

GENERAL BIOSECURITY DIRECTION

NSW Biosecurity Act 2015

I, Elissa van Oosterhout

as an authorised officer under the *Biosecurity Act 2015* (the Act), and accordance with section 126 (1) of the Act, hereby give this general biosecurity direction (**biosecurity direction**) to the following persons:

Any person who enters or is within the Infested Area specified in the attached map at Schedule 1.

In accordance with section 126 (1) of the Act, I reasonably believe that the biosecurity direction is necessary for the following purpose/s:

- a) To prevent, eliminate or minimize a biosecurity risk [s126(1)(a)]; and
- b) To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur [s126(1)(b)].

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

The introduction, presence, spread or increase of Yellow Crazy Ant (*Anoplolepis gracilipes*) into or within New South Wales or carriers of Yellow Crazy Ant. Yellow Crazy Ant is prescribed as Prohibited Matter in Schedule 2 of the *Biosecurity Act 2015*

Directions

Under Section 126 (2) of the Act an authorised officer may give a biosecurity direction that prohibits, regulates, or controls the carrying out of an activity in connection with biosecurity matter, carrier or potential carrier identified above. It is mandatory to comply with this biosecurity direction. Accordingly, this biosecurity direction:

1. Prohibits any person within the Infested Area specified in the attached map at Schedule 1 from moving YCA material within or out of the Infested Area specified in the attached map at Schedule 1.

Note:

- a) In accordance with Part 4 of the *Biosecurity Act 2015*, a person who suspects the presence of Yellow Crazy Ants is required to notify the NSW DPI immediately. This notification can be made online [Report an Exotic Ant](#) or by calling 1800 680 244.
- b) A person may apply to the NSW DPI for a permit to move YCA material by completing an application form, available on the NSW DPI website: [Permit Application](#)
- c) Flood-affected YCA materials may be removed from the Infested Area for the purposes of flood clean-up and recovery from major flooding in February and March 2022.

Commencement: 01/03/2022

Ends on: 31/05/2022

Definitions: **Infested Area:** The area specified in the attached map at Schedule 1



If applicable

comprising lot and deposit plan numbers:

IP number	Lot/Deposit Plan number	Street address
IP3	1/350052	7 Little Dawson St, Lismore NSW 2480
IP4	2/308754	5 Little Dawson St, Lismore NSW 2480
IP5	1/349589	3 Little Dawson St, Lismore NSW 2480
IP6	A/331815	1 Little Dawson St, Lismore NSW 2480
IP7	1/772985	67 Conway St, Lismore NSW 2480
IP8	1/772986	63 Conway St, Lismore NSW 2480
IP9	2/551504	20 McLennan Lane, Lismore NSW 2480
IP10	A/421469	61 Conway Street, Lismore NSW 2480
IP11	1/845812	Multiple occupancy property 55 Conway Street Lismore NSW 2480/ 57 Conway Street, Lismore NSW 2480/ 18 McLennan Lane, Lismore NSW 2480
IP12	1/349264	9 Little Dawson St, Lismore NSW 2480
IP13	1/573157	22 McLennan Lane, Lismore NSW 2480

YCA Material: Grass, park and garden vegetation and clippings, timber, potting mix, soil (including fill, clay, scrapings, and any material removed from the ground at a site where earthworks are being carried out), mulch including bark, woodchips, hay and straw, animal manures, baled hay or straw, potted plants or plants in containers, empty used plant containers, turf, gravel and sand, machinery and any items that may move or carry any of the above materials.

Elissa van Oosterhout

Authorised officers name

Leader Invasive Invertebrates Biosecurity

Role

Signature

16/03/2022

Date



Department of
Primary Industries



Local Land
Services

NSW DPI

Agency

Failure to comply with the conditions of 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

Schedule 1 - Infested Area

