

Biosecurity – Biosecurity Certificates

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Management of biosecurity risk

The purpose of this procedure is to provide guidance to the staff of NSW Department of Primary Industries (DPI) within the NSW Department of Industry, Local Control Authorities (LCA's), and Local Land Services (LLS) who are responsible for providing biosecurity certification services.

Biosecurity certificates are an important tool that demonstrates compliance with market access requirements. The *Biosecurity Act 2015* (the Act) recognises interstate certificates that have been issued under a corresponding interstate law and in accordance with NSW law.

Scope

This procedure primarily applies to NSW DPI and LLS implementing activities as authorised officers under the Act to exercise the functions of a biosecurity certifier. This procedure does not apply to persons accredited as a biosecurity certifier under the Act in a certification assurance arrangement.

Biosecurity legislation summary

A biosecurity certificate is a certificate issued by an authorised officer or accredited certifier under section 184 of the Act or under a corresponding interstate law that certifies any of the following matters:

- is free from a specified pest or disease or contaminant
- is in a specified condition
- is from an area that is free from a pest or disease
- has been the subject of a specified treatment
- meets specified requirements
- complies with any matter prescribed by the regulations.

It is a category 1 or 2 offence if the person who obtains the biosecurity certificate contravenes with the conditions of the certificate or the Act.

The collection, use and disclosure of information in accordance with this procedure, including any internal or external discussion or distribution of information, must be in compliance with the *Privacy and Personal Information Protection Act 1998* or be exempted by the operation of section 387 of the Act.

Section 387 (2) of the Act provides authority for the disclosure of information about a person, without the consent of the person: to a public sector agency, or to any other person, but only if the disclosure is reasonably necessary for the purpose of exercising a biosecurity risk function.

Work health and safety

The *Work Health and Safety Act 2011* places an obligation on the agencies (NSW DPI and LLS) 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 the procedure must be used in identifying, assessing and controlling risks.

NSW DPI and LLS will work together to create a safe and supportive work environment when undertaking any activities for this procedure.

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Biosecurity Certificates procedure

1. Roles and Responsibilities

Staff of the NSW DPI, LLS and LCA who are responsible for biosecurity certification must ensure:

- a biosecurity certificate is only issued by an authorised officer approved to exercise the functions of a biosecurity certifier under section 195 of the Act
- a biosecurity certificate is only issued where authorised under supporting legislation, including the Biosecurity Order (Permitted Activities) or related policy and procedure
- a biosecurity certifier is trained in the issuing of biosecurity certificates including the application of fees and all relevant policy and procedures
- records of authorised officers and persons accredited as biosecurity certifiers are maintained
- records of biosecurity certificates issued by authorised officers are maintained
- fees for the issuing of biosecurity certificates are charged consistently, and
- offences in relation to the issuing and use of biosecurity certificates are identified, reported and investigated.

2. Types of Biosecurity Certificates

Biosecurity certificates issued by authorised officers under the Act include:

Area Freedom Certificate means a biosecurity certificate or an interstate biosecurity certificate that certifies the State or Territory, or part of the State or Territory, is free from the specified biosecurity matter.

Carrier Biosecurity Certificate means a biosecurity certificate or interstate biosecurity certificate that relates to biosecurity carriers issued by an authorised officer under the Act or a corresponding law in a State or Territory.

Plant Health Assurance Certificate is a biosecurity certificate or interstate biosecurity certificate issued in accordance with the requirements of a Certification Assurance Arrangement and includes a document referred to as a Plant Health Assurance Certificate issued by a person who, prior to 1 July 2017, was authorised by the Department to issue the document in accordance with the requirements of a Certification Assurance Arrangement.

Plant Health Certificate means a biosecurity certificate or interstate biosecurity certificate issued by an authorised officer under the Act or a corresponding law in a State or Territory that relates to plant biosecurity.

3. Biosecurity certification

3.1 Request for a biosecurity certificate

When a request for a biosecurity certificate is received, the department will:

- refer the person requesting the biosecurity certificate to the current legislation requirements
- inform the person of the fees that will apply to perform the service on-site
- arrange a mutually convenient time either in-office or on-site to provide the service
- comply and follow relevant safe work practices when issuing biosecurity certificates. This includes identifying, assessing and managing any workplace health and safety risks, and
- refer to any relevant policy and / or procedure.

3.2 Issuing the biosecurity certificate

Before issuing a biosecurity certificate, an authorised officer must consider the following:

- biosecurity certificates are issued consistent with the authorised officers current role and responsibilities except if the officer is directed to do so by their Manager or it they are required to issue a biosecurity certificate in an emergency situation
- biosecurity certificates are issued consistent with any relevant policy and procedure for the management of a biosecurity risk

- biosecurity matter which is the subject of a biosecurity certificate for movement interstate, complies with the relevant importing state's requirements, and
- biosecurity matter which is the subject of a biosecurity certificate for movement within NSW, complies with all relevant movement requirements.

When issuing a biosecurity certificate an authorised officer must:

- ensure that the subject, which could be matter, carrier or property or an area, of the biosecurity certificate complies with the relevant importing state or territory requirement or NSW legislation requirements
- use the current approved template relevant to type of certificate required
- sign and stamp the biosecurity certificate
- inform the person requesting the service of the fee that will apply
- provide an electronic copy of the certificate (if available)
- inform the authority in receiving jurisdiction (if required), and
- provide administration support staff with details of service to enable invoicing.

The authorised officer must ensure they maintain copies of all biosecurity certificates they issue for a minimum period of seven years.

3.3 Duration of biosecurity certificates

Duration of biosecurity certificates will be subject to the conditions of the certificate. The authorised officer issuing the biosecurity must consider the relevant policies and procedures when issuing the biosecurity certificate.

4. Fee for a biosecurity certificate

The Act provides for the charging of a fee for the issuing of a biosecurity certificate. The Regulation prescribes a maximum fee in Schedule 5. The Act provides the Secretary with the discretion to charge a fee for the issuing of a biosecurity certificate or not. Refer to NSW DPI Fees and Charges Procedure for breakdown of fees for biosecurity certificates.

Authorised officers should ensure they charge a fee at the rate of \$200 per hour or part thereof (charged incrementally by 15 minutes), for all biosecurity certification services in accordance with the Fees and Charges Procedure unless it has been otherwise determined by the Secretary or delegate.

5. Offences

The Act provides for a range of offences in relation to the issuing and use of biosecurity certificates. They include the following:

- section 187, Provision of false or misleading information to biosecurity certifier
- section 188, False biosecurity certificates
- section 189, False representations, and
- section 190, Issuing or alteration of biosecurity certificate by unauthorised person.

Section 188(1) of the Act provides for an offence for the issuing of a biosecurity certificate that includes or omits information that is false or misleading in a material particular. This offence extends to the issuing of a biosecurity certificate by an authorised officer.

6. Record keeping

The responsible authority and the authorised officer must maintain records of all biosecurity certificates. Records required are as follows:

- authorised officers approved to issue biosecurity certifiers, their training, roles and responsibilities
- biosecurity certificates issued
- fees charged
- offences identified, and
- prosecutions.

Authorised officer must maintain all records and ensure they are easily accessible. The issues of electronic certificates will create a standardised and consistent method of issuing and storing biosecurity certificated. Authorised officers must maintain the following records:

7. Definitions and acronyms

LCA	Local Control Authority
LLS	Local Land Services
NSW DPI	NSW Department of Primary Industries
PHAC	Plant Health Assurance Certificate
LHMS	Livestock Health Management System

8. Documentation

Biosecurity Act 2015

Biosecurity Regulation 2017

Biosecurity Order (Permitted Activities) 2017

Area Freedom Certificate template

Plant Health Certificate template

Policy - Biosecurity Collection, use and disclosure of information

Procedure - Biosecurity Collection, use and disclosure of information

Procedure – Fees and Charges

Policy - Records Management (IND-I-177)

Policy - Information Security IND-I-197)

Policy -Classified Information (IND-I-196)

Policy -Government Information (Public Access) (IND-I-178)

9. Records

Not applicable.

10. Revision History

Version	Date issued	Notes	Issued by
1.0	01/07/2017	New procedure developed in response to the <i>Biosecurity Act 2015</i> .	Compliance Systems Coordinator

11. Contact

Compliance Systems Coordinator on 02 6391 3698