



## Frequently asked questions

Through the *Biosecurity and Agriculture Management Act 2007* groups that control declared pests can receive formal recognition as a Recognised Biosecurity Group (RBG).

### What is a Recognised Biosecurity Group?

A Recognised Biosecurity Group (RBG) is a mechanism under the *Biosecurity and Agriculture Management Act 2007* (BAM Act) to enable landholders and managers to develop a coordinated approach for declared pest control in their area. It supports what they are required to do as individual land managers.

A RBG provides the basis for shared responsibility and funding in controlling declared pests. It enables communities and industry to partner with others, including state government agencies. RBGs are the Department of Primary Industries and Regional Development (DPIRD) preferred partnership arrangement for widespread and established declared pest management.

RBGs provide a framework to foster efficiency through partnership arrangements to make the best use of skills, funds, capacities, incentives and regulations to control declared pests.

Ultimately, a well formed and functioning recognised biosecurity group will have taken the following steps to self-reliance;

1. They will assume responsibility
2. They will be well informed
3. They will know where they are going
4. They will be making their own decisions

### How is a RBG formed?

A biosecurity group that is formed in an area for the purpose of declared pest control may be recognised under s169 of the BAM Act by the Minister for Agriculture and Food. The Act does not formally detail a process for recognition, however for a prospective RBG to be recognised it must:

- undertake activities consistent with the Act
- operate at a scale to effectively control declared pests across landscapes
- has the capacity to manage any public funds it receives
- has legitimate authority within its community to decide how to use these funds.

DPIRD has prepared a guidance statement to support groups intending to become recognised.

A prospective RBG submits an Expression of Interest to the Minister addressing the above points including the group's consent to be formally recognised. DPIRD's Director General (or delegate) will advise the Minister about prospective RBGs.

A RBG is required to have appropriate governance structures in place and DPIRD encourages them to become an incorporated association and conduct its affairs according to a Constitution. DPIRD has developed a RBG Toolkit to assist RBGs to set up good governance structures and practices.

### **How are boundaries set for a RBG?**

For established declared weeds and declared pest animals, DPIRD prefers that a RBG represents a large area and be amenable to managing a range of identified priority pests. Group priorities are best determined through engagement and consultation with landholders.

RBGs that cross multiple shire boundaries are recommended. The purpose for recommending larger areas and diverse declared species control interests is to avoid a large number of smaller, single purpose groups forming which could cause long-term partnership arrangements to become less effective. A RBG can be composed of several smaller groups. While this is DPIRD's preference, it is the role of the group to determine its extent, priorities and composition.

Consideration of a smaller-scale RBG for more intensive agricultural areas may be considered. It is best to ensure the scale of the RBG represents 'communities of common interest'. There needs to be a sense of community cooperation in the intended response to declared pests.

Boundaries of a RBG are determined through discussions between the biosecurity group seeking recognition from the Minister under section 169 of the BAM Act and DPIRD. Following the receipt of the Expression of Interest consenting to recognition from the group, the Minister will, on the advice of DPIRD, describe the boundary of the RBG (based on shire boundaries) in the signed document which is the instrument recognising the group. If there was good reason to do so, the Minister may alter the boundaries of the RBG. This alteration would only occur following consultation and discussion with the group seeking recognition and will take into account factors such as operational efficiency and scale required for effective pest management programs.

### **Can a pest be declared for specific areas within a RBG?**

It could occur but would generally not be supported. Declaration of a species is considered for all requirements at a state level.

### **What powers will RBGs have?**

Landholders are responsible for controlling declared pests on their land. RBGs add value to the role of landholders, but do not replace their role or responsibility.

RBGs will have no direct statutory powers. Through partnership arrangements with DPIRD, they can assist with implementing provisions of the BAM Act.

RBGs will be required to comply with all relevant legislation e.g. financial and occupational, health and safety.

### What will RBGs be responsible for?

RBGs can have as many responsibilities as they decide, and these must be detailed in their constitutions or governance structures and arrangements.

Funding under the BAM Act, through the Declared Pest Account (DPA - see below), will be provided for declared pest control in the prescribed area as outlined in the group's Declared Pest Action Plan.

BAM Act funded responsibilities may include:

- surveillance and reporting on new and emerging declared pests, and assisting with compliance if necessary;
- carrying out operations or engaging contractors to manage declared pests;
- promoting best practice pest management to landholders in their area, and developing and working with networks that encourage community involvement in biosecurity;
- preparing annual work programs, including operational and budget planning;
- conducting preliminary consultation prior to the imposition of rates to fund declared pest control; and
- the management of associations affairs including paid support such as executive officers.

## Funding

### How is a RBG funded?

To access funding under the BAM Act, RBGs need to provide the Director General with a Declared Pest Action Plan. The plan informs the determination of the Declared Pest Rate (DPR) which the Director General requests the Minister to impose.

DPRs are matched dollar-for-dollar by the state government. This funding can only be used for declared pest control under an approved Declared Pest Action Plan.

