

Review of the Queensland *Biosecurity Act 2014*

28 June 2019

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Summary

The *Biosecurity Act 2014* (the Act) came into effect on 1 July 2016. The Act contains a requirement for the Minister to review its efficacy and efficiency within three years after its commencement. The main purposes of the Act can be found at Attachment 1.

The review was conducted by Biosecurity Queensland on behalf of the Minister in close collaboration with key industry and other peak bodies. Members included many of the groups consulted with during the original Biosecurity Bill development and Act implementation. Invitees and membership of these groups can be found at Attachment 2 and 3. Authorised officers and other State government agencies (Attachment 4) were also consulted to capture their experiences and any challenges working under the new legislation.

The review categorised Act provisions into six main themes; key obligations under the Act, risk based decision making, emergency powers, compliance and enforcement, third party accreditation, and administration.

The review demonstrated the Act is working well and the concepts are sound. However there are some valuable learnings of particular note around the following: maturity of the understanding of General Biosecurity Obligation in the farming community and the listing of particularly risky species, the time needed to resolve uncertainty during emergency biosecurity events, improvements required in how individual biosecurity plans are written, protection from biosecurity risks created by unauthorised access, limitations on local government efficiency in fulfilling their duties under the Act, updates to authorised officer training and the need for added protection of farmers' information.

In total the review outcomes include recommendations for 22 Act amendments, the majority of which are considered minor, nine policy recommendations, three for communications and research, five for training and five for administration.

Valuable information was also gained on how Biosecurity Queensland can better assist other government departments in fulfilling their obligations under the Act.

A summary of the recommendations for amendments to the Act is contained in section 1 of the report. All other non-legislative recommendations are included in Attachment 5.

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1 Recommendations from the review

The recommendations in this report do not represent government policy. The report is a consolidation of issues that have been identified around the efficacy and efficiency of the Act since its commencement on 1 July 2016. The recommended legislative changes identified in the report have not been fully tested through the normal policy development and regulatory impact statement process. As such, these recommendations should be viewed as the preferred solutions but not necessarily the final solutions.

Act Amendments		
Report Section	Issue	Recommendation
4.2.1	Consistent approach to listing prohibited or restricted matter is needed.	Amend the Act and Regulation to transfer all matter listings from the Act to the Regulation. Adopt consistent policy for future listing of matter in legislation, taking into account risk-based decision-making principles, existing commitments to national processes, and the need for 'official control' by international trade organisations.
4.2.2	Legislative complexity around Local Government jurisdiction under multiple pieces of legislation.	Expand Local Government jurisdiction under the Act to simplify the achievement of their invasive species duties, including plants and animals that are of local significance.
4.2.3	Unclear definition of 'dispose' for category 3 restricted matter.	Clarify the definition of 'dispose' within the Act.
4.6.1	Insufficient period of time to for inspectors to resolve scientific uncertainty and comprehensively control emergencies under on current emergency powers.	Amend the Act to extended emergency powers from 96 hours to 7 days to allow adequate time to properly develop the appropriate emergency response tool.
4.6.2	Insufficient powers to seize a thing to secure it while its biosecurity risk is assessed.	Amend the Act to allow authorised officers a general power to seize a thing to assess the risks it poses, if the officer reasonably believes the thing is a biosecurity risk.
4.6.3	Directions not provided in writing, leading to confusion.	Amend the Act under emergency powers to ensure that verbal directions are followed up with written directions.
4.6.5	Unclear classification of bee hive as a structure or as a carrier.	Amend the Act to clearly define that a bee hive is a carrier of biosecurity matter and not a structure.
4.6.6	Inability to give further directions not detailed in Movement Control Order.	Consider amending the Act to include additional specific powers for inspectors to give a direction in relation to a Movement Control Order.

4.6.7	Risk to required outcomes from a Movement Control Order as reliant on consent to enter.	Amend the Act to remove reliance on consent for entry to premises to achieve Movement Control Order objectives.
4.6.8	Biosecurity programs power of entry under a program is confusing for stakeholders – officers must first attempt to gain consent to enter, but officers have power to enter regardless (if consent is refused).	It is recommended that the requirement to seek consent for entry under a biosecurity program be removed from the Act. Standard Operating Procedure to support Workplace Health and Safety considerations.
4.6.9	Insufficient timeframe to address all areas of uncertainty before moving from a Biosecurity Emergency Order to a biosecurity program.	Amend the Act to extend the period of a Biosecurity Emergency Order from 21 days to 6 weeks to ensure sufficient time is available to resolve uncertainty and implement the most appropriate legislative tool to deal with the controlled biosecurity matter post the Biosecurity Emergency Order.
4.6.10	Need to use numerous legislative tools to secure the required powers for one emergency response.	Amend the Act to allow a biosecurity program to impose obligations on any person of a place, not just an occupier.
4.6.11	Traceability of biosecurity risk during an emergency response – movement records.	Amend the Act to require a person/occupier to maintain movement records onto and from identified properties when either a Biosecurity Emergency Order or Movement Control Order is in place.
4.6.12	Barriers to use of prohibited and restricted matter permits under an emergency response.	Amend the Act to allow the ability to waive the permit application fee. Allocate case managers to assist with developing permit plan and application processes.
4.6.13	Identification of individual properties on Biosecurity Emergency Orders causing undue distress or impacts on families and businesses.	Amend the Act to allow discretion to not publish individual property descriptions in Biosecurity Emergency Orders and, where a person wishes to obtain a copy of the Biosecurity Emergency Order, the property details be blanked out.
4.6.14	Recall of product (which are a plant or animal health risk – but not able to be recalled under the Food Act 2006) under a Biosecurity Emergency Order.	Amend the Act to include provisions, similar to the <i>Food Act 2006</i> , setting out the way to give a direction to recall product and the conditions under which it may occur. Support Standard Operating Procedure to be developed.
4.8.6	Biosecurity risk, especially spread of animal disease risk, from unauthorised access.	Amend the Act to clarify that a person entering a place has a General Biosecurity Obligation if they know or ought to know of the biosecurity risks at the place, for example, because they are reasonably likely to see

		<p>signs requesting persons entering the place to comply with a plan for managing biosecurity risks.</p> <p>Amend the regulation to clarify that a person has a GBO when entering a place with a biosecurity plan and this includes not interfering with measures to prevent or minimise biosecurity risks at the place, and taking all reasonable and practical measures to prevent or minimise risks in compliance with the plan. Conditional exceptions or defences would need to be included to allow for non-compliance that was authorised, justified or excused by law.</p>
4.8.7	Inability to give a direction to an owner under a prevention and control program.	<p>Amend the Act to allow an authorised officer to give a direction to both the owner and the occupier of a place.</p> <p>Include a new section under the Act that provides for an authorised officer to destroy biosecurity matter or a carrier if they believe on reasonable grounds there is reason to do so or there is sufficient biosecurity risk.</p>
4.8.8	Use of compliance agreements in conflict with biosecurity zone provisions, where risk is adequately managed.	Amend the Act to allow the use of compliance agreements even where they are in conflict with a biosecurity zone, to reduce un-necessary limitations on trade and in recognition that the Department undertakes significant scrutiny of biosecurity risks and activities of a firm when authorising a compliance agreement.
4.12.3	Risks to people, property and businesses resulting from the requirement to publish the register of Registered Biosecurity Entities.	<p>Amend Act references to the obligation to publish, from 'must' to 'may' publish.</p> <p>Review of the Policy for release of biosecurity information from registers under the Act to refine the balance between personal and business privacy/security and public information disclosure.</p>
4.12.4	Lack of clarity regarding delivering Registered Biosecurity Entity renewal notices by email.	Amend the Act to include a clear provision for a notice to be provided by email where clients have provided one.
4.12.5	Transfer of permits – no decision notice required.	Amend the Act to require the chief executive to provide an information notice when making a decision to refuse to transfer a permit.

2 Background – why the review?

In their report on the *Biosecurity Bill 2013*, the Parliamentary Agricultural Resources & Environment Committee (AREC) highlighted that there were several fundamental changes proposed to the legislation that would have unquantifiable impacts on stakeholders and government. Those changes included shared responsibility, a risk based decision making (RBDM) framework, greater powers to deal with emergencies and third party compliance.

Consequently, AREC proposed an assessment of those fundamental changes within a three year period after the implementation of the Act.

In light of the recommendation from AREC a provision was included in the Bill for the Minister of the portfolio to review the efficacy and efficiency of the Act within three years after its commencement. The Act commenced on 1 July 2016 and the review must therefore be completed by 30 June 2019.

3 Overview of the review

3.1 What does the review cover?

The review examined whether the Act is effectively and efficiently achieving its main purposes as defined in section 4 and in the ways provided in section 5 of the Act (see Attachment 1 for details). In doing so, the review examines the learnings from three years of operation under the Act including how:

- the emergency powers were used
- shared responsibility has been applied
- RDBM has been utilised
- compliance and enforcement has been adopted
- third party accreditation has been utilised.

In addition, given a purpose of the Act is to help align state responses with national and international obligations, the review considered opportunities to harmonise Queensland's legislation with interstate and national legislative developments.

The review assessed the fundamental changes from previous legislation that were implemented under the Act (i.e. the paradigm shift) by posing the following questions:

- How well do people understand their key obligations under the Act and how they should apply them?
- How well do people understand RDBM as it relates to biosecurity?
- How suitable is the Act for enabling local governments to respond to biosecurity risks, especially relating to chapter 3: Matters relating to local governments?
- How successful are the emergency provisions in containing and/or eradicating pests and diseases?
- How successful are the Act provisions in providing industry and the community with the capacity to respond to biosecurity risks?
- How comfortable are authorised officers in enforcing the Act?
- Can the Act be effectively and efficiently administered?
- Is the third party accreditation system suitable for industry and government use?
- What have we learnt from joint jurisdiction emergency response exercises and from emergency events in Queensland?

