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SUBMISSION

17 November 2026

Biosecurity Act Implementation Team
Biosecurity | Department of Primary Industries and Regions
Level 21, 11 Waymouth Street, SA 5000
Via email: PIRSA.BiosecurityACT@sa.gov.au

Dear Biosecurity Act Implementation Team

Re: Biosecurity Act Implementation - Tranche 4 Discussion Papers: A. Interactions with other legislation

1. Introduction and overall position

Further to Meeting 5 of the Biosecurity Act Implementation Stakeholder Advisory Group on 4 November 2026, Livestock SA welcomes the opportunity to comment on the discussion paper concerning interactions between the Biosecurity Act 2025 and other legislation.

We support a modern, coordinated and risk-based biosecurity framework that protects livestock health, producer livelihoods, market access, regional communities and the environment. Effective biosecurity and responsible environmental management are complementary objectives.

The legislative framework should enable both without unnecessary uncertainty, delay or duplication. Our support for legislative consolidation has consistently been conditional on retaining important existing functions and protections and improving areas of weakness. In our 2023 submissions, Livestock SA specifically sought effective incorporation of relevant Livestock Act, Dog Fence Act and Impounding Act provisions, including arrangements for returning, keeping and disposing of stray livestock.

We acknowledge that some of the issues raised in this submission may be addressed in the drafting of discussion papers 19–Wild Dogs/Dog Fence and 20–Stray Livestock; however, we consider it is appropriate to register these concerns now.

The discussion paper recognises the importance of legislative alignment. However, it does not yet demonstrate that the proposed arrangements will provide a complete and workable framework for producers. In several areas, it describes intended cooperation between agencies without explaining the legal authority, operational process, funding or accountability that will make that cooperation effective.

Our central concern is that legislative consolidation must not result in the loss of practical protections or transfer unresolved regulatory problems and costs to producers.

Livestock SA recommends that PIRSA:

1. Publish a function-by-function legislative comparison and gap analysis.
2. Establish a complete replacement pathway for stray and abandoned livestock, acknowledging the powers already enacted and identifying any residual gaps.
3. Undertake a joint review with the Attorney-General's Department of rural fencing and livestock containment arrangements.
4. Develop practical fencing guidance alongside legal clarification, with industry consultation, technical validation and legal review, without treating voluntary best practice as a universal statutory standard.
5. Clarify legislative precedence and the operation of urgent powers, consultation requirements and statutory approval exclusions.
6. Finalise and test interagency arrangements before the relevant provisions commence.
7. Provide practical pathways for biodiversity, heritage, environmental and animal welfare interactions.
8. Clarify agency responsibilities, funding, liability, compensation and review rights.
9. Demonstrate implementation readiness through realistic producer and emergency response scenarios.
10. Maintain government responsibility for statutory regulation and enforcement, while recognising industry's role in education, preparedness and communication.
11. Involve producers with practical agricultural and pastoral experience in developing and testing implementation arrangements.

2. Preserve existing functions and identify gaps explicitly

The paper explains that the new framework will consolidate existing legislation and replace several existing powers. It does not provide a comprehensive comparison showing which functions are retained, changed, transferred or discontinued.

Modernisation does not require retaining every historical procedure. It does require demonstrating that important functions remain available and that any proposed removal is deliberate, justified and accompanied by an effective alternative.

Livestock SA recommends a published comparison identifying:

- the existing function and legislative provision;
- the replacement provision or alternative legal mechanism;
- any change to the threshold for intervention;
- the responsible agency and authorised decision maker;
- applicable approvals and consultation requirements;
- costs, recovery mechanisms and review rights;
- transitional arrangements; and
- any residual gap requiring legislative amendment.

This analysis should cover routine prevention and management as well as emergencies. It should distinguish matters that can be resolved through regulations or administrative arrangements from those requiring amendments to primary legislation.

