

TERMS OF REFERENCE FOR THE REVIEW PANEL

Review of the *Biosecurity and Agriculture Management Act 2007*

Context:

Biosecurity is the management of risks to the economy, the environment and the community, of pests and diseases entering, emerging, establishing or spreading. While Western Australia's (WA) geographic isolation provides a natural advantage for biosecurity protection biosecurity risks need to be managed over a large land mass (one-third of the Australian continent) and 12,500 km of mainland coastline (almost 21,000 km counting offshore islands). The extensive coastline and numerous points of entry increase the risk of animal, plant and aquatic pests and diseases being introduced.

WA's biosecurity system protects our economy, environment and lifestyle from the risks of pests and diseases. This includes:

- **Our environment** – including indigenous biodiversity, ecosystems and landscapes, and valued exotic species.
- **Our economy** – including primary industries, trade and tourism.
- **Our social values and expectations** – including lifestyles, health and wellbeing, our identity, recreational, and cultural and historical values.

The *Biosecurity and Agriculture Management Act 2007* (the Act) provides a legal framework that supports biosecurity and agriculture management for the State by providing the essential powers and duties that enable:

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

WA is particularly vulnerable to invasion from organisms beyond our borders: we have an extensive, sparsely populated coastline that is exposed to sea lanes, a comparatively high level of international freight movements, and a variety of environments that can support vigorous plant growth and harbour many animals. WA also is the entry point for many international travellers further increasing risks of incursions particularly for diseases. Biosecurity management is a complex task and WA's biosecurity system will need to respond to increasing challenges including globalisation and the expansion of overseas travel and trade, climate change, changes in land use and population spread.

Objectives:

Given these sustained and increasing pressures on the biosecurity system, including a number of recent biosecurity incursions, it is timely to undertake a review of the Act to determine:

- those parts of the Act that remain effective and fit for purpose;
- those parts of the Act that require amendment to continue to deliver to the Act's primary objectives; and
- the amendments that are required to ensure the Act provides an effective legal framework for delivery of a biosecurity system that can continue to manage the ongoing risk of pests and diseases.

This review will focus on ensuring the regulatory settings are appropriate and the Act remains future focused in light of emerging challenges and opportunities.

It is intended that changes to the Act will provide flexibility to enable future improvements in the system; promote more effective and efficient biosecurity risk management; increase industry and community engagement, participation and confidence in the biosecurity system; minimise administrative burden on industry, and; broaden community and industry support for the effective operation of the system.

Principles:

The review will:

- focus on providing a path forward for effective and efficient provision of biosecurity services;
- be alert to future structural, technological and social change;
- establish a robust governance and administrative framework with clearly defined roles and responsibilities;
- be guided by better-practice regulatory, governance, resourcing, and legislative approaches and, where relevant and appropriate, lessons and outcomes from reviews of government legislation in other jurisdictions.

Scope:

The review will:

- inquire into and report on the operation and effectiveness of the Act in providing effective biosecurity and, in the context of the Act, agriculture management for the State at a holistic level that accounts for all biosecurity needs (agricultural and environmental);
- inquire into and report on the adequacy of the penalties imposed under the Act; and
- report on any other matters of significance arising from the review process including how fit for purpose the legislation is in adapting to and managing change.

The process to undertake the review will include establishing a sound governance framework; establishing a process for consultation with stakeholders; consideration of submissions and other evidence; and the formation of conclusions and recommendations for a final report.

A discussion paper identifying key topics for consultation and feedback shall be prepared and disseminated to stakeholders.

Feedback and responses to the discussion paper will be used to inform panel consultation and discussions with stakeholders.

The Review does not need to include an analysis of subsidiary legislation, but the panel may comment on these if they find a significant area of concern.

Timeframes:

The review panel shall report to the Minister for Agriculture and Food within 12 months.