



Environmental  
Defender's  
Office

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David Driscoll  
Senior Committee Clerk  
Standing Committee on Legislation  
Legislative Council  
Parliament House  
PERTH WA 6000

Dear Mr Driscoll

**Biosecurity and Agriculture Management Bill (BAM) 2006**

This letter is a brief submission by the Environmental Defender's Office (EDO) on the proposed Biosecurity and Agriculture Management Bill 2006.

**General comments:**

The EDO agrees that this Bill is necessary for the future of Western Australian biosecurity and agriculture. The implementation of this Bill will replace many others in the agriculture portfolio; this can only make it easier for the community and industry to follow and for the government bodies to implement. Properly resourced enforcement of the eventual Act will help to protect Western Australia's land from further degradation by ensuring safe agricultural practices and the reduction in invasive species.

**Structure and content:**

The Bill is written simply and is relatively easy to follow.

We found it very useful to have Director General reviews of notices, remedial action and State Administrative Tribunal (SAT) reviews emphasised in the section titles throughout the Bill. It is likely that other stakeholders will also find these emphases useful, especially stakeholders for whom those decisions might have significant financial consequences.

**Prohibited organisms:**

We applaud the fact that an organism can be declared prohibited solely on the basis of its environmental impact, although we trust that the DEC be given parallel powers to declare environmental weeds and pests under the proposed Biodiversity Conservation Act.

**Biosecurity Council:**

The development of a Biosecurity Council for the Minister to consult on specific issues will likely make the eventual BAM Act more effective and relevant. For this to be achieved we strongly agree that the Biosecurity Council include representatives from community and producer associations.

**New accounts:**

The EDO also agrees with the making of fund accounts such as the “Declared Pest Account” in clause 137 and the “Modified Penalties Revenue Account” in clause 148 of the BAM Bill. By distributing the funds from penalties into these accounts it ensures there are adequate public awareness initiatives and enough funding to eradicate and prevent prohibited organisms.

**Local laws:**

Clause 193 should be amended to allow local governments to make local laws relating to pest plants where those plants are environmental weeds and not simply “likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district”.

**Penalty levels:**

The penalties imposed in this legislation are more realistic with new environmental trends. Protecting our state’s natural environment is an area of great concern and these new penalties for non-compliance attempt to reflect that concern.

**Additional recommendations:**

1. The EDO strongly submits that the BAM Bill introduce strict liability for contamination caused by GM crops.
2. The EDO strongly submits that the BAM Bill include provisions that expressly require labelling of all nursery plants that are capable of being declared prohibited organisms under clause 11 of the Bill, but where the risk of garden escape is considered low provided the relevant plants can be carefully managed using simple and cheap procedures. Such labelling would make clear what those simple and cheap procedures are. We trust that where the risk of garden escape is not considered low the relevant organisms will simply be declared prohibited!

Yours sincerely



CAMERON POUSTIE  
Principal Solicitor