3. Stray and abandoned livestock

3.1 A complete replacement framework is required

The paper proposes managing stray livestock under the Biosecurity Act where they pose a biosecurity risk. Other situations are directed towards police, contractual arrangements or the Fences Act. It also describes transitional protection for animals already impounded and existing recovery rights.

Section 285 already provides a framework for detaining stray livestock present on, or in the vicinity of, a person's land where the owner or occupier knows, or has reason to suspect, that the livestock presents a biosecurity risk. It also provides for regulation dependent management and owner contact requirements, sale or destruction in prescribed circumstances, and recovery of reasonable costs and expenses.

Livestock SA acknowledges these enacted powers. However, the discussion paper does not demonstrate how the regulation dependent arrangements will operate or provide a complete pathway for new incidents that fall outside the section 285 threshold.

Responding to an immediate road hazard, resolving a fencing contribution dispute and lawfully holding or disposing of unidentified livestock are different functions. Referring to separate mechanisms does not establish that those mechanisms collectively provide an effective replacement.

Livestock SA recommends that the replacement framework expressly address:

- safe capture and temporary containment;
- identification and lawful access to ownership information;
- notification of owners;
- separation from resident livestock;
- feed, water, veterinary care and animal welfare;
- transport and suitable holding facilities;
- reasonable holding periods;
- recovery of reasonable costs;
- disputed ownership or refusal to collect animals;
- lawful sale, transfer, euthanasia or other disposal; and
- procedural safeguards and review rights.

There must be a clear pathway where ownership cannot be established, the owner is uncontactable or insolvent, or the animals present significant practical problems without meeting the threshold for biosecurity intervention.

PIRSA should explain the relationship between sections 285 and 286, including responsibility for temporary detention facilities, their availability and funding, and the circumstances in which custody can be transferred from an affected landholder.

The framework should also explain who bears reasonable costs where recovery from the livestock owner is impossible. A statutory right to recover costs does not, by itself, resolve the practical problem of an unidentified or insolvent owner.

3.2 Clarify the biosecurity intervention threshold

Guidance should explain when straying constitutes a biosecurity risk warranting assessment or intervention, including repeated mixing, uncertain identification or health status, and interference with disease control measures.

Guidance should make clear that section 285 does not require confirmed disease: it expressly accommodates reason to suspect a biosecurity risk. It should provide practical examples of the evidence and circumstances relevant to that assessment.

PIRSA should publish proportionate assessment criteria and explain the respective responsibilities of the livestock owner, affected landholder and government.

Education and assisted compliance should be supported by timely enforcement where conduct is deliberate, repeated or creates material risk.

3.3 Contracts are not a complete answer to abandoned agisted animals

Written agistment agreements are desirable. However, contractual arrangements alone do not resolve every case involving abandoned animals, disputed ownership, insolvency, animal welfare or lawful disposal.

PIRSA should identify the applicable statutory and civil pathways and provide practical guidance. A landholder should not be left indefinitely responsible for another person's animals because the contract is absent, inadequate or difficult to enforce.

This should include advice on whether, and in what circumstances, the Unclaimed Goods Act 1987 applies to abandoned agisted livestock, including its interaction with animal welfare obligations, ownership disputes, security interests and biosecurity requirements. Its application to particular livestock arrangements should be confirmed rather than assumed.

4. Fencing and livestock containment

4.1 Do not assume the Fences Act provides an adequate remedy

Livestock SA's experience is that the existing fencing framework does not provide sufficient practical legal clarity for repeated livestock straying.

The Fences Act principally addresses dividing fence works, contributions and dispute resolution. Its provisions include court determinations, notice procedures, criteria for assessing an adequate fence for contribution purposes and urgent repair of damaged or destroyed fences. These are relevant remedies, but they should not be equated with a comprehensive livestock containment or stray animal management framework.

The discussion paper should therefore qualify its suggestion that the Fences Act may provide the best remedy for repeated straying and identify the limitations of that pathway.

