



Strengthening Victoria's Biosecurity Legislation

Submission by The Alliance for Responsible Mining Regulation (ARMRVic Inc.)

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This submission reflects the objectives and priority actions in the Victorian Biosecurity Strategy and discusses reasons for the introduction of strong legislation which goes beyond the reforms proposed. Its focus is on the merits of introducing a **general biosecurity duty for animals and plants (excluding invasive species)** and other issues discussed in **Victoria's Biosecurity (Draft) Strategy** (the Draft Strategy) which are not contained in the final Strategy.

The Problem: The Draft Strategy confirmed that: **"Biosecurity risks are intensifying, putting significant pressure on the system"**.

Increasing trade and travel

As an island continent, Australia has largely been insulated from the diseases common to other nations. However, that insularity has been significantly weakened due to expanded global travel and trade. Consequently, Biosecurity Australia is barely keeping up with the pressure to maintain stringent biosecurity regulation and oversight to protect Australia from new invasions.

Increasing biosecurity breaches are of great concern. Evermore dangerous viruses, pathogens, and invasive species have deadly consequences for our biodiversity, livestock and human health and ultimately our economy. As we have already experienced, these threats are growing, e.g. the Equine Influenza outbreak in 2007 which shut down the horse industry for months, swine and bird influenza which continues to decimate the pork and chicken industries (and also the dairy industry in the USA) and threaten our native birdlife; and, of course, the coronavirus pandemic, which shut down the whole country for close to two years. The potential for these viruses to jump from animals to humans is very real as we saw with Covid 19. The Draft Strategy listed several other threats. These events have widespread socioeconomic consequences, which, as the pandemic demonstrates, can be long-lasting and difficult to remedy.

Changing land Use

The threats from Changing land use are not confined to "peri-urban areas and consolidation and corporatisation of the agricultural sector" but are having huge impacts on Victoria's rural/regional generations-long agricultural land use and development.

Current mineral projects and selected occurrences – Map

According to this map released in 2024, there is not one area in rural/regional Victoria that is not affected by new mine projects, nearly all dubbed critical minerals. Should these all be approved, agriculture will effectively be destroyed at irreversible cost to regional, state and National revenue.

Adverse Mining Impacts

In accordance with its Critical Minerals Strategy, the Victorian government has given free rein to mining companies, including the recently-approved mineral sands mines at VHM's Goschen

and WIM Resource's Avonbank in the Wimmera-Mallee. Both mines are sited in the middle of Victoria's fertile cereal/legume cropping area. The introduction of these and other polluting mineral sands mines is a looming threat to Victoria's long-standing, highly-productive agricultural sector and Victoria's biosecurity.

The resurrection of Kalbar Mineral Sands project, rebadged Gippsland Critical Minerals (GCM) to assume its alignment with the Commonwealth Critical Minerals Strategy, is yet another serious threat to the future of East Gippsland's Glenaladale/Lindenow horticulture industry. Although Minister Jaclyn Symes exempted 4000ha of horticultural land from mining and the former Minister for Planning, Richard Wynne, agreed with the EES IAC that the environmental effects are "unacceptable", ERR has sought fit to re-issue an Exploration Licence. GCM's mine is only 300m above the vegetable farms and the Mitchell River. Mine waste will destroy the unique Providence Ponds, for which the Victorian government has funded at least \$1.6million in Landcare grants. Both waterways flow to the Ramsar Gippsland Lakes.

In each case mine outputs – in particular rare earths concentrates - are intended for processing and end use in China which is contrary to international efforts and the Commonwealth's *Made in Australia* policy to reduce China's dominance of rare earths.¹ In effect, Victoria's sustainable agricultural industries, and ultimately its citizens' interest, are being sacrificed for a foreign totalitarian power while being subjected to a suite of radioactive contaminants including heavy metals, uranium and thorium and respirable crystalline silica (RCS and other pollution that the Chinese are no longer willing to bear. The profits flow to China; Australia bears the environmental pollution, which, of course, affects biosecurity.

There is considerable growing evidence that few, if any, of these mines are ever likely to make any money, let alone taxable profit.² Given the Victorian Labor government's strong endorsement of the significant contribution agriculture makes to the economy, this commitment to mining is, quite frankly, insane.

