

NSW Biosecurity Act 2015

Submission from the Australian Veterinary Association Ltd



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The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 8500 members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, such as cattle and sheep, and wildlife. Government veterinarians work with our animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association.

Summary

The AVA supports the amalgamation of obsolete and outdated legislation into one Act, and considers that the *Biosecurity Act 2015* will provide a modern framework that will benefit agricultural industries. However, the success of this change will depend upon all affected stakeholders recognising and embracing the changed environment. Regulations will have to be robust and clearly defined and written with the input of all appropriate parties – government, industry, the veterinary profession and producers.

The key points of concern we have with the implementation of this new legislation can be summarised as follows:

- The Act enshrines a new arrangement of shared responsibility for matters of biosecurity, with livestock owners taking more responsibility than in the past. If this is to be a better way of managing the biosecurity risks faced by our livestock industries, it is imperative that all stakeholders including industry bodies, individual producers, public and private veterinarians, stock and station agents and stock carriers are thoroughly advised and understand their new responsibilities. To do this properly will require an effective extension and education program which will initially require more, not less, government resources in order to create true efficiencies over time.
- The Act introduces and defines many new terms such as 'Biosecurity Duty' and 'Reasonably Practicable'. While defined in the Act, some of these terms and new arrangements are prone to ambiguity until the regulations are written and enacted with some practical testing of their application.
- Maximum 'buy-in' and thereby successful uptake of the increased shared responsibilities will be enhanced with an increase in shared ownership by stakeholders. The regulations should contain a mechanism for setting and agreeing on key performance indicators for disease surveillance and greater transparency in the reporting of the outcomes achieved against the indicators.
- There are some specific suggestions below on diseases identified in the discussion papers.
- The process of compiling the regulations is underway, yet it is unclear who is engaged to complete this task. Due to their significant training and expertise in matters of animal biosecurity, both public and private veterinarians should be represented in the process of writing the regulations. AVA can assist with this task.

Points of concern

Legislation

1. Definitions

Terms such as "Biosecurity Duty" need clear definition as currently within the Act the term appears very broad with the potential to implicate a number of persons in a single biosecurity breach. Individuals need to be aware of their obligations in relation to this term and the DPI needs to be clear how they are going to inform people of their new responsibilities.

2. Points of ambiguity

There are a number of areas of ambiguity in the Act. An example of this is under "Dealings" in Part 2, Division 2, Section 12(2) which provides that an occupier of land is not responsible for a biosecurity matter or carrier on that land if the occupier can prove it is the responsibility of another person. The ambiguity lies in the fact that Part 4, Division 4, Section 36(1) regarding "Biosecurity Duty" requires a person to take action if they suspect the presence

of prohibited biosecurity matter. The ability to prove no knowledge, or suspicion, of a biosecurity matter on a person's property is difficult to prove even in a court of law and could be very dependent on the ability of lawyer and not fact. We believe there needs to be better clarification of terms such as these and would like further opportunities to consult on this and other matters.

3. *Prohibited matter*

Schedule 2 "Prohibited Matter" lists *Brucella suis* as prohibited matter in domesticated (non-feral) pigs only. There should be no restriction on the type of pig in which it is regarded as prohibited matter. Feral pigs in Australia are still affected by the disease, and in fact are known to be the primary carrier and transmitter of the disease in this country. In the past 5 years it has been shown that *Brucella suis* infections in dogs and humans are the result of contact with feral pigs with the disease. Feral pig meat is also consumed domestically and exported overseas for human consumption. The presence of *Brucella suis* needs to be regarded as prohibited matter in both domestic and feral pigs.

4. *Prevention, elimination, minimisation biosecurity risk*

There need to be very clear regulations in relation to Part 4 Division 4 Section 37 (Offence of failing to discharge biosecurity duty). As veterinarians we are deeply concerned that as the "experts in animal disease" we may be conferred a biosecurity duty in relation to a client's animal/s despite having no direct interaction with that client on the matter. Our concerns relate to diseases such as Hendra virus and anthrax where, despite continuing efforts by veterinarians to encourage vaccination programs, owners are resistant. We do not want a situation similar to that in Queensland where veterinarians are being held responsible for associated issues with Hendra cases where owners failed to vaccinate their horses despite vehement efforts to encourage vaccination. We believe veterinarians cannot be held personally responsible for such situations and we do not want to see our members being prosecuted under this legislation for incidents out of their control. We seek to have personal consultation with the Minister and DPI officials on this matter immediately as it is of great concern to our membership.

5. *Emergency orders and control orders*

We would like some clarification on who would be advising the Minister and Departmental Secretary on these matters. We understand there would be a pre-defined process but would like to discuss this matter to ensure a representative of the AVA is involved in defining the process.

Equine influenza revealed major deficiencies in the response process and the veterinary profession was frustrated on a number of fronts. Some main areas of frustration were:

- the influence some individuals and organisations had on the control program thus causing decisions to be made not based on science
- an unreasonable expectation private veterinarians could be mobilised at short notice
- the lack of preparedness in relation to equipment, staff and pay rates
- the inefficient notification of veterinarians in relation to the emergency
- failure to ensure veterinarians and key personnel in the industry were aware of immediate control and quarantine measures
- failure of the equine industries to contribute to the cost of the control and eradication of the disease
- inability of the equine industries to work cooperatively under one banner especially in relation to animal disease.

