Australia. Identified improvements will reshape our biosecurity framework to better practice and provide strong biosecurity outcomes across a diverse state.

Review process

WALGA has participated in each of the three public consultation stages, and has worked closely with staff at the Department of Primary Industries and Regional Development (DPIRD) throughout the process.

Stage 1 identify themes invited open submissions on key issues relevant to the review of the BAM Act, and occurred from 16 June to 27 July 2022. The review panel received a total of 113 submissions from a diverse range of stakeholders, including government representatives, community groups, NGOs and landholders.

WALGA submitted a [Discussion Paper](#) that identified 11 key biosecurity management themes for the Local Government sector, and met with the review panel on 5 September 2022 to discuss these further.

Key points from the Stage 1 consultation period included:

- the BAM Act is working well but has inconsistency in application, and uncertainty about roles and responsibilities
- border biosecurity is addressed well
- the risk and impact of harmful pests, weeds and diseases in WA is growing, with some improvement in management needed
- WA's biosecurity system is not appropriately balanced to deliver social, environmental and economic outcomes, with a focus on agricultural management
- more work needs to be done to achieve compliance
- improved efficiencies, resourcing and funding for biosecurity are needed
- biosecurity communication and education are needed
- Recognised Biosecurity Groups funded by declared pest rates may not be the best way of supporting a community-led approach.

Stage 2 explore themes considered the range of issues identified during Stage 1, and selected four key themes that stakeholders saw as important to explore in more detail:

1. **Principles to underpin WA's biosecurity**, including biosecurity in all contexts and shared responsibility
2. **Legal foundations of WA's biosecurity**, including prioritising pests, weeds and diseases, and enabling industry and community action
3. **Planning, coordinating and resourcing WA's biosecurity system**, including responsibilities and timing
4. **Community-led pest and weed management**, including the Declared Pest Rate and Recognised Biosecurity Groups.

Stage 2 delved into the challenges and asked questions on what could be improved to inform the development of options and solutions. The review panel sought feedback through discussions with stakeholders, workshops with DPIRD staff, and an online survey between 27 October and 4 December 2022.

WALGA participated in a DPIRD policy workshop on the Declared Pest Rate and Recognised Biosecurity Groups on 20 September 2022. WALGA partnered with DPIRD to host a Stage 2 consultation workshop for the sector on 24 November 2022, with Local Governments from across the State providing input.

[Stage 3 solutions and reporting](#) presents legislative and non-legislative reform opportunities identified during the previous stages together with additional research in a [Discussion Paper](#). The review panel identified nine priority reform areas, with 21 opportunities identified to clarify, strengthen and support a strengthened biosecurity system in WA:

- Reform Area 1: Clarifying the role of the BAM Act
- Reform Area 2: Working together to protect WA
- Reform Area 3: Planning and reporting
- Reform Area 4: Prioritising pests and diseases
- Reform Area 5: Emergency powers
- Reform Area 6: Compensation can boost biosecurity efforts
- Reform Area 7: Enabling industries to act
- Reform Area 8: Community-led pest management
- Reform Area 9: Compliance with WA's biosecurity laws.

The review panel will deliver its final report to the Minister for Agriculture and Food later this year. The information received in Stage 3 will help the review panel formulate its final recommendations. Technical amendments raised by stakeholders during the consultation process to date will be included in the review panels final report to the Minister. The WA Government will then determine if it will act on those recommendations and, if it chooses to proceed, how further work and consultation will be done to progress the recommendations.

Purpose of this Submission

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of 139 Local Governments in Western Australia, comprising 1,215 Elected Members and approximately 22,600 Local Government employees, as well as over 2.5 million constituents of Local Governments in Western Australia.

Western Australian Local Governments vary greatly in:

- size, ranging from less than 1.5 to over 370,000 square kilometres,
- population, just over 100 to more than 224, 000 people,
- the number of staff employed, from less than 10 to over 1000,
- in revenue received, which in 2019-20 ranged from just over \$2 million to just over \$226 million.

