



11 September 2020

Rob Delane  
Inspector-General of Biosecurity  
Australian Government Department of Agriculture, Water and the Environment  
GPO Box 858  
CANBERRA ACT 2601

Dear Mr Delane,

**RE: Adequacy of the department's biosecurity functions**

The National Farmers' Federation (NFF) welcomes the opportunity to provide a submission to the Inspector-General of Biosecurity's (IGB) review of the adequacy of the Department of Agriculture, Water and the Environment's (the department's) operating model to mitigate biosecurity risks pre-border and at-border in evolving risk and business environments.

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.

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. Ensuring Australia's biosecurity system is innovative, adequately resourced and operating efficiently is critical and should be a shared priority for governments, industry, and the broader community. In an increasingly complex global environment where international trade and travel continue to increase, the risk of major biosecurity threats entering and establishing in Australia is heightened.

Australian agricultural produce is highly sought after and holds a competitive advantage in international markets due to its high quality, safety and reliability, and because Australia remains free of many damaging invasive species found elsewhere in the world. Australian agriculture's competitive advantage thus depends on well-structured and thorough biosecurity pre-border and at-border, with effective mitigation of risks.

The NFF strongly supports the work of the IGB and welcomes the establishment of this review into the department's management of biosecurity risk pre-border and at the border. The department, as the responsible organisation for pre-border and at-border biosecurity activities, must be held accountable to the effectiveness of their systems, which ensure protection from exotic pests and diseases entering Australia.

When conducting reviews that may affect the practices and processes of the national biosecurity system, consultation with the primary production sector is essential. The NFF Farming Systems Committee and Horticulture Council met with the IGB Rob Delane in July to discuss our initial position and feedback on the questions posed in the review's

stakeholder survey. The NFF appreciated this opportunity to provide feedback directly to the IGB and to discuss issues of concern.

As the NFF has provided initial feedback to the IGB through discussions at our meeting in July, and with the expectation that a more detailed consultation is due to begin later this month, this submission provides a high level overview of some priority issues that we would like to see addressed in this review.

### **Pre-export certification and assurance**

The NFF notes that the department regulates products imported into Australia, and the importation of some products is, by law subject to certain biosecurity import conditions. These conditions include import permits, import conditions that require certain treatment to be undertaken, or supporting documentation be provided - such as phyto-sanitary certificates signed by the exporting country's National Plant Protection Organisation. The NFF is concerned that despite requirements being in place, quarantine pests continue to arrive at the Australian border, including in consignments officially certified as being free of pests<sup>1</sup>. In the cut flower import pathway unacceptably high levels of non-compliance in incoming consignments continue to be recorded for a number of countries with apparently stringent requirements for pre-export treatment and certification. There does not appear to be a structured approach to addressing this issue, and to enforcing import requirements - for example by suspending imports until our requirements can be met. If the current assurance systems were adequate, this would not occur.

### **Surveillance and intelligence**

Effective systems for surveillance and diagnostics underpin prevention, preparedness and early response. Additionally, surveillance is necessary to provide evidence to show freedom from pest and diseases to support market access. Governments and industry must work together to promote an innovative, well-targeted, coordinated and adequately resourced national surveillance system. Recent detections of Australia's number two priority plant pest, the khapra beetle, including in goods and on pathways where khapra has not previously been known to occur, only serve to reinforce the critical importance of robust, innovative, integrated and responsive surveillance and intelligence systems.

### **Compliance**

Regulatory compliance and enforcement tools, including civil penalties, criminal sanctions and visa cancellations, need to be used appropriately by governments to manage biosecurity risk and encourage compliance with biosecurity requirements. The department has a responsibility to take events of non-compliance seriously, and to clearly communicate compliance requirements - and the consequences of non-compliance. Non-compliance, both deliberate and unintended, puts Australia's agriculture system, environment and communities at risk of exotic pest and disease incursions. It's important that the department continue to take accountability for addressing non-compliance across all pathways, by using appropriate enforcement methods to deter non-compliance, particularly for repeat offenders.

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<sup>1</sup> E.g. see draft report of the Part 2 of the pest risk analysis for cut flower and foliage imports, available at <https://www.agriculture.gov.au/biosecurity/risk-analysis/plant/cut-flowers#pest-risk-analysis-for-cut-flower-and-foliage-imports--part-2>

Over the last 12 months, increases to penalties for passenger biosecurity breaches, including new measures to allow visa cancellations, have been a welcome step in the right direction. However, even with this enhanced focus on addressing non-compliance, high risk products with the potential to carry devastating pests and diseases continue to be detected at the border. The NFF is supportive of the introduction of higher penalties, and a tiered penalty rate approach to infringements as proposed in the Biosecurity Amendment (Traveller Declarations and Other Measures) Bill 2020. If this Bill is passed, the NFF encourages additional training of biosecurity officers, and education and awareness campaigns targeting incoming passengers.

Additionally, there seems to be no penalty or consequence for repeated non-compliance with the department's import conditions, at least on some import pathways such as cut flowers and foliage. The Goods Determination legislation requires cut flower consignments to arrive in Australia free from pests, and certain import conditions are imposed to meet this requirement. Despite many examples of ongoing high rates of non-compliance with these conditions and the introduction of an import permit requirement for some exporting countries, there does not appear to be an appetite to enforce these conditions – for example by suspending imports where non-compliance continues to be reported. Stronger action is needed to incentivise good biosecurity practices and provide a genuine deterrent for non-compliance. Without such action, Australia's primary industries and environment remain exposed to unacceptable biosecurity risk.

Additionally, industry perceives there to be a lack of transparency around the reporting of statistics on non-compliance and would support more open reporting of this information (where possible and where appropriate) together with enforcement action taken by the department.

### **Funding**

A successful biosecurity system relies on sustained levels of well-targeted investment, underpinned by funding principles and arrangements that are nationally coordinated, consistently applied and well communicated. Currently, funding arrangements are complex and don't appear to meet the evolving needs of the system. In 2017, the Craik Review<sup>2</sup> determined that at a national level, the system is underfunded, and there is inadequate funding for those areas where the greatest return is likely to be achieved. To combat this, the review recommended the introduction of a biosecurity imports levy to partly address this shortfall, a strategy that was strongly supported by the NFF and broader agricultural industry. The NFF accepts that a biosecurity levy (imports levy or onshore levy) is now not going to proceed, but would strongly reinforce the need for new revenue streams to address the preidentified shortfall. Our biosecurity system must be appropriately resourced. The current view of farmers is that the system does not have an appropriate level of funding or a structured framework for coordination across the country that gives confidence to the industry.

The NFF supports changes to the current funding model, including the introduction of new revenue streams that are linked to the identified high-risk incursion pathways and growth of the biosecurity task, and support important biosecurity activities that cannot be cost recovered. This includes prevention and preparedness activities such as surveillance and

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<sup>2</sup> Available at <https://www.agriculture.gov.au/biosecurity/partnerships/nbc/intergovernmental-agreement-on-biosecurity/igabreview/igab-final-report>



diagnostics, as well as awareness and education. Recent experiences with detections of priority pests, such as the khapra beetle, which have entered Australia through previously unidentified risk pathways, highlight how critical prevention activities are, and how important it is for the systems to be responsive.

The NFF understands that the import of cut flowers and foliage may be used as a case study in the forthcoming consultation paper. The management of biosecurity risk in the imported cut flower and foliage pathway is an issue of great concern for the NFF and our members, and we would welcome the inclusion of this issue in the scope of the review.

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](mailto:aryan@nff.org.au).

Yours sincerely,

**TONY MAHAR**  
Chief Executive Officer