

7th February 2023

Department of Primary Industries & Regions South Australia (PIRSA)

Email: PIRSA.BiosecurityAct@sa.gov.au

RE: Public Consultation Summary Feedback on Biosecurity Act Review

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 consultation paper remain outside of our purview, however, we provide the following feedback.

Animal Welfare

ACA supports the feedback provided within the **Animal Welfare** section that recommended the RSPCA be removed from Animal Welfare authorities and all other animal related matters. ACA is of the strong opinion that the RSPCA are inadequate in knowledge of individual species (including livestock, and pets) as well their ability to interact with animal’s owners in a fair and educational manner. Their agenda to prosecute rather than educate places ALL animals lives at risk.

The separation of the Animal Welfare Act from the Biosecurity Act is supported by ACA, however, we would like to highlight the importance of ensuring animal welfare is maintained during the removal of pest/feral species and diseased animals, BUT DOES NOT prevent that removal.

Accreditation and certification

The Biosecurity Act will enable third-party, non-government entities to be approved as accreditation authorities with the ability to accredit biosecurity certifiers.

While ACA supports this process, stronger emphasis must be ensuring all parties are suitably externally trained, qualified, and assessed prior to accreditation being granted. ACA does not support charitable organisations acting as regulatory or compliance enforcement agencies.

Farm Trespass

ACA fully supports the increasing of penalties and inclusion of bio-offences for farm trespass. We would like to commend the department on seeking to enhance the grounds of how an offence is committed, in particular:

‘For example, these provisions could include situations where there is a gathering of animals (e.g. sport or shows) and protests or activists place the biosecurity of these events at risk, as well as enabling those who promote, enlist, coordinate and incite others to commit trespass, harassment or damage to farms and farmers to be prosecuted.’

ACA recommends the Attorney General’s Department include the ability to ensure political parties are not exempt from prosecution for inciting such acts of trespass.

Absorption of other Acts within the Biosecurity Act

Livestock Act 1997:

There is a lack of clarity in the Livestock Act with regards to what animals it covers.

The definition of livestock means animals kept or usually kept in a domestic or captive state, including—

(a) poultry; and

(b) fish kept or usually kept in an aquarium or fish farm; and

(c) bees for which a hive is kept;

This implies ALL animals kept domestically are under this Act, thereby including companions and pets.

While horse owners might expect to be included, most other pet owners and breeders would not know the Livestock Act 'could' apply to them. This needs to be clarified as a matter of urgency.

The absorption of the Livestock Act into the Biosecurity Act is therefore fraught with many implications – of no less importance than being, consultation for this has been of a minimal number of affected stakeholders and only appears to have included minimal agricultural stakeholders. It is ACA's opinion there needs to be broader consultation promoted and sought.

Dog Fence Act 1946:

ACA supports the Dog Fence Act being repealed and absorbed into the new Biosecurity Act. The Dog Fence Act is outdated and a broader scientifically-based review of wild dog control is necessary and well over-due. The recognition of and separation of dingo from wild dogs is vital to the continued ecological and conservation protection of our native wildlife. Management of livestock and pastoral land has been drowning in myth and outdated practices. The updating of the requirement for landowners including farmers to adequately protect the dingo while still removing feral dogs and foxes is vital.

Impound Act 1920

ACA questions the inclusion of the Impounding Act into a new Biosecurity Act. While we acknowledge this Act currently deals with stray livestock there appears to be no inclusion of broader public consultation as it would directly relate to individuals. Local Government consultation also appears to be missing from the list of stakeholder submissions.

Public Consultation Summary Questions:

Question 12 - Certain activities will require registration (e.g. keeping livestock, saleyards, beekeeping) to ensure biosecurity risks are appropriately managed.

ACA does not support the following response no8: *“ No, the minimum size / numbers need to be carefully considered given backyard plants /animals pose a significant risk”*

Escaped pets do not pose a **significant risk**. Most exotic pets are unable to survive in the Australian environment – unlike occurrences within European regions where the environment is more suitable to survivability. There may be a minimal risk with certain species, however that is mitigated by environmental factors including escapees becoming prey to predatory species.

Historically authorised release (in large quantities) of exotic species poses a far greater risk than the occasional escaped pet.

Question 19 - Farm trespass will remain a criminal issue as part of a separate Act – the Summary Offences Act 1953

ACA supports the overall sentiment that “adding farm trespass as a biosecurity issue is a red herring - treat it as criminal trespass”

Allowing minorities to invade, kidnap and risk the welfare of animals due to ideological interests is not in the best interest of the animals or their welfare.

ACA feels it is important Animal Welfare be acknowledged and high standards legislated 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 that reads "M Donnelly". The signature is written in a cursive style with a large, stylized 'M' and a long, sweeping underline.

Michael Donnelly
President
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