4.2 Undertake a joint rural fencing review

The Attorney-General is the responsible Minister for the Fences Act. Livestock SA recommends that PIRSA initiate a joint review with the Attorney-General's Department, involving relevant agencies, councils, pastoral interests and producer representatives.

The review should address:

Containment responsibility: Clarify the respective responsibilities of livestock owners, occupiers, lessees and agistees, and distinguish containment obligations from disputes about fence ownership or cost sharing.

Adequate rural fencing: Review how adequacy is assessed where adjoining properties have different livestock, production systems or land uses. Sections 12(6)–(8) govern contribution disputes and the meaning of an adequate fence for those purposes. In particular, section 12(8)(aa) applies a lower cost adequacy test where qualifying primary production land adjoins residential or other land. The implications for effective livestock containment warrant examination. These contribution criteria should not be treated as a general livestock containment standard.

Urgent remedies: Clarify the application of existing urgent repair provisions and whether additional interim remedies are needed for chronically inadequate fences or repeated escapes. Section 16 concerns a dividing fence that has been damaged or destroyed and urgently requires repair or restoration; it should not be assumed to resolve every case involving an inadequate existing fence.

Accessible resolution: Consider expedited processes, mediation, simplified evidence requirements and enforceable repair timeframes.

Public land boundaries: Clarify responsibilities where adjoining land is managed by the Crown, councils or other public authorities, taking account of the Act's application and exemptions. Section 20 excludes specified Crown and council land, including relevant parcels exceeding one hectare and public roads or road reserves. The practical consequences of these exclusions should be expressly addressed.

Cost recovery and access: Explain lawful access, notification, reasonable temporary works and recovery of necessary expenditure.

Any fencing guidance should be risk-based and suitable for different production systems.

An affected neighbour should not have to resolve an entire contribution dispute before an immediate and continuing containment risk can be addressed.

4.3 Develop practical guidance alongside legal clarification

Livestock SA is developing draft best practice stock fencing guidance to assist producers with risk-based fence selection, inspection, maintenance and incident response. The document remains an internal consultation draft and is not an endorsed statutory or industry standard. Subject to industry consultation, technical validation and legal review, it could provide a practical input to implementation.

5. Legislative precedence and urgent action

The paper discusses emergency order precedence under section 182. Section 20 also addresses inconsistency with other laws where a provision applies because of, or in relation to, an emergency. The Act's definition of emergency is not confined to circumstances in which an emergency order has already been made. Section 9 includes the occurrence, suspected occurrence or imminent occurrence of a biosecurity emergency.

The final paper should explain these distinctions clearly. It should not imply that all urgent action depends on a formal emergency order.

The explanation should also address:

- the emergency exceptions to ministerial consultation arrangements in sections 209(4) and 245(4);
- the express authorisations recognised under those sections, including biosecurity directions under section 245(5); and
- the approval exclusions in section 297, including its treatment of subsequent development authorisation for non-temporary actions.

Livestock SA recommends a practical explanation of:

- routine preventative and compliance activity;
- urgent action before an emergency order;
- control orders and biosecurity directions;
- emergency orders;
- escalation under the Emergency Management Act; and
- the legal position when an emergency order expires but recovery work continues.

PIRSA should also compare the existing Livestock Act arrangements with the replacement framework and explain any material change in the ability to address disease, contamination or relevant wildlife risks outside an emergency.

This comparison should expressly address the existing sections 7A, 40 and 42, including the relationship between legislative precedence, urgent action and consultation concerning native or feral animals.

Livestock SA is not seeking blanket displacement of environmental or heritage safeguards. We seek timely, legally effective pathways that prevent conflicting obligations from obstructing necessary action.

6. Interagency arrangements must be operational, not aspirational

The paper anticipates memoranda of understanding or administrative arrangements and relies in places on agencies making efforts to liaise and resolve issues collaboratively.

