



3 July 2020

Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
CANBERRA ACT 2600

Via email: rrat.sen@aph.gov.au

To whom it may concern,

Re. Inquiry into the provisions of the Biosecurity Amendment (Traveller Declarations and Other Measures) Bill 2020

The National Farmers' Federation (NFF) welcomes the opportunity to provide a submission to the Senate Rural and Regional Affairs and Transport Legislation Committee inquiry into the provisions of the Biosecurity Amendment (Traveller Declarations and Other Measures) Bill 2020 (the bill).

The NFF was established in 1979 as the national peak body representing farmers and the agriculture sector more broadly across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the breadth and the length of the supply chain. Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

The NFF strongly supports the intent of the bill to deter non-compliance with the *Biosecurity Act 2015* and mitigate against biosecurity risk. Ongoing issues with incoming passengers failing to declare goods are of great concern to Australia's farm sector, and it is clear that existing compliance and enforcement tools are inadequate.

Despite an enhanced focus on addressing non-compliance over the last 12 months – including though new measures to allow visa cancellations – undeclared products that have the potential to carry devastating pests and diseases – like *Xylella fastidiosa*, foot and mouth disease and African swine fever – continue to be

detected with passengers arriving at the border. We know that the biosecurity risk that these products pose is very real – testing by the Australian Animal Health Laboratory revealed that of the pork products seized from incoming passengers and mail in a 13-day period in September 2019, an alarming 48% tested positive for African swine fever virus. Earlier in 2019, fragments of the foot and mouth disease virus were detected in pork products seized at the border. It's estimated that an incursion of foot and mouth disease could cost the economy \$50 billion over 10 years, and an incursion of African swine fever would cost more than \$2 billion.

The measures in the bill are welcomed by the NFF as an important step towards addressing the significant issue of incoming passengers failing to comply with the Biosecurity Act, and mitigating the associated biosecurity risk. To be successful, implementation of the bill must be accompanied by thorough training of biosecurity officers so that they are prepared to use the new infringements, and education and awareness campaigns targeting incoming passengers.

The importance of a strong biosecurity system

Australia's biosecurity system is fundamental to the success of our agriculture industries, to the health of our natural environment and our society and economy at large. The NFF's position is that ensuring the biosecurity system is innovative, adequately resourced and operating efficiently is critical and should be a shared priority for governments, industry, and the broader community.

Biosecurity not only supports market access and international competitiveness, which is underpinned by our favourable pest and disease status but is also central to on-farm productivity, profitability and sustainability, minimising the damaging impacts of invasive species and the associated costs of management. Without a strong biosecurity system, our \$60 billion agriculture industry is at risk, and we will be further from achieving our goal of \$100 billion in farm gate output by 2030.

In May this year the NFF released a new biosecurity policy (**attached** for the committee's information). The policy outlines NFF's principles for the national biosecurity system to ensure it is a strong, well-resourced, efficient and innovative system that protects Australia's primary industries. One of the NFF's policy priorities is that regulatory compliance and enforcement tools, including civil penalties, criminal sanctions and visa cancellations, are used appropriately by governments to manage biosecurity risk and encourage compliance with biosecurity requirements. The measures in the bill will help to deliver on this priority by enhancing existing compliance measures available at first points of entry.

Risk-based approach

The NFF understands that the amendments will allow the setting of different amounts payable under an infringement notice depending on the relative biosecurity risk posed by a certain kind of goods or class of goods. The NFF considers this proportionate compliance response is appropriate, and will allow the department to target particular types of goods in response to the changing biosecurity risk environment. It is important to stress however, that deliberately failing to declare

goods on an Incoming Passenger Card must be treated as a serious contravention – regardless of the level of risk posed by the product.

It is therefore important that there is transparency regarding the process of categorising different classes of goods. The explanatory memorandum notes that *“the identification of kinds of goods or classes of goods posing a high level of biosecurity risk is a technical and scientific decision based on whether the biosecurity risk is satisfactorily managed.”* The NFF would support further advice being provided on the proposed risk assessment and decision-making process, including any opportunity for stakeholder input.

Due to the technical nature of the risk assessments, the bill provides that the legislative instrument specifying goods or classes of goods will not be subject to parliamentary disallowance, and will be made for a period of no longer than 12 months. It is appropriate that disallowance not apply. While the 12-month period provides a useful review mechanism, it would be unlikely that the determination would change materially within a 12-month period, and the NFF would not be inclined to support a reduction in the infringement amounts associated with any goods or classes of goods. This would be difficult to justify, and may create an unhelpful impression that contraventions associated with these classes of goods are being taken less seriously.

Education and training will be essential for success

The NFF congratulates the Department of Agriculture, Water and the Environment biosecurity officers who earlier this year were on track to double the number of infringement notices issued at airports each month, prior to the introduction of COVID-19 related travel restrictions. Implementation of the new measures must build on this achievement and be accompanied by appropriate training of biosecurity officers to ensure they understand and are prepared to use the new infringements, to protect our biosecurity status.

Awareness raising must be a priority

The increase in maximum penalty from two units to 12 units is significant, and likely to influence the behaviour of incoming passengers. Communication about the strengthened compliance measures – including the risk categorisation and the rationale for this categorisation – will be critical to the success of these measures as a deterrent to both inadvertent and deliberate non-compliance. The NFF supports these activities being prioritised.

Assessment of effectiveness of the new measures

It will be important for the department to have in place a system to assess and report on the effectiveness of the new measures as a deterrent for non-compliance. This information should also be used to inform future amendments and related communication and awareness initiatives targeting travellers.



Thank you again for the opportunity to provide input to this inquiry. Should you require any further information in relation to this submission, please contact Adrienne Ryan, General Manager Rural Affairs at the National Farmers' Federation, on 02 6269 5666 or aryan@nff.org.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Tony Mahar', with a large, stylized initial 'T'.

TONY MAHAR
Chief Executive Officer