This Submission provides the review panel with the Local Government sector's feedback on the potential benefits or issues with the nine areas for reform, target outcomes and suggested improvements identified in Stage 3 [Discussion Paper](#). Alignment of the target outcomes with the [WALGA Biosecurity Advocacy Position](#) is also provided.

WALGA Biosecurity Advocacy Position

WALGA's current Biosecurity Advocacy Position was endorsed in December 2022 and replaces the previous positions from 2017 and 2006. It was developed following sector consultation on WALGA's Discussion Paper for Stage 1 of the BAM Act

Review. The draft Advocacy Position was considered in November 2022 by each WALGA Zone, and endorsed by State Council at the meeting on 7 December 2022.

WALGA's Advocacy Position 4.5 Post Border Biosecurity states:

Western Australia's economy, environment and the community are facing increasing challenges posed by already established and new pests, weeds and diseases.

Local Government has a significant role in biosecurity management, as land managers and regulators, and therefore has an interest in ensuring that Western Australia's biosecurity system, including control of declared pests, is effective and appropriately resourced.

WALGA considers significant changes to the operation of the State's biosecurity system, including the Biosecurity and Agriculture Management Act 2007, are required to ensure these risks can be managed now and into the future.

To be effective the Western Australian biosecurity system must:

- 1) Take a transparent approach to the notion of 'shared responsibility' by ensuring that:*
 - a) The respective roles and responsibilities of Commonwealth, State and Local Government, industry, landholders, community groups and individuals are agreed and clearly articulated; and*
 - b) There is improved pest management on State Government managed land and a formalised structure for State Government agencies with responsibilities for biosecurity management to work together and coordinate their activities.*
- 2) Be underpinned by a strategic framework, developed in collaboration with stakeholders, that:*
 - a) Establishes priorities for biosecurity threats in geographically defined regions, sets measurable targets and guides investment in biosecurity activities; and*
 - b) Is regularly evaluated and reported on.*
- 3) Have a greater focus on environmental biosecurity, through the increased recognition and management of pest species that have significant ecological impacts.*
- 4) Be adequately, sustainably and equitably funded:*
 - a) The appropriateness and effectiveness of the Declared Pest Rate (DPR) and Recognised Biosecurity Group (RBG) model as key mechanisms for the management of widespread and established declared pests should be reviewed and alternate mechanisms considered;*
 - b) Increased and more equitable distribution of funding for every step in the biosecurity continuum and adequate resourcing for all stakeholders, including Local Government; and*
 - c) The provision of funding for declared pest management in metropolitan areas.*
- 5) Ensure that the criteria and process for listing of declared pests is evidence-based, timely and transparent.*
- 6) Have an increased emphasis on compliance through education and enforcement activity, to ensure land managers are aware of their legislative responsibilities and are supported to implement biosecurity actions.*
- 7) Facilitate the use of new technologies, strategic monitoring, and the establishment of data management systems to inform biosecurity investment decisions and support adaptive management.*
- 8) Improve the community's understanding, awareness and action in relation to biosecurity to assist with threat surveillance and timely response to incursions.*

Consultation on biosecurity reform areas

To inform this Submission, WALGA hosted a Stage 3 consultation workshop for the sector on 14 June 2023. Kaylene Gulich, Chair of the independent review panel, discussed the reform areas and opportunities followed by a Q&A session supported by DPIRD staff. A total of 34 participants from 22 Local Governments attended.

A number of Local Governments provided individual submissions to inform WALGA's submission, including the Local Governments of Carnarvon, Joondalup, Manjimup, Murray, Swan, Upper Gascoyne and West Arthur.

A draft Submission was considered in June 2023 by each of the 12 Country and 5 Metropolitan WALGA Zones, which are groups of geographically aligned member Local Governments responsible for providing input into policy formulation. Their feedback was incorporated into this Submission.

It should be noted that Local Governments expressed frustration that the limited timeframe provided for consultation on these important proposed reforms meant that they could not provide a submission to Council for consideration and endorsement. The review of the BAM Act represents a once in a decade opportunity to move towards better practice, with decisions on the proposed reform opportunities a critical stage of the review.