The final package should distinguish ministerial arrangements required by statute, including under sections 209 and 245, from broader operational agreements. Their legal status, scope and relationship to statutory emergency exceptions should be explained.

Such arrangements are important, but they cannot substitute for statutory authority or resolve a legislative gap by themselves.

Before relevant provisions commence, interagency arrangements should specify:

- the lead agency for each incident type;
- decision-making authority and delegations;
- consultation triggers and response timeframes;
- after hours contacts and operational coverage;
- urgent escalation and dispute-resolution procedures;
- arrangements for joint inspections and information sharing;
- responsibility for costs and implementation;
- a coordinated communication process for affected producers; and
- review, testing and accountability requirements.

Producer facing elements should be published. Where full agreements contain sensitive operational information, a practical public summary should still be available.

PIRSA should provide a single entry point for cross-agency biosecurity matters. Producers should not be required to negotiate between departments to establish which agency will act.

These arrangements should complement existing national response structures, including the Emergency Animal Disease Response Agreement (EADRA) and AUSVETPLAN, rather than create a competing governance framework.

Livestock SA can assist with education, preparedness, communication and industry feedback. Government must retain clear regulatory accountability and adequate delivery capacity.

7. Biodiversity, native vegetation and heritage

The paper anticipates changes associated with commencement of the Biodiversity Act and explains consultation requirements affecting protected plants, animals and places.

The consultation package should clearly distinguish current obligations from the future framework. Schedule 5, Part 3 of the Biodiversity Act provides for consequential amendments to the Biosecurity Act, including sections 171, 182, 195, 209 and 245. The final guidance must reflect the provisions in operation at each stage.

Livestock SA supports appropriate safeguards. However, producers need clear pathways for necessary fencing and other infrastructure, access, pest control, disease management and disposal activities.

We recommend:

- clear approval triggers and practical low-risk pathways;
- pre-agreed permits, exemptions or other lawful authorisations where appropriate;
- published service standards and urgent escalation;
- guidance distinguishing routine works from emergency response;
- coordinated advice where several approvals apply;
- early engagement with relevant Aboriginal representatives and rights holders; and
- clear procedures when previously unidentified heritage is encountered, including applicable reporting and cessation requirements.

Heritage guidance should expressly address the circumstances in which section 20A of the Aboriginal Heritage Act 1988 applies to work undertaken under an authorisation.

The final framework should explain how biosecurity and biodiversity duties interact, including how reasonable action is assessed where duties appear to conflict.

Where lawful action is directed by government, the direction should identify its scope, relevant authorisations and any remaining approval requirements. Producers should not have to infer that compliance with one direction resolves every other obligation.

Practical agricultural and pastoral expertise should inform the development of protocols, guidance and approval pathways.

8. Landscape management, wild dogs and public land

Declared weeds and vertebrate pests will continue to be managed through landscape legislation, while Dog Fence provisions are incorporated into the Biosecurity Act. The paper acknowledges this overlap but does not fully explain the operational boundary.

PIRSA should publish a responsibility matrix covering prevention, surveillance, incursions, routine control, emergency action and cross-boundary coordination.

This should address:

- wild dogs and Dog Fence management;
- other pest animals and weeds affecting livestock production;
- disease risks associated with wildlife and unmanaged animals;
- responsibility on public land and conservation reserves;
- coordinated action across property and regional boundaries; and
- escalation when a responsible land manager does not act.

The framework should also explain how owned livestock, escaped livestock and unmanaged or feral populations are distinguished, particularly where ownership or management status is contested.

For wild dogs, the arrangements should provide practical control pathways, timely authorisations, coordinated monitoring and clarity about interstate and Commonwealth interactions.

Legislative transition should not undermine effective livestock protection or leave neighbouring producers carrying additional predation risks and costs. Where conservation or land management decisions may constrain existing controls, protective measures should be designed, funded and operational before those changes take effect.