Agriculture

There could not be any industry more critical to the global economy than food production. The value of agriculture to Victoria is well-recognised by the Government as numerous media releases from former Treasurer, Tim Pallas, attest. To risk Australia's international reputation as a producer of "clean, green" food and fibre is reckless in the extreme, especially at this time of capricious global political and economic disruption.

The destructive environmental effects from mining on our fertile soils, surface and groundwater from Chemicals of Concern and the radioactive silica dust which will blow across the state, including to Melbourne and beyond, will now be compounded by increased biosecurity risks. This should be a matter of grave concern to the Government.

Promote compliance

"Priority Action 19: Improve legislation to support the management of biosecurity across the system, clarify roles and responsibilities, and improve regulation and compliance."

"Effective regulation requires a range of programs and activities, engaging with regulator parties to adopt better biosecurity practices. Along with maintaining and strengthening the current regulatory approach, a revised suite of enforcement tools

¹ China has banned domestic mining of monazite mining because of issues with the disposal of thorium. Instead it seeks to import from countries willing to mine and process monazite and deal with thorium disposal. Export processing of rare earths is illegal in China. (The Rare Earths Observer 27 December 2024 - <https://treo.substack.com/p/pseudo-rare-earth-projects-victorias>)

² See, for example, Appendix 1, AFR article 20 Feb 2025.

would improve options to respond. Balanced against this, flexibility in the compliance framework would enable regulators to create incentives for good biosecurity practices. For example, a basic, underlying obligation, formalised in legislation, could outline how all Victorians are expected to reduce biosecurity risk...”

The Draft Strategy’s response to regulation and compliance was:

“Deliver legislative reform and strengthen regulatory programs to support greater participation, enable collaboration and promote compliance.”

This aim is supported by: **“Strategic Goal #2: Improve the use of incentives and disincentives to encourage compliance with good practice.”**

General Biosecurity Duty (GBD)

Rather than introducing mandatory regulation, Agriculture Victoria proposes to introduce “a proposed General Biosecurity Duty (GBD), similar to EPA’S GED, under the Livestock Disease Control Act 1994 (LDCA) and the Plant Biosecurity Act 2010” to align with biosecurity legislation in New South Wales, South Australia, Queensland and Tasmania, [which]all have a GBD. This “legislative mechanism [is] designed to influence people’s behaviours and, like work health and safety culture, aims to foster shared responsibility for biosecurity.”

As with the GED, the GBD will rely on self-assessment and self-reporting, which absent a strict “cop on the beat” will inevitably lead to unreported biosecurity breaches and lax “out of sight, out of mind” behaviour . As the Draft Strategy stated: the outcome will be catastrophic.

Case Study - Composting Plant

Western Composting Technology Pty Ltd applied to the EPA for a licence for a composting plant near Bendigo. Food waste including meat would be composted in the open environment within 200 m of the livestock exchange.

The Bendigo and District Environment Council (BDEC), a community organisation, argued that crows, mice, rats, flies, insects etc. were free to move between the composting site where animals, which had died from unknown causes may have been discarded, and local pig and livestock farms.

The EPA said it was not their responsibility to consider biosecurity. The City of Greater Bendigo Council, who owned the livestock exchange, said it was not their responsibility either but the developer’s responsibility. All parties said it was not their responsibility to approach Agriculture Victoria.

In a letter from the Deputy Chief Veterinary Officer, Agriculture Victoria, to the EPA Permissioning Officer, 3 September 2024, said:

“Please note that Agriculture Victoria does not regulate the manufacturing, selling and labelling of composts or fertilisers. Agriculture Victoria is therefore unable to review any works approval application and associated documentation/materials, and the Chief Veterinary Officer’s Branch can only provide general comments and resources in this response regarding animal biosecurity.”³ The development licence was approved on 1 November 2024 under 69(1)(a) of the *Environment Protection Act 2017*.

This case proves that despite community efforts to highlight foreseeable biosecurity issues of concern, Agriculture Victoria and the Council claimed no responsibility.

