



Your strong and independent
voice for livestock producers

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SUBMISSION

14 October 2022

Stephen Poskett
A/General Manager, Strategy and Policy
Legislative Reform Team
Department of Primary Industries and Regions
25 Grenfell Street
ADELAIDE SA 5001

Via Email: PIRSA.LivestockActAmendments@sa.gov.au

Dear Stephen

Re: Amendments to Livestock Act 1997

Livestock SA is the peak industry organisation for South Australia's red meat and wool industries. With a membership of over 3,500 beef cattle, sheep and goat production businesses, we work to secure a strong and sustainable livestock sector in South Australia.

Livestock SA is a member of Primary Producers SA and is the South Australian member of the national peak industry councils: Sheep Producers Australia, WoolProducers Australia, Cattle Council of Australia and Goat Industry Council of Australia. Through PPSA and the Peak Councils, Livestock SA is also a member of the National Farmers Federation.

Livestock SA welcomes the opportunity to provide a submission to the 'Livestock (Emergency Animal Disease) Amendment Bill 2022'.

Background

In March 2022, the Indonesian Government reported the presence of Lumpy Skin Disease (LSD) in Sumatra, and in May 2022 it also reported the presence of Foot and Mouth Disease (FMD), which has since been detected in 25 of Indonesia's 37 provinces, including the popular tourist destination of Bali.

LSD and FMD pose significant financial and social risks to South Australia's cattle, sheep and goat industries. ABARES modelling projects a widespread FMD outbreak would have severe socio-economic impacts for Australia, including an estimated direct economic impact of around \$80 billion. The Department of Agriculture, Fisheries and Forestry (DAFF) projects an LSD outbreak could affect approximately \$7.39 billion worth of exports across 23 countries.

Since these detections, there has been a significant amount of work by governments and the livestock industry looking at risks, protocols, processes, and gaps to determine appropriate responses to the increased biosecurity threats from FMD and LSD. The situation is constantly evolving.

Livestock SA considers reviewing the current provisions in the *Livestock Act 1997* to assess whether any amendments are needed to strengthen the effectiveness and efficiency of response in the event of an emergency animal disease (EAD) detection or outbreak is prudent and is committed to working with the Department of Primary Industries and Regions SA (PIRSA) to ensure any changes to the Act are appropriate.

Livestock (Emergency Animal Disease) Amendment Bill 2022 – proposed amendments

1. Section 7A

Livestock SA understands this insertion addresses a conflict of laws or obligations that currently exist and will enable the Livestock Act to take precedence over inconsistencies with other Acts.

SUPPORTED

2. Section 33

Livestock SA understands these insertions will enable any initial notice to be made on a website that would be followed by written notice in the Gazette at the next opportunity.

SUPPORTED IN PRINCIPLE as it will enable urgent response tasks to be made and come into effect prior to actual publication.

Recommendation

Clarity is needed on where this information will be housed and the alert process that will be put in place to ensure industry bodies and producers are aware that a notice has been issued. Inclusion that Livestock advisory groups (identified through Division 1) must be notified at the time the notice is published on a designated website should be a minimum requirement.

3. Section 36A

Livestock SA understands this insertion will allow for testing to commence as soon as possible after identification.

SUPPORTED IN PRINCIPLE as timeliness is critical for containment and control in the event of an EAD.

Recommendations

- Proposed wording at 36A (1) currently includes “specified notifiable disease, notifiable contaminant or exotic disease”. This is inconsistent with the scope of the review, which is to strengthen the effectiveness and efficiency of response in the event of an EAD detection or outbreak. The terms ‘specified notifiable disease’ and ‘notifiable contaminant’ should be removed.

- Any testing needs to work in harmony with any processes or systems in place at an industry level or business level to ensure the most effective testing regime occurs. While this is an operational issue not a legal enabler, it is important that subordinate legislation or operational guidelines recognise this issue.

4. Section 37

Livestock SA understands this deletion and insertion will enable EAD responses to be more timely and targeted.

SUPPORTED

5. Section 39

Livestock SA understands this amendment will remove doubt on how much time a person is given to comply with a notice or an order to ensure required timeframes to implement necessary emergency response measures are met.