Relevant planning should include affected landholders, Traditional Owners, conservation agencies, landscape boards, the Dog Fence Board and industry representatives. Landscape scale protection should not be left to a fragmented series of privately funded responses by individual producers.

9. Animal welfare, public health and worker safety

The paper addresses zoonotic disease interactions but gives insufficient practical attention to overlapping animal welfare and operational responsibilities.

Joint protocols should address:

- livestock stranded during movement restrictions;
- access to feed, water and veterinary care;
- humane destruction and competent personnel;

- welfare responsibilities for seized or temporarily held animals;
- safe handling, chemical use and decontamination;
- worker protection during zoonotic disease incidents; and
- coordinated reporting to PIRSA, health authorities and welfare agencies.

Emergency movement exemptions and welfare arrangements should be prepared in advance and aligned with national response arrangements where applicable.

Protocols should identify the animal welfare legislation and instruments in operation at the relevant time, rather than assume that enactment of the Animal Welfare Act 2025 means all replacement provisions have commenced.

Operational standards should be evidence based, nationally consistent where appropriate and integrated with existing livestock assurance and emergency response arrangements.

10. Disposal, environmental protection and recovery

The paper identifies mass livestock disposal during a disease outbreak as an example of possible interaction with environmental legislation. Legal authority to act is only one component of preparedness.

PIRSA and relevant agencies should agree in advance on:
- disposal site assessment and available methods;
- transport, access and operational approvals;
- groundwater, surface water and contamination safeguards;
- contractor capacity and equipment;
- ownership and responsibility for waste and contaminated material;
- funding and procurement;
- post-response monitoring and remediation; and
- release of affected land back to productive use.

These arrangements should expressly explain the operation and limits of section 297, including any subsequent development authorisation required for non-temporary works. Approval exclusions should not be confused with an absence of ongoing environmental, recovery or land-management responsibilities.

Affected landholders should receive written information about responsibilities, costs, compensation pathways and any continuing land use restrictions.

Emergency response plans should also explain the transition from urgent powers to longer-term recovery arrangements.

11. Civil liability, compensation and cost allocation

11.1 Explain the limits of statutory compliance

Section 21 provides that contravention of the Act does not itself confer a civil right of action and that compliance does not necessarily establish satisfaction of separate civil obligations.

This is particularly important for producers holding stray animals, undertaking directed works or hosting emergency response activities.

PIRSA should explain:

- the relationship between statutory duties and existing civil remedies;
- protections available to people acting lawfully and reasonably;
- potential liability for government directed activities;
- responsibility for damage caused by response personnel or contractors; and
- circumstances requiring additional insurance or legal advice.

The explanation should distinguish the specific statutory protections available from any broader assumption of immunity. It should identify who is protected, the conditions applying and any residual exposure.

Any proposed protection should preserve appropriate accountability for negligent or unlawful conduct.

11.2 Make compensation arrangements understandable

The Act contains reimbursement and compensation provisions. Their existence should not be presented as a guarantee that every loss will be covered.

The guidance should distinguish reimbursement under sections 214–221 from the compensation application pathway under section 222. Section 214(2) excludes production, profit and other consequential losses from that reimbursement pathway. Section 222 concerns direct loss or damage resulting from a Part 11 order or direction, but does not require the Minister to pay compensation. Before commencement, PIRSA should publish practical guidance on eligibility, exclusions, valuation, evidence, claim deadlines, decision timeframes, payment, review and interaction with national cost sharing arrangements.

It should distinguish destroyed livestock or property from business interruption, consequential loss, disposal costs and remediation.

Livestock SA maintains its concern, expressed in its 2023 submission, about production and profit losses arising from mandatory public good biosecurity controls. Acknowledging the limits of the enacted reimbursement provisions does not resolve that policy concern. PIRSA should identify uncovered losses and consult industry on supplementary assistance or other appropriate arrangements.