It is quite likely that RBGs will receive funds from multiple sources. The Minister and DPIRD however need to know what works are intended to be funded from funds collected through rates. Therefore the term Declared Pest Action Plan is used to describe a plan that only details those works funded from rates and matching funds.

The key thing is that the plan is developed based on the needs of landholders and there has been consultation to identify their needs.

Section 130 of the BAM Act gives the Minister the responsibility and authority to impose a DPR. The rate is collected by the Office of State Revenue, then matched by the state government and deposited in the Declared Pest Account.

Under s170, the Minister can authorise the DPIRD Director General to disburse funds to a group from the DPA.

Funds provided under s170 must be used in accordance with s138 (a), which is to carry out measures to control declared pests on and in relation to areas for which the rates were collected. All other RBG activities must be funded separately.

Funds retained in the DPA remain allocated to the RBG for which they were collected or matched. Each RBG has an allocated account within the DPA. Funds earn interest which is calculated quarterly. Interest earnings are deposited in the following month (i.e. October, January, April and July). Financial statements are provided to RBGs quarterly.

Rates are matched equally based on what is expected to be received by the state government and is available from July.

To have the rate raised and to access these funds annually, an RBG is required to reach an agreement with DPIRD on:

- a strategic plan outlining priorities for controlling declared pests in areas where rates are collected;
- an annual budget and Declared Pest Action Plan detailing control measures to be undertaken in areas where rates are collected;
- disbursement of funds from the DPA in accordance with agreed milestones and availability of funds, as well as the RBGs agreement under s170 of the Act; and
- reporting on performance and financial expenditure as detailed in correspondence annually from the Director General.

RBGs are free to seek and obtain funds or other resources from any source. RBGs can opt to rely on rates only, sponsorship and grants only or a combination of rates and sponsorship and grants to fund their operations.

### **What is the basis for rating?**

The DPR can be applied on the basis of the Unimproved Value of properties or via a flat rate. The rate is set at a level that is informed by each RBG's approved Declared Pest Action Plan.

The Minister, in accordance with the *Biosecurity and Agriculture Management (Declared Pest Account) Regulations 2014*, must consult annually with the affected landholders on the proposed rate before gazetting the rates annually. RBGs are encouraged to have broad community support for the determination of a rate, it's important that landholders recognise the value in paying a DPR.

DPIRD can provide support for the modelling of rates and advice on consultation processes to inform and engage landholders.

Rate assessments are issued and collected by the Office of State Revenue in September each year.

### **Can local government funds be used instead of a rate?**

A local government may contribute funds to an RBG; but these funds will not be matched by the state government. Only a DPR is eligible for matching funding under the BAM Act.

The intent is for government to provide public funding to match private funding. Local government funding may be considered as public funding and so would not be eligible for matching public funding.

The BAM Act would need to be changed for other arrangements to be eligible.

## Governance and administration

### What are RBG governance requirements?

RBGs will be required to have appropriate arrangements in place, the governance structures and policies as expected of any Incorporated Association receiving public funding. These include:

- recognised status as a non-profit organisation;
- obtaining or be in the process of procuring public liability insurance (minimum level \$10 million cover);
- being registered for GST, or have approval from Australian Taxation Office for GST exemption;
- having an Australian Business Number (ABN);
- compliance with any administrative and corporate governance standards set by the DPIRD Director General;
- meet with DPIRD annually to discuss the preparation of budgets and delivery of outputs; and
- report to DPIRD on the use of the funds and provide an annual audited financial statement.

### Are RBGs responsible for all declared pests?

Landholders are responsible for controlling all declared pests that may occur on their property.

RBGs will need to prioritise their activities and they can undertake work to control pests declared under the BAM Act that are best addressed at an area or broader landscape scale. Expenditure must be in accordance with the priorities determined in consultation with DPIRD.

Declared pests impacting on the viability of agriculture at an industry scale are dealt with through Industry Funding Schemes under the BAM Act.

### What planning is required?

It is recommended that a RBG prepare a five-year strategic plan early in its existence. This shows landholders within the area and potential partner organisations the RBG's purpose and what it intends to do.

A strategic plan also makes preparation of annual Operational Plans relatively easy. DPIRD is able to assist in the development of strategic and operational plans where required.

The Declared Pest Action Plan informs the determination of a DPR and is approved by the Director General of DPIRD; it informs what funding will be provided from the DPA. Groups

may have an operational plan that provides details on declared and non-declared pests that are considered priority for control in their area, and financial information on funding sources and expenditure from various sources. While they are separate documents, information from the Declared Pest Action Plan can be used as the basis for the Operational Plan or vice versa.

### **What administration and reporting is required?**

A normal level of administration and reporting is required as for any organisation that receives public funds. With good planning, this should not be onerous. When the Director General transfers funds from the DPA to the group, the group will receive written notice as to what the funds can be used for and what reporting is required.

### **Will DPIRD provide administrative support?**

DPIRD is able to assist with initial development of administrative and reporting structures. RBGs must plan for their ongoing administrative functions. Funds from the DPA can be used for administrative support. Again, this will need to be included in the group's planning processes.