Feedback on biosecurity reform areas

The Local Government sector supports the nine proposed reform areas, however some concerns were expressed with components of the various reform opportunities.

There was strong support for the following reform areas and opportunities:

- **Reform Area 1 Clarifying the role of the BAM Act:** amending the objects of the BAM Act to describe the contexts to which biosecurity applies, will ensure that the biosecurity of agricultural activities is not prioritised over the natural environment and the control of pests and diseases with ecological impacts has equal importance.
- **Reform Area 3 Planning and reporting:** establishing a formal biosecurity body, with representatives from all biosecurity system participants to provide strategic leadership for biosecurity, will provide better coordination across the biosecurity continuum and enable the consideration of local, regional and state-wide priorities in investment decisions.
- **Reform Area 8 Community led pest management:** a broad-based DPR across WA applied to all freehold, leasehold or rural land classes of sufficient size according to a uniform and ad valorem rating structure represents a fairer system of funding the management of established and widespread pests, and creates a greater pool of funding for program delivery. The inclusion of Local Government as an eligible entity to receive funding is also supported.

Key concerns raised with the following reform areas and opportunities:

- **Reform Area 5 Emergency Powers:** further clarification is required on the interface of the BAM Act with other legislation responsible for triggering and enabling an emergency response, given the proposal for the BAM Act to meet or exceed the powers in other legislation. It is essential that Local Government is consulted in the emergency response where emergency actions impact on Local Government operations or responsibilities.

- **Reform Area 8 Community led pest management:** for some Local Government areas, the state-wide application of the rate is likely to increase the amount levied and the community expectation for local pest management programs, but does not guarantee funding to deliver programs.

Some regional Local Governments expressed concern that the contestable nature of the pooled funds may negatively impact the operation of RBGs, which they rely on and support to undertake pest management programs in local communities. Any changes to the DPR need to ensure that this concern is addressed.

A coordinated approach between landholders to biosecurity issues, particularly for mobile pest species, should be encouraged to support the long-term success of control programs.

- **Reform Area 9 Compliance with WA's biosecurity laws:** Local Governments should not have the responsibility for monitoring and enforcement of an expanded range of Local Laws, which represents a shifting of costs and responsibilities to Local Government. An increased budget allocation to DPIRD compliance operations is critical to allow this function to be performed effectively. For Local Governments that choose to adopt Local Laws relating to biosecurity, differences between councils for the management of the same species may lead to confusion amongst industries and communities.

Alignment of the target outcomes with the WALGA Biosecurity Advocacy Position, and further information on the anticipated benefits or issues for each reform opportunity, are outlined in **Table 1**.

WALGA considers that significant additional consultation with key sectors in the biosecurity system, including Local Government, is vital to ensure any adopted reforms are carefully designed to ensure successful implementation.

Table 1: Review of Biosecurity Reform Areas

Reform Area 1: Clarifying the role of the BAM Act					
Review panel key outcomes (what we need to achieve)	LG extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	LG response on the importance of pursuing this opportunity for reform**	LG identified benefits or issues with the reform opportunities
The Act has clear Objects	Agree	N/A	<p>Opportunity 1 is to clarify the legislative framework by defining biosecurity to encompass agriculture management outcomes currently provided for in the Act, including chemical products and residues on land.</p> <p>Opportunity 2 is to amend the objects of the BAM Act to describe the contexts to which biosecurity applies, provide for risk-based decision making, include biosecurity emergencies, and reference intergovernmental agreements.</p> <p>Opportunity 3 is to identify all biosecurity system participants, including Aboriginal peoples.</p>	Neutral	<p>Opportunity 2 benefit: A greater focus on environmental biosecurity will reduce ecological impacts and help reverse Australia's ongoing decline in biodiversity.</p> <p>Opportunity 3 benefit: Partnering with Aboriginal and Torres Strait Islander people adds valuable cultural and ecological knowledge in the management of biosecurity issues.</p>
The Act anticipates increasing biosecurity risk and complexity	Agree	Yes (Statement 3)		Very important	
The Act strengthens WA's contribution to Australia's biosecurity system	Agree	Yes (Statement 1)		Very important	