A major review was undertaken after the equine influenza outbreak but the AVA seeks to clarify whether the review's recommendations have been implemented to ensure the *Biosecurity Act 2015* can be utilised to its full capacity. To ensure this, we consider that the AVA should participate in the writing of the associated regulations.

Discussion papers

6. *Cattle tick*

We assume that authorised officers will remain as they are under the current legislation. We do seek clarification on how undertakings or directions are going to be monitored under the new legislation and by whom. In summary we understand from the discussion paper that the status quo in relation to cattle tick control will be maintained.

7. *Cysticercus bovis*

It appears the status quo will also be maintained in relation to this disease.

8. *Enzootic bovine leucosis (EBL)*

Our major concern with information in this discussion paper is ensuring that all people involved in the beef industry are aware of their obligations in preventing the transmission of this disease. We would like to ensure that there is a thorough education program on the disease.

9. *Livestock identification and traceability*

The AVA strongly supports all efforts to enhance lifetime traceability for all livestock. We agree with the proposal to include American bison, water buffalo and banteng cattle under the lifetime, permanent identification scheme.

We would also like to propose that equines and camelids should have permanent individual identification as with other livestock. Horses that are used to participate in sporting and breeding activities can cover considerable distances, and as seen with equine influenza, can spread disease rapidly and over a large range.

We also propose there needs to be property identification numbers used for premises where horses are kept and there should be rates attached to these properties. The equine industries expect the support of the Department of Primary Industries (DPI) and Local Land Services (LLS) in disease outbreaks and incidents and so all people who accommodate horses need to contribute to the costs involved with these services.

We also propose that individual sheep identification should be mandated and an education program rolled out to improve use of NLIS by producers for property to property movements especially for sheep. This is required for us to properly fulfil our market obligations and ensure efficient and effective traceability in a disease outbreak situation.

10. *Notifiable poultry diseases*

The regulations contain clear guidelines in relation to prevention of notifiable poultry diseases. This may include reference to industry standards that are constantly under review by DPI and the poultry industry.

11. *Ovine Johne's Disease (OJD)*

We support mandatory Sheep Health Statements to help producers minimise the risk of introduction of OJD. It would assist in making the vendor responsible for ensuring only healthy sheep are sold as the vendor would be bound legally by the declarations made on the Sheep Health Statement.

12. *Prohibited pig feed ('swill') and notifiable pig diseases*

The AVA does not agree with the exclusion of feral pigs in relation to *Brucella suis*. It is known that feral pigs are carriers of *B. suis* yet there appears to be a lack of commitment to address the situation. It is well known that pig hunters will illegally move feral pigs to provide hunting opportunities in the future. They also transport pig meat home for consumption or to be used as dog meat. As this is the case these individuals should definitely be answerable to the section of the Act which relates to possession and "dealing with" prohibited matter. *B. suis* is a major concern for human health and the health of other animals such as domestic dogs, and it is remiss to ignore the situation.

Pigs can also be infected with anthrax, and the movement of feral pigs out of the known anthrax areas, both with or without human intervention, poses a threat to the meat industry.

There are strict mandatory controls over what is allowable feed for pigs and our greatest area of concern is in small or backyard piggery operations. We see this group as the biggest threat to the pig and other livestock industries. There has to be a well-organised education program for not only pig owners but also pet shops, metropolitan veterinarians, local councils and the general public.

There needs to be mandatory control measures placed in the regulations in relation to feral pig control. We believe "control practices" such as pig hunting and trapping cannot be considered adequate primary methods of control. Baits and aerial shoots, used in conjunction, should be deemed the methods of effective control. The LLS also needs to have authority to enforce control measures in areas known to have a significant problem so group programs can be established and maintained.

The feral pig problem in NSW and Australia is an unacknowledged significant threat to livestock industries. Effective control is expensive but a major part of the new Act is prevention and this entails control measures. A concerted effort to control and ultimately reduce numbers now will ultimately be far more cost effective than a \$50 billion bill to fight foot and mouth disease. This is classic example where shared responsibility between government, industry and individuals and effective regulations need to be established.

13. Footrot in sheep and goats

We support mandatory Sheep Health Statements. We need regulatory support to provide the means by which producers can fulfil their biosecurity responsibility.

14. Sheep Lice

As for footrot and OJD, we support the mandatory use of Sheep Health Statements as a means of ensuring the biosecurity responsibility of vendors. While we accept that all producers have a general biosecurity duty we note that some are reluctant to adopt appropriate lice control measures and so the detail contained in the regulations will need to strike the correct balance between a community responsibility for lice control and the reality that some landholders will not accept this responsibility.

15. Transmissible Spongiform Encephalopathies (TSE)

The current surveillance program for TSE is very effective in NSW due to the network of LLS veterinarians. This group of veterinarians actively procure sheep and cattle brains for the program and have actively encouraged private veterinarians to contribute. This has been a wonderful example of government and private veterinarians working to ensure adequate data for trade requirements. We are encouraged to see the government maintain this program under the new legislation. We also agree with the mandatory measures to ensure restricted animal material does not enter the ruminant food chain. One area of concern is the need for more effective dissemination of this information to all the appropriate stakeholders.