The review also identified legislative, policy and administrative solutions for improving the efficacy and efficiency of the Act.

Any matters identified through the review that were outside the scope of the review were referred separately to the appropriate Biosecurity Queensland (BQ) Executive for consideration.

3.2 Who was involved in the review?

A stakeholder consultation group named the Biosecurity Legislation Reference Group (BLRG) was established at the commencement of the review to ensure that the Act review was open, transparent and inclusive of industry and the community. This group was formed to provide advice to BQ on the

review and disseminate information to the member's constituents. Over 40 invitations were provided to major Act stakeholders including Queensland's agricultural industries, racing groups, fisheries, conservation groups and other relevant Government departments to participate in the review through membership on the BLRG (see Attachment 2 of invitees and BLRG participants). The BLRG met in person five times and also via email and teleconference to assess key review questions, consider recommendations and finalise the review report prior to submission to the Minister.

Local Governments also administer the Act in relation to invasive biosecurity matter. In recognition of this, a consultation group was established with local governments throughout the state. All 72 local governments were invited to participate on the Local Government BLRG (LG BLRG) and 22 accepted the invitation (see attachment 3 for a list of LG BLRG representatives). The LG BLRG met four times to raise issues, consider solutions and provide recommendations for BQ and BLRG consideration.

In addition, authorised officers from BQ and policy leaders from other government departments were consulted to ensure that all learnings and experiences of working under the Act were captured. The list of other government departments consulted is included at Attachment 4.

Advice captured through these groups allowed BQ to develop a thorough understanding of issues arising from the application of the Act using a robust, rigorous and systematic approach.

4 Key elements of the review

The review clause was included into the Act because of concerns about how the fundamental changes made to the legislation would impact on stakeholders and government upon implementation. The review of the Act was not section-by-section, but instead a review of the fundamental changes that were brought about on its implementation and have been applied for nearly three years. The following key issues were therefore the focus of the review and have been reported on below:

- key obligations under the Act
- RBDM
- emergency powers
- compliance and enforcement
- third party accreditation
- administration.

Element 1 – Key obligations under the Act

4.1 General Biosecurity Obligation

Under the Act everyone has a General Biosecurity Obligation (GBO) to:

- take all reasonable and practical steps to prevent or minimise biosecurity risks;
- minimise the likelihood of the risk causing a biosecurity event and limit the consequences of such an event;
- prevent or minimise the adverse effects the risk could have and refrain from doing anything that might exacerbate the adverse effects.

The activities of a range of individuals, groups and industries within Queensland rarely cause, exacerbate, or are impacted by, biosecurity risks. Conversely, some Queenslanders deal with biosecurity risks daily. For example, the risk of an individual, who lived in a multi-unit complex, spreading fire ants is likely to be confined to moving a pot plant outside of the fire ant control zone. Whereas the activities of a property developer, landscaper or plant production nursery working within the zone are likely to cause daily risks.

Understanding which individuals and groups within industry and community are aware of the full diversity of their GBO responsibilities is therefore situation-dependent. It is not practical to prescribe specific requirements for every potential biosecurity threat in every possible circumstance.

A biosecurity risk exists when a person deals with any pest, disease or contaminant, or with something that could carry one of these. 'Dealing with' includes moving or keeping a pest, disease, contaminant, or potential carriers including animals, plants, soil and equipment. The GBO is broader than the prescriptive provisions under previous biosecurity legislation, but it also allows the new Act to be more flexible and in many cases, simpler, than the former legislation. Specific provisions are not prescribed for all situations, as the law needs to provide for the diversity of business types and factors that must be considered in decision-making. Providing prescriptive provisions removes any flexibility for clients to innovate and find better ways of managing risks.

In many cases, specific provisions for meeting the GBO for a risk have been prescribed because of the likelihood and seriousness of the consequences. These are outlined in the regulations, the biosecurity manual, codes of practice and guidelines. They include arrangements for treating pests, diseases, contaminants and carriers, restrictions on moving carriers inside or outside a biosecurity zone and a mandatory code of practice for reducing the risk.

4.2 Prohibited Matter & Restricted Matter

Under the Act, biosecurity matter can be prescribed or declared to be prohibited matter if it is not in the state, and there are reasonable grounds to believe that it 'may have an adverse effect on a biosecurity consideration' if it enters the state. Beyond this, there are no guidelines as to when something should be listed as prohibited matter.

The listing of pests and diseases as prohibited matter may also form part of the evidence of proof of freedom from pests or diseases, which must often be demonstrated before overseas trading partners allow agricultural products into their markets.

Under the Act, biosecurity matter can be prescribed or declared to be restricted matter if it is currently present in the state and there are reasonable grounds to believe that, if restrictions are not imposed, it may have an adverse effect on a biosecurity consideration.

4.2.1 Consistent approach to listing matter

The Act is a risk-based Act as opposed to a list-based Act. In other words, biosecurity matter does not need to be listed in legislation as prohibited or restricted for a person to be obligated to deal with biosecurity risks associated with it under the Act.

The Act does, however, include the majority of pests and diseases that were listed as notifiable pests or diseases, declared pests or noxious fish under previous legislation as prohibited matter or restricted matter. A small number of additional pests and diseases were also listed as prohibited matter or restricted matter, based on National Committee decisions at the time. Some additional noxious fish were listed as prohibited matter under the *Biosecurity Regulation 2016* (the Regulation), also based on a National Committee outcome.

Over time Queensland has entered into a range of agreements to recognise nationally agreed upon lists of high risk pests and diseases by either listing the specified biosecurity matter as notifiable and/or restricting the possession of the biosecurity matter. Some pests or diseases are listed as prohibited matter in recognition that the state is free of that particular pest or disease for export purposes.

Additional nationally recognised pests and diseases have recently been agreed and Queensland has obligations to ensure that they are appropriately managed through state legislation to ensure continued national and international market access and an appropriate level of control is upheld.

A consistent approach is required for listing biosecurity matter under Queensland legislation that has been listed nationally. While any decisions must recognise the national agreements, consideration must also be given as to whether the biosecurity matter could establish in Queensland; i.e. could it survive in Queensland's environment?

In addition, a consistent approach is also required for listing biosecurity matter under Queensland legislation that is not listed nationally but has been requested for listing consideration by government, local government or other stakeholders.

The following recommendations are made to provide a consistent risk-based approach for listing biosecurity pests and diseases:

- ***Where a pest or disease is listed through a national process, and Queensland has entered into an agreement to adopt them in legislation or ensure it is to be stipulated that they are notifiable, the pest or disease should be listed under the Queensland Biosecurity Regulation 2016 (the Regulation).***
- ***Those pests and diseases currently listed through a national or international process and that are not currently listed under Queensland legislation should be listed in the Regulation.***
- ***Where a pest or disease is not listed through a national or international process but is recommended for listing under Queensland legislation, a risk-based decision making analysis should be first undertaken to determine if the pest or disease warrants listing. Where the process suggests it should be listed, it should be listed as a matter of priority under the Regulation.***
- ***Where a pest or disease is not listed through a national or international process, and a risk-based decision making process suggests it should not be listed, but is still a priority, an alternative approach should be taken to include information on the department's website highlighting what a person should or should not do, to meet their GBO in relation to the particular pest or disease.***
- ***Where invasive biosecurity matter is not listed as restricted or prohibited matter but a local government risk-based decision making process suggests that it is a priority for that local government area, it should be included in the Local Government Biosecurity Plan and listed on the Local Government's website and links provided on the department's website highlighting what a person must, or must not do, to meet their GBO in relation to the particular invasive biosecurity matter for that local government area.***
- ***Any fish and other aquatic animal species that does not appear on national list of acceptable imports into Australia (white list) should be considered prohibited matter unless it is restricted matter or there is information showing that it is present in Queensland. Those that are known to be present in Queensland will be considered for restricted matter listing.***
- ***Amend the Act by transferring all the pests and diseases currently listed as prohibited matter or restricted matter into the Regulation. This will make it simpler and quicker to amend the lists. This should be subject to a determination whether each pest or disease listed as prohibited matter or restricted matter continues to warrant being listed.***

4.2.2 Expanding Local Government jurisdiction under the Act

Under the Act local governments are authorised to deal with any biosecurity pests listed under the prohibited matter and restricted matter schedules of the Act (and Regulation) as invasive biosecurity

Review of the Queensland *Biosecurity Act 2014*, Department of Agriculture and Fisheries; Ben.Westlake@daf.qld.gov.au, 2019

matter. Other locally significant invasive plants and animals must be dealt with under the local government legislation, specifically, Local Law No. 3 (Community Health and Environmental Management) 2011.

The need to operate under two pieces of legislation poses problems for local government authorised officers, causing confusion for stakeholders and the officers themselves as they may need to follow different enforcement and administrative processes and 're-enter' properties to deal with different invasive species that are of local relevance. Local governments have therefore requested that the Act be amended to allow them to deal with pests other than invasive biosecurity matter. While it is not proposed that local governments be authorised to deal with all pests, it has been requested that capacity be provided for each local government be able to deal with locally significant invasive plants and animals that have been identified in their biosecurity plan, but which are not classified as invasive biosecurity matter state-wide.

It is recommended that the Act be amended to provide for local governments to deal with invasive biosecurity matter and locally significant invasive plants and animals that are included in the relevant local government biosecurity plan that has been passed by local council resolution.

It is also recommended that a local government that seeks to include a species, other than an invasive biosecurity matter, into their biosecurity plans must undertake a risk assessment of the species to ensure it is of significant enough risk to warrant being listed under the local government biosecurity plan; and that the local government consult with the residents of the local government area and with representatives from neighbouring local governments to ensure proper inclusions have local and regional support.

4.2.3 Definition of 'dispose' for category 3 restricted matter

Under the Act Category 3 restricted matter can be possessed but it must not be distributed or disposed of unless it is done in a way prescribed in regulation, done by an authorised officer, done by a person attempting to identify it (i.e. the herbarium) or for a purpose described in regulation.