*Strongly disagree, disagree, neither agree nor disagree, agree, strongly agree

**Not important at all, low importance, neutral, important, very important

Reform Area 2: Working together to protect WA					
Review panel key outcomes (what we need to achieve)	LG extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	LG response on the importance of pursuing this opportunity for reform**	LG identified benefits or issues with the reform opportunities
Everyone contributes to WA's biosecurity by taking reasonable and practicable steps to reduce biosecurity risk and impacts that are under their control	Agree	Yes (Statement 1)	<p>Opportunity 4 is to introduce a general biosecurity obligation in the BAM Act (similar to recent reforms in workplace health and safety legislation)</p> <p>Opportunity 5 is to improve biosecurity communications and engagement</p>	Important	<p>Opportunity 4 benefit: Introducing a general legal obligation for biosecurity management in the Act will provide legislative weight to the concept of shared responsibility.</p> <p>Opportunity 4 issue: A general legal obligation is a new concept for biosecurity management. It relies on all participants in the biosecurity system having an understanding of their obligation, and undertaking action as deemed reasonable. While the general obligation is intended to be non-prescriptive, it does create a system of accountability, the implications of which are unclear.</p> <p>As an example with similarities, the new <i>WA Work Health and Safety Act 2020</i> introduced a general legal obligation for persons conducting a business or undertaking (PCBUs) to ensure, so far as is reasonable practicable, workers and other persons are not exposed to risks to their health and safety. Employees were replaced with the term 'workers', which included employees, contractors, students and volunteers. The changes resulted in confusion and liability concerns in the Local Government sector as to what were</p>
Everyone understands the importance of biosecurity and the benefits it delivers to them and to WA as a whole.	Agree	Yes (Statement 8)		Very important	

					<p>reasonably practicable steps for the workers they were responsible for.</p> <p>It is important that the roles and responsibilities of each system participant is clarified. The roles and responsibilities of key state agencies such as DPIRD and DBCA need to be clearly defined and communicated to enable effective coordination and implementation of biosecurity actions. Local Governments role in the current system is also poorly articulated.</p> <p>Opportunity 5 benefit: Education and awareness of biosecurity responsibilities is a fundamental element of achieving voluntary compliance.</p>
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Reform Area 3: Planning and reporting – vital to a better biosecurity system					
Review panel key outcomes (what we need to achieve)	LG extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	LG response on the importance of pursuing this opportunity for reform**	LG identified benefits or issues with the reform opportunities
Biosecurity investment prioritises the allocation of resources to the areas of greatest return	Agree	Yes (Statement 4)	Opportunity 6 is to establish a formal body, supported by DPIRD, to provide strategic advice and leadership for WA's biosecurity system. The body would have government, industry and community representatives, and plan activities at the local, regional and state level.	Very important	Opportunity 6 benefit: 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. Involvement of all biosecurity system participants in planning and delivery of actions through representation on the body will provide the expertise and coordination required. Planning at the state, regional and local level is required to ensure prioritisation and alignment of activities to contribute to the biosecurity system as a whole. Evaluation and reporting on action plan achievement is important to gain public confidence through accountability and transparency, measure success, inform investment decisions and ensure adaptive management.
Biosecurity activities are undertaken according to a cost-effective, science-based and risk-management approach	Agree	Yes (Statement 2)	It would provide strategic coordination of activities between biosecurity system participants, and identifying priorities and resource allocation to the areas of greatest return.		Opportunity 6 issue: An evidence, knowledge based approach is required to identify priority pests. The ability to measure and quantify the extent and impact of the pest or disease is a critical first step to enabling effective
State and Local Governments contribute to the cost of risk management measures in proportion to the public good accruing	Disagree	No	The body would report on the effectiveness of the implementation of the plan.		

