

8<sup>th</sup> February 2023

Biosecurity and Food Safety

NSW Department of Primary Industries

### **RE: Statutory Review of the NSW Biosecurity Act 2015**

Animal Care Australia (ACA) is a national incorporated association established to consult with government in advocating for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care.

As a nationally recognised animal welfare organisation most of the reforms outlined within the discussion paper remain outside of our purview, however, we provide the following feedback.

#### **General comment:**

ACA notes several sections of the Discussion Paper including descriptive paragraphs and Questions are difficult to comprehend. They are poorly worded and clearly lacking grammatical checking/proof reading.

#### **Pages 1 & 4:**

ACA notes that the Primary and Other objects of this Act fail to include positive animal welfare outcomes.

We acknowledge that Animal Welfare is addressed in another Act, however protecting our native wildlife and companion animals from new biosecurity risks that would negatively impact their welfare is equally as important as primary production outcomes.

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***“QUESTION – Comment is sought from community and industry if they understand the purpose of the Biosecurity Regulation 2017 and if they know how to use the Biosecurity Regulation 2017 to find relevant information for their industry?”***

ACA Exhibited Animals and Horse & Livestock Members report that through positive engagement with the Department of Primary Industries (DPI) and resources provided primarily by the DPI, they believe they have a good understanding of their responsibilities under Biosecurity Regulation 2017.

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***“QUESTION- Comment is sought from stakeholders if they understand the purpose and obligations under the Biosecurity (National Livestock Identification System) Regulation 2017 for their industry with regards to the NLIS?”***

***QUESTION- Comment is sought from industry and the community as to how livestock traceability might be further enhanced in NSW?”***

Horse owners in NSW were educated en masse on biosecurity during the Horse Flu epidemic of 2007/2008 and the community has remained interested and up to date on the issues as a result. As a direct result, the horse community has largely supported the formation of a National Horse Register to improve biosecurity and horse welfare outcomes for the industry. ACA notes these outcomes are currently not targeting issues/concerns outside of horses involved in racing or at knackerries.

However, a register alone, without updated and consolidated legislation to accompany it, cannot achieve those originally perceived goals.

***“QUESTION – Comment is sought from stakeholders if they understand the purpose of the Biosecurity Order (Permitted Activities) 2019 and if it clearly outlines requirements for their industry?”***

***QUESTION – Comment is sought from stakeholders if they understand how the Biosecurity Order (Permitted Activities) 2019 interacts with the Act and the Regulation for their industry?”***

ACA (Exhibited Animals and Horses & Livestock) Members report that they understand the purpose and requirements, however it is not easy to see how it interacts without requiring extensive research to link the two processes.

***“QUESTION– Comment is sought on whether industry and the community understand what is meant by the general biosecurity duty and what it means for them to have a responsibility to uphold their general biosecurity duty?”***

ACA (Exhibited Animals and Horses & Livestock) Members report that they take biosecurity for their animals seriously and do understand their responsibilities. However their responsibilities are continually undermined or ignored by Enforcement Inspectors/Authorised Officers, who are exempt from prosecution under the Prevention Of Cruelty To Animals Act (POCTAA), for any and all impacts their actions cause. Members have felt helpless and unable to protect their animals or businesses during these incidents, with absolutely no recourse to prevent such blatant disregard from occurring again. In some circumstances the same Authorities have repeated their irresponsible behaviours.

**Who is responsible for biosecurity in this instance when the property owner feels powerless and are being intimidated and questioned by uniformed officers?**

It is our understanding the Inspectorate are meant to be trained in biosecurity, for animal welfare reasons and yet it appears that the current system is either too complicated for them to follow or they believe themselves to be above this law as they do with POCTAA.

***“QUESTION – Comment is sought if industry and the community are aware of the range of management, compliance, and operational tools available to NSW DPI to manage biosecurity risks?”***

ACA (Exhibited Animals and Horses & Livestock) Members report that NSW DPI is generally informative and helpful in assisting members to meet their biosecurity obligations.