Methods of approved 'disposal' were included in section 11 of the regulation and include:

- (a) burying the matter in the ground at a depth that ensures any seeds or vegetative material being disposed of cannot grow; or
- (b) transporting the matter directly to a waste facility if the matter is—
 - (i) in a sealed container or a covered vehicle; or
 - (ii) covered in a way that prevents the restricted matter from being lost or released during transport; or
- (c) sealing the matter in plastic and leaving the matter in the sun until any vegetative material being disposed has decomposed.

The use of the term 'dispose' has caused confusion because it has been interpreted to represent management or control of the restricted matter, rather than simply a way of dumping or effectively getting rid of material that may contain reproductive propagules or material. As a result, it has been misinterpreted to mean that management methods, such as herbicide control, are not allowed because they are not listed in section 11 of the regulation.

It is recommended that the requirements under category 3 restricted matter in the Act be amended to ensure that appropriate action can be taken to deal with it other than the methods specified under the Regulation.

Element 2 – Risk-based decision making

4.3 Background context

The Act takes a risk-based approach to biosecurity threats and is less prescriptive than previous legislation. This allows greater flexibility and more responsive approaches to manage each specific circumstance.

The Act focuses on biosecurity risks that are, or are likely to become, a serious problem for human health, social amenity, the economy or the environment. A biosecurity risk exists when a person deals with any pest, disease, weed or contaminant. This includes moving an animal, plant, turf, soil, hay, machinery and/or equipment that could carry a pest, disease, weed or contaminant. The aim of risk-based decision making is to ensure that the steps taken to manage a biosecurity risk are effective and proportionate to the risk.

Risk-based decision making (RBDM) is a process that organises information in a structured way about the potential risk of an issue causing harm, their frequency and effects, and helps decision makers make informed choices to avoid or minimise an unwanted outcome.

Authorised officers are accountable for any decisions they make, actions they take or actions they choose not to take in relation to a biosecurity incident. Following a RBDM process enables them to justify their decisions, actions, or inactions.

Using RBDM ensures consistency and accountability in decision making and delivers flexible, targeted, context-specific responses and solutions to manage biosecurity threats. RBDM is a critical skill for all authorised officers and provides a common language and framework, ensuring consistent approaches to managing biosecurity risks under the Act.

4.4 Issues raised

The RBDM related issues raised during the review were internal in nature and did not result in recommended Act amendments. Recommendations can be found at Attachment 5.

Element 3 – Emergency powers

4.5 Background context

Biosecurity emergencies are caused by the introduction of new pests, diseases, weeds and contaminants that adversely impact on the economy, environment and community. While there are nationally agreed deeds, agreements and response plans to deal with many of these risks, agencies need fit-for-purpose regulatory powers and tools to respond swiftly and effectively.

The current emergency provisions under the Act were developed based on experiences from previous outbreaks of significant pests and diseases of animals and plants. Those provisions have been tested with outbreaks of white spot disease and anthrax, and reviewed with learnings from Exercise Border Bridge and foot and mouth disease preparedness activities. In light of these experiences, several issues have been raised where improvements could be made.

Also, significant land holdings in Queensland are owned or controlled by the State (e.g. national parks, roads) or utilities companies (e.g. EnergyQ, Powerlink). Consultation with other State agencies and utilities groups has revealed issues and opportunities that should be explored.

4.6 Issues raised

4.6.1 Period of time for inspectors to impose emergency powers

When an inspector finds a pest, disease, weed or contaminant that may pose a significant threat to the economy, environment and community they can use their emergency powers under section 278-285 of the Act for a duration of up to 96 hours. These powers are significantly over and above their general powers and include the power to enter a place without consent, destroy or dispose of biosecurity matter and stop the movement of a thing.

During this time there is significant work to do to diagnose the pest and disease, identify how far it has spread, the potential consequences of the biosecurity matter and what action must be taken to eradicate or control it. For example, determination is required whether to implement a Biosecurity Emergency Order (BEO), a Movement Control Order (MCO) or another tool under the Act. Determining this requires diagnostic results, a detailed understanding of the biology, ecology and likely distribution of the matter, and the potential impacts on the environment, economy, industry and the community. Consultation may also be necessary with stakeholders, other government departments, scientists and policy managers.

Achieving confidence in the evidence base to make important decisions takes significant time, especially where there are high levels of uncertainty, such as a new aquatic animal or non-livestock animal disease and in particular for a new plant disease. In a number of emergency responses dealt with under the Act, 96 hours has not provided sufficient time for the necessary work to resolve a number of areas of uncertainty.

An example of this occurred during Queensland's response to the white spot syndrome virus outbreak in prawn farms in South East Queensland. The first challenge was to diagnose the prawns for disease which required samples being sent to the Australian Animal Health Laboratories in Victoria and ensuring that the samples were prioritised. Once white spot was diagnosed in the prawns, it triggered a range of events including the determination of which tool/s to use to control and manage it. The inspectors' emergency powers were invoked on a Friday requiring diagnostics, control of the properties and policy consideration over the weekend. Imposing a significant tool under the Act such as a BEO without diagnostic confirmation is possible, but risky, considering the irreversibility of the actions that would be taken. Deciding which tool under the Act to apply without diagnostic confirmation of the disease or pest can be challenging as the significance of the risk and consequences of spread will be uncertain. Having a slightly longer period of time under which

inspectors emergency powers can be applied would ensure the most appropriate tool under the Act is implemented.

It is recommended that the duration of inspectors emergency powers be extended from 96 hours to 7 days. This will allow the necessary processes to be considered thoroughly ensuring the response objectives are lawfully and operationally achievable. Note, however, that the inspectors powers do not need to last for 7 days and an appropriate tool under the Act must be implemented as soon as possible to allow the inspectors powers to be lifted.

4.6.2 Power to seize under the general powers of an authorised officer

Under their general powers, an authorised officer may take something at a place for examination but they are not provided with the power to seize a thing unless it is evidence of an offence against the Act.

In the case where an authorised officer suspects that biosecurity matter at a place poses a significant biosecurity threat, they can take a sample for diagnosis but not seize the whole thing. During the time it takes for diagnosis of the sample, the biosecurity risk may have spread. In this case it may be necessary to seize a thing (i.e. a container of prawns) until the diagnostic results of a sample have been finalised. Whilst a warrant could be obtained to achieve the same effect, the potential consequences from the spread of a disease or pest whilst obtaining the warrant needs to be considered.

An example of this is would be where product has been brought into Queensland in line with import rules, however once it arrives a new disease is identified in the State or country of origin which an officer suspects may also be present in the product. In this situation there would be no offence, and therefore evidence, to allow the power to seize. Mitigation of the biosecurity risk would then be reliant on the owner voluntarily securing, destroying or forfeiting the product, resulting in an unacceptable biosecurity risk.

It is recommended that the Act be amended to allow authorised officers a general power to seize a thing for a short period (up to seven days) to assess the risks it poses, if the officer reasonably believes the thing is a biosecurity risk.

4.6.3 Providing a direction in writing

Under the emergency provisions of the Act an inspector may give a direction to a person to do certain things that are necessary for managing the biosecurity emergency in a biosecurity area. However, there is no requirement for an Inspector to provide a direction in writing under these provisions. This is not ideal as there is no clarity or one point of truth about what is required of the person. For example a person might do something that they think was asked, but it may not be aligned to what the Inspector had intended, or directions may be updated or added to by other Inspectors.

However, there may be merit in not requiring written direction where action is taken immediately and the inspector is present throughout the full period of the action. For example where cars are being stopped and spot searched, or drivers questioned, it may not be appropriate or practical to require a follow up written direction.

It is recommended that the Act be amended to include under the emergency powers that an inspector who gives a verbal direction to do something must follow that verbal direction up in writing as soon as practicable to ensure the person receiving the direction is aware and

understands the requirements and understands what the implications are if they are not followed.

4.6.4 Clarifying that a bee hive is a carrier and not a structure

A bee hive could be classified as a structure or a carrier.

An inspector may demolish, or direct a person to demolish, any structure using the additional powers of an inspector for a place within an emergency area. However, the inspector must first obtain written approval from the chief executive before such action can be taken.

An inspector may also destroy a carrier under the emergency provisions.

In an emergency situation this confusion could lead to a delay in the necessary action to minimise biosecurity risks.

It is recommended that the Act be amended to clearly define that a bee hive is a carrier of biosecurity matter and not a structure under the Act.

4.6.5 Giving directions under a Movement Control Order

A Movement Control Order (MCO) does not provide additional powers for Inspectors provided under a Biosecurity Emergency Order (BEO). This is largely because an MCO may manage, reduce or eradicate biosecurity matter only by prohibiting or restricting the movement of biosecurity matter, including controlled biosecurity matter, or of a carrier.

The absence of these powers is problematic when an inspector needs to direct a person to do something reasonably necessary to manage, reduce or eradicate controlled biosecurity matter.

An MCO itself may give directions to a class of person that are reasonably necessary or desirable to manage, reduce or eradicate controlled biosecurity matter, but a situation may arise after the MCO is issued that requires directions to be issued to another class of persons or a change in the direction given to a class of persons. Under the current law this would require a new MCO to include the new direction.

As the circumstances of an emergency response evolves, a direction may need to be tailored to specific circumstances. Given the nature of what MCOs are controlling, it is likely that more urgent action is needed than could be achieved by re-drafting the MCO for each new direction.

It is recommended that the Act be amended to include additional specific powers for inspectors to give a direction to support prohibitions or restrictions on movement under an MCO.

In line with an Act amendment it is also recommended that a Standard Operating Procedure (SOP) be developed to guide an inspector giving a direction under an MCO as well as an Inspectors' Direction template and a system that captures and tracks the issuing of Inspectors Directions.