from those measures, and their role in the system					investment decisions. As noted in the 2013 and 2020 Auditor General's Reports, the State's ability to determine the spread and abundance of high priority pests, or impact of control programs, is not comprehensive or shared amongst stakeholders. Data collection and analysis to inform prioritisation and adaptive management needs to be addressed in the reform opportunities.
All other biosecurity system participants contribute in proportion to the risks and benefits	Agree	Yes (Statement 4)			There is currently a lack of State Government control of declared pests on land under their jurisdiction, due to a lack of resourcing. It is important that this issue is addressed during the strategic planning of biosecurity activities.
Biosecurity system participants are involved in planning and decision making	Agree	Yes (Statement 2)			Local Government has an important, but not greater, role in the biosecurity management system compared with other stakeholders (industry, community). The objective that couples Local Government with State Government as entities required to fund the cost of risk management measures can be inferred as Local Governments needing to contribute more funding to the system and/or a cost shift from State to Local Government. The intention of including Local Government in this objective needs to be clarified. Local Governments already make a significant contribution to the management of pests in WA and should not be required to provide higher contributions.
Decisions on WA's biosecurity system should be clear and publicly available	Agree	Yes (Statement 2)			

Reform Area 4: Prioritising pests and diseases					
Review panel key outcomes (what we need to achieve)	LG extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	LG response on the importance of pursuing this opportunity for reform**	LG identified benefits or issues with the reform opportunities
Appropriate legislative controls, rigour and resources to reduce and control the risk of and harm caused by pests and diseases.	Agree	Yes (Statement 5)	<p>Opportunity 7 is to introduce the definition of 'biosecurity matter' into the BAM Act, and further classify it as either prohibited, restricted or permitted matter based on the level of risk presented to WA, similar to Tasmania's Biosecurity Act 2019.</p> <p>This would replace the current assessment and declaration of organisms as unlisted, permitted, prohibited or declared pests in WA. It would reduce the administration burden as risks may be assessed for classes of things rather than individual organisms, and make it simpler to understand requirements.</p>	Important	<p>Opportunity 7 benefit: A simplified framework and assessment process based on the level of risk of the matter would provide a more transparent process, and potentially a stronger foundation for WA's biosecurity system.</p> <p>The current framework for the assessment and declaration of organisms in WA is unclear, with stakeholders questioning the reduction in the number of declared animals and pests, and change of some control categories to unassigned, following a review by DPIRD in 2016.</p> <p>Opportunity 7 issue: WA's current biosecurity system is based on the declaration of organisms and assignment of management categories, which provides the legislative basis for management obligations of landholders. The replacement of this process with prescriptive legal requirements such as control orders, permits and codes would need to be clearly designed and communicated.</p>
Biosecurity system participants, informed by determined priorities, can understand their obligation and act on it.	Agree	Yes (Statement 1)			

Reform Area 5: Emergency powers – a necessary precaution					
Review panel key outcomes (what we need to achieve)	LG extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	LG response on the importance of pursuing this opportunity for reform**	LG identified benefits or issues with the reform opportunities
The WA Government can undertake quick and decisive action to prevent or control a pest or disease that may have a significant impact	Agree	Yes (Introduction Statement 4)	<p>Opportunity 8 recommends including formal emergency provisions in the BAM Act to ensure quick and decisive action.</p> <p>Opportunity 9 is to ensure the BAM Act has provisions that meet or exceed the powers in other biosecurity legislation, so that it is the primary Act for biosecurity (excluding diseases that affect only human health).</p>	<p>Very important</p> <p>Important</p>	<p>Opportunity 8 benefit: 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.</p> <p>Opportunity 8 issue: It is essential that Local Government is consulted in the emergency response where emergency actions impact on Local Government operations or responsibilities.</p> <p>Opportunity 9 issue: The interface between the BAM Act, the <i>Emergency Management Act 2005</i> and <i>Public Health Act 2016</i> needs to be clarified, in terms of triggering and enabling an emergency response.</p>

