

# BIOSECURITY ACT 2015

## Frequently Asked Questions

### What is Biosecurity?

Biosecurity is the protection of our economy, environment and community from the negative impacts of pests, diseases, weeds and contaminants.

Biosecurity protects our \$14 billion primary industries and underpins the health and wellbeing of our environment and community. It keeps our waterways, state forests, parks and infrastructure free from serious pests and weeds, and it keeps our animals free of serious disease.

From 1 July 2017, how the government, industry and the community manage biosecurity in NSW is changing. *The Biosecurity Act 2015* replaces wholly or in part 14 separate pieces of biosecurity related legislation. By streamlining these into a single Act, we are reducing red tape, simplifying existing policies and procedures and facilitating greater flexibility in how we manage biosecurity risks – the focus is on risk and achieving outcomes.

#### WHAT ACTS ARE CHANGED BY THE BIOSECURITY ACT 2015?

The wholly repealed Acts are:

- *Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991*
- *Apiaries Act 1985*
- *Deer Act 2006*
- *Fertilisers Act 1985*
- *Non-Indigenous Animals Act 1987*
- *Noxious Weeds Act 1993*
- *Plant Diseases Act 1924*
- *Stock (Chemical Residues) Act 1975*
- *Stock Diseases Act 1923*
- *Stock Foods Act 1940*

The partly repealed Acts are:

- *Fisheries Management Act 1994 (Aquatic Biosecurity)*
- *Stock Medicines Act 1989*
- *Wild Dog Destruction Act 1921*

*The Local Land Services Act 2013* (Part 10 Pests) will remain in place until management arrangements for pest are determined and Regional Pest Management Plans developed.

#### IS NLIS MAINTAINED UNDER THE BIOSECURITY ACT 2015?

Yes – the Biosecurity (National Livestock Identification System) Regulation 2017 has been made under the Biosecurity Act to give effect to the important national system for the identification and tracing of the movement of cattle, sheep, goats and pigs.

This regulation provides for the continuation of identification codes, information requirements, arrangements for registers, and some miscellaneous provisions including legislative support for the identification of stock that are chemically affected or posing a biosecurity risk. It also outlines revised stock identification districts to align more closely with the regional structure of the Local Land Services.

#### HOW DOES INDUSTRY SELF CERTIFICATION AND AUDITING WORK UNDER THE BIOSECURITY ACT 2015?

Over the past decade a range of industry schemes have been established which enable primary producers to certify that their own produce is free of certain pests and diseases to satisfy market access requirements. Examples include the

Interstate Certification Assurance (ICA) scheme and the Certification Assurance (CCA) scheme that operates across the plant industry.

The Biosecurity Act provides the legislative underpinning to ensure the integrity of these schemes. If other industry schemes are developed in the future, the Act will also provide the necessary legislative underpinning for them.

Auditing programs are used to monitor compliance and inform management and communication requirements with respect to the issue of registrations and permits, and certification requirements. Audit functions may be conducted by government or third party service providers depending on the biosecurity matter or issue subject of the audit.

#### HOW DOES THE NEW LEGISLATION MANAGE A BIOSECURITY EMERGENCY?

The Act provides special powers to authorised officers if there is an emergency occurring or about to occur, so that we can contain the situation until we are sure what we are dealing with. The powers include actions such as restricting movement or requiring information. An emergency order

will detail the management actions to be taken to contain and eradicate the risk.

NSW is a signatory to a national framework for responding to biosecurity emergencies so in some cases the required actions will be guided by these well-established protocols. Overall, the Biosecurity Act includes more flexible powers to ensure we can quickly respond to any significant biosecurity risk to our economy, environment, or community.

## WHAT DOES 'SHARED RESPONSIBILITY' MEAN?

Shared responsibility means that we all have a responsibility to protect NSW from biosecurity risks to the best of our ability.

Biosecurity management is not, and cannot be, the sole responsibility of government. Governments provide the strategic direction and legislative underpinning to implement appropriate management arrangements in response to biosecurity risks.

Industry and community also play a crucial role in managing the biosecurity risk from their business, recreation or hobbies by:

- adopting biosecurity management plans to minimise the risk of spread of pest and diseases associated with their businesses
- managing weeds on their properties
- ensuring recreational equipment such as hiking boots, mountain bikes and fishing gear are thoroughly cleaned after use, and
- reporting suspecting sightings and participating in programs that relate to surveillance.

## WILL I NEED TO HAVE A BIOSECURITY PLAN?

Biosecurity plans are a great way to protect your business from the negative impacts of pests, diseases weeds and contaminants. These plans will provide you with clear guidance about practices you should adopt in your day to day business activities but also provides clear guidance to anyone entering your property about what they must do to minimise biosecurity risks to you.

The general biosecurity duty under the Act requires that anyone who knows or ought reasonably know about a biosecurity risk has a duty to prevent, eliminate or minimise

that risk as far as reasonably practicable. A biosecurity plan will assist a person in knowing that there are biosecurity risks that could impact your business and what actions they should reasonably take to prevent or minimise those risks.

A biosecurity plan may be a requirement of some industry schemes, programs or certification arrangements, for example Livestock Production Assurance Program, J-BAS for market access to certain states and territories.

## DO PUBLIC LAND MANAGERS AND PRIVATE LAND MANAGERS HAVE THE SAME OBLIGATIONS UNDER THE BIOSECURITY ACT 2015?

Yes – The Biosecurity Act is tenure neutral. This means that all land managers, regardless of whether it is private or public land, have the same responsibilities. The action taken by the land manager will be guided by legislation, regional strategic management plans (including weeds plans) and what is reasonably practicable to eliminate, prevent or minimise a risk. It is important to remember that the general biosecurity duty only applies to those who know or reasonably know about a risk and what is a reasonably practicable action to respond to the risk.

A fundamental principle of the Biosecurity Act is that biosecurity is everyone's responsibility. The tenure neutral approach adopted in the Biosecurity Act is consistent with this important principle.

## WHAT IS HAPPENING WITH THE MANAGEMENT OF WEEDS IN NSW?

A State Weeds Committee with independent representation has been established to provide guidance to the NSW Government.

Local Land Services have established 11 Regional Weeds Committees to facilitate community input into weed planning. These Committees promote a landscape scale approach to managing weeds through various means including tenure neutrality and the general biosecurity duty.

Regional Strategic Weed Management Plans have been developed in consultation with a range of stakeholders. These plans

articulate local community expectations for managing weeds and form the basis for an enforceable general biosecurity duty.

Existing local control authorities continue to have functions in relation to weed control.

## HOW WILL THE BIOSECURITY ACT 2015 HELP TO PROTECT THE ENVIRONMENT AND COMMUNITY?

The Biosecurity Act provides the framework to protect our community from the adverse effects from animal and plant pests, diseases and weeds to maintain market access and protect infrastructure and other important assets. The Biosecurity Act also provides the framework to help protect our environment from invasive pests and diseases allowing us to continue to enjoy our lifestyle.

The community plays an important role in managing biosecurity. The community interacts with many situations and landscapes and is a great source of surveillance information. The community also plays a key role in protecting our environment by reporting new pests and diseases and adopting good biosecurity practices when undertaking recreational activities.

## WHERE DO I GET MORE INFORMATION ABOUT MY INDUSTRY?

We are continually engaging with industry, community and other partners to ensure we develop information and resources that are practical and relevant to you. We encourage you to visit our website where there is a variety of information and tools including videos and fact sheets on how you can help protect NSW from biosecurity risks.

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

**W** [dpi.nsw.gov.au/biosecurityact](http://dpi.nsw.gov.au/biosecurityact)

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