

Biosecurity - Emergency Powers

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1. Purpose

This policy aims to ensure

- the *Biosecurity Act 2015* (the Act) emergency powers will be exercised in a consistent and appropriate manner
- the Act's emergency powers will minimise the impact of emergencies arising from an incursion of biosecurity matter into NSW or parts of NSW
- the Act's emergency powers will enable NSW Department of Primary Industries (DPI), an office within the NSW Department of Industry, to provide a response consistent with the national emergency response agreements.

2. Scope

This policy applies to staff of the NSW DPI, including NSW DPI Fisheries and Local Land Services (LLS) and Local Control Authorities (LCA) who are responsible for enforcing, administering or executing the Act.

3. Work health and safety

The *Work Health and Safety Act 2011* places an obligation on the agencies DPI, LLS and LCA as a *person conducting a business or undertaking* and workers to provide a safe and healthy workplace. Safe Work Method Statements that support activities included in this policy must be used in identifying, assessing and controlling risks.

NSW DPI, LLS and LCA's will work together to create a safe and supportive work environment when undertaking any activities and controlling risks.

4. Outcomes

4.1 The Act's emergency powers will be exercised in a consistent and appropriate manner.

- a) Emergency orders are made and published consistent with the requirements of Part 5 of the Act
- b) Authorised officer special emergency powers are exercised consistent with the requirements of sections 91, 93, 97(1), 126(3) & 131 of the Act.

Activities

NSW DPI will:

- ensure that emergency orders are only made by the Secretary or an officer who has the appropriate delegation (4.1a)
- ensure that emergency orders are only in place for the time required to prevent, eliminate or minimise the biosecurity emergency (4.1a)
- require all emergency orders to be published on the website of the Department and where appropriate in the Gazette (4.1a)
- communicate emergency orders to all relevant stakeholders through a combination of tools and local media outlets (4.1a)
- ensure that special emergency powers are only exercised by an authorised officer who has the appropriate authorisation and training (4.1b)
- identify when there is sufficient evidence to form a reasonable suspicion that a biosecurity emergency is imminent, is occurring or has occurred (4.1b)
- require authorised officers to consult with their Manager before they exercise special emergency powers unless a biosecurity emergency is occurring or imminent and immediate action is required (4.1b)
- provide training and guidance for authorised officers in the identification of biosecurity risks that may require the use of special emergency powers (4.1b)
- where possible, require authorised officers to exercise emergency powers consistent with the policy and procedure in place for the relevant biosecurity risk (4.1b).

4.2 The Act's emergency powers will minimise the impact of emergencies arising from an incursion of biosecurity matter into NSW or parts of NSW.

- a) Biosecurity risks to NSW that could be the subject of the Act's emergency powers will be identified
- b) NSW DPI will engage with other government agencies to identify and document the roles and responsibilities of staff in the event of an emergency.

Activities

NSW DPI will:

- develop policy and procedure for priority emergency biosecurity matter including the use of emergency powers (4.2a)
- engage with relevant industry and government stakeholders, including NSW Health in the case of a zoonotic disease emergency, to facilitate the development of response plans in preparation for an emergency response (4.2a)
- identify training requirements for agencies (LLS and LCAs) in the use of emergency powers (4.2b)
- provide information and guidance to stakeholders in the identification of biosecurity emergencies (4.2b).

4.3 The Act's emergency powers will enable NSW DPI to provide a response consistent with the national emergency response agreements.

- a) NSW DPI actively contributes to the development and maintenance of the national emergency response agreements
- b) NSW DPI will allocate resources to enable a response to an emergency consistent with the national emergency response agreements
- c) NSW DPI will administer the Act to ensure the powers will enable a response consistent with the national emergency response agreements.

Activities

NSW DPI will

- maintain effective surveillance systems for the early detection and identification of an incursion of an emergency pest, disease, weed or contaminant incursion (4.3a)

- identify staff responsible for providing an emergency response including those responsible for the exercise of emergency powers (4.3b)
- conduct training in the roles and responsibilities of staff involved in an emergency response (4.3b)
- allocate the resources required for the administration of the emergency powers under the Act (4.3c).

5. Related procedures

Procedure - Biosecurity collection, use and disclosure of information

Procedure - Biosecurity Emergency Powers

Procedure - Biosecurity Directions

Procedure - Anthrax Management

Procedure - Avian influenza generic surveillance procedure

Procedure - Hendra virus investigation and management

Procedure - Highly pathogenic avian influenza

Procedure - Prohibited matter animal diseases and pest investigation and alert phase

Procedure - Prohibited Pig Feed

Procedure - Australian Bat Lyssavirus

Procedure - Reporting Plant Pest and Diseases

Biosecurity – Processing biosecurity permit applications and renewals for prohibited dealings

6. Definitions and acronyms

NSW DPI NSW Department of Primary Industries

LLS Local Land Services

LCA Local Control Authority

7. Legislation

Biosecurity Act 2015

Biosecurity Regulation 2017

Work Health and Safety Act 2011

8. Other related documents

Records Management Policy (IND-I-177)

Information Security Policy (IND-I-197)

Classified Information Policy (IND-I-196)

Government Information (Public Access) Policy (IND-I-178)

Biosecurity collection, use and disclosure of information policy (IND-O-226)

9. Revision history

Version	Date issued	Notes	By
1.0	06/07/2017	New policy in response to the <i>Biosecurity Act 2015</i>	Director Biosecurity and Food Safety Compliance

10. Contact

Director Biosecurity and Food Safety Compliance

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