Options for administrative and operational functions should be planned, costed and included in the annual budget.

### **Who does a RBG report to?**

It is important for a RBG to keep landholders interested and engaged, as well for demonstrating value for money. So RBGs will need to establish regular communications with their stakeholders to highlight activities and achievements.

RBGs that receive public funding are required to report to the DPIRD Director General on performance and financial expenditure. These reports are required to be published on DPIRD's website.

## **Local government**

### **What is the role of local government in RBGs?**

Local government is not obliged to play any role in a RBG.

DPIRD encourages involvement by Local Government Authorities (LGAs), according to local community interest and their capacity to support RBGs. And as land managers, LGAs have responsibilities under the BAM Act to control declared pests on their property. So being involved in a coordinated control program has many benefits for everyone.

It is envisaged that most RBGs will be at a scale of multiple LGAs. For example, in the eastern Wheatbelt, a biosecurity group has been recognised by the Minister that is based on eleven LGAs.

## DPIRD's role and involvement

### What will DPIRD's role be?

A RBG can be formed through consultation with DPIRD, or independent of DPIRD if no public funding is required. However, if any group seeks recognition from the Minister, DPIRD's advice will be sought.

DPIRD will be involved if there is a DPR determined in the RBG's area. DPIRD must approve the Declared Pest Action Plan and budgets. Also, DPIRD manages the DPA. RBGs need to report to the Director General of DPIRD on performance and expenditure of public funds.

Besides the statutory role of DPIRD (that is, in administration and accounting for public funding expenditure), the roles for DPIRD are best delivered in well defined partnership arrangements with RBGs. DPIRD will assist a RBG to become established. After a RBG is established, the partnership arrangements between the RBG and DPIRD should be agreed to under a Memorandum of Understanding (MOU).

It is anticipated that RBGs may establish similar partnership arrangements with other organisations.

DPIRD will undertake roles within partnership arrangements that are appropriate to a government agency. The role of DPIRD will not replace the responsibilities of landholders to control declared pests on their land, but instead will add to their capacity to do so through RBGs.

Priorities for DPIRD are in preventing new incursions of priority pest animals and weeds and in ensuring eradication where new incursions do occur. This is the most significant role for government and is the most cost-effective use of public resources.

The non-statutory roles that DPIRD can contribute to RBGs through partnership arrangements include:

- providing initial information about declared pests (occurrence, distribution, impacts, ecology etc.);
- advice on administration, coordination and good governance;
- assistance with strategic and operational planning, and with budgeting;
- advice on 'best practice' control, including updates of new information;
- advice on statutory obligations of RBGs, including compliance with animal welfare, occupational health and safety or other associated standards;
- training to build community or industry capacity to control declared pests;
- assistance to address gaps in current knowledge about control of declared pests; and
- assessment of impacts and of the return to investment in control of declared pests.

DPIRD may also perform compliance services under the BAM Act within its resources. For established declared pests, regulation is considered a 'last-resort' and would only be applied when property owners fail to control declared pests at a level that meets community expectations and where DPIRD considers it to be feasible and a reasonable action to take.

Regulation and compliance enforcement alone are not effective control mechanisms for widespread and established pests unless undertaken with a range of other management mechanisms delivered through a community coordinated approach.

## Will Declared Species Groups continue to be supported?

Declared Species Groups (DSGs) were originally established as an interim measure to deal with single declared pest species until RBGs could be established. Funding through DPIRD for DSGs is limited and is not guaranteed. The funding for DSGs through DPIRD is to cease by 30 June 2016 and DSGs have been advised of this.

DSGs can continue to exist in any form. They are not formed under statute and have no obligations to state government unless they receive public funds. While DPIRD is keen to support effective groups, as some DSGs are, it needs to ensure that a coordinated community approach to control declared pests is arranged on a more secure basis. RBGs are the mechanism to achieve this. If a DSG decides to seek recognition by the Minister, DPIRD will assist in this transition.

DPIRD is currently working with some existing DSGs to seek recognition as biosecurity groups.

## How does a RBG differ to an Industry Funding Scheme?

An Industry Funding Scheme (IFS) is also a mechanism under the BAM Act for the control of declared pests. An IFS enables producers to raise their own funds for managing pests and diseases directly threatening the profitability and the competitiveness of enterprises in their industry.

An IFS is applied where industry is best able to control the declared pest and where in doing so, it substantially provides private benefit. It is funded completely by the industry with no funds from government. DPIRD may provide services to industry for delivery of control programs on a fee-for-service basis.

There are currently three IFSs in Western Australia:

- grains, seeds and hay
- sheep and goats
- cattle

The Grains, Seeds and Hay IFS is currently focused on the control of skeleton weed and three-horned bedstraw. Both species are eradication targets for most of Western Australia.

An RBG differs in that it is intended to deliver both public and private benefits. On this basis, it can receive both public and private funding. RBGs are generally more focused on control of widespread and established species.

## Further information

For further information on biosecurity groups, please refer to the DPIRD website [agric.wa.gov.au/rbg](http://agric.wa.gov.au/rbg)

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