

# BIOSECURITY ACT 2015

## Key Terms and Definitions - General

### AUTHORISED OFFICER

An authorised officer is a person that has been authorised under the Act to manage biosecurity risk by performing certain functions, such as investigating, monitoring and enforcing compliance with the Act. An authorised officer can request information, investigate a biosecurity risk, enter premises in particular circumstances, accept a biosecurity undertaking and where the risk is significant give a biosecurity direction to a person to take particular actions. Authorised officers include staff employed within NSW DPI, Local Land Services, Local Control Authorities and other agencies, including police officers in certain situations.

### BIOSECURITY AUDITORS

A biosecurity auditor is a person accredited under the Act to undertake certain types of audits. Auditing is an effective educational and compliance tool to facilitate good governance and compliance with conditions of accreditation, registration and individual and group permit holders.

### BIOSECURITY UNDERTAKING

If an authorised officer reasonably believes a contravention is occurring or likely to occur in relation to a requirement imposed under the Act, a person may give the authorised officer an undertaking that they will take action to remedy the contravention, or suspected contravention. It is generally a written agreement that specifies the agreed actions that a person will take to remedy the situation. Undertakings may be given in certain circumstances instead of a biosecurity direction being issued.

### BIOSECURITY DIRECTION

A biosecurity direction is a direction given by an authorised officer, which has legal force. It may be given to an individual or to a class of persons, and specifies what the

person or class of persons are required to do to prevent, eliminate or minimise a particular biosecurity risk or to enforce the requirements of the Biosecurity Act. Non-compliance can attract prosecution and significant penalties.

Biosecurity directions are usually in writing, although in some cases may be given verbally. If given verbally, written confirmation of the verbal direction is to be provided within seven days, unless the direction has already been complied with.

### BIOSECURITY CERTIFICATE

A biosecurity certificate is a certificate issued under the Biosecurity Act that certifies any of the following:

- that an area or thing is free from stated biosecurity matter,
- that an area or thing