Reform Area 6: Compensation can boost biosecurity efforts					
Review panel key outcomes (what we need to achieve)	LG extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	LG response on the importance of pursuing this opportunity for reform**	LG identified benefits or issues with the reform opportunities
Individuals/businesses are fairly compensated or reimbursed for direct losses and costs when destructive action is required to address a high-priority biosecurity risk.	Agree	N/A	Opportunity 10 is to include appropriate compensation and reimbursement provisions in the BAM Act.	Important	<p>Opportunity 10 benefit: Compensation may encourage individuals, businesses and organisations to report and take action on biosecurity risks, which may have significant implications if left unmanaged. The only compensation provisions that currently exist in the BAM Act are through Industry Funding Schemes, which are fully funded by industry, for industry.</p> <p>Opportunity 10 issue: The proposal to include compensation and reimbursement provisions in the BAM Act appears to be targeted at the public, businesses and organisations. Local Governments should be included as organisations that are eligible for compensation.</p> <p>As an example, removal or pruning of infected tree species is currently the recommended treatment to eradicate Polyphagous Shot Hole Borer. This destructive action would be a significant expense for Local Government, if not funded by DPIRD as per the current response plan.</p> <p>In addition, there is the loss of public amenity and direct cost of planting replacement trees. This reform area could be revised to include consequential losses as deemed reasonable.</p>

					It is unclear who pays for the compensation.
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Reform Area 7: Enabling industries to act					
Review panel key outcomes (what we need to achieve)	LG extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	LG response on the importance of pursuing this opportunity for reform**	LG identified benefits or issues with the reform opportunities
WA industries can access and take advantage of legislated support structures to establish and deliver biosecurity actions	Agree	N/A	<p>Opportunity 11 is to ensure third parties can be authorised to deliver accreditation schemes within the industry.</p> <p>Opportunity 12 is to introduce industry-government biosecurity response agreements, to formalise roles and responsibilities, and cost-sharing, during a biosecurity response relevant to an industry.</p>	<p>Important</p> <p>Important</p>	<p>Opportunity 11 issue: There is concern that third parties playing a more active role in the accreditation process for businesses, including the issue of certificates and auditing to ensure they continue to meet the terms of accreditation, will add additional costs to industry. As an example, the industry owned Freshcare assurance program has incrementally increased in costs to producers over the years as higher accreditation standards are implemented. The Shire of Carnarvon reported that growers within their municipality have borne significant overall cost increases.</p> <p>Opportunity 12 benefit: While provisions to support WA industries to better establish and deliver biosecurity actions are not directly relevant to Local Government, there are benefits for the public good. The WA beekeeping industries desire for an industry-government agreement with funding mechanisms to eradicate varroa mite, should it need to be eradicated in WA, provides a good example. There would be flow on benefits for local communities, with a significant increase in hobby beekeepers in recent years.</p>

Reform Area 8: Community led pest management					
Review panel key outcomes (what we need to achieve)	LG extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	LG response on the importance of pursuing this opportunity for reform**	LG identified benefits or issues with the reform opportunities
Local communities, networks and groups are supported to lead and undertake coordinated action to manage established pests on assets important to them, their region and the state as a whole	Agree	Yes (Statement 4)	<p>Opportunity 13 is to simplify the rating approach and broaden the revenue base of the Declared Pest Rate through a uniform and progressive ad valorem rating structure applied to land across WA of sufficient size.</p> <p>Opportunity 14 is to retain the State Government legislated dollar-for-dollar matching of funds raised through a DPR.</p> <p>Opportunity 15 is to apportion pooled funds to priority pest management programs and compliance programs.</p> <p>Opportunity 16 is to broaden the range of pest management entities that are eligible to receive pooled funds (including Local Government) and incentivise co-contributions from funding recipients.</p>	<p>Very important</p> <p>Very important</p> <p>Very important</p> <p>Very important</p>	<p>Opportunity 13 benefit: 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. It is noted that this would include land considered rural in the Perth metropolitan area and other regions across the state, which is not rated under the current system. One Local Government considered that residential land in urban areas should also be rated, in recognition of the greater public good resulting from effective biosecurity control.</p> <p>A DPR is preferable to a whole of state biosecurity levy (similar to the Emergency Services style levy), which was generally not supported by Local Government and which the review panel has noted it will not progress.</p> <p>Opportunity 13 issue: The application of the DPR across the entirety of WA represents a significant change to the current DPR model and requires further detail, particularly on the ad valorem rating structures proposed to account for the</p>

