

Biosecurity - Management of priority pest animals

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Purpose

Pest animals have a wide range of negative biosecurity impacts on the economy, the environment, the community and the economy. The purpose of this procedure is to provide guidance to NSW Department of Primary Industries (NSW DPI) and Local Land Services (LLS) authorised officers, and other staff responsible for management of the biosecurity risks posed, or likely to be posed by pest animals and to ensure compliance with the requirements of the *Biosecurity Act 2015* (Biosecurity Act), the *Local Land Services Act 2013* (LLS Act), and related subordinate legislation. This procedure is designed to ensure that the biosecurity risks and impacts of pest animals are managed effectively and consistently throughout NSW.

Scope

This procedure applies to NSW DPI and LLS authorised officers and staff who are responsible for communicating, administering, regulating and reporting on the management of priority pest animals under the Biosecurity Act and the LLS Act and related subordinate legislation.

The Biosecurity Act promotes biosecurity as a shared responsibility between government, industry and communities. The Biosecurity Act provides for a flexible, outcome focused approach to managing biosecurity risk and impacts. This means that community members are able to achieve the outcomes of preventing, eliminating or minimising the biosecurity risks and impacts posed, or likely to be posed by pest animals through a range of best practice management methods.

The LLS Act outlines the role of LLS in administering, delivering and/or funding programs and advisory services associated with agricultural production and biosecurity including animal pest and disease prevention, pest animal management, control and eradication and other emergencies impacting on primary production or animal health and safety.

Biosecurity Act summary (relevant provisions for priority pest animal management)

Note: Key terms in this procedure are underlined and defined within the Definitions and Acronyms section of this procedure (pages 15-16) and within the Biosecurity Act.

The biosecurity risks and impacts posed or likely to be posed by priority pest animal species are generally regulated under Part 3 of the Biosecurity Act, using the general biosecurity duty. A wide range of community members have a general biosecurity duty for management of the biosecurity risks and impacts associated with priority pest animals. The general biosecurity duty is outlined in part 3 of the Biosecurity Act and the following sections are of specific relevance to priority pest animal management:

1. section 22: The biosecurity duty applies to a person who deals with biosecurity matter (including pest animals) or a carrier, and who knows, or ought reasonably to know the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing. Such a person has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised. The above mentioned relies on establishing that a person has a dealing (as prescribed in section 12 of the Biosecurity Act) with biosecurity matter (as prescribed in section 10 of the Biosecurity Act), and or a carrier (as prescribed in section 11 of the Biosecurity Act).
2. section 23: provides an offence of failing to discharge the biosecurity duty
3. section 24: provides for specific actions called mandatory actions to be outlined in the Biosecurity Regulation 2017 in order to prevent, eliminate or minimise a biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing.
4. section 25: provides an offence of failing to comply with the mandatory measures

Evaluating the biosecurity risks of priority pest animals

The priority pest animals for each LLS region are determined by the Regional Pest Animal Committees (RPAC). RPACs assess the biosecurity risks of pest animals through a risk identification and assessment process and develop a list of priority pest animal species for management in each region. The list of priority pest species for a LLS region is published in the relevant Regional Strategic Pest Animal Management Plan (RSPAMP). The risks posed by the priority pest animal species will principally be regulated subject to the general biosecurity duty under part 3 of the Biosecurity Act.

Local Pest Animal Management Plans

When land managers are located on neighbouring properties or within the same community area, a local pest animal management plan (LPAMP) should be developed for the priority pest animal species listed in the RSPAMP. A LPAMP allows priority pest animals to be managed efficiently across-tenure, tailored to a community's specific needs and available resources with a process for monitoring and review of the plan's success. LPAMPs should outline a range of pest animal control measures that are reasonably practicable for the prevention, elimination or minimisation of the biosecurity risks created by the priority pest animal species. The development of LPAMPs should be coordinated and endorsed by the LLS to ensure they are compatible with the RSPAMP. For an additional pest species to be listed as a priority pest animal, an amendment to the RSPAMP or formal agreement from the RPAC will be required.

Work Health and Safety

The *Work Health and Safety Act 2011* places an obligation on the agency to provide a safe and healthy workplace. Safe Work Method Statements that support activities included in this procedure must be used in identifying, assessing and controlling risks.

NSW DPI and LLS work together to create a safe and supportive work environment when undertaking any activities outlined in this procedure.

Collection, use and disclosure of information

The collection, use and disclosure of information in accordance with this procedure, including any internal or external discussion or distribution of information, must be in compliance with the *Privacy and Personal Information Protection Act 1998* or be exempted by the operation of section 387 of the Biosecurity Act. Section 387(2) of the Biosecurity Act provides authority for the disclosure of information about a person, without the consent of the person:

- to a public sector agency, or
- to any other person, but only if the disclosure is reasonably necessary for the purpose of exercising a biosecurity risk function

The NSW DPI procedure on Collection, Use and Disclosure of Information should be consulted for further information.

