



Department of
Primary Industries



Local Land
Services

GENERAL BIOSECURITY DIRECTION

NSW Biosecurity Act 2015

I, Scott Charlton am an authorised officer under the *Biosecurity Act 2015* (the Act). In accordance with section 123 of the Act, I hereby give a general biosecurity direction (the biosecurity direction) to the following class of persons:

Any person responsible for the movement of cattle tick carriers off the Grafton Saleyards

In accordance with section 126 of the Act, I reasonably believe that the biosecurity direction is necessary for the following purpose/s:

To prevent, eliminate or minimise a biosecurity risk [s126(1)(a)]

The biosecurity direction specifically relates to the carrying out of an activity in connection with:

Carrier

Cattle tick carriers, including cattle, camelids, equines, deer goats and sheep.

Directions

Section 126 of the Act authorises an authorised officer to give a biosecurity direction that prohibits, regulates, or controls the carrying out of an activity in connection with the biosecurity matter, carrier or potential carrier identified above. It is mandatory to comply with this biosecurity direction. Accordingly, this biosecurity direction:

1. Requires all cattle tick carriers, except cattle tick carriers going direct to slaughter, to undergo a chemical treatment supervised by an authorised officer post-sale and prior to loading onto a transport vehicle.
2. The cattle tick carriers must be moved off the property within 24 hours of chemical treatment.

Please include on Attachment A any additional directions

This biosecurity direction commences on: 1 July 2017

Duration: 10 years from date of commencement.

Definitions: Grafton Saleyards means Property Identification Code ND992801; and Folio 1/536315.
If applicable

Scott Charlton
Authorised Officer's name

Manager
Role

30 JUNE 2017
Date

NSW DPI
Agency

Failure to comply with the biosecurity direction could result in a penalty notice or prosecution. The maximum penalty for an individual is \$1,100,000. The maximum penalty for a corporation is \$2,200,000.

This information is collected by the collecting agency identified in this form in relation to its functions under the *Biosecurity Act 2015*. This agency/s and the NSW Department of Industry may use and disclose this information as reasonably necessary for the purpose of performing biosecurity risk functions under, or reasonably contemplated by, the *Biosecurity Act 2015*.

Guide to the General Biosecurity Direction

Information about the general biosecurity direction

This notice is issued under section 123 and section 126 of the *Biosecurity Act 2015* (the Act). It is an offence against the Act not to comply with this notice.

Commencement of the general biosecurity direction

This biosecurity direction operates from the date that is specified in the biosecurity direction.

Limitations of a general biosecurity direction

In accordance with section 136 of the Act, an authorised officer may only destroy or require the destruction of a thing if:

- the thing is, or is reasonably suspected of being, prohibited matter; or
- the thing is a pest; or
- the thing is or is reasonably suspected of being, infected or infested with, or harbouring biosecurity matter that poses a biosecurity risk and there are no other reasonably practical treatment measures that could eliminate or minimise the biosecurity risk posed by the biosecurity matter; or
- the destruction is expressly authorised or required by an emergency order, control order or biosecurity zone regulation.

In accordance with section 137 of the Act, an authorised officer must not, without the express authorisation in an emergency order, control order, or a biosecurity regulation:

- destroy or require the destruction of any living thing that is protected fauna or a protected native plant within the meaning of the *National Parks and Wildlife Act 1974*; or
- destroy or require the destruction of any living thing that is a threatened species within the meaning of the *Threatened Species and Conservation Act 1995*; or
- destroy or require the clearing of native vegetation within the meaning of the *Native Vegetation Act 2003*; or
- harm (within the meaning of the *Heritage Act 1977*) or require the harming to any building, work, relic, moveable object, or place the subject of an interim heritage order or listing on the State Heritage Register under that Act.

Entry to residential premises

Under section 99 of the Act, states that an authorised officer can only enter a residential premises with the permission of the occupier or the authority of a search warrant.

Detention or treatment of persons

Under section 134 of the Act, an authorised officer can not do any of the following in a biosecurity direction, except in the case of an emergency (s134):

- prohibit, regulate or control the movement of a person,
- require a person to undergo any treatment measures or require treatment measures to be carried out in relation to a person.

An authorised officer cannot require a person to provide samples of their blood, hair, saliva or any other body part or body fluid.

Requiring information

An authorised officer may require a person to furnish records or information or to answer questions. However, the common law privilege against self-incrimination entitles a person to refuse to furnish records or information or to answer questions where it would tend to incriminate that person (except where the authorised officer makes the requirement in the case of an emergency).

Penalty for not complying with the general biosecurity direction

The maximum penalty is:

- in the case of an individual—\$220,000 and, in the case of a continuing offence, a further penalty of \$55,000 for each day the offence continues, or
- in the case of a corporation—\$440,000 and, in the case of a continuing offence, a further penalty of \$110,000 for each day the offence continues.

The maximum penalty for an offence that is committed negligently is:

- in the case of an individual—\$1,100,000 and, in the case of a continuing offence, a further penalty of \$137,500 for each day the offence continues, or
- in the case of a corporation—\$2,200,000 and, in the case of a continuing offence, a further penalty of \$275,000 for each day the offence continues.

Continuing obligation

Under section 138 of the Act, a person is obliged to comply with the requirements of the biosecurity direction continues until the biosecurity direction is complied with, even if the due date for compliance has passed.

Appeals against the general biosecurity direction

No appeal can be laid against a decision to give a general biosecurity direction.

Variation of the general biosecurity direction

Under section 125 of the Act, the biosecurity direction may be varied or revoked by a subsequent biosecurity direction issued by the Secretary or authorised officer.

Contact

For all biosecurity matters please contact NSW Department of Primary Industries on 1800 808 095 or biosecurity@dpi.nsw.gov.au