³ <https://engage.vic.gov.au/western-composting-technology-pty-ltd-app029903>

The City-country Divide

Agriculture Victoria's 2023 Roundtable reported a widening city-country divide:

"City people don't understand country issues in general (food comes from a supermarket, not a farm) let alone biosecurity. **This is evidenced by urban based contractors for powerline companies, water authorities etc that go straight past biosecurity signs without stopping.**"⁴

While acknowledging that such agencies/authorities ignore biosecurity signs, neither Mosaic Lab's report nor the Draft Strategy included the biosecurity threat from mines. In fact, the Draft Strategy was silent on mining and not one mining company is listed in **Appendix B: Stakeholders**. Also absent are Rural/Regional Councils who will be responsible for mining permits and monitoring under Victoria's Planning Provisions - Planning Scheme Amendment VC242.

Mining Biosecurity Threats

These threats will be impossible to prevent, given the large number of employees (many non-local), and the continuous 24/7 year-round B-Double truck movements in and out of the mine sites. Managing biosecurity risks under such a scenario will require constant vigilance by management and all employees, and include daily truck and machinery washdowns—practically impossible when water supply, especially during drought is a problem and impossible for regulators to monitor. In flood events, biosecurity management will be uncontrollable meaning the spread of invasive species across the landscape will be unstoppable.

Instead of tackling this problem, or even mentioning this problem, the Draft Strategy and Agriculture Victoria's other reports place the onus squarely on primary producers to enforce their legal biosecurity obligations, now complicated by a proposed Duty (GBD) to self-assess their risks. Bearing in mind that some of these producers will be exiled from their farms taken over by the mining operations for 36 years!

A GBD will not impose any legal obligations, regulations or Duty on the offending outside companies and authorities, including mining companies, to assume any responsibility for biosecurity measures themselves other than biosecurity being a "collective effort" and "everyone's business" "to prevent and manage harms"!

Consequently, biosecurity will no longer be managed by experienced farmers who have legal obligations to impose strict biosecurity on their properties as part of their certification. Nor it seems will mining companies and their many employees and contractors have any legal obligations to control biosecurity risks other than EPA's **General Environmental Duty** (GED) to "minimise as far as reasonably practicable" environmental risks.

To introduce a GBD for animals and plants which excludes invasive species is concerning given invasive species create the greatest threat to Victoria's biosecurity. Moreover, the Victorian Government dismissed the considerable concerns raised by affected farmers in their Goschen and Avonbank EES submissions in relation to invasive weeds and pests during mining operations and post-closure.⁵ Such action is antithetical to the following statement in the Draft Strategy, p5/56:

"This biosecurity system plays a crucial role in protecting Victoria's \$17.5 billion agriculture sector, but this is just one of the many values at risk. In fact, Victoria's

⁴ Mosaic Lab, Agriculture Victoria, Biosecurity Roundtable, November 2023, p8/87

⁵ See for example, Ministerial Assessments for Avonbank and Goschen mineral sands mines, December 2024.

biosecurity system plays an important role in protecting our economy, natural environment, human health, cultural heritage and much more.”

Primary Producers’ Legal Biosecurity Obligations

The Draft Strategy did not mention the legal obligations of primary producers to manage biosecurity on their farms. These obligations are part of their certification. For example, Meat & Livestock Australia (MLA) require biosecurity training as a prerequisite for Property Identification Code (PIC) registration. The Grains industry has similar requirements. Regarding the Glenaladale horticultural industry, Dr. Robert Premier, B.Sc., M. Env. Science, M. Biotech., PhD (Melbourne University) submitted to the Kalbar EES that:

- “All growers that supply supermarkets and processors must have an “on farm” QA system in place, this can be FreshCare, Global GAP, BR, SQF, in addition growers that supply supermarkets and processors that supply supermarkets in their house brands are also required to have an additional QA system in place (HARPS)
- Aldi, Coles, Costco, Metcash (IGA) and Woolworths have all signed on to the Harmonised Australian Retailer Produce Scheme (HARPS).
- So everyone supplying a supermarket needs a QA system in place plus HARPS
- These QA systems are audited by a third party auditor , HARPS is audited by a third party auditor and the processing industry also audits the grower. So growers must pass three audits to obtain market access to supermarkets and processors.”⁶

Of course, Agriculture Victoria will be fully aware of these QA standards and regulations. Yet, the Draft Strategy did not mention them.