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Management of priority pest animals

1. Roles and Responsibilities

1.1. LLS contributes to the management of priority pest animals, their biosecurity risks and impacts through:

- coordinating, developing and promoting regional strategic pest animal management plans and local pest animal management plans
- receiving, recording, investigating and managing reports of pest animals and their biosecurity impacts
- provision of advice and delivery of training in best practice pest animal management
- preparation and supply of pest management equipment and chemicals
- enforce the Biosecurity Act and Biosecurity Regulation 2017
- regular communication between LLS and NSW DPI to promote continuous improvement in pest animal management.

1.2 NSW DPI contributes to the management of priority pest animals, and their biosecurity risks and impacts through:

- establishment of the regulatory framework for pest animal management in NSW
- facilitation of the State Pest Animal Committee to promote coordination and improvement in pest animal management
- delivery of training in the management of pest animals
- administration and governance of treasury funding allocated to pest animal management
- delivery of state level reports on the management of pest animals including: NSW State of Biosecurity report, NSW Invasive Species Plan and the publication of distribution maps for priority pest animals.

2. Task checklist for regulating the management of priority pest animals

Task checklist for regulating the management of pest animals		
Step 1.	Record and triage notification/report of pest animal or biosecurity impact	Activity completed
1.1	<p>Pest animal or biosecurity impact notification/report received</p> <p>a) Land managers and other community members play an important role in the management of pest animals by reporting their presence and/or biosecurity impacts. Reporting the presence of priority pest animals to the LLS forms part of the general biosecurity duty.</p> <p>Priority pest animal reports can be made by telephoning the local LLS office on 1300 795 299 and talking to LLS staff directly. Alternatively, reports can be made through FeralScan.</p> <p>b) Under Clause 7 of the Biosecurity Regulation 2017, land managers have a duty to provide notice of the presence or suspected presence of the following pest animal species to NSW DPI within 1 working day:</p> <ul style="list-style-type: none"> • Spur-throated locust • Australian plague locust • Migratory locust • Any other pest animals listed in Sch 1 of the Biosecurity Regulation 2017 <p>c) Animals classified as prohibited dealings (Sch 3 of the Act) should be reported to NSW DPI through the Report an unusual animal report form.</p>	<p>a)</p> <p>b)</p> <p>c)</p>
1.2	<p>Acknowledge receipt of pest animal or biosecurity notification/report</p> <p>a) Acknowledge receipt of the notification/report with the person who reported the information.</p> <p>b) Request further information from the reporter if appropriate (see list of relevant information to collect in step 1.3).</p>	<p>a)</p> <p>b)</p>
1.3	<p>Record details of pest animal or biosecurity impact notification/report</p> <p>Collect the following details of the pest animal or biosecurity impact report and upload to the FARMS database or to Feralscan:</p>	
a.	Incident details	
	i. Date of detection	ai)
	ii. Name, phone, email and address of reporter	a ii)
	<p>iii. The biosecurity impact(s) of the pest animal</p> <ul style="list-style-type: none"> • competition for resources (s 15(1)(a) Biosecurity Act) • predation (S15(1)(b) Biosecurity Act) • transmit disease to other organisms (s15(1)(c) Biosecurity Act) • cause harm through toxicity (s15(1)(d) Biosecurity Act) • reduce productivity of agricultural systems / products (s15(1)(e) Biosecurity Act) • damage infrastructure (s15(1)(f) Biosecurity Act) • reduce amenity or aesthetic value of premises (s15(1)(g) Biosecurity Act) • harm or reduce biodiversity (s15(1)(h) Biosecurity Act) <p><i>Note: A biosecurity impact includes an adverse effect on the economy, the environment or the community related to the introduction, presence, spread or</i></p>	a iii)

	<i>increase of a pest into or within the State or any part of the State (s13(1)(b) Biosecurity Act).</i>	
b.	Pest animal details	
i.	Common name of pest animal, (e.g. fallow deer, sambar deer, fox etc.) Note: Where possible identify the pest animal to species level. It is important that the details being reported are recorded. E.g. if the information is used as evidence in court proceedings the identity of the pest animal will be an element of the offence that must be proven.	bi)
ii.	number of animals	bii)
iii.	sex of animals (male, female, mixed sex, unknown)	biii)
iv.	stage / form of animals (adult, juvenile, mixed ages, unknown)	biv)
v.	status / condition of animals when detected (alive, dead, unknown)	bv)
vi.	fate of animals (euthanised, remained at large, remained in captivity)	bvi)
c.	Location details	
i.	LLS region	ci)
ii.	Closest town or area name	cii)
iii.	Post code	ciii)
iv.	Lot and DP number	civ)
v.	Latitude and Longitude	cv)
vi.	Local pest animal management plan area (if relevant)	cvi)
vii.	Is the property actively participating in the local pest management plan	cvii)
d.	Detection details	
i.	At large – reported / seen / observed / sign detected / other	di)
ii.	Captive – trapped / in enclosure / transported	dii)
iii.	Pathway – escaped, released from captivity, transported, traded / sold / other / unknown	diii)
e.	Other details	
i.	Any pest animal management action taken to date	ei)
ii.	Compliance action taken (if any)	eii)
iii.	Other information relating to the report	eiii)
iv.	Details of any follow up actions and results	eiv)