4.6.6 Entry under a Movement Control Order

An inspector is not permitted entry to a place without consent under an MCO (unlike a BEO). Instead, a Biosecurity Program must be made if entry without consent is required for surveillance or prevention and control. The time required to develop, consult and implement a Prevention and Control Program is not consistent with the urgency surrounding the containment and control of emergency pests and diseases.

Seeking consent under an MCO in an emergency response environment can be challenging and confusing for an occupier given the potential high emotional turmoil experienced in a response event. Any delay in entry can lead to important, time sensitive and significant risk mitigation actions being delayed which ultimately compromises the timeliness and efficacy of the response.

It is recommended that the Act be amended to remove the requirement to seek consent to enter under an MCO to check compliance with the MCO. This may be achieved by including the ability to enter and re-enter the place with or without repeated consent, as they are permitted to do under BEOs.

4.6.7 Biosecurity programs power of entry under a program

Under a Biosecurity Program, an authorised officer must seek consent to enter a place but if the occupier refuses entry, they may still enter the place anyway. This process can lead to confusion when an officer is refused entry, but then advises the occupier that they have the power to enter regardless of consent. This confusion during the initial interaction inhibits subsequent clear communication between occupiers and authorised officers about actions required to address the biosecurity risk. Given the nature of emergency responses where occupiers sometimes face high levels of uncertainty and stress, seeking their consent to entry on a daily or short term basis may create unnecessary anxiety.

While the legislation as it currently stands reflects best practice, this issue has caused considerable concerns to local government officers who have found themselves in stressful situations with land owners where the land owner chooses to refuse entry, and officers proceed to enter regardless.

It is recommended that the requirement to seek consent for entry under a biosecurity program be removed from the Act. In line with the Act amendment the relevant SOP be amended to reflect the change and detail how an authorised officer should engage with clients.

4.6.8 Timeframe to move from a Biosecurity Emergency Order to another management tool

A BEO can be applied for a maximum period of 21 days.

The white spot response demonstrated that 21 days was insufficient time to resolve all the uncertainty around the source of the disease and risk pathways in order to confidently transition to another tool.

When a decision is made to transition the control of the biosecurity matter under a program, time is needed to develop the appropriate policy (including an understanding of the biology and ecology of the biosecurity matter), draft the relevant program/s, consult with Local Governments as required under the Act, apply and provide for a minimum 14 day public notification of the proposed programs and secure approval. During an emergency response, subject matter experts have multiple competing urgent priorities which can have significant consequences for the community. Requiring response staff to concurrently collect evidence and resolve uncertainty in order to make policy complex decisions within the 21 day can divert attention from “on-farm” issues with more significant immediate consequences.

The New South Wales' *Biosecurity Act 2015* allows a BEO equivalent to be in place for up to six months. This may then be amended to allow for a further six months.

It is recommended that the Queensland Act be amended to extend the period of a BEO from 21 days to 6 weeks to ensure sufficient time is available to implement the most appropriate legislative tool to deal with the controlled biosecurity matter post - BEO.

4.6.9 Daily movements onto and from infected properties

Under BEOs and MCOs, permits may be issued to a person to allow them to do something that would otherwise be unlawful under the Order. In some cases there is a need to regulate and document the movement of carriers (e.g. vehicles, people and equipment) onto and from infected premises and other classified premises e.g. trace premises, dangerous contact premises, and suspect premises.

These movements are the straightforward, regular, daily movements of occupiers, contractors etc. (e.g. taking the children to school, going to work, going to the shops, bringing earth moving equipment on and off to perform disposal actions). These movements need to be traceable as they form a part of disease control measures. Currently there are no provisions under the Act that provide for these movements to be required, recorded and the record keeping enforced other than under a permit.

Issuing permits is resource intensive. In the event of a large response such as foot and mouth disease there would be insufficient human resources to regulate or provide permits relating to the movement of carriers onto and from premises that have susceptible animals associated with them.

It is recommended that the Act be amended to include provisions which require a person/occupier to maintain movement records onto and from identified properties when either a BEO or an MCO is invoked. It is also recommended that the Act include an offence provision relating to non-compliance of the movement records.

4.6.10 Use of prohibited and restricted matter permits under an emergency response

Under emergency responses there is the potential need to move prohibited matter from an infected site to another place under strict controls. For example, prohibited matter may be attached to a carrier that has economic value if processed, or because the risk pathway is controlled in some way (e.g. a vegetable, uncooked prawns). The risks of the prohibited matter being exacerbated during the movement would need to be mitigated and the matter destroyed during processing. The only way to achieve this would be through a prohibited matter permit.

However, the application process associated with requiring a prohibited matter permit in these circumstances is not conducive to emergency response timeframes. Emergency response environments are fast-paced, potentially highly emotional, and have operational and legislative constraints. To require the client who may be under mental, financial, physical and emotional stress to provide a written application along with a permit plan and an application fee would not be favourable and could be considered unreasonable.

It is recommended that the Act be amended to provide for the ability to waive the fee for the permit. It is also recommended that a case manager provides assistance with developing the permit plan and application process during an emergency response in relation to prohibited matter. Note that there would be strict conditions and operating procedures around these proposed changes.

4.6.11 Identifying individual properties under a published Biosecurity Emergency Order

In making a BEO the chief executive must publish a notice of the BEO on the department's website and publish a gazettal notice about it, including where copies may be obtained.

A BEO sometimes include individual property descriptions where controlled biosecurity matter is contained. Concerns have been raised that the identification of individual properties could result in

inappropriate criticism of, or action directed at, the property owner and/or residents of the property when they are likely already under stress. For example a community member may blame the property owner and/or residents of the property for the biosecurity threat particularly where the threat could be exacerbated and move to other properties. In many cases, there is limited, or no, apparent public interest in the public disclosure of specific property details.

It is recommended that consideration be given to the individual and public benefits associated with not publishing individual property descriptions in BEOs and, where a person wishes to obtain a copy of the BEO the property details be redacted.

4.6.12 Clarity for recalling product under an emergency

Under a BEO a direction can be made requiring that biosecurity matter or a carrier that has been consigned to another person for sale, or sold to another person, be recalled in a way and within the period, stated in the order. However, no guidelines are available to clarify the extent of this power or how it could be achieved.

In the white spot disease response, lack of clarity around the use of recall powers prevented potentially infected bait product being removed from the supply chain. Recall provisions would have been applied to a limited number of products had there been sufficient guidelines on roles and responsibilities.

There are many similar scenarios for which a direction to recall biosecurity matter or a carrier may apply. For example, many diseases can have a profound effect of the health of an animal or plant product but no impact on human health. In these cases, these products would not be able to be recalled under the *Food Act 2006*, but spread of the disease could have profound economic and community impacts.

Given that the order puts the recall responsibility on the person distributing the biosecurity matter or carrier, guidelines are required on how they should go about that recall. For example, distributors will need to explain to their clients what the biosecurity risk is, what impact it may have and how the client should dispose of it and why.

It is recommended that recall provisions be added into the Act, modelled on s217/218 of the Food Act 2006, stating the way to give a direction to recall product and the conditions under which it may occur.

A SOP should also be developed providing specific details of what to include under a BEO directing individuals or companies to recall specified biosecurity matter or a carrier.

It is recommended that the direction requires anyone distributing the biosecurity matter or a carrier to notify their known clients, or publicly if required, the following information at a minimum:

- ***the Biosecurity matter or carrier which is to be recalled***
- ***the BEO to which the direction to recall relates***
- ***the reasons why there is a biosecurity risk created by the Biosecurity matter***
- ***the circumstances in which there is a risk created by the Biosecurity matter***
- ***procedures for disposing of the product***
- ***that compensation is not available.***

It is also recommended that a person or business required to recall a product must send the chief executive a notice that they have completed the recall.

Element 4 – Compliance and enforcement

4.7 Background context

BQ coordinates the government's efforts to prevent, respond to, and recover from pests and diseases that threaten the economy and environment.

The Act provides the framework for managing the biosecurity system. The Act and subordinate legislation provides for obligations and rules to follow to minimise biosecurity risks and respond to biosecurity events in a timely and effective way. Compliance with these rules and obligations is important as biosecurity risks can impact on human health, the economy, the environment and social amenity. These impacts can vary from minor to catastrophic, affecting individuals to the whole community.

It is important that people in Queensland understand their legal obligations and proactively seek to comply with the Queensland biosecurity legislation as it is the simplest way to play their part in helping to protect Queensland's unique environment, agricultural industries, and animal and plant health.

Compliance is managed through key programs within BQ and, for invasive biosecurity matter, through Local Government. Authorised officers are appointed by BQ, Local Government and invasive animal boards to undertake the majority of compliance and enforcement activities under the Act including provision of advice, investigations and monitoring.

Many of an authorised officer's functions come with extraordinary powers such as the power to enter a premises, to order a person to destroy items, to require a person to remain at a place, to stop or move vehicles or travelling animals and to carry out aerial control measures. All of these functions and powers rely on an advanced understanding of the concept of a GBO and RBDM.

To understand how authorised officers view the efficacy and efficiency of the Act, a survey of authorised officers was undertaken seeking information from them around their confidence operating under the Act and in particular around the GBO and RBDM. The key outcomes and recommendations from the survey and other consultation are detailed below.

4.8 Issues raised

4.8.1 Biosecurity risk from unauthorised access

Farm trespasses are being carried out by animal activists on Queensland properties more frequently and without notice. This has raised questions from farmers and the general community about the effectiveness of the current biosecurity legislation to deal with unauthorised access where it may create a risk of spread of animal diseases. In particular, questions have been raised about whether trespassers can be prosecuted for the biosecurity risks their activities pose, or may pose, whilst trespassing.

In April 2019, the *Biosecurity Regulation 2016* was amended to provide that a person entering a designated place must comply with a biosecurity plan for the place. This requirement can only be enforced if the plan is available to be viewed and signs about viewing the plan and the requirement to comply with it are erected where they are likely to be seen by anyone entering the place. The maximum penalty for the offence is 20 penalty units which is the maximum that the Act allows a regulation to prescribe. Alternatively, an authorised biosecurity officer or police can impose a fine of 5 penalty units for the offence either on the spot or later when the evidence has been assessed.

