

DPI Primefact

Landholder Biosecurity and Utility Service Providers

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A key focus of the NSW Biosecurity Act 2015 (the Act) is preventing, mitigating and managing biosecurity risks when and if they occur.

The Act includes a general biosecurity duty. This means that people must do what is reasonably practical to prevent or minimise biosecurity risks that they know about.

Landholders

Managing the biosecurity risk of people visiting or entering land

Biosecurity risks such as pests, diseases and weeds are a threat to agricultural and horticultural properties. All biosecurity risks can spread through the movement of animals, people, machinery, and vehicles.

As a landowner who conducts commercial or educational activities related to agriculture or horticulture, it is good practice to have a biosecurity management plan (the Plan) that identifies risks that may come onto your property. This includes circumstances where service providers may have a right of access or right of carriage way.

Landholders should identify and consider the specific risks to their property and outline reasonable measures in the Plan that they and other visitors, including employees and service providers must actively follow to prevent, eliminate, or minimise the impacts posed by people, vehicles and any equipment entering the property.



NSW Biosecurity entrance sign

It is essential that there are signs at each entrance to the management or high-risk areas where the Plan applies.

Signs must:

- Advise that a Plan is in place,
- Outline that it may be an offence under the Act for a person to fail to comply with the measures set out in the Plan,
- State how a copy of the Plan may be obtained,
- Tell visitors how they can contact you (or a property manager) to discuss the Plan and understand their biosecurity obligations before entering the property.

Make sure these matters are clearly communicated. Visitors and people accessing your land need to know what they must do to comply.

Preparing a plan and understanding your risks

In understanding your biosecurity risks as a landholder, you should consider:

- Weeds, pests, diseases, or contaminants that are on your property that you should help prevent the spread of,
- Weeds, pests, and diseases that are not on your property that you are trying to prevent entering your property,
- Diseases that could be spread from property to property,
- The likely impacts on agricultural or horticultural activities, public health, and safety of a biosecurity risk,
- The reasonable measures that can be taken to reduce the risks identified,
- How you will communicate the risks and required actions to visitors,
- Other legal requirements outlined in the *Biosecurity Act 2015* and supporting regulations, *Biosecurity Regulation 2017*, and *Biosecurity (National Livestock Identification System) Regulation 2017*.

Planning for good biosecurity outcomes

Every time a person enters a property, they may inadvertently introduce and spread pests, diseases, and weeds. Minimising these risks is a legal responsibility. *This responsibility is shared by all who enter the property.*

Land managers should assist all visitors, including employees and utility providers to reduce biosecurity risks by:

- Ensuring the Plan identifies the area that it applies (known as the management area). This could be the whole property or part/s of the property. Including a map is recommended,

- Having a Plan in place and communicating any special requirements to employees and utility providers,
- Removing high risk stock from areas during the time of a scheduled visit,
- Avoiding activities that might be affected by a necessary and scheduled visit,
- Identifying areas that might be high risk, including those areas subject to specific biosecurity measures with signage or prior communications,
- Requiring visitors to stick to designated roads, including any relevant crown land roads and minimizing access to high-risk areas,
- Establishing a buffer zone, setting aside an area of land on the property to minimizing the impacts from vehicles using roads on your property.



Stick to designated roads when visiting properties

Telecommunications, utility, and exploration companies

To provide essential services across NSW, the rights of utilities providers to access land are protected by law. For example, the *Electricity Supply Act 1995*, *Gas Supply Act 1996* and the *Telecommunications Act 1997 (Commonwealth)*.

To achieve the best outcomes for landholders:

- Land managers should respect the need and rights of utilities providers to access their land.
- Utilities workers should respect the land manager's need to manage biosecurity and comply with reasonable measures outlined in the Plan.



Utility providers providing essential services

Working together to manage biosecurity risks

Land managers and visiting utilities workers should plan visits as much as possible so that steps can be taken to manage any specific biosecurity risks. In most instances, utilities companies will notify the landholder of their 'intention to enter' in a letter or a visit to the property to meet with the landholder. Practical exceptions where notification may not occur include emergency situations, like power outages, or for the reading of a meter.

To ensure effective communication and engagement between land managers and utility companies:

- Landholders should make reasonable efforts to notify utility providers of any complications, including high biosecurity risks that may need to be considered for their upcoming visit.

- Landholders should make and record efforts to advise of any biosecurity concerns and / or issues they have on farm.
- Efforts will be made to continuously improve the communication and engagement channels so information can flow directly between utility companies and the land manager.

Managing disputes

Despite the best efforts of landholders and utility providers, incidents might occur where property-based biosecurity requirements have not been complied with.

If you have observed a utility provider not complying with your site-specific biosecurity controls, the first step is to contact the utility company and report the concern. It is important to:

- Keep a record of when and where you saw the incident and what actions were not specifically complied with.
- Put your concerns in writing to the utility provider and give them an opportunity to investigate the matter
 - Request the outcome be provided to you in writing so that you have a point of reference for any future discussions.

Communicating the reasonable measures in your Plan and the reasons for having them in place prior to a utility provider or other visitors coming on your property is important to raise awareness and ensure any future activity on your property meets your biosecurity requirements.

Action for not complying with legal requirements

For enforcement action to be taken for not complying with a Plan:

- A person must have entered the management area/s the Plan applies to and should have reasonably known about the biosecurity risk.
- A person must have engaged in a dealing with biosecurity matter or carrier/s while in the management area
- A person must have failed to comply with the reasonable measures outlined in the Plan.
- You must be able to demonstrate that others on your property, including employees, are actively following the reasonable measures.
- It must be shown that the failure of the person to take actions resulted in a biosecurity risk occurring.

Reasonable measures under the biosecurity management plan are mandatory measures that must be followed. Where a person fails to meet the reasonable measures, and their lack of action can be proven, the Act provides powers for an authorised officer to require the offending person(s) to take remedial action.

In circumstances where there is no Plan in place for the property and signs have not been erected to make visitors aware that there are certain actions that must be taken before entering the property, then this could compromise any enforcement action that could be taken for a breach of biosecurity requirements.

Failure to comply with reasonable measures in a biosecurity management plan may be an offence under the Act and can attract significant penalties. Report any concerns to:

- Your nearest Local Government Weed Officer for weed related issues, or
- Your Local Land Services office for other biosecurity issues.

For more information visit:

<https://www.dpi.nsw.gov.au/biosecurity/your-role-in-biosecurity/farm-visitors-and-workers>

or call the NSW DPI Biosecurity Helpline on 1800 680 244.

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