

# New biosecurity laws for Queensland

Biosecurity is the protection of the economy, the environment and the community from animal and plant pests, diseases and contaminants. It is critical to market access and the profitability and sustainability of our industries. It also safeguards Queensland's natural assets, our health and our way of life.

The *Biosecurity Act 2014* (the Act) is expected to come into force in early 2016. This brochure outlines how this new Act will affect you.

## Why change Queensland's biosecurity laws?

Queensland's current biosecurity legislation consists of many different Acts that were developed independently over the past hundred years. Because of this, there are many inconsistencies as well as laws that are not flexible enough to meet the challenges of today's biosecurity environment.

Queensland is facing more biosecurity threats more often. Global travel, trade in animal and plant products, and diversity of land use—all of which increase biosecurity risk—continue to grow. Also, Queensland's environmental diversity and climatic conditions favour the establishment of many exotic pests and diseases, so we can expect more biosecurity incursions than any other state in Australia. To cope, we need more flexible and responsive laws.

The new Act will improve Queensland's biosecurity preparedness and response capabilities. Under the Act, we will be able to focus on biosecurity risks that impact our economy, our agricultural and tourism industries, our environment and our lifestyle. We will also be able to better manage the health risks associated with potential disease transfer between animals and people.

## What will change?

The new Act will replace a lot of legislation you might be familiar with. Importantly, the Act allows a consistent, modern, risk-based and less prescriptive approach to biosecurity in Queensland.

The Queensland Government will continue to take immediate action to manage biosecurity risks. In fact, under the new Act, action can be taken if there is a reasonable belief that a serious risk exists, without having to wait for scientific confirmation.

The Act deals with pests (such as wild dogs and weeds), diseases (such as foot-and-mouth disease) and contaminants (such as lead on grazing land).

Decisions made under the Act will depend on the likelihood and consequences of the risk. This will mean risks are managed more appropriately.

All Queenslanders need to take an active role in managing biosecurity risks under their control. Under the Act, individuals and organisations whose activities pose a biosecurity risk will have greater legal responsibility for managing them. This **general biosecurity obligation** means they must take all reasonable steps to ensure they do not spread a pest, disease or contaminant.

Queenslanders will need to report unusual events that might be related to biosecurity, for example abnormally high mortality or morbidity rates in animals and sudden, unexplained falls in production. They will also have obligations for registering some animals and reporting their movements to allow for disease tracing.

Biosecurity zones will be introduced by Regulation and used to manage, reduce or eradicate pests or diseases (such as fire ants and banana diseases) across all or part of the state.



## How will the new laws benefit you?

Under the Act, Queensland will be better prepared for biosecurity risks.

New tools and powers will allow the government's response to be tailored to the nature and challenge of each specific biosecurity threat. Frontline staff will have more flexibility in working with the community, allowing them to deliver better services with less disruption and cost to the community.

The Act will also accommodate industry initiatives. For example, the Act allows for compliance agreements and industry accreditation schemes, which utilise industry knowledge about best practice risk management for their unique circumstances.

## What is your general biosecurity obligation?

You will need to:

- take all reasonable and practical steps to prevent or minimise each biosecurity risk
- 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.

A biosecurity risk exists when you deal with any pest, disease or contaminant, or with something that could carry one of these. This includes moving or keeping a pest, disease, contaminant or animals, plants, soil and equipment that could carry a pest, disease or contaminant.

In some cases, there will be specific provisions for meeting the general biosecurity obligation for a risk because of the likelihood and seriousness of the consequences. These will be included in the new Biosecurity Regulation. They may include arrangements for treating pests, diseases, contaminants and carriers, restrictions on moving them inside or outside a biosecurity zone or a mandatory code of practice for reducing the risk.

The general biosecurity obligation is broader than the prescriptive provisions under the current legislation, but it also allows the new Act to be simpler than the current legislation. In many ways, it is similar to a work health and safety duty of care or a duty of care to an animal under the *Animal Care and Protection Act 2001*.