Step 2.	Collect background information	
2.1	Local pest animal plan area Is the pest animal report within a relevant LPAMP area? Y / N	
2.2	Proactive control Has the land manager or a regulatory agency (e.g. LLS) historically/recently implemented proactive best practice pest animal management activities on the property of interest (as outlined for example in the LPAMP)? a) Y / N / don't know b) what c) when?	a) b) c)
2.3	Reactive control Have reactive best practice pest animal management activities been implemented by the land manager or a regulatory agency (e.g. LLS) on the property of interest (as outlined for example in the LPAMP area)? a) Y / N / don't know b) what c) when?	a) b) c)
2.4	Biosecurity impact assessment Is the pest animal, its biosecurity risks and/or impacts being adequately prevented, eliminated or minimised through proactive and/or reactive pest management activities (e.g. as outlined for example in the LPAMP)? Y/N/don't know	
Step 3	Education	
3.1	General biosecurity duty The management of biosecurity matter (including priority pest animals) to prevent, eliminate or minimise biosecurity risk is largely achieved under the authority of the general biosecurity duty (Part 3 of the Act), as a biosecurity duty (section 22), or a mandatory measure (section 24). The biosecurity duty should be used in all cases where the biosecurity issue is not able to be adequately dealt with under a mandatory measure requirement. <i>Section 22- Biosecurity duty - dealings with biosecurity matter and carriers states: 'Any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised.'</i> Mandatory measures The Biosecurity Regulation 2017, clauses 17A and 17B prescribe pest animal specific mandatory measures. Clause 17A prohibits the vaccination of a rabbit with live virus vaccine unless approved by the Chief Veterinary Officer, and clause 17B prohibits the actual possession (e.g. kept in captivity, movement and / or release from captivity) of feral dromedary camels, wild deer (multiple species), feral pigs, wild European rabbits and the European red fox. The biosecurity duty The biosecurity duty can be used to require a land manager or other person to conduct pest animal management activities once the person is informed of: <ol style="list-style-type: none"> 1. the biosecurity risks of the pest animal, 2. the biosecurity duty to prevent, eliminate or minimise the biosecurity impacts of the pest animal so far as is reasonably practicable, 	

	<p>3. the best practice management options to prevent, eliminate or minimise the biosecurity risks</p> <p><i>Note: It is good practice to confirm in writing any information passed on verbally.</i></p> <p>When a person has failed, or is likely to fail to discharge their biosecurity duty, and/or pest animals are causing a biosecurity impact (section 13(1)(b) of the Biosecurity Act) an authorised officer can use the regulatory tools provided by the Act (see step 5) to require a person to take appropriate actions to manage the pest animal(s).</p> <p>Eradication is not usually an option for endemic priority pest animal species. However, if a land manager has been informed of the priority pest animals, the control methods and their general biosecurity duty (as either a biosecurity duty, or a mandatory measure) to minimise the risks posed, or likely to be posed by those animals and has failed to do so, there may be evidence that the person is failing to discharge their biosecurity duty. Evidence that a person is not, has not or is not likely to discharge their biosecurity duty includes:</p> <ul style="list-style-type: none"> • failure to participate in best practice pest control activities as outlined in the relevant RSPAMP and / or LPAMP and / or, • failure to implement an alternate effective best practice control program (to the program outlined in the LPAMP) and / or, • evidence of the presence of the pest animal on the land and / or in the LPAMP area in excess of an acceptable threshold, as determined by the RPAC or documented in the LPAMP and / or, • failure to notify the LLS or an authorised officer of the presence of a priority pest animal on their land and / or, • evidence that priority pest animals are causing biosecurity impacts on the land and / or in the LPAMP area, in excess of an acceptable threshold, as determined by the RPAC, or the LPAMP. A non-exclusive list of biosecurity impacts is outlined in section 15(1) of the Biosecurity Act (see step 1.3a). <p><i>Note: It is good practice to confirm in writing any information passed on verbally.</i></p>	
3.2	<p>Advice provided on pest animal management</p> <p>The availability of pest animal management information assists land managers and other members of the community to understand the biosecurity risks and impacts posed or likely to be posed by pest animals and the actions that can be taken to mitigate and otherwise manage those risks and as a result, discharge their biosecurity duty. A range of information is available detailing priority pest animals, their biosecurity impacts, and best practice control methods. An authorised officer can give both verbal and written advice in relation to pest animals and their management including:</p> <ul style="list-style-type: none"> • biosecurity risks – economic, environmental and community impacts • the general biosecurity duty (as a Biosecurity duty or Mandatory Measure) to manage the specified animal (e.g. clause 17B Biosecurity Regulation) • best practice control measures • copies of the following information should be provided to the land manager: <ul style="list-style-type: none"> a) Regional Strategic Pest Animal Management Plan Y/N b) LPAMP (if available and relevant) Y/N c) Part 3 (General Biosecurity Duty) of the Biosecurity Act 2015 Y/N d) Relevant information on pest animal impacts, ecology, behaviour 	<p>a)</p> <p>b)</p> <p>c)</p>