Victoria’s Biosecurity Under Threat

ARMR submits that the Victorian Government’s actions in relation to fast-tracking its Critical Minerals Strategy is the antithesis of its intent to promote biosecurity compliance as outlined in the Draft Strategy. That is, the two Strategies are at cross purposes. The implications for the integrity of Victoria’s biosecurity system are not merely counter-productive but highly dangerous.

The ramifications for Victoria’s rural/regional biosecurity will have serious, potentially irrevocable, adverse effects on rural, State and Federal export economies. As we know from recent experience, real or perceived biosecurity breaches, directly impacts Australia’s international reputation as the producer of “clean, green” food. Of note: China, our largest importer of our food, is highly intolerant of any whiff of contamination. Australia is only barely recovering from sanctions on our barley, wine, lobsters and meat. We cannot afford another blow. Therefore, the fact that Minister for Planning, Sonja Kilkenny, has approved the secondary processing of radioactive HMC barely 250m from the grain and hay handling and loading at the Wimmera Intermodal Freight Terminal, Dooen,⁷ where Specialised Container Transport (SCT) plans a major expansion of its rail to port operations, defies all reason and commonsense.

Agriculture

“Victoria’s agriculture industry and the economy rely on protection by the biosecurity system.

About 11.4 million hectares (50%) of Victoria’s land area is managed by 21,600 agricultural businesses, with a gross value of agricultural production of approximately

⁶ Kalbar EES Submission 482: *Presentation to the IAC on the environmental effects of the proposed Fingerboards Mineral Sands Project* and Submission 496, p7/31

⁷ <https://www.wimmeramalleenews.com.au/freight-hub-on-track-to-expand-at-dooen-2024-06-22>

\$17.5 billion. The agriculture industry creates essential jobs for the state's economy, employing around 74,800 people in agriculture. Victoria is Australia's largest food and fibre exporting state: the state contributes 26% to the country's total food and fibre exports with our commodities reaching over 170 export destinations around the globe.”⁸

The Victorian Government frequently applauds the key contribution that our highly-productive agricultural sector makes to State and national export revenue and rural/regional economic sustainability. However, farmers are increasingly alarmed by the Government's drive to increase the number of new mines at the expense of food and fibre production. This drive is also at odds with its **Biodiversity 2037 policy**, which states:

“There is nothing more important to our existence than a healthy natural environment. Yet despite efforts in recent decades, many native plant and animal species are vulnerable and threatened as Victoria's biodiversity continues its rapid decline. This Plan presents a new direction for Victoria – to stop the decline of our biodiversity and ensure that our natural environment is healthy, valued and actively cared for.”⁹

The Draft Strategy confirmed: **“Exotic and established weeds, pests and diseases pose a significant threat to our unique ecology. They are recognised as a major driver of the decline in ecosystems and wildlife and are responsible for over 80% of mammal extinctions.”¹⁰**

Notwithstanding Biodiversity 2037 and the Parliamentary Inquiry into Ecosystem Decline in Victoria (December 2021) the Draft Strategy contained more empty rhetoric:

“In the face of these pressures, a broad consensus is emerging across industry, community and government stakeholders on the need for greater action. In particular, stakeholders call out the importance of dealing with complacency and variable uptake of good risk mitigation practices;¹¹

Strategic Goals - The vision for the future of Victoria's biosecurity system

“We look toward a future where Victoria's communities are healthy, our farms are prosperous, and our culture and wellbeing are supported by a vibrant and whole natural environment.

A future where everyone in our state understands the threats posed by harmful pests and diseases and acts to protect and enhance their communities and the environment around them.

Where Victoria's food and fibre industries are sending clean and safe produce around the world, setting a standard for safety, productivity and sustainability.

Where all Victorians can align around a vision of what's right for Victoria, and act confidently in support of that vision, informed by evidence and the knowledge of Traditional Owners.

Where we can pass Victoria along, unique and enriched, out of respect for the people who cared for it before us, and for the sake of the people, plants and animals that will live in Victoria in the future.”¹²

⁸ Victoria's Biosecurity Strategy, p16/56 Note: references 29 to 35.