<p>Action undertaken by local communities, networks and groups is effective and efficient, and contributes to the management of priority pests locally, regionally and for the state</p>	<p>Agree</p>	<p>Yes (Statement 4)</p>			<p>significant differences in land values between some regions in the State.</p> <p>The DPR is currently applied to 47% (65 of 139) Local Government districts across the state. For some Local Government areas, the state-wide application of the rate is likely to increase the amount levied, but may lead to less local pest management action depending on investment decisions by the formal body. A higher levy would result in greater community expectation of pest management in a region, which will not necessarily be delivered.</p> <p>There also may be opposition from new landholders that would be classified as rateable entities under the new proposal. For example, the Shire of Carnarvon used to rate landholders in the municipality to assist in the control of Mediterranean fruit fly. This was discontinued due to the conflict it created, with some landholders that did not grow fruit being of the opinion that they should not have to finance control efforts.</p> <p>The Shire of Upper Gascoyne noted that even in the existing system, up to 20% of rateable entities do not pay the DPR. Communication and education on the broader benefits to the public good will be vital to ensuring support and compliance.</p> <p>Local Governments already provide significant cash and in-kind investment in biosecurity, and Local Government vested lands should not be included as a rateable entity.</p>
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					<p>Opportunity 15 benefit: the apportionment of pooled funds by the new formal biosecurity body to the management of widespread and established pests will ensure investment in high priority pests at the local, regional and state level.</p> <p>Opportunity 15 issue: The methodology on how the DPR funds would be allocated requires further clarification. WALGA notes that a large portion of funding generated from the Emergency Services Levy and Waste Levy is not received by Local Government, but allocated to the activities of State agencies. All DPR funds should be allocated to direct biosecurity activities of the eligible entities, with a separate budget provision for State agencies.</p> <p>There is little land in the Perth metropolitan area that would be subject to the new DPR, and it is unclear if eligible entities could apply to receive funds to manage pests and diseases in urban areas. WALGA strongly supports the availability of funds to control established pests and diseases in urban areas.</p> <p>Compliance should be undertaken by the State Government regulator, DPIRD. WALGA does not support the apportionment of pooled funds to compliance programs, however notes that if individual Local Governments wish to undertake compliance activities, appropriate resourcing should be provided.</p> <p>WALGA supports the DPR collection by RevenueWA. Local Governments are strongly opposed to the collection of the</p>
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					<p>DPR with the Local Government rates notice.</p> <p>Opportunity 16 benefit: WALGA supports the broadening of eligible entities to receive funding to include Local Government, regional NRM groups, Landcare, Aboriginal and other pest management groups. A coordinated approach between landholders to biosecurity issues, particularly for mobile pest species, should be encouraged to support the long-term success of control programs.</p> <p>WALGA supports the introduction of co-contributions from eligible entities as a fair and equitable approach to increasing investment in biosecurity management. This would recognise and leverage the existing significant investment that Local Governments currently contribute to biosecurity management at the local level.</p> <p>Opportunity 16 issue: Some regional Local Governments have expressed concern that the contestable nature of the pooled funds may negatively impact the operation of RBGs, which many Local Governments rely on and support to undertake pest management programs in local communities. Any changes to the DPR need to ensure that this concern is addressed.</p> <p>In addition, the contestable nature of funds may also increase the administrative burden for eligible entities compared with the current allocation model. Regional Local governments have noted that even if they received funding to undertake pest</p>
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					<p>control programs, they don't have the capacity to organise and implement programs, and report on outcomes. Funding to cover the administrative component of pest control programs would be necessary.</p> <p>The contestable nature of funds may not be conducive to the long-term sustainability of pest control programs unless multi-year proposals are eligible for funding.</p> <p>It is unclear on the requirements needed to qualify as an 'eligible entity' to receive funds.</p>
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Reform Area 9: Compliance with WA's biosecurity laws					
Review panel key outcomes (what we need to achieve)	LG extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	LG response on the importance of pursuing this opportunity for reform**	LG identified benefits or issues with the reform opportunities
Activities to encourage compliance are underpinned by behaviour science and evaluation	Agree	Yes (Statement 6)	<p>Opportunity 17 is to develop and implement initiatives to achieve behaviour/practices changes that support compliance.</p> <p>Opportunity 18 is to ensure penalties are proportional to the harm caused through incorporation of 'aggravated' offences.</p>	Important Important	<p>Opportunity 17 issue: Activities to encourage compliance need to be coupled with strong enforcement of penalties. The reform opportunities do not address the lack of compliance and enforcement action by DPIRD, which has the responsibility under the BAM Act for these activities. It is not sufficient to state that better landholder control of pests is required. There needs to be monitoring and appropriate penalties applied where landholders are non-compliant and their lack of action is contributing to increased pest incursions on surrounding land. WALGA considers an increased budget allocation to DPIRD compliance operations is critical to allow this function to be performed effectively.</p> <p>Opportunity 18 benefit: WALGA supports the increase in penalties to be proportional to the level of harm caused by biosecurity breaches.</p>
Penalties under the BAM Act are appropriate to the offence and appropriately enforced	Strongly agree	Yes Statement 6	<p>Opportunity 19 is to use penalty units to ensure the monetary value of the penalty doesn't diminish over time</p> <p>Opportunity 20 is to increase the monetary value of penalties</p> <p>Opportunity 21 is to expand the scope of Local Government laws to apply to any widespread and established pest animal or plant.</p>	Important Important Important	