SUPPORTED

6. Section 42

Livestock SA understands this amendment will overcome requirements under the *National Parks and Wildlife Act 1972* in emergency situations.

SUPPORTED IN PRINCIPLE as it is understood that PIRSA is still awaiting advice from the Department for Environment and Water on agreement to this amendment.

Recommendation

- Livestock SA requests it be advised if there is not agreement to this amendment and what the implications will be for managing this issue in an EAD.

7. Section 43

Livestock SA understands this consequential amendment places limitations of inspector powers regarding the destruction, demolition, or disposal of property by imposing regulations that establish thresholds to be considered by an inspector before taking any action.

SUPPORTED IN PRINCIPLE as changes to the Regulations will be required after the amendment Bill has passed Parliament.

Recommendation

Livestock SA requests further detail on the regulatory changes that will be required and the process that will be undertaken to effect these changes.

8. Part 4 Division 6

Livestock SA understands this insertion provides similar protections to the Crown that currently exist in the *Emergency Management Act 2004*, and that negligent actions by the government are not included in this amendment.

SUPPORTED IN PRINCIPLE

Recommendations

- Proposed wording at 36A (1) currently includes “in relation to the outbreak of a notifiable disease, notifiable contaminant or exotic disease”. This is inconsistent with the scope of the review, which is to strengthen the effectiveness and efficiency of response in the event of an EAD detection or outbreak. The terms ‘notifiable disease’ and ‘notifiable contaminant’ should be removed.

9. Section 68

Livestock SA understands this inclusion expands the power of inspectors to include more structures and barriers (currently only includes fencing).

SUPPORTED

10. Section 70

Livestock SA understands this amendment to increase the penalties that can be applied to people that hinder inspectors from \$5,000 to \$10,000 to make them more current is limited to the requirements of a hindering offence in the Act (i.e. subclauses a-e).

Livestock SA notes that penalties have been increased in federal legislation for non-compliance with the *Biosecurity Act 2015*, and it is anticipated that the increased penalty provision is expected to help address potential protesting behaviour or community action that was experienced in the UK during the destruction of large numbers of animals.

SUPPORTED

11. Section 80

Livestock SA understands this amendment removes some of the exclusions to the offences for body corporates and is designed to provide greater authority to overcome non-compliance with directions.

SUPPORTED

12. Section 84

Livestock SA understands this consequential amendment aligns changes regarding evidence.

SUPPORTED

13. Section 87

Livestock SA understands this consequential amendment aligns changes regarding gazetting.

SUPPORTED

14. Schedule 1 – Requirements for control or eradication of disease or contamination

Livestock SA understands amendments to:

1(e)(iii) align with AUSVETPLAN and will enable PIRSA to carry out its prescribed role.

SUPPORTED

1(h) align with section 68 to make the action broader.

SUPPORTED

1(k) various are designed to broaden definitions and enable greater flexibility to carry out prescribed role.

SUPPORTED IN PRINCIPLE as appreciate the speed of movement/action that will be required in an EAD situation.

Recommendation

All definitions relating to Schedule 1(k) be reviewed, where applicable, to ensure consistency and that they cover all elements of livestock production.

Summary

Livestock SA supports the review of current provisions in the *Livestock Act 1997* to assess whether any amendments are needed to strengthen the effectiveness and efficiency of response in the event of an EAD detection or outbreak. We acknowledge that if faced with such an event, our industry will be operating in uncharted territory and a wide range of provisions will be required to effectively control or eradicate the disease.

We also understand and accept the compressed nature of the consultation process due to the need to enhance our preparedness and the government's ability to effectively respond in the event of an EAD detection or outbreak. We do not consider that sufficient consultation and rationale has been provided for amending the Act as it relates to endemic diseases, and as such have recommended references to 'specified notifiable disease', 'notifiable disease', and 'notifiable contaminant' be removed from the Bill.

Key to the success of any EAD response will be the effective working relationship between government and industry and Livestock SA must play a key role if the cattle, sheep, or goat industries are impacted.

Please contact the Livestock SA office on (08) 8297 2299 or via admin@livestocksa.org.au if you would like to discuss this submission further.

Yours sincerely



Travis Tobin
Chief Executive Officer