

Biosecurity – Authorised analysts

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AUTHORISED BY: Director, Compliance and Integrity Systems

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CATEGORY: Operations and Industry

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1. Purpose

This policy aims to ensure:

- NSW authorised analysts appointed under the *Biosecurity Act 2015* (the Act) comply with the requirements of section 378 of the Act
- Certificates provided by authorised analysts comply with section 394 of the Act, and
- The appointment of authorised analysts is consistent, where possible, across NSW Department of Primary Industries (DPI) within Regional NSW.

2. Scope

This policy is relevant to all staff of NSW DPI, Local Land Services (LLS), Local Control Authorities (LCAs), Australian Plague Locust Commission (APLC) or NSW Police who are responsible for the appointment or the use of an authorised analyst under the Act.

3. Work Health and Safety

The *Work Health and Safety Act 2011* places an obligation on the agencies (NSW DPI, LLS, LCAs, APLC or NSW Police) 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, LCAs, APLC or NSW Police will work together to create a safe and supportive work environment when undertaking any activities for this policy.

4. Objectives

4.1 The appointment of authorised analysts will be conducted in a consistent manner.

- a) The appointment of authorised analysts is consistent with the provisions of the Act and relevant procedures.
- b) Administration of the appointment of authorised analysts is transparent and reportable.

Activities

NSW DPI will:

- Adopt a standard application process for appointment, amendment and revocation of authorised analysts (4.1a)
- Maintain a database of authorised analysts to enable reporting (4.1b)
- Maintain a publicly available list of authorised analysts (4.1b)
- Where applicable refuse the application of an authorised analyst if the applicant has been found guilty of an offence under the Act or the regulations, or an offence under any Act or law (4.1b)

4.2 NSW DPI will specify the minimum qualification/s, knowledge and experience requirements for appointment of an authorised analyst.

- a) Appointed authorised analysts have appropriate skills, knowledge and experience to undertake analysis for use as evidence in legal proceedings.

Activities

NSW DPI will:

- Require an applicant to demonstrate that they can fulfil the qualifications, knowledge and experience requirements necessary for the approval as an authorised analyst based on a formal process of selection (4.2a)
- Determine whether the applicant has the capacity to properly discharge the functions as an authorised analyst (4.2a).
- Recognise authorised analysts from other jurisdictions under *Mutual Recognition Act 1992* (4.2a)
- Where applicable place conditions of an appointment to ensure the authorised analyst is acting within their capabilities (4.2a)

4.3 Promotion and enforcement of biosecurity as a shared responsibility between government, industry and the community.

- a) The reports provided by authorised analysts will help support understanding and awareness of biosecurity outcomes for NSW.
- b) The appointment of authorised analysts is consistent with NSW Biosecurity Strategy 2013-2021 (goal 4), '*Biosecurity is underpinned by a responsive and consistent legislative framework*'.

Activities

NSW DPI will:

- Encourage the use of authorised analysts for provision of evidence and a certificate for use in legal proceedings (4.3a).
- Implement standard processes for engaging with an authorised analyst for provision of evidence and a certificate for use in legal proceedings (4.3a).

4.4 Strengthening the protection of the economy, environment and community from biosecurity risks and threats.

- a) Authorised analysts are appointed to provide a certificate stating the results of an analysis or examination, which is admissible as evidence in any legal proceedings as evidence of the facts regarding the result of the analysis or examination.

Activities

NSW DPI will:

- provide clear guidance to meet their responsibilities under section 394 of the Act (4.4a)
- develop and provide authorised analysts with a certificate template that complies with Section 394 of the Act, which can be used as evidence in legal proceedings (4.4a).

5. Related procedures

Procedure – Authorised analysts

Procedure – Biosecurity collection, use and disclosure of information

6. Definitions and acronyms

NSW DPI NSW Department of Primary Industries

7. Legislation

Biosecurity Act 2015

Biosecurity Regulation 2017

Biosecurity (National Livestock Identification System) Regulation 2017

Privacy and Personal Information Protection Act 1998

Stock Medicines Act 1989

8. Other related documents

Policy - Information Security (IND-I-197)

Policy - Code of Ethics and Conduct

Policy - Biosecurity collection, use and disclosure of information

9. Revision history

Version	Date issued	Notes	By
1.0	April 2020	New policy developed in response to the <i>Biosecurity Act 2015</i> .	CIS - Operational Policy and Legislation

10. Contact

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