					<p>maximum post-border biosecurity penalty of \$100,000 under the BAM Act.</p> <p>Opportunity 21 issue: WALGA understands that it would be entirely voluntary for Local Governments to adopt Local Laws relating to biosecurity.</p> <p>While WALGA is not opposed to the expansion of the scope of Local Government laws to apply to pest animals as well as plants in principle, the primary framework for the management of declared species or 'biosecurity matter' should remain under the legislative remit of the BAM Act.</p> <p>Control and enforcement mechanisms such as Local Laws have been used by Local Governments where landholder action is required but not mandated by the BAM Act, such as when pest plant species are delisted but remain problematic.</p> <p>Local Laws should not be identified as being more effective than State provisions at achieving the control of widespread and established pests. Rather, they have used been a last resort where State biosecurity provisions have been ineffective.</p> <p>Local Governments should not have the responsibility for monitoring and enforcement of an expanded range of Local Laws, which is effectively a cost-shift from State to Local Government. Regional Local Governments have identified that they do not have the staff or resources to undertake this role.</p> <p>Another approach to Local Laws was identified by the Shire of Murray. That of</p>
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					<p>delegated compliance powers under the BAM Act to issue modified penalties, with the support of DPIRD as required. The Shire has been seeking this arrangement for several years to enable effective management of cottonbush in the region. While the Shire had worked to educate the community and empower voluntary compliance, this additional measure is considered necessary to ensure the health of its natural environment, enable an immediate response to community concerns and allow effective control of the declared pest.</p> <p>There is also the potential that promoting the use of Local Laws to manage pest plants and animals will lead to a plethora of Local Laws created by different Local Governments for the same species. This could result in fragmented species control, inconsistencies in provisions and penalty rates and increased risk to the Local Government.</p> <p>For Local Governments that wish to use the Local Law provisions, a template for the sector would be useful to provide guidance on content and penalties (e.g. whether BAM Act penalties apply or penalty rates are at the discretion of the Local Government). WALGA already has a local law template for pest plants to assist the sector.</p>
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