Compared with the new offence in the regulation, the GBO under the Act carries a much more significant maximum penalty – 500 penalty units in most circumstances. The GBO is a general

requirement for a person to take all reasonable and practical measures to prevent or minimise a biosecurity risk. The GBO applies to everyone who deals with biosecurity matter, a carrier or undertakes an activity that they know or ought reasonably know may pose a biosecurity risk. However, it may be very difficult to charge a person who trespasses onto an agricultural property with the GBO offence because it is unclear whether trespassing could be viewed as an “activity” in the context of the GBO provisions and it may be difficult to prove that a trespasser knows or ought reasonably know that their activities pose a biosecurity risk.

Section 25 of the Act allows a regulation to prescribe a way that a person must discharge their GBO. If it was clarified that the GBO applied to all persons entering a place in certain circumstances, a regulation could be made clarifying how the GBO must be discharged in those circumstances. If a person breached such a regulation then they would be committing a GBO offence and a significant penalty could be imposed.

Given the potential biosecurity impacts of unlawful entry, it is recommended that:

- ***the Act be amended to clarify that a person entering a place has a GBO if they know or ought to know of the biosecurity risks at the place, for example, because they are reasonably likely to see signs requesting persons entering the place to comply with a plan for managing biosecurity risks***
- ***a regulation be made clarifying that a person entering a place for which there is a plan must discharge their GBO by not interfering with measures to prevent or minimise biosecurity risks at the place and must take all reasonable and practical measures to prevent or minimise risks in compliance with the plan. Exceptions or defences would need to be included to allow for non-compliance that was authorised, justified or excused by law, such as entry by emergency services and utilities which did not comply with a biosecurity management plan provided that biosecurity risks were minimised to an extent that was reasonable in the circumstances.***

4.8.2 Giving a direction to an owner under a prevention and control program

Under a prevention and control program (e.g. West Indian drywood termite) an authorised officer may direct an occupier of a place to take reasonable steps within a reasonable period to remove, eradicate or destroy the biosecurity matter to which the program relates. However, there are situations where there is no occupier (e.g. a vacant house) or the occupier of the place is directed to do something that impacts on the property value. There are also cases where an occupier is directed to destroy property which they do not own in order to resolve a biosecurity matter (e.g. in a tenancy situation).

In these cases it may be necessary to direct the owner of a place to take reasonable steps to remove, eradicate or destroy the biosecurity matter to which the program relates.

Also, under the section relating to an authorised officer giving a direction it provides that the officer may themselves destroy biosecurity matter or a carrier if there are reasonable grounds to do so. This is clearly not a direction and therefore would be better moved to a more appropriately named section.

It is recommended that the Act be amended to:

- ***include under a prevention and control program that an authorised officer can give a direction to both the occupier or owner of a place to take reasonable steps to remove, eradicate or destroy the biosecurity matter to which the program relates***
- ***include a new section under the Act that provides for an authorised officer to destroy biosecurity matter or a carrier if they believe on reasonable grounds there is reason to do so or there is sufficient biosecurity risk.***

4.8.3 Compliance agreements

Compliance agreements are a tool which allows clients to form long term approval of specified risk mitigation techniques without the need for repeated permits. Compliance agreements carry the requirement for compliance audits, recording movements and a range of other specific procedures to ensure the special biosecurity risks are adequately managed. Significant scrutiny is placed on the department in authorising a compliance agreement.

Currently the Act stipulates that compliance agreements have no effect where they conflict with a BEO, an MCO or biosecurity zone provisions. This can result in unnecessary impacts on businesses and supply chains where biosecurity risks could be properly mitigated. An existing compliance agreement could be acknowledged as not conflicting in an MCO to make it lawful or a Regulation to exclude it from biosecurity zone provisions.

Amending a Regulation can take considerable time which would result in unnecessary delays in completing a compliance agreement.

It is recommended that the Act be amended to clarify that a compliance agreement is not in conflict with a biosecurity zone. Existing compliance agreements made prior to the zone being established, would be subject to a re-assessment/review by the department to ensure that the risks in question are adequately mitigated. These pre-existing compliance agreement will be seen as contrary unless it is stated within the agreement that it is permitted to be in conflict with the zone provisions (s401(g)).

It is also recommended the compliance agreement SOP be updated to ensure that any conflicts between the compliance agreement and a biosecurity zone are adequately addressed.

Element 5 - Third party accreditation and auditing

4.9 Background context

The Act provides for accredited certifiers for the issuance of biosecurity certificates. Included in the Act provisions is the government managed Interstate Certification Assurance (ICA) Scheme, and approved biosecurity accreditation schemes for third parties (as an alternative to the ICA Scheme). The Act also provides for third party auditors.

Persons or businesses seeking to operate under the ICA Scheme must apply to the chief executive for accreditation. Alternatively, an owner of a biosecurity accreditation scheme may apply to the chief executive for approval of their scheme under the Act. Once approved under the Act (including approval to operate), the third party biosecurity accreditation scheme provides for accredited persons under the scheme to issue biosecurity certificates and accredit additional operators under the scheme.

An accredited certifier can issue biosecurity certificates providing a basis on which a person may be taken to comply with, or may be exempted from, particular requirements of the Act about prohibited or restricted matter or about biosecurity matter that may pose a risk to a biosecurity consideration. Both government and non-government personnel are currently appointed as accredited certifiers.

Government personnel include biosecurity inspectors appointed under the Act. Non-government personnel include those operating under an ICA arrangement or an approved third party biosecurity scheme.

Under the Act, the ICA system, accredited certifiers' activities and biosecurity accreditation systems must be audited periodically. Appointed inspectors or authorised officers perform this auditing

function. However, non-government individuals may apply to be approved as an auditor if they have the necessary expertise or experience to perform the functions of an auditor.

4.10 Issues raised

Issues around third-party accreditation raised during the review were internal in nature and did not result in recommended Act amendments. The recommendations can be found at Attachment 5.

Element 6 – Administration

4.11 Background context

The implementation of the Act on 1 July 2016 saw the commencement of many new administrative processes and procedures as well as a number of specific administrative requirements contained in the Act. These include management of biosecurity registers, decision making, public information, restricted and prohibited matter permits. These processes and procedures and the tools that support them have been reviewed to ensure they are effective in meeting the requirements under the Act and provide efficient service to clients.

4.12 Issues raised

4.12.1 Publishing register of Registered Biosecurity Entities

When the Act was being developed it was considered necessary and appropriate to allow the public and industry members to be aware of RBEs in their region and to uphold government transparency principles.

Following extensive policy and risk analyses, the Act was amended in 2016 when it was decided that the best way to achieve this was not to require publication of some designated details for the entity, such as their name and contact details, but to continue to require publishing of the address, local government area and any name of each designated place for which the entity is registered, and any PIC that applies to the entity's registration. This was to enable persons to identify the PIC for a place. There are now concerns that the information still required to be published could easily be mis-used.

"Aussie Farms", an animal rights activist group, has provided a real world example of the misuse of individual property descriptions by publishing the exact locations and contact details of more than 5,000 farming operations around Australia, including photos and videos relating to the alleged mistreatment of livestock. There are multiple examples of incorrect and improper details being published by Aussie Farms. Producers and peak bodies have also expressed concern that these kinds of actions may make producers a target for protest and vigilante activity.

In the wake of the publishing of the Aussie Farms website, primary producers have reported a number of instances of trespass by groups of animal rights activists on farms/private properties. Queensland Farmers' Federation has stated that *"In one incident, activists forced their way onto a poultry processing facility and shut down production, causing more than \$50,000 in business losses and number of birds to die in the process."*

It is recommended that references within the Act obligating DAF to publish personal and property details be changed from 'must' to 'may'. It is also recommended that given the emergence of Aussie Farms, the department's 'Policy for release of biosecurity information from registers under the Act' be reviewed to reconsider the balance between disclosure of information in the public interest and personal and business privacy/security.

4.12.2 Emailing of notices

At the time of writing this report, there were over 90,000 RBEs in Queensland. The RBE system is reliant on the capacity to deliver renewal notices by email. The *Electronic Transactions Act 2001* allows for this to occur, however it is reliant on the client's consent. Consent could be implied where clients choose to provide their email address on application.

However, it is not sufficiently clear to stakeholders that by choosing to provide their email addresses, they should expect notices to be delivered in this way. This lack of clarity may be used as an excuse for non-compliance of RBE renewal and may put traceability during an emergency event at risk.

It is recommended that the Act be amended to include a clear provision for a notice to be provided by email where clients have provided an email address in their registration details unless they ask for it not to be used for this purpose. This would have flow on benefits for the delivery of other notices such as decisions on permit applications made under the Act.

4.12.3 Transfer of permits

Prohibited matter and restricted matter permits authorise specified dealings with the prohibited or restricted matter in question that would otherwise be in conflict with requirements under the Act. These permits can be for a limited purpose such as scientific research, biological control, commercial use, as set out in the Act. The holder and proposed transferee of a prohibited matter or restricted matter permit may apply to transfer permit where the transferee is to be in control of the activity in question.

Where the application is refused, applicants are entitled to be given an information notice. There is no specific legislative requirement for one to be given, however the policy position is to give an information notice. It should be stipulated under the Act to ensure consistency with other sections of the Act and ensure applicants are made aware that they are entitled to an internal review, or have the right to appeal, of a decision to refuse a permit transfer.

It is recommended that the Act be amended to require the chief executive to provide an information notice when making a decision to refuse to transfer a permit.

5 Outcomes from the review (where to from here)

Recommendations developed during this review have been proposed with the endorsement of the external and internal stakeholder groups, and BQ senior leaders. The recommendations provided here may not necessarily be the final solutions chosen to resolve identified issues.