Specific provisions are not provided for all situations, as they remove any flexibility for clients to innovate and find better ways of managing risks. Also, it is not practical to prescribe specific requirements for every potential biosecurity threat in every possible circumstance.

Information will be available for many common pests and diseases to provide guidance on reasonable and practical measures that can be taken to meet the general biosecurity obligation.

**A biosecurity event** is caused by a pest, disease or contaminant that is or is likely to become a significant problem for human health, social amenity, the economy or the environment.





## What are reasonable and practical steps?

These will depend on the risk and the circumstances, including:

- the likelihood of the risk occurring (more action expected for greater likelihood)
- the adverse impact it could have (more action expected for potentially serious impacts such as human deaths, extensive productivity losses or other significant economic or community losses)
- what the person knows, or should reasonably be expected to know, about the risk (e.g. how dangerous it is and how it is spread)
- the ways to minimise the risk, including equipment and work practices.

The following may also be relevant:

- how effective a particular action would be in reducing the risk
- how feasible and expensive it would be
- whether the cost is grossly disproportionate to the risk.

The government (through Biosecurity Queensland) will provide guidance on reasonable and practical steps to minimise biosecurity risks. Information published by other reputable organisations could also help guide you in minimising biosecurity risks.

## Do you need to know about all biosecurity risks?

No. However, you will be expected to know about the risks associated with your day-to-day work and your hobbies. For example:

- If you are a commercial grower, you will be expected to stay informed about the pests and diseases that could affect or be carried by your crops, as well as weeds and pest animals that could be on your property. You will also be expected to manage them appropriately.
- If you are a commercial producer of animals, you will be expected to stay informed about pests and diseases that could affect or be carried by your animals, as well as weeds and pest animals that could be on your property. You will also be expected to manage them appropriately.
- If you are a land owner, you will be expected to stay informed about the weeds and pest animals (such as wild dogs) that could be on your property. You will also be expected to manage them appropriately.
- If you transport agricultural produce, you will be expected to check whether the transportation could spread diseases or pests. If it could, you will be expected to manage this appropriately.
- If you live or work in a highly promoted biosecurity zone (e.g. are a builder or developer in the fire ant biosecurity zone), you will be expected to know what you can and cannot move in to and out of the zone and what other precautions are required.
- If you are a residential gardener, you will not be expected to know about all the biosecurity considerations that might affect plants. However, you will be expected to know the basics about reducing the risks of spreading a pest or disease as well as the problem pests in your local area. Your local government will identify problem pests.

## How can you reduce risks?

In most cases, you can reduce risks by following simple steps:

- Closely inspect pot plants and potting mix before taking them home from a market. They will pose a biosecurity risk if they are carrying fire ants or electric ants or plant pests, weeds or diseases that are not already present in your suburb or region.
- Carefully examine animals before moving them. Moving animals will pose a biosecurity risk if they are carrying pests or diseases that could impact agricultural industries. Check for animal diseases that could be spread through contact with other animals and for weed seeds.
- Manage pests (e.g. weeds and wild dogs) and diseases that could have negative impacts on neighbouring properties.



## What will happen if someone does not meet their obligation?

Biosecurity Queensland will focus on educating Queenslanders about biosecurity and will encourage voluntary compliance with biosecurity obligations. However, if required, specific action could be taken to ensure an individual, business or other organisation improves how they manage biosecurity risks.

To achieve this, Biosecurity Queensland would generally provide specific advice on how risks can be managed. An officer could also issue a biosecurity order requiring specific action to be taken within a reasonable time.

Not complying with the general biosecurity obligation is an offence. Biosecurity Queensland may also consider prosecution depending on:

- the nature of the risk
- the seriousness of the breach (whether it was deliberate, intentional, reckless or accidental)
- whether this is a repeated breach or likely to happen again.

Biosecurity Queensland may also consider seeking a court order or the amendment, suspension or cancellation of a permit or other approval.

## More information

To find out more about the Act, visit [www.biosecurity.qld.gov.au](http://www.biosecurity.qld.gov.au) or call 13 25 23.

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Updated: March 2015

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