PIRSA should also explain how eligible EADRA compensation is activated and administered, how valuation disputes are resolved, and how any state assistance interacts with national cost sharing arrangements. Guidance must not imply that EADRA automatically covers every business interruption or consequential loss.

11.3 Prevent cost shifting

Government should identify the resources needed to deliver the proposed arrangements.

Shared responsibility should not mean default transfer of public regulatory functions, interagency coordination costs or unresolved custody responsibilities to producers or industry funds.

New charges or industry funding proposals should be transparent, justified and separately consulted on.

Consistent with our 2025 Biosecurity Strategy submission, funding arrangements should include:

- a strong baseline of public funding for public-good functions;
- recognition of existing producer investment and avoidance of duplicate charges;
- fair allocation of incremental costs among relevant risk creators and beneficiaries;
- a cost-recovery impact assessment before new levies or charges;
- clear governance, performance measures and review arrangements; and
- transparent, audited reporting of biosecurity revenue and expenditure.

12. Other regulatory interfaces and safeguards

The final package should address additional interfaces where they materially affect implementation:

- **Commonwealth and interstate requirements:** Explain relevant environmental, biosecurity, movement and market access interactions. Do not imply that state authorisation resolves all Commonwealth requirements.
- **Pastoral and Crown land:** Clarify approvals, access and responsibilities for fencing, pest control and response infrastructure.
- **Agricultural and veterinary chemicals:** Explain how directed treatments interact with permits, lawful use, withholding periods and residue requirements.
- **Local government and roads:** Settle operational responsibilities for road incidents, temporary holding, local facilities and follow-up.
- **Existing assurance systems:** Recognise equivalent evidence and avoid duplicate inspections, audits, registrations or reporting. Any additional requirement should address a demonstrated gap rather than duplicate an existing national or industry system.
- **Information governance:** Specify lawful access, permitted uses, confidentiality and correction processes for ownership, traceability and disease information.
- **Procedural fairness:** Provide reasons, clear directions, accessible review rights and timely correction of errors, while preserving necessary urgent action.

For each material interface, guidance should distinguish routine agricultural activities, preventative biosecurity works and emergency response actions. These may involve different approval triggers and should not be treated as a single category.

These matters should be addressed proportionately, with detailed protocols where needed rather than an unnecessarily broad expansion of the paper.

13. Implementation and review

The final consultation material should make its legal and implementation status unambiguous.

Livestock SA recommends a published implementation plan identifying responsible agencies, milestones, funding and outstanding decisions.

Before relevant provisions commence, government should demonstrate readiness through scenarios including:

- repeated livestock straying without confirmed disease;
- unidentified animals on a road requiring ongoing custody;
- abandoned agisted livestock;
- urgent disease control affecting protected vegetation or heritage;
- wild dog incursions across public and private land;
- livestock stranded during a standstill; and

- mass disposal followed by environmental remediation.

The plan should include officer training, producer guidance, regional and after hours capability, continuity of existing authorisations and records, and accessible non-digital support.

Scenario testing should involve producers with practical agricultural and pastoral experience, relevant agencies and operational personnel. Results should identify unresolved legal, funding and delivery gaps and assign responsibility and timeframes for resolving them.

The draft fencing guidance could assist this testing by identifying practical questions about fence performance, maintenance, incident response and overlapping approvals. Its use should remain consultative and should not imply endorsement of particular construction specifications as mandatory requirements.

Where a gap cannot be resolved administratively, government should identify the necessary legislative amendment and provide a lawful transitional solution.

An initial implementation review should occur within 12 months of commencement, with industry participation and public reporting on unresolved gaps, response times, producer costs and corrective action.

Thank you again for the opportunity to comment on the various discussion papers. We look forward to continued engagement to ensure the final framework preserves important livestock industry protections, resolves regulatory gaps and provides practical certainty for producers.

Yours sincerely

Travis Tobin
Chief Executive Officer