	<p>and best practice options for management Y/N</p> <p>e) Note: authorised officers must record the information that has been provided, explained, assessed etc. in FARMS or FeralScan.</p> <ul style="list-style-type: none"> other information relevant to pest animal management <ul style="list-style-type: none"> Australian Pest Animal Strategy 2017-2027 NSW Invasive Species Plan 2018-2021 NSW Wild Dog Management Strategy, NSW Department of Primary Industries Pest Animal Management website information, 	d)
		e)
3.3	<p>Local pest animal management plan advice</p> <p>Authorised officer provides advice to land manager or other person on the relevant LPAMP?</p> <p>a) Y/N</p> <p>b) not relevant</p> <p>c) currently an active participant of LPAMP</p>	a)
		b)
		c)
3.4	<p>Encourage membership and participation in LPAMP</p> <p>Authorised officer encourages land manager or other person to join existing LPAMP group?</p> <p>a) Y/N</p> <p>b) not relevant</p> <p>c) currently an active participant of LPAMP</p>	a)
		b)
		c)
3.5	<p>Agreement to join and participate in LPAMP</p> <p>Land manager agrees to join LPAMP group and to implement pest animal management activities as outlined in LPAMP?</p> <p>Y / N</p>	
Step 4	Investigation/property visit	
4.1	<p>Arrange property inspection Y/N</p> <p>Authorised officers will be required to visit properties and carry out inspections to determine the presence of pest animals, any biosecurity impacts and/or to confirm the actions taken by land managers. Property visits also provide an opportunity for the authorised officer to provide the land manager with information regarding priority pest animals, the biosecurity duty (section 22 Biosecurity Act) and best practice options for controlling the pest animal.</p> <ul style="list-style-type: none"> Section 98 of the Biosecurity Act allows an authorised officer to enter any premises (not used for residential purposes) at any reasonable time; or in the case of an emergency, at any time. Entry into any part of premises used only for residential purposes can ONLY be entered with the permission of the land owner / occupier, or the authority of a search warrant (s 99). The purposes for which the entry to a premise may be exercised are outlined in s 89 of the Biosecurity Act and include: “for the purpose of investigating, monitoring and enforcing compliance with the requirements imposed by or under the Biosecurity Act”. Section 102 of the Biosecurity Act provides a list of powers that can be exercised by authorised officers including but not limited to: examining, testing and seizing things, taking photographs or other recordings, destruction, disposal and eradication of any thing, but only in premises lawfully entered. 	

	<ul style="list-style-type: none"> An authorised officer, may also request, inspect, and copy records (section 102 (2) ((l) & (m) & (n) of the Biosecurity Act) of pesticide application (the primary pest animal control tool) to determine the scale and effectiveness of control actions and whether a person is discharging their biosecurity duty. <p>Note: Section 7 of the Biosecurity Direction procedure provides guidance for authorised officers when entering a premise (premise including ‘a property’).</p>	
4.2	<p>Evidence of pest animal or biosecurity impact on property Authorised officers should confirm the presence of a pest animal and/or the biosecurity impact of the pest animal on a land manager’s property.</p> <p>a) evidence recorded in authorised officer’s contemporaneous note book? Y/N b) evidence recorded in FARMS or FeralScan? Y/N</p> <p>In making a determination that a priority pest animal species is posing or likely to pose a biosecurity risk and or impact, an authorised officer should consider a range of possible evidence including:</p> <ul style="list-style-type: none"> historical presence and impact of a particular pest animal species as an indication of potential threat, and /or current pest animal presence and preferably adequate / accurate current survey information / data on distribution and density, and / or assessment of current pest animal impact, preferably quantified (e.g. livestock predation percentage by wild dogs), and / or the agreed level of pest animal activity / impact considered to signify that an unacceptable biosecurity risk or impact is occurring, has occurred or is likely to occur, and / or patterns of land use to identify suitable pest animal habitat, movement pathways and assets (agricultural, environmental, urban amenity etc.) that may be at risk of pest animal impact, and / or historical, current and proposed pest animal management approaches of the property in question and neighbouring properties, and/or LPAMPs that provide specific guidance on which areas are a priority for pest animal control, management actions, responsible parties and performance indicators. 	<p>a)</p> <p>b)</p>
4.3	<p>Evidence of pest animal or biosecurity impact in surrounding area Authorised officer confirms presence of pest animal and/or biosecurity impact in area surrounding land manager’s property e.g. within the LPAMP area.</p> <p>a) evidence recorded in contemporaneous note book Y/N b) evidence recorded in FARMS or FeralScan? Y/N</p> <p>In making a determination that a priority pest animal species is posing or likely to pose a biosecurity risk and or impact in the area, an authorised officer should consider a range of possible evidence including:</p> <ul style="list-style-type: none"> historical presence and impact of a particular pest animal species as an indication of potential threat, and /or current pest animal presence and preferably adequate/ accurate current survey information / data on distribution and density, and / or assessment of current pest animal impact, preferably quantified (e.g. livestock predation percentage by wild dogs), and / or the agreed level of pest animal activity / impact considered to signify that an unacceptable biosecurity risk or impact is occurring, has occurred or is 	<p>a)</p> <p>b)</p>

	<p>likely to occur, and / or</p> <ul style="list-style-type: none"> • patterns of land use to identify suitable pest animal habitat, movement pathways and assets (agricultural, environmental, urban amenity etc.) that may be at risk of pest animal impact, and / or • historical, current and proposed pest animal management approaches of the area in question, and / or • LPAMPs that provide specific guidance on which areas are a priority for pest animal control, management actions, responsible parties and performance indicators. <p>Note: Section 12(2) of the Biosecurity Act provides that: an occupier of land is taken to have possession of any biosecurity matter or carrier (e.g. dealing with pest animals) on that land unless the occupier establishes that the biosecurity matter or carrier was in the possession, care, custody or control of another person. Land owners and occupiers therefore, have a biosecurity duty to manage the biosecurity risks posed or likely to be posed by pest animals on their land.</p>	
Step 5	Compliance	
5.1	<p>Taking enforcement action An authorised officer may take enforcement action to:</p> <ul style="list-style-type: none"> • ensure a person discharges their biosecurity duty to prevent, eliminate or minimise a biosecurity risk and/or, • prevent, manage or control a biosecurity impact and/or, • ensure a person has complied with a mandatory measure requirement (e.g. notification of pests and or animal disease). <p>Requiring a person to discharge their biosecurity duty When there is evidence of a priority pest animal species and/or biosecurity impact created by the pest animal, action can be taken to require a person to discharge their biosecurity duty to prevent, eliminate or minimise the biosecurity risks and/or impacts. However, it is first necessary to establish that the person has been informed of:</p> <ol style="list-style-type: none"> i. the biosecurity risk of the pest (possesses knowledge or ought to know), ii. their general biosecurity duty (as a biosecurity duty, or mandatory measure) iii. the best practice options to prevent, eliminate or minimise the biosecurity risks and / or impacts (See step 3.2) <p>When a person has failed, or is suspected of failing to discharge their biosecurity duty, the authorised officer may require the person to take specified actions. These specified actions may be facilitated by using an appropriate management tool.</p> <p>Management tools provided for under the Biosecurity Act include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Individual Biosecurity Undertakings • Biosecurity Directions (Individual, or general), • Biosecurity Permits (Individual or group). <p>Additionally, if a person has failed to comply with a management tool, for example, a general biosecurity direction, or a biosecurity impact is currently occurring, an authorised officer may require the person to take action. This means the authorised officer can take immediate action if required.</p> <p>If the authorised officer chooses to accept or issue a management tool, they must also inform the person of their legal obligations pertaining to the management tool,</p>	

	<p>and specifically inform of the possible consequences for failing to comply with the requirements of the management tool that has been accepted or issued. An authorised officer may also arrange to re-inspect the property at a later date. The significance of the risk or impact should determine if this is an appropriate course of action.</p> <p>When action is required, the authorised officer may:</p> <ul style="list-style-type: none"> • Accept a verbal agreement by the land manager to manage pest animals using best practice control methods (see step 5.3) • Accept a ‘Biosecurity Undertaking’ from the land manager (see step 5.4) • Issue an ‘Individual Biosecurity Direction’ to the land manager (see step 5.5) • Issue a ‘General Biosecurity Direction’ (see step 5.6) 	
5.2	<p>Verbal agreement to implement pest animal control</p> <p>A verbal agreement can be reached (between the land manager or other person and the authorised officer) that the land manager will implement specific pest animal management work. The authorised officer should discuss with the land manager / person and record the following information in FARMS and as contemporaneous notes:</p> <ol style="list-style-type: none"> i. the biosecurity risk of the animal ii. the biosecurity duty to manage the animal iii. pest management activities outlined in the LPAMP and /or other best practice management options to prevent, eliminate or minimise the biosecurity risk and / or impacts of the pest animal iv. the pest animal management activities the land manager has agreed to implement v. A date to re-inspect property to determine compliance 	<p>i)</p> <p>ii)</p> <p>iii)</p> <p>iv)</p> <p>v)</p>
5.3	<p>Biosecurity Undertaking</p> <p>A Biosecurity Undertaking can be issued by an authorised officer to formally document an agreement between a land manager or other person and the authorised officer to implement specific pest animal management work. If a Biosecurity Undertaking is used an authorised officer will:</p> <ol style="list-style-type: none"> a. Discuss with the land manager or person and record the following information in FARMS and as contemporaneous notes: <ol style="list-style-type: none"> i. the biosecurity risk of the pest animal ii. the general biosecurity duty (as a biosecurity duty, or a mandatory measure) of the land manager to either prevent, eliminate or minimise the biosecurity risk posed or likely to be posed by the pest animal iii. pest management activities outlined in the LPAMP and /or other best practice management options that are reasonably practicable for the prevention, elimination or minimisation of the biosecurity risks created by the priority pest animal species iv. the pest animal management activities the land manager has agreed to implement and; v. a date to re-inspect the property to determine compliance b. Accept a biosecurity undertaking in accordance with section 142(1) and (2) of the Biosecurity Act and in accordance with the Biosecurity Undertaking procedure. Biosecurity undertaking accepted? Y/N 	<p>ai)</p> <p>a ii)</p> <p>a iii)</p> <p>a iv)</p> <p>a v)</p> <p>b)</p>

5.4	<p>Individual Biosecurity Direction</p> <p>If an authorised officer determines that a land manager or other person must implement specific pest animal management work an Individual Biosecurity Direction can be issued by the authorised officer to a land manager or other person in accordance with the Biosecurity Directions procedure and a purpose identified in section 128 (1) & (2) of the Act including:</p> <ul style="list-style-type: none"> • to prevent, eliminate or minimise a biosecurity risk, • to prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur, • to ensure the person discharges their biosecurity duty <p>An Individual Biosecurity Direction may be issued in situations where pest management work is required for the prevention, elimination or minimisation of the biosecurity risks or impacts created by the priority pest animal species and:</p> <ul style="list-style-type: none"> • the pest animal is detected on the property • there is history of biosecurity impacts from the pest animal species in the area • there are recent biosecurity impacts from the pest animal species in the area • the land manager’s property is located within a LPAMP area which is specific for the pest animal species <p>Prior to issuing an Individual Biosecurity Direction, authorised officers are encouraged where possible to work with the land manager or other person to resolve the matter through the compliance escalation procedure, outlined in the applicable Compliance Policy and Enforcement Policy.</p> <p>If an Individual Biosecurity Direction is used an authorised officer will:</p> <ol style="list-style-type: none"> a. Discuss with the land manager or person and record the following information in FARMS and as contemporaneous notes: <ol style="list-style-type: none"> i. the biosecurity risk of the pest animal ii. the general biosecurity duty (as a biosecurity duty, or a mandatory measure) of the land manager to either prevent, eliminate or minimise the biosecurity risk posed or likely to be posed by the pest animal iii. pest management activities outlined in the LPAMP and /or other best practice management options that are reasonably practicable for the prevention, elimination or minimisation of the biosecurity risks created by the priority pest animal species iv. The pest animal management activities the land manager is required to implement and; v. a date to re-inspect the property to determine compliance b. Issue an Individual Biosecurity Direction in accordance with section 128(1) and (2) of the Biosecurity Act and in accordance with the Biosecurity Directions procedure. Individual Biosecurity Direction issued? Y/N 	<p>ai)</p> <p>a ii)</p> <p>a iii)</p> <p>a iv)</p> <p>a v)</p> <p>b)</p>
5.5	<p>General Biosecurity Direction</p> <p>A General Biosecurity Direction is a direction given to the public generally or ‘a specified class of persons’. This could be for owners or occupiers of land within a specified area defined by geographical boundaries, within a specified radius of a place or a LLS region when collective action is required to:</p> <ul style="list-style-type: none"> • prevent, eliminate or minimise a biosecurity risk across-tenure or, • to prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur across-tenure <p>A General Biosecurity Direction may be issued for example, where a pest animal impact is occurring within a specified area, across multiple properties.</p>	

	<p>A General Biosecurity Direction can be issued in accordance with a purpose identified in section 126 (1) of the Act and the Biosecurity Direction procedure with the approval of either a:</p> <ul style="list-style-type: none"> • NSW DPI, Director level or higher, and • LLS, General Manager level <p>Note: When issuing a General Biosecurity Direction, an authorised officer must inform the land managers or class of persons of the possible consequences of failing to comply with the requirements of the management tool that has been issued.</p>	
Step 6	Follow-up investigation/re-inspection	
6.1	<p>Monitor for additional pest animal notification/reports</p> <p>An authorised officer should monitor for additional pest animal notification/reports made in relation to a property where one of the following is in force:</p> <ul style="list-style-type: none"> • a Biosecurity Undertaking • a Biosecurity Direction • a land manager has verbally agreed to an authorised officer to manage pest animals 	
6.2	<p>Arrange re-inspection</p> <p>Authorised officer arranges with land manager or other person to re-inspect property at pre-arranged date to determine compliance with a verbal agreement, Biosecurity Undertaking, Individual or General Biosecurity Direction? Y/N</p>	
6.3	<p>Assess compliance with verbal agreement, Biosecurity Undertaking, or Biosecurity Direction</p> <p>1. The authorised officer should assess if the land manager or other person has complied with the verbal agreement, Biosecurity Undertaking or Biosecurity Direction. As part of the assessment, the authorised officer should confirm the presence/absence of priority pest animal(s) and/or biosecurity impacts on land manager's property or in the area surrounding land manager's property:</p> <p>a) Presence/absence of priority pest animals recorded (see step 1.3) Y/N</p> <p>b) if presence/absence of priority pest animals or other information is documented in an authorised officer's contemporaneous note book, it will have to be transferred into FARMS or FeralScan to ensure the information is available to other authorised officers. Presence/absence evidence recorded in FARMS or FeralScan? Y/N</p> <p>2. If a land manager or other person has failed to comply with a verbal agreement, Biosecurity Undertaking or Biosecurity Direction, there are a number of potential factors the authorised officer should consider when determining the follow-up action required including:</p> <ul style="list-style-type: none"> • the reasons for the person's failure to comply (financial, physical, environmental, seasonal etc.) • the significance of the biosecurity impact • any relevant policy and procedure for the biosecurity risk present • if the person has taken some action (to a satisfactory level) but has not completed all of the actions required to comply 	<p>1a)</p> <hr/> <p>1b)</p> <hr/> <p>3a)</p>

	<ul style="list-style-type: none"> • being fair and reasonable <p>3. Depending on the level of compliance achieved, the authorised officer should arrange for the regulatory instrument (if used) to be:</p> <ol style="list-style-type: none"> varied – e.g. to extend the time a person has to comply. To ensure that clarity is maintained for both the person who is issued the Direction/ Undertaking and the officer giving or accepting the Direction/Undertaking. If a variation is required, in most cases it would be preferable to revoke the existing instrument and issue a new one. revoked - when the authorised officer is satisfied that all the conditions required by the Biosecurity Undertaking or Biosecurity Direction have been met. <p>When varying or revoking an existing Biosecurity Direction/Biosecurity Undertaking the authorised officer must issue the person with written advice to inform the person of the variation or revocation on the approved 'Letter of Advice-Revocation or Variation of a Biosecurity Direction/Undertaking' See section 8 of the Biosecurity Direction procedure.</p>	3b)
6.4	<p>Additional options where there is an initial failure to comply with a verbal agreement, Biosecurity Direction or a Biosecurity Undertaking</p> <p>Where there is a failure to comply with a verbal agreement, Biosecurity Direction or a Biosecurity Undertaking and a variation of the instrument is not suitable, the following compliance options are available:</p> <ul style="list-style-type: none"> • If a verbal agreement, General Biosecurity Direction or Biosecurity Undertaking has not been complied with, consider issuing an Individual Biosecurity Direction (step 5.4) or accepting a Biosecurity Undertaking (step 5.3) as appropriate, • A failure to comply with a Biosecurity Direction is an offence under s138 of the Act so a warning letter, penalty notice or pursuing prosecution may be appropriate. Consult section 7 of the Biosecurity Direction Procedure for further guidance. • A failure to comply with a Biosecurity Undertaking is an offence under s145 of the Act so a warning letter, penalty notice or pursuing prosecution may be appropriate. Consult section 5 Biosecurity Undertaking procedure for further guidance <p>Note: Authorised officers must ensure they maintain accurate records of all the actions taken to assist where evidence is required to support either the issuing of a penalty notice or the conduct of a prosecution.</p>	
Step 7	Intervention	
7.1	<p>Third party intervention required to manage pest animal/biosecurity impact when there is a failure to comply with an Individual Biosecurity Direction/Biosecurity Undertaking</p> <p>The Biosecurity Direction procedure provides guidance for authorised officers following a failure to comply with a Biosecurity Direction (see section 7).</p> <p>If a person fails to comply with an Individual Biosecurity Direction, section 133 of the Act provides an authorised officer (or another person) with the power to enter the premises to take any actions that are necessary to remedy the failure.</p> <p>Section 133(2) provides the Secretary with the power to charge the liable person a fee for the actions taken. Section 9 of the Biosecurity Direction procedure provides guidance for authorised officers in the exercise of these powers.</p>	

7.2	<p>The Biosecurity Undertaking procedure provides guidance for authorised officers including the actions required following a failure to comply with a Biosecurity Undertaking (section 5).</p> <p>If a person fails to comply with a Biosecurity Undertaking, section 147 of the Act provides an authorised officer (or another person) with the power to enter the premises to take any actions that are necessary to remedy the failure.</p> <p>Section 147(2) provides the Secretary with the power to charge the liable person a fee for the actions taken.</p>	
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3. Definitions and Acronyms related to this procedure

- **Biosecurity duty** provides that any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised.
- **Biosecurity impact** includes an adverse effect on the economy, the environment or the community related to the introduction, presence, spread or increase of a pest into or within the State or any part of the State (s13(1)(b) Biosecurity Act).
- **Biosecurity matter** includes any living thing, other than a human, (or any part of or any product of a living thing), a disease, prion, contaminant, a disease agent or anything declared by the Regulation to be biosecurity matter (see s 10 of the Biosecurity Act).
- **Carriers** A carrier means any thing (whether alive, dead or inanimate, and including a human) that has, or is capable of having, any biosecurity matter on it, attached to it or contained in it (see s 11 of the Biosecurity Act)
- **Dealings** Section 12 (1) of the Biosecurity Act provides that - deal with biosecurity matter or a carrier, or **engage in a dealing** with biosecurity matter or a carrier, includes:
 - (a) keep biosecurity matter or a carrier,
 - (b) have possession, care, custody or control of biosecurity matter or a carrier, (see the Biosecurity Act for the full list of dealing examples). Section 12 (2) states - an occupier of land is taken to have possession of any biosecurity matter or carrier on that land unless the occupier establishes that the biosecurity matter or carrier was in the possession, care, custody or control of another person.
- **FARMS (Financial and Rural Management System)** LLS business information management system for financial and rural management arrangements.
- **General biosecurity duty** Consists of:
 - section 22 Biosecurity Duty (see definition below)
 - section 23 Offence of failing to discharge biosecurity duty
 - section 24 Mandatory measure (see definition above)
 - section 25 Offence of failure to comply with mandatory measures
 - section 26 Special provisions relating to weeds
- **Land manager** the owner or occupier of the land
- **LLS** Local Land Services
- **Local pest animal management plan (LPAMP)** Effective pest animal management requires a strategic and proactive approach where private and public land managers develop and implement a cross-tenure pest animal management plan. Local pest animal management plans document the range of control and monitoring activities that will be conducted, who is responsible for conducting and / or paying for that work, where the work will be conducted and timelines for completing the work.
- **Mandatory measure** where the Biosecurity Regulations require people who deal with biosecurity matter or carriers to take specified actions to prevent, eliminate or minimise a biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing.
- **NSW DPI** NSW Department of Primary Industries
- **Pest** A pest means an animal (other than a human) that has an adverse effect on, or is suspected of having an adverse effect on, the environment, the economy or the community because it has the potential to out-compete for resources, cause harm through toxicity, prey or

feed on other organisms, reduce productivity of agricultural systems or agricultural products etc. (see s15 of the Biosecurity Act).

- **Priority pest animal species** Pest animals have been prioritised by RPACs based on the level of risk and feasibility of control assessed through prioritisation guidelines. Priority pest animal species are listed in the RPAMP for each LLS region.
- **Reasonably practicable** in relation to the prevention, elimination or minimisation of a biosecurity risk, means that which is, or was at a particular time, reasonably able to be done, taking into account and weighing up all relevant matters including:
 - (a) the biosecurity risk concerned, and
 - (b) the degree of biosecurity impact that arises, or might arise, from the biosecurity risk, and
 - (c) what the person concerned knows, or ought reasonably to know, about the biosecurity risk and the ways of preventing, eliminating or minimising the risk, and
 - (d) the availability and suitability of ways to prevent, eliminate or minimise the biosecurity risk, and
 - (e) the cost associated with available ways of preventing, eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk. (S16 of the Act)
- **RPAC** Regional Pest Animal Committee. RPAC membership includes key people who represent major land uses and relevant economic, environment and community representatives for each region. The committee delivers a collaborative approach to setting regional priorities and is integral to the ongoing effective delivery of pest animal management outcomes in the region.
- **RSPAMP** Regional Strategic Pest Animal Management Plan. The RSPAMP outlines how government, industry and the community can work together and share the responsibility to eradicate, contain or manage pest animals in terrestrial and freshwater aquatic environments across the region.

4. Legislation

- *Biosecurity Act 2015*
- *Biosecurity Regulation 2017*
- *Local Land Services Act 2013*
- *Privacy and Personal Information Protection Act 1998*
- *Work Health and Safety Act 2011*

5. Documentation

- [Australian Pest Animal Strategy 2017-2027](#)
- Biosecurity Undertaking pest animal management template (INT18/121184)
- Biosecurity undertaking template (available in Intranet)
- Classified Information Policy (IND-I-196)
- Compliance Policy and Enforcement Policy
- Flowchart: Management of priority pest animals under the Biosecurity Act 2015 (INT18/183053)
- Individual Biosecurity Direction pest animal management template (INT18/121182)
- Information Security Policy (IND-I-197)
- General Biosecurity Direction pest animal management template (INT18/145549)
- Policy - Biosecurity collection, use and disclosure of information (IND-1-197)
- Policy – Code of Ethics and Conduct
- Procedure - Biosecurity collection, use and disclosure of information (INT17/83863)
- Procedure Biosecurity Direction (INT16/147608)
- Procedure Biosecurity Undertaking (INT17/11076)
- [NSW Invasive Species Plan 2018-2021](#)
- [NSW Wild Dog Management Strategy](#)

6. Revision history

Version	Date issued	Notes	By
1.0	22/05/2019	New procedure developed in response to the <i>Biosecurity Act 2015</i> .	Technical Specialist Vertebrate Pests

7. Contact

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