

Biosecurity Instrument of Authorisation (Minister) 2021

under the
Biosecurity Act 2015

I, ADAM MARSHALL, Minister for Agricultural and Western New South Wales, in pursuance of section 78 of the *Biosecurity Act 2015*, make the following Instrument of Authorisation.

Dated this 6th day of May 2021



ADAM MARSHALL,
Minister for Agricultural and Western New South Wales

Part 1 Preliminary

1. Name

This Instrument is the *Biosecurity Instrument of Authorisation (Minister) 2021*.

2. Commencement

This Instrument commences on the day on which it is signed.

3. Interpretation

(1) In this Instrument:

function includes a power, authority or duty, and *exercise* a function includes perform a duty.

Senior Executive Band 1 means a senior executive employed by the Department in Band 1 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act.

Senior Executive Band 2 means a senior executive employed by the Department in Band 2 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act.

Senior Executive Band 3 means a Senior Executive employed in the Department in Band 3 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act.

the Act means the *Biosecurity Act 2015*.

(2) The summary of a function in Column 2 of Schedule 2 is only for general explanation and does not limit the exercise of that function under the provisions identified in Column 1 of Schedule 2 except to the extent that it is clearly identified as a limitation pursuant to clause 4(2).

Part 2 Authorisation

4. Authorisation of functions

(1) The functions conferred or imposed on the Minister under Part 6 of the Act in Column 1 of Schedule 2 are conferred on any person assigned to the authorisation level specified in Column 3 of Schedule 2. Authorisation levels are defined in Schedule 1.

(2) Any limitation on the authorisation is specified in Column 4 of Schedule 2.

(3) The person assigned to an authorisation band or grade specified in Column 2 of Schedule 1 includes any person who is for the time being acting in that band or at that grade.

5. Revocation of Biosecurity Instrument of Authorisation (Minister) (No1) 2017

Pursuant to section 78 of the Act, the Biosecurity Instrument of Authorisation (Minister) (No1) 2017 dated 25 May 2017 is revoked, as is any instrument of authorisation revived as a result of this revocation.

Schedule 1 – Authorisation Levels

| Column 1 Authorisation category | Column 2 Delegate Band or Grade |
|---|--|
| A | Secretary. Senior Executive Band 3. Senior Executive Band 2. Senior Executive Band 1. |

Schedule 2 – Biosecurity Act 2015 (Control Orders)

| Column 1 Section | Column 2 Summary of functions delegated | Column 3 Delegate category | Column 4 Limitation (if any) |
|-------------------------------|--|-------------------------------|------------------------------------|
| Part 6, Control Orders | | | |
| 62(1) | Establish one or more control zones and establish measures in connection with a control zone, to prevent, minimise and eliminate or manage a biosecurity risk or impact. | A | |
| 62(2) | Make a control order to prevent, minimise and eliminate or manage a biosecurity risk or impact. | A | |
| 64 | Give notice of a control order and ensure people directly affected are made aware of the control order | A | |
| 65 | Give notice of a property specific control order | A | |
| 66(1) | Specify the period the control order has effect | | |
| 66 | Make an order that amends a control order and extend the period during which the control order has effect. | A | |
| 67 | Form the opinion as to the principal area or areas in relation to which measures are required to be implemented. | A | |
| 68 | Establish control measures | A | |
| 77 | Amend or revoke a control order | A | |