⁹ Biodiversity 2037, Summary p2 <https://www.environment.vic.gov.au/biodiversity/biodiversity-plan>

¹⁰ Victoria's Biosecurity Strategy, p17/56

¹¹ Victoria's Biosecurity Strategy, p6/56

¹² Ibid., p10/56

Given experience, ARMOR finds the Victorian Government's actions via its agencies, EPA and ERR, its Amendment to the MRSDA 1990 and Victoria's Planning Provisions (VC242) and its Critical Minerals Strategy have the perverse intent of undermining these goals, especially the one (highlighted yellow) regarding "**Victoria's food and fibre industries**". Agriculture Victoria did not participate in the recent EES assessments despite its key role "to grow agriculture in Victoria".

ARMOR is, therefore, highly sceptical of the Government's promise to "Support community and industry to lead priority local or industry biosecurity issues."¹³ Plans to prepare for and manage incursions¹⁴ are empty promises if not accompanied by bold, coordinated and collaborative action.

System failure here can have catastrophic results

System failure **will** (not can) have catastrophic results. ARMOR agrees with this statement:

"With biosecurity risks intensifying, putting the system under more pressure and increasing our exposure to the profound and far-reaching effects of system failure, the stakes are too high not to act. It is not fair or sustainable to put the burden of action on just a few – whether farmers, local community groups or single agencies – when all Victorians are enjoying the economic, environmental, health, social amenity and cultural heritage benefits that come from an effective biosecurity system."¹⁵

Conclusion

In the absence of a whole-of-government holistic policy and practice which ensures that its policies, strategies, laws and regulations strongly align with common principles and practice, the Biosecurity Strategy is doomed to fail. The legislation proposed to introduce a GBD that excludes invasive species and to improve "the data quality of livestock Property Identification Codes (PICs)" is more piecemeal legislation that largely places the responsibility for biosecurity management on non-government organisations and individuals.

ARMOR notes **Australian Pork Limited's** comments that "while biosecurity relating to human health was outside the scope of the reform, strong partnerships between agricultural and human health departments were important, with clearly identified legislated roles and responsibilities relating to managing emerging and current zoonotic diseases:

Learnings from the ongoing COVID-19 outbreak have demonstrated that biosecurity is no longer an agricultural and livestock issue but poses a significant threat to the broader community.¹⁶

The fact that government responsibilities are divided between Agriculture Victoria and the Department of Health is a major reason why biosecurity management is so problematic as exemplified by Agriculture Victoria's response to the Bendigo composting proposal. Biosecurity obligations must be enshrined in legislation that applies to all applicable government departments and agencies, including Resources Victoria, the EPA and local governments. There needs to be a federal Commonwealth Biosecurity Regulator with strong powers to act as a mandatory referral agency to oversee and coordinate States' actions and controls.

The Government's Critical Minerals Strategy is ill-conceived and demonstrates the Government's general ignorance of, and wilful blindness, regarding the scientific evidence that

¹³ Ibid., p8/56

¹⁴ Ibid., p13/56

¹⁵ Ibid., p33/56

¹⁶ Engagement Summary—Reforming Victoria's Biosecurity Legislation Discussion paper, p6/15

mining will intensify the biosecurity crisis. This major public policy failure of the Victorian Government to protect the livelihoods, health and safety of its rural/regional citizens and future generations, the integrity of our unique and precious biodiversity and ecological systems is a profound breach of its duty of care and fiduciary responsibility to act in the best interests of its citizens.

A Royal Commission into the adverse effects of mining in Victoria is urgently needed.

Appendix 1

Australia still betting on rare earths



Jennifer Hewett *Columnist*

Feb 19, 2025 – 5.21pm

Hard reckoning for a critical future, Australian Financial Review, News, Page Two, Thursday Feb 20, 2025.

Just before the last election, Iluka Resources chief executive Tom O’Leary persuaded the Morrison government to take a big bet on the future of rare earths processing in Australia. The then prime minister sanctioned a \$1.25 billion loan from Export Finance Australia for the construction of a rare earths refinery in Western Australia.

A new Labor government was even more enthused about the potential for another resources boom in critical minerals processing, including rare earths, as Western countries and customers belatedly recognised the risks of relying on China’s domination of the industry.



*Iluka Resources has \$1.65 billion in government loans to build a rare earths refinery using its stockpile from mineral sands operations. **Trevor Collens***

Prime Minister Anthony Albanese and West Australian Premier Roger Cook promoted Australia’s potential in advanced chemical processing and “value-added” manufacturing,

including batteries and other complex products, rather than just selling its raw resources to China.