***“QUESTION – Comment is sought on whether the Act does enough to support the concept of shared responsibility between government, industry, and communities?”***

***QUESTION – Comment is sought if industry and the community understand the concept of shared responsibility and where their individual responsibilities lie?”***

ACA supports the intentions of the 3 key themes of the new strategy.

However we must voice concern with “Shared Responsibility”. Shared Responsibility can only be successful when all organisations and individuals involved actively participate.

Our Members report that they follow biosecurity measures as outlined for their respective species, yet government departments, and NGO’s authorised on behalf of the government fail to follow those same

standards. At times, biosecurity measures have been deliberately ignored or dismissed, resulting in the deaths of at-risk animals.

Some examples reported to us, include:

- ☒ RSPCA Inspectors chose not to enter a rural property through the main entry gate, intentionally bypassing staff, biosecurity sign-in procedures, and footbaths/hand wash in order to walk around the property unnoticed. This was a follow-up visit, and the inspectors had previously seen the biosecurity measures that were in place on the property. The property owner was dismissed when they voiced their concerns exacerbating the level of intimidation during both visits.
- ☒ RSPCA inspectors accompanied by a qualified veterinarian inspected a number of adult rabbits in several pens. Gloves were put on before inspecting rabbits, but then proceeded to go from pen to pen picking up and checking rabbits wearing the SAME GLOVES for the whole process. They then went to the quarantine area where another rabbit was housed with 3 unvaccinated (too young) suckling babies and handled them all wearing the SAME GLOVES that had just handled some 25+ adult rabbits. Three days later all three babies had contracted and died from calicivirus. **NOTE: Where is the recourse for these actions?**
- ☒ Dogs being released to rescue foster carers from pounds straight into foster care - where other family pets reside – with no quarantine period or instructions on how to quarantine.
- ☒ A Western Sydney Pound took prospective adopters through quarantine areas to view kittens for adoption. No biosecurity measures were followed, despite the adopters asking if they should use the hand sanitiser mounted on the wall. The two kittens that were adopted were not from the quarantine area, and had completed their 2 week hold in the pound. They went home infected with cat flu, which spread to the adult cats already in the home. The infection resulted in one kitten suffering permanent damage to his sinuses, that continues to affect him as an adult.
- ☒ Sydney metro pound calling rescue to take on "duty of care" for dogs/pups brought into pound - and those animals not undergoing any quarantine periods before being offloaded from pound to rescue.
- ☒ Rescue dogs/pups from regional/rural Pound brought to Sydney metro area for foster care - transport did not isolate pups from adult dogs with any significant barriers, just cage crates with open wire. Six days later one pup was terminally ill with parvovirus, and all littermates had positive parvo tests. All were then euthanased due to being way too young to survive any treatment options.

While Shared Responsibility sounds reasonable on the surface, these examples show a complete failure of not only Shared Responsibility, but also Effective Management, risk-based decision making, inter-governmental biosecurity agreements, and free market access.

How can we be discussing the responsibilities of stakeholders and our communities, when government agencies (and NGOs authorised by the Minister) cannot (or will not) comply themselves?

Enforcement Officers must abide by the Acts they are entrusted to enforce – and be held accountable for POCTAA OR biosecurity breaches. Both individuals and the organisations responsible for them must be able to be prosecuted for such breaches. Without this included in the Act, then enforcement officers are above the laws and Shared Responsibility no longer exists.

Government departments and organisations they oversee must lead by example and more importantly be held accountable. They MUST face the same penalties as non-government organisations, businesses, or individuals, when they fail to do so. Until then, this Act is only half-effective and therefore fails while this inequality continues.

***“QUESTION – Comment is sought on whether the Act provides an appropriate framework for the timely and effective management of biosecurity threats and risks?”***

On paper the strategy appears sound, however ACA does not have faith in its outcomes until the issues raised in the previous response are addressed and resolved.

ACA feels it is important Animal Welfare be acknowledged and high standards met within the Biosecurity Act.

We thank you for the opportunity to provide feedback. Please do not hesitate to make contact if we can assist further.

Kind regards,

A handwritten signature in black ink, appearing to read 'M Donnelly', with a stylized flourish at the end.

Michael Donnelly  
President  
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