Any proposals to amend the Act and subordinate legislation will proceed through normal Ministerial, Cabinet and Parliamentary policy and legislative amendment processes. If approved, the policy amendments, training updates, administrative improvements and additional communication recommendations will be integrated into the annual work programs of the relevant groups within BQ.

6 Attachments

Attachment 1 Purposes of the Act and achieving the purposes

Section 4 of the Act – Purposes of the Act

(1) The main purposes of this Act are as follows—

- (a) to provide a framework for an effective biosecurity system for Queensland that—
 - (i) helps to minimise biosecurity risks; and
 - (ii) facilitates responding to impacts on a biosecurity consideration, including responding to biosecurity events, in a timely and effective way;
- (b) to ensure the safety and quality of animal feed, fertilisers and other agricultural inputs;
- (c) to help align responses to biosecurity risks in the State with national and international obligations and requirements for accessing markets for animal and plant produce, including live animals and plants.

(2) It is also a purpose of this Act to manage risks associated with the following—

- (a) emerging, endemic and exotic pests and diseases that impact on—
 - (i) plant and animal industries, including agriculture, aquaculture, horticulture, fisheries and forestry industries; or
 - (ii) the built environment; or
 - (iii) companion or leisure animals; or
 - (iv) biodiversity and the natural environment; or
 - (v) tourism, lifestyle and pleasure industries; or
 - (vi) infrastructure and service industries, including power, communication, shipping and water supplies;
- (b) the transfer of diseases from animals to humans and from humans to animals;
- (c) biological, chemical and physical contaminants in carriers.

(3) In this section—

built environment means the environment, but having particular regard to the qualities and characteristics of locations, places and areas arising out of the existence of buildings and other examples of human activity.

Section 5 of the Act – How the purposes are primarily achieved

The purposes of this Act are to be achieved primarily by—

- (a) imposing a general obligation on persons to prevent or minimise the impact of biosecurity risks on human health, social amenity, the economy and the environment (each a **biosecurity consideration**); and
- (b) regulating activities involving biosecurity matter or carriers; and
- (c) including in risk-based decision-making under this Act the principle that lack of full scientific certainty should not be used as a reason to postpone taking action to prevent a biosecurity event or to postpone a response to a biosecurity risk; and
- (d) providing for flexible and timely ways of minimising and mitigating biosecurity risks; and
- (e) providing for monitoring and enforcement of compliance with this Act; and
- (f) providing for codes of practice relating to a person's obligations under this Act; and
- (g) providing for the chief executive to make guidelines or policies about the application of this Act and how a person may comply with obligations imposed under this Act; and
- (h) providing for a framework that improves the capacity of local governments, industry and the community generally to respond to biosecurity risks.

Attachment 2 Biosecurity Legislation Reference Group (BLRG) Invitee list, members in bold

Avocados Australia	Australian Banana Growers Assoc.
AgForce Queensland	Australian Ginger Industry Assoc.
Animal Health Australia	AUSVEG
Australian Melon Assoc.	Aust. Livestock & Property Agents Assoc.
Australian Mango Industry Assoc.	Australian Veterinary Assoc.
Citrus Australis	Cane Growers
Cotton Australia	Energy Qld
Gladstone Ports Corp.	Qld United Egg Producers
Growcom	Grain Producers Aust.
Invasive Species Council	LGAQ
Australian Lot Feeders Assoc.	Nursery & Garden Industry Qld
NQ Bulk Ports Corp Ltd	Plant Health Australia
Pork Qld Inc	Powerlink Qld
Qld Beekeepers Assoc	Qld Conservation Council
Qld Chicken Growers Council	Qld Chicken Meat Council
Qld Farmers Federation	Qld Horse Council
Qld Horse Industry Alliance	Qld Resources Council
Qld Seafood Industry Assoc	NRM regions Qld
Strawberries Aust	Seqwater
Sugar Research Australia	Sunwater
Wildlife Preservation Society of Qld	

Attachment 3 Local Government Biosecurity Legislation Reference Group (LG BLRG) Membership

Council	Nominee	Title
Balonne	Digby Whyte	Director of Community and Environmental Sustainability
Brisbane	Rachel Greenfield	Biosecurity, Wildlife and Invasive Species Management
Brisbane	Geoff Farrant	Biosecurity, Wildlife and Invasive Species Management
Bulloo	Donna Hobbs	Manager, Community and Environmental Services
FNQ ROC	Travis Sydes	Regional Natural Asset Management and Sustainability Coordinator
Fraser Coast	Col Zemek	Biosecurity Coordinator
Gladstone	Catherine McKewen	Strategy and Policy Specialist
Gold Coast	Iain Jamieson	Senior Pest Management Specialist
Goondiwindi	Rebecca Morrissy	NRM Officer
Ipswich	Haiden Taylor	Health Security and Regulatory Services Department
Longreach	Jeff Newton	Local Laws Supervisor
Mackay	Shelley Molloy	Team Leader Pest Management
Mount Isa	Stephen Wagner	Manager of Compliance and Utilities
North Burnett	Jeff Miles	Environmental Services Manager
Redland	Dale Watson	Natural Environment Officer
Rockhampton	Karen Moody	Coordinator for Health and Environment
Sunshine Coast	Jason Brewer	Coordinator Healthy Places
Townsville	Norman Lees	Technical Officer - Environmental Restoration Biosecurity
Townsville	Melissa Green	Technical Officer - Environmental Restoration Biosecurity
Western Downs	Todd Summerville	Planning and Environment Manager
Whitsunday	Julie Wright	Director Community and Environment
Local Government Association of Queensland	Kristy Gooding	Lead - Natural Assets and Natural Resource Management
Biosecurity Queensland	Mark Lightowler	Manager, Biosecurity Capability Implementation - Group Chair
Biosecurity Queensland	Kym Johnson	Senior Biosecurity Officer (IP&A) - Group Secretary
Biosecurity Queensland	Beck Morello (observer)	A/Manager, Policy and Engagement

Attachment 4 Government agencies consulted during the review

Department of Agriculture and Fisheries (Agriculture)
Department of Agriculture and Fisheries (Fisheries)
Department of Agriculture and Fisheries (Forestry)
Department of Environment and Science (National Parks and Conservation Policy and Planning)
Department of Natural Resources and Mines
Department of Premiers and Cabinet
Department of Transport and Main Roads

Attachment 5 Non-legislative recommendations

A number of issues were raised in this review that lead to non-legislative recommendations for Biosecurity Queensland. These issues and recommendations are included below, categorised into policy considerations, communications and research, training and administration .

1.1 Policy considerations

1.1.1 Challenges enforcing provisions under the Act

The survey indicated that the majority of respondents (71%) believed that there were no significant issues or challenges enforcing the provisions of the Act. However, of the 29% that indicated issues or challenges, the following points were raised:

- Greater understanding of GBO is required by hobby farmers/peri-urban agriculturalists, developers, other Queensland Government departments, industry peak bodies, industry members and the general community. Understanding of the GBO is still limited in some contexts, unless requirements are explicitly prescribed in the Regulation.
- Determining if a person 'ought reasonably know' of biosecurity matter is currently operationally limited to restricted or prohibited matter lists due to the perceived level of understanding of GBO in these groups. This presents an issue as GBO is designed to apply to anything that presents a biosecurity risk, not just those things that are on lists.
- The obligation to manage transient pests such as wild dogs is unclear as the landholder does not 'own' nor are they actively 'dealing with' the transient pest. However when the transient pests are present on their land, it could be seen as their GBO to control them.
- The actions required for handling baled hay infested with restricted matter is unclear. As a result, there is a risk of spread of the restricted matter during transit and potentially on the receiving property.

It is recommended that:

- ***Targeted research to understand attitudes and competencies around GBO is conducted.***
- ***A policy around the management of transient pests is considered.***
- ***Compliance and enforcement guidelines are developed for infested hay.***
- ***Further consultation with authorised officers around specific sections of the Act are conducted.***
- ***Materials are developed to support 'ought reasonably know' and 'reasonable and practical' action concepts, using real-world examples.***

1.1.2 Challenges with individual biosecurity plans

Biosecurity plans are encouraged as a useful tool for land holders to ensure they are satisfying their GBO. Plans typically contain conditions in which access to a property is allowed, and actions a person must take before entering a property (such as vehicle wash-downs), or once inside a property (such as travelling on established tracks).

Biosecurity plans are sometimes being used by landholders to prevent or hinder entry to a property by entities that otherwise have a right to enter. In other cases, the landholder believes the controls contained in their plans are genuinely required to manage biosecurity on their properties. Examples of these entities include essential services such as energy infrastructure companies and holders of mining exploration permits.

The use of biosecurity plans in this way can lead to unreasonable barriers being placed on essential service providers and weakening of biosecurity management through degradation of the plan concept.

It is recommended that a working group, including essential service providers and key industry groups, be established to provide advice on balanced third party access arrangements in biosecurity plans into the future. This solution would need to balance the land holder's right to adequately satisfy their GBO and the need for essential service providers to access land and assets for bona fide purposes.

1.1.3 Tools and templates

RBDM is used throughout BQ by policy makers, management, administrators and operations staff both in the field and in the office, and by local government officers who are authorised under the Act.

On implementation of the Act, in recognition of the “context-specific” nature of RBDM no single tool was developed for use by everyone.

Specific tools were developed for using RBDM based on the nature of the biosecurity risk and the level of detail required for a particular task in addition to protocols that applied at a national level or from other recognised frameworks. RBDM tools were also provided to authorised officers in training packages delivered prior to the Act commencement. However, multiple approaches to RBDM has resulted in minor inconsistency in how RBDM is being applied; there are no common RBDM templates and there is no common language being created around RBDM.

BQ officers and local government have raised the need to address inconsistencies, understanding, training and compliance.

The following recommendations are made to provide a consistent approach to RBDM across all areas of BQ and local governments:

- ***Determine the best RBDM model to apply within all aspects of BQ and local government responsibilities.***
- ***Implement the new RBDM model within BQ through an effective change management process including communication, training and embedding.***
- ***Involve local government in the development of the RBDM model to ensure can be effectively adopted across local governments throughout Queensland.***
- ***Define clear and simple tools and templates for all users to ensure a consistent approach for RBDM is adopted.***
- ***Ensure that the tools are scalable for all levels of decisions, from those made in the field to those made by policy groups and by control centres during an emergency response.***
- ***Consider RBDM approaches used in other jurisdictions including through the Centre of Excellence for Biosecurity Risk Assessment, and assess the efficacy of using them Queensland.***

1.1.4 Review the (Biosecure HACCP) third party accreditation scheme

BioSecure HACCP Scheme was developed and is owned and operated solely by Nursery and Garden Industry, Australia (NGIA) and is currently the only approved biosecurity accreditation scheme under the Act. The NGIA determines who should operate under the scheme.

It is expected that significant work remains to embed the system and ensure it works and is fit for purpose. Once the scheme is embedded it would be beneficial to review the efficacy and efficiency of the scheme to ensure that any learnings can be taken on board for further third party accreditation schemes.

It is recommended that, following an appropriate period of use under the BioSecure HACCP Scheme, a review is undertaken to assess the areas of the scheme that worked and those that did not.

1.1.5 Encouraging Registered Biosecurity Entities to renew

When the term of a registration as an RBE ends, the chief executive must renew the registration unless the chief executive has been otherwise advised by the entity. Currently if a person does not take action required, the department's only recourse is to take action with the courts (the prescribed penalty is 100 penalty units). Court action leaves the department and courts open to significant burden when considering the potential volume of cases.

It is recommended that consideration be given to alternative solutions for ensuring a person either renews their RBE on request or deregisters if they no longer need to be registered. Consideration should be given to the introduction of a penalty infringement notice for non-compliance with RBE renewal.

1.1.6 Third Party Auditing

Currently, BQ appointed inspectors undertake auditing functions associated with ICA systems, accredited certifiers' activities and third party biosecurity accreditation systems. However, the Act provides for non-government individuals (third party) to be approved as an auditor if they have the necessary expertise or experience to perform the functions of an auditor. Currently, there are no non-government individuals approved as auditors and no applications have been received by BQ.

Third party auditors provides clear benefits to both government and those operating under an ICA scheme as accredited certifiers or under biosecurity accreditation systems. Third party auditing of biosecurity accreditation systems i.e. the ICA Scheme would provide a number of benefits to industry, including:

- reduced auditing costs to the business by linking audits to other accreditation system i.e. Freshcare, HACCP, AS/NZS ISO 9001, proprietary (supermarket) managements systems, etc. This would occur where there is appropriate credentialing and governance arrangements for auditors.
- reduced disruption to business through a decrease in the number of audits being conducted
- enable businesses to build rapport and relationships with a single auditor rather than dealing with multiple auditors
- enable BQ to assist business compliance without compromising the audit function.

Before third party auditing can commence it will be necessary to have appropriate credentialing and governance arrangements. This would include the development of policies and procedures, reporting and auditing as well as training and assessment arrangements.

It is recommended that BQ support a project to develop appropriate systems and processes for a third party auditing system in Queensland.

1.1.7 Absence of a fee for accredited certifiers training

Under the Act, non-government accredited certifiers have been appointed in relation to the movement of animals from a cattle tick infected zone to the cattle tick free zone. The appointment of these non-government accredited certifiers is subject to several requirements including that they have appropriate knowledge around the practical elements of cattle movements as well as an understanding of the legislation.

BQ has established a training course for accredited certifiers. However, a fee for this training course is not charged and government currently absorbs all associated costs. This is inconsistent with the Queensland Treasury's overarching principle for fees and charges regarding full cost recovery. The principles dictate that unless the government has made a deliberate decision otherwise, fees or charges applied by departments and statutory bodies for the provision of goods and services will reflect full cost recovery.ⁱⁱ

It is recommended that options for a training course fee for non-government accredited certifiers be considered, and that it is ascertained whether another provider could deliver the training.

1.1.8 Renewal of Registered Biosecurity Entities

The Act requires that people who keep designated animals in Queensland must register as a Registered Biosecurity Entity (RBE). The RBE system is critical in managing emergency incidents as the department has a record of where susceptible animals and hives are and who is responsible for them. Up-to-date registration allows the government to communicate directly with owners and handlers to allow quick action in an emergency response.

As part of the transitional arrangements with the implementation of the Act, anyone with a current Property Identification Code (PIC) registration as at 30 June 2016 were automatically transitioned to become an RBE on 1 July 2016. This has resulted in up to 83,000 RBEs being due for renewal at the same time every 3 years. An online customer portal has been implemented to allow RBEs to self-manage their registration details, including renewal and payment. However not all customers will utilise the self-service option and there is still the potential to create delays to the customer and a poor customer experience and an intensive resource drain in various areas of the department should a common renewal date be maintained.

It is recommended that renewal process for non-fee paying RBEs be adjusted, to stagger the renewal dates, reduce the resource burden on the Department and ensure a positive customer experience.

It is recommended that BQ also considers options for staggering renewal of fee paying RBEs.

1.2 Communications and research considerations

1.2.1 Differing land use in the neighbourhood

Where a person deals with biosecurity matter or a carrier, the GBO requires the person to take all reasonable and practical measures to prevent or minimise the biosecurity risk. The application of the GBO has been understood by landholders as limited to biosecurity risks on their land or movements they are in control of.

This has led to issues with neighbouring properties where the values or type of land use may differ, and hence where the biosecurity considerations at risk are different. Examples of this are where

pasture grasses from large grazing properties, which are not considered a biosecurity risk on these properties, migrate into national parks where they do pose a risk, or where (transient) wild pigs or weeds migrate from grazing land into sugar cane fields. Whilst regional biosecurity plans can provide a framework for region-wide consideration of biosecurity risks, there is still a role for landholders to play outside of formalised plans.

A Flinders Shire Council project has encouraged local landowners to implement their own 'good neighbour' policies to restrict the spread of prickly acacia and other weeds.

The Department of Environment and Science implements an operational 'good neighbour' policy to work cooperatively with adjoining neighbours to control feral pests and weeds on the protected estate that affect the neighbours.

Similar 'good neighbour campaigns' are undertaken around National Parks and involve carrying out management activities, usually in a buffer strip on the boundary, to ensure that pests that are a priority for their neighbour are managed and do not spread from their own land. The hope is that their neighbours will do the same for them. It recognises the differences in priorities of different enterprises and supports cooperative agreements on management activities.

It is recommended that BQ and other stakeholders in the biosecurity system introduce a 'good neighbour' approach/framework to encourage land managers to be mindful of differing uses and values of adjoining lands in their region; and promote cross border coordination of management activities. It is also proposed that the campaign encourage the use of buffer strips on a person's land to manage the spread of weeds onto neighbours land.

1.2.2 Uptake in the community

Indications from some sectors of agricultural land holders is that RBDM is still a novel concept and there remains an expectation that Government will provide case specific instructions on how to manage each specific biosecurity risk. Given the above recommendations, BQ is still to finalise the most appropriate RBDM process and templates. It would be premature for BQ to be providing further support materials to the community in making decisions based on risk until the approach is fully adopted within the department.

Through the *Queensland Biosecurity Strategy 2018-2022*, BQ has determined that community engagement approaches can be modernised to drive better biosecurity decisions. Consideration of how to achieve this when providing extension materials is needed, in preparation for re-development of campaigns to improve RBDM in the community.

It is recommended that:

- ***better targeted awareness campaigns are implemented to understand the impact that emotive and inclusive engagement plays, and its relationship with rational and pragmatic thinking in decision making behaviours across different community segments, and***
- ***BQ further refines the language of RBDM to enhance the likelihood of uptake (e.g. a more emotive approach for custodians and lifestyle farmers and a "bottom line" approach for the rational; and pragmatic farmers).***

1.2.3 Communication of General Biosecurity Obligation to the community

When the Act commenced on 1 July 2016, BQ implemented an extensive communication plan including hundreds of fact sheets on specific risks, videos, Facebook, YouTube, newsletters and

attendance at specific forums. In addition two industry liaison officers were provided to AgForce and Queensland Farmers Federation to help embed the main concepts of the Act, including the GBO, into those industries' daily operations.

Despite this significant communication efforts there are indications from local government, other state government agencies and key industry groups that the GBO is still not well understood by some individuals within the community. This lack of understanding of the GBO has also led to varying quality in individual property' and business' biosecurity plans that are intended to outline what a person must do at a place to meet their GBO.

It is therefore proposed that the current communication methodologies be reviewed and alternative methodologies considered in order to improve everyone's understanding of their key obligations under the Act.

The review of the Act creates an ideal opportunity to gather baseline information and allow ongoing measurement to ensure that the key objectives of the GBO are understood and positive behaviours are increasing.

Given the Act is still relatively new, we have limited data across our biosecurity system to predict people's attitudes and likely behaviours to biosecurity threats. There are sometimes limited understanding of the likely behavioural drivers of our stakeholders when we implement new projects and policies. International research (University of Nottingham¹) has shown that many policies are implemented without understanding the multi-objective nature of individuals operating businesses, and the same could be said for other sectors of the community.

It is recommended that a strategic Behavioural Insights Framework (BIF) is developed to reframe the development of new biosecurity policy and projects to ensure they are informed by evidence-based research. This will also provide BQ with a broader understanding of the goals, drivers, objectives and characteristics of stakeholders (farmers are identified as a target for this research).

The BIF will articulate the key insights from existing behavioural science research in the agricultural and biosecurity sector across the world, and provide an easy to use methodology for application in the Queensland setting. To achieve this, it is proposed that the international research on behavioural science be validated for Queensland. In addition a baseline attitudinal survey of stakeholders and a detailed stakeholder segmentation analysis of farmers in Queensland should be undertaken.

1.3 Training considerations

1.3.1 Confidence in application of General Biosecurity Obligation provisions by authorised officers

The majority (82%) of surveyed authorised officers are confident in applying the GBO under the Act in their roles. 18% indicated that they still lack confidence in applying GBO provisions and supervision and resources are in place to support these staff and ensure proper use of powers.

The survey indicated that a number of improvements could be made to the current training/support system, particularly around refresher training, mentoring, and the use of relevant real-world examples.

It is recommended that the following are developed in order to improve authorised officer confidence in applying the GBO provisions of the Act:

- ***additional program specific training, a mentoring program for inexperienced officers and the development and sharing of scenarios/case studies as training tools***

- ***additional tools and systems including pest identification tools***
- ***applied examples on minimum measures required for a person to meet their GBO to be added to guidelines and/or additional training.***

1.3.2 Investigation of compliance with restricted matter obligations by authorised officers

The survey indicated that the majority of respondents (81%) were reasonably confident to very confident in conducting an investigation into whether or not a person has met their restricted matter obligations. However 19% of respondents reported low confidence in conducting such an investigation.

In order to strengthen the confidence of such investigations, the following recommendations are made:

- ***additional training for less experienced authorised officers***
- ***development of tools and systems***
- ***development of guidance documents including checklists and flowcharts for use with enforcement guidelines.***

1.3.3 Training for authorised officers

Legislative training within BQ is currently undertaken on an “as-needs” basis with training packages of varying quality and currency available for new staff requiring legislative appointment. A number of these training packages require significant updating/refreshing to meet acceptable training standards. For example, some aspects of the Act training packages do not define clear benchmarks for field-based assessment to ensure demonstrated knowledge and skill application prior to new staff working independently or being appointed under legislation. In many cases, there is a lack of experienced trainers available to provide training to new staff. As a result, when a new staff member requires appointment under the Act, a reactive solution may be undertaken that does not meet training standards and places BQ at compliance and reputational risk.

It is recommended that updates be made to training material in order to:

- ***modernise the training material including real examples that have been gained over three years operation under the Act***
- ***update for the online Learnworx modules and those contained on Sharepoint***
- ***review training material to ensure it meets training standards***
- ***require field based competency prior to an officer being appointed as an authorised officer***
- ***collate all Act training materials into one online location to ensure it is made easily available to those providing training and ensure the Local Government Association of Queensland is provided a copy of relevant materials.***

1.3.4 The use of and confidence in risk based decision making in authorised officers

The RBDM process is a key component of establishing whether the GBO is being satisfied or not. It is designed to underpin decisions in order to make proper, consistent decisions and to support transparency in the actions taken by authorised officers.

The survey indicated that a significant majority of authorised officers are using RBDM when conducting an investigation. Officers are using a mix of formalised RBDM, established policy, and

intuition. There was a high confidence in using the RBDM process, with 83% of respondents rating reasonably to very confident. However 17% report low to no confidence in its use, and 11% of these officers are not using RBDM approaches when conducting an investigation, Authorised officers also indicated strongly in the survey that a clear, consistent model for RBDM should be implemented across both State and Local Government.

It is recommended that consistent RBDM methodologies or guidelines, additional support tools and systems, and improved training such as refresher courses are developed and delivered to support authorised officers.

1.3.5 Third Party Auditing

Currently, BQ appointed inspectors undertake auditing functions associated with ICA systems, accredited certifiers' activities and third party biosecurity accreditation systems. However, the Act provides for non-government individuals (third party) to be approved as an auditor if they have the necessary expertise or experience to perform the functions of an auditor. Currently, there are no non-government individuals approved as auditors and no applications have been received by BQ.

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- reduced auditing costs to the business by linking audits to other accreditation system i.e. Freshcare, HACCP, AS/NZS ISO 9001, proprietary (supermarket) managements systems, etc. This would occur where there is appropriate credentialing and governance arrangements for auditors.
- reduced disruption to business through a decrease in the number of audits being conducted
- enable businesses to build rapport and relationships with a single auditor rather than dealing with multiple auditors
- enable BQ to assist business compliance without compromising the audit function.

Before third party auditing can commence it will be necessary to have appropriate credentialing and governance arrangements. This would include the development of policies and procedures, reporting and auditing as well as training and assessment arrangements.

It is recommended that BQ support a project to develop appropriate systems and processes for a third party auditing system in Queensland.

1.3.6 Interstate Learnings - Exercise Border Bridge

One of the objectives during Exercise Border Bridge was to assess New South Wales and Queensland's ability to use respective biosecurity legislation in response to a cross-border biosecurity incident. This included ensuring that:

- the appropriate legislation and instruments were applied to the response
- the appropriate delegations and powers were able to be applied to the relevant legislation
- the ability to apply operational outcomes across both jurisdictions under dual Acts
- the implications of legislative constraints on data sharing were identified and addressed.

The final report for Exercise Border Bridge stated that these objectives were met and the appropriate sections of jurisdictional legislation were applied in both New South Wales and Queensland during the response exercise.

Observations noted that there was confusion around the use of the different terminology used for stopping movements of livestock by Queensland's "Biosecurity Emergency Order" and New South Wales's "livestock standstill". There was also a lack of understanding among some participants of deeds, legislation and the restrictions.

It is recommended that training on legislation be provided to relevant personnel likely to be involved in cross-border biosecurity emergency responses, to ensure sufficient, applicable knowledge of emergency legislative provisions and instruments and the differences and similarities between states.

1.3.7 Lessons Management

Post response reviews for white spot disease and anthrax responses have identified that a small number of staff are still not fully confident in applying the legislation or interpreting the legislative tools invoked in response to emergency situations. This could lead to inefficiencies, unnecessary distress for staff and clients, and the potential for the selection of inappropriate legislative tools.

It is recommended that the current training package be updated with real-world experiences from recent responses and that the package be continually updated to include learnings from future responses.

1.4 Administration considerations

1.4.1 Use of Biosecurity Emergency Order permit

Currently BEO permits are recorded on a register on the BQ Resources SharePoint site. This register does not allocate a unique permit number, the permit number is provided manually. This system allows for the possibility of the same permit number being given to a number of permits due to the delay in entering permit details into the register.

It is recommended that the register of BEO Permits be amended to provide automatic unique permit numbers.

1.4.2 Business processes

The Act provides for more than 70 forms, permits, certificates, orders, registrations, decision and information notices and chief executive notices, such as surveillance programs. Each of these required a new business process to ensure that they could be dealt with effectively and efficiently.

Many of these applications required the payment of fees on lodgement. For several applications, smart forms were used to allow for completion, lodgement and payment of the fee online. There are concerns that the link between the client facing payment portal and the payment tracking within BQ finance are not seamless. This results in large amounts of avoidable effort to be able to retrieve the payments from the landing spot. This also means that at any given time, BQ's understanding of revenue can be in a state of delay.

It is recommended that a review of receipting processes from the online portals and from other internal service delivery groups be undertaken to enhance efficiency.

1.4.3 Standard Operating Procedures

SOPs clarify how to carry out complex routine operations (for example, giving a biosecurity order) as they relate to various sections of the legislation. SOPs aim to achieve efficiency, quality output and uniformity of performance, while reducing miscommunication and failure to comply with mandatory legislative provisions.

The Act implemented a range of new procedures and concepts that required the amendment of hundreds of SOPs and the creation of many more. SOPs are available to all relevant BQ staff and are updated as improvements are identified.

BQ staff were recently surveyed regarding the effectiveness and usage of SOPs, following a recommendation raised in the internal audit on Biosecurity Regulatory Decision Making Processes. The survey findings included indications that while many business groups and their officers are confident and competent with SOP use, there are some business areas where SOPs are under-utilised or material is considered out of date.

It is recommended that:

- ***the mechanism for staff to request SOP updates is formalised and communicated with staff***
- ***staff are made aware annually of the accessibility of cross-business and business group specific SOPs, through internal communications channels and through refresher training***
- ***awareness of SOPs is built amongst groups who are under-utilising them***
- ***an audit is conducted for locations in which SOPs are published to rationalise and ensure the correct versions are published and easily available. The Local Government Association of Queensland is provided with copies of relevant and up to date SOPs for tailoring to local government authorised officers.***

1.4.4 Developing a Standard Operating Procedure for entering a place to follow up on a direction given by an authorised officer

There are a range of sections under the Act where an authorised officer can give a direction to a person to do something to minimise a biosecurity risk. For example, directions can be given under a Biosecurity Program, a BEO or an MCO. The Act also provides a power for an authorised officer to enter a place to take action required under a direction, where a direction has not been followed.

Given that this applies to a range of different situations with potentially different entry requirements it would be preferable for authorised officers to be given specific instructions for each type of direction.

It is recommended that a Standard Operating Procedure (SOP) be developed around entering a place to take action under each direction for use of authorised officers.

1.4.5 Accessing maps for zones and control areas

BEOs, MCOs and biosecurity zones may be described in a variety of ways, including maps. State controlled land, and land controlled by utility companies spans significant area of the state.

Currently, the format used in a BEO or MCO to describe an area or how it is reflected on a map is difficult to easily associate with those land assets.

In order to determine whether land holdings and assets are encompassed within a response area, clients must make manual comparisons or re-map the area. This delay in accurate understanding of the geographic limits of an emergency situation can impact on large land holders' capacity to satisfy their obligations.

It is recommended that the department investigate options for publishing of online map layers of BEO, MCO and biosecurity zone areas, on a platform that allows easy integration with Fisheries; Ben.Westlake@daf.qld.gov.au, 2019

existing asset maps. This would allow timely understanding of the spatial delineation of control areas and improve compliance with obligations. This would have benefits for peak stakeholder groups which may also use spatial mapping systems to assist their clients.