But as the next election looms, there's been [a hard reckoning in the difficulties](#) in developing new mines or new processing and manufacturing projects aimed at escaping China's firm grip on the market.

This doesn't mean the strategic imperative to develop alternatives to China's control of critical minerals, especially the 17 rare earth element minerals, has reduced. Instead, the sense of urgency has only grown as China has repeatedly demonstrated its willingness to turn supply on and off.

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In some areas, China has dramatically increased and assisted production of minerals like lithium, including making use of Chinese stakes and financing in developing countries. This is an effective way to depress prices and ensure competing projects in Western countries are financially unviable.

At other times, China has restricted or banned exports of key rare earth elements required for advanced technology, including energy transition and defence needs.

There's a growing acceptance by the industry that there is need for change.

— Tom O'Leary, Iluka Resources chief executive

That's particularly significant when China accounts for 70 per cent of global extraction of rare earths, 87 per cent of global processing and 100 per cent of processing of "heavy" rare earths like dysprosium and terbium crucial for defence, robotics and electric vehicles.

Rare earths aren't actually that rare. Some are not really valuable in themselves, while small volumes for others make them commercially challenging to process, given the need for complex chemical technology.

Australia has still been a strong advocate of the role it can play in addressing the West's belated concerns about the control China has developed over decades.

That's despite the Trump presidency leaving the fate of [the "climate, critical minerals and clean energy transformation compact"](#) signed with the US in the Biden era unclear.

Trump's suggestion of a "minerals for aid" deal to Ukraine and a takeover of Greenland and its rare earths resources reflects his willingness to trash any concept of alliance relationships that goes well beyond cutting China out of supply chains.

Yet most major customers of critical minerals have been reluctant to pay any "non-China" or "green" premium to make replacement projects profitable or investible on normal commercial terms.

That's compounded by the cost of construction accelerating across the world, particularly obvious in sharp price increases in Australia.

Dismal record

The result is a dismal record of indefinite deferrals, delays or shuttering of a range of critical minerals projects and processing as companies struggle to survive let alone expand.

The Albanese government has more than doubled financial assistance available from its predecessor's \$2 billion critical minerals facility, including taking minor equity stakes and providing a range of grants and loans.

In most cases, the finances still don't stack up.

But Iluka Resources has stockpiled rare earths from its own mineral sands operations since 1991 on the presumption these would one day be valuable.

It now wants to use this supply and other potential feedstocks to produce light and heavy rare earth oxides required for the permanent magnets and metals needed for electrification, defence and other advanced technology.

The company and the government still had a stand-off for more than 12 months after Iluka [insisted it needed an additional loan](#) to build its refinery at Eneabba north of Perth.

This was only resolved after Canberra agreed to lend Iluka an extra \$400 million to help cover the increased costs, with Iluka providing another \$214 million. The extra government commitment is contingent on the company signing off-take agreements "satisfactory" to the Commonwealth. The refinery is now due to start operations in 2027.

The federal government has also just made a \$200 million equity investment in [Arafura Rare Earths](#). That's in addition to an earlier \$840 million in government loans to Arafura to develop a mine and refinery in the Northern Territory to produce neodymium and praseodymium.

Market scepticism

There's still plenty of market scepticism about whether such projects will ever be profitable despite company assurances that customers in countries including South Korea, Japan and European nations will be willing to pay more over time to guarantee security and diversity of supply.

As Iluka announced a 33 per cent decline in full-year net profit from its other mineral sands and mining operations on Wednesday, its chief executive sounded optimistic about higher prices to come.

"Neither we nor the customers are focused on the current prices that are published by the Asian Metals Index," O'Leary said.

"Our customers are pretty focused on diversity of supply sources and security of supply. We are engaging with them on a price framework and I think we are getting good traction on that.

"There's a growing acceptance by the industry that there is need for change ... It clearly takes time to evolve and develop the market for products that have hitherto been completely controlled almost by the Chinese."

O'Leary was still careful to remind analysts that the government loans allowing Iluka "an opportunity to build a terrific business and diversify the company" are strictly non-recourse.

That's bottom-line business.

Appendix 2

<https://smallcaps.com.au/china-tighten-control-rare-earths-sector-us-sources-alternatives/>