

BIOSECURITY ACT 2015

Key Terms and Definitions - Compliance and Instruments

BIOSECURITY DUTY

There are several biosecurity duties imposed under the Biosecurity Act in relation to specified persons. These include:

- a duty to take action when dealing with biosecurity matters or carriers
- a requirement to notify a prohibited matter event
- a requirement to prevent, eliminate or minimise a risk posed by prohibited matter
- a duty to notify an suspected or existing biosecurity event

Biosecurity duties are non-transferable, although more than one person can have the same biosecurity duty. A person can also have more than one duty.

BIOSECURITY EVENT

A biosecurity event is something that has occurred, is occurring or is likely to occur and that has had, is having, or is likely to have, a significant adverse effect on the economy, environment or community. For example, an unexplained mass mortality in birds could be a biosecurity event.

Notification obligations apply with respect to biosecurity events.

BIOSECURITY IMPACT

A biosecurity impact is an adverse effect on the economy, environment or the community that arises, or has the potential to arise, from biosecurity matter or a carrier and that relates to:

- the introduction, presence, spread or increase of a disease, disease agent or pest,
- stock food, fertilisers, liming materials and trace element products,
- animals, plants or animal products becoming chemically affected,
- risk to public safety caused by bees or non-indigenous animals.

If the adverse effect on the economy, environment or the community does not relate to any of the above things, then it is not a biosecurity impact.

BIOSECURITY MATTER

Biosecurity matter is:

- any living thing, part of a living thing or product of a living thing (other than a human), or
- a disease, prion or contaminant, or
- a disease agent that can cause disease in a living thing (other than a human) or that can cause disease in a human via transmission from a non-human host (i.e. zoonosis).

BIOSECURITY RISK

A biosecurity risk is the risk of a biosecurity impact occurring (see above for the definition of biosecurity impact).

BIOSECURITY ZONE

A biosecurity zone is established by regulation and its purpose is to prevent, eliminate, minimise or otherwise manage a biosecurity risk or biosecurity impact. Generally a biosecurity zone will apply to a specified part, or parts of NSW.

A biosecurity zone will be used to provide for the long term management of a particular biosecurity risk or biosecurity impact. For example, a biosecurity zone has been established to prevent the spread of grapevine phylloxera. The regulation establishes a Phylloxera Infested Zone (PIZ) and a Phylloxera Exclusion Zone (PEZ) and prohibits the movement of certain things from the PIZ into the PEZ.

CARRIER

A carrier means anything (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.

The carrier may not itself be affected by the biosecurity matter.

Carriers may include plants and animals (whether living or dead), soil, turf, and soil improving products such as recycle waste and other matter, inanimate objects (such as vehicles, production equipment and coverings) or humans.

DEALINGS

Dealing is used in the context of 'dealing with' biosecurity matter or a carrier or to 'engage in a dealing'.

A dealing can include any of the following: to keep, possess, care for, have custody of, control, produce, manufacture, supply, import, acquire, buy, sell, dispose of, move, release, use, treat, breed, propagate, grow, raise, feed, culture, experiment with, display, enter into an agreement that deals with, agree to deal with, and/or cause or permit a dealing.

GENERAL BIOSECURITY DUTY

The general biosecurity duty can apply to anyone. It provides that any person who deals with biosecurity matter or a carrier, and who knows (or ought reasonably to know) of the biosecurity risk posed (or likely to be posed), has a biosecurity duty to ensure that the risk is prevented, eliminated or minimised - so far as is reasonably practicable.

For more information on the general biosecurity duty, visit dpi.nsw.gov.au/biosecurityact

MANDATORY MEASURE

A requirement set out in regulation for a person who deals 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.

PROHIBITED MATTER

Prohibited matter is biosecurity matter that is listed in Schedule 2 of the Biosecurity Act.

This matter is biosecurity matter that could have significant adverse consequences to the economy, environment or community.

Prohibited matter includes foot and mouth disease, avian influenza, Hendra virus infection (other than in pteropid bats), citrus canker, and parthenium weed.

Notification obligations apply with respect to prohibited matter. It is also an offence to deal with prohibited matter.

PROHIBITED DEALINGS

Dealings with a non-indigenous amphibian, bird, mammal or reptile that is listed in Schedule with 3 of the Biosecurity Act is a prohibited dealing. This includes

the eggs, semen or any other living stage of any such animal.

Dealings with this listed matter could have significant adverse consequences to the economy, environment or community.

Prohibited dealings include chipmunks, zebra dove, and the common toad.

There are some exceptions to these dealings if the dealing with the animal is:

- for permitted exhibition purposes if the display of the animal is authorised (by a licence, approval or permit) under the Exhibited Animals Protection Act 1986 and the dealing is in relation to that display, or
- for permitted research purposes if: the person keeping the animal:
 - is accredited as a research establishment under the Animal Research Act 1985, or
 - holds an animal research authority under the Animal Research Act 1985, or
 - holds an animal supplier's licence under the Animal Research Act 1985.

Notification obligations apply with respect to prohibited dealings. It is also an offence to deal with a prohibited dealing.

REASONABLY PRACTICABLE

Reasonably practicable is used in relation to the prevention, elimination or minimisation of biosecurity risks.

What is reasonably practicable means that which is reasonably able to be done, taking into account and weighing up all relevant matters including the nature of the biosecurity risk concerned, the availability and suitability of ways to manage the biosecurity risk concerned, and the cost involved.

REGISTRABLE DEALINGS

Schedule 4 of the Act specifies certain dealings as registrable dealings. These include dealing with managed bees and certain non-indigenous animals.

A person must be registered under the Act to engage in a registrable dealing.

For more information about the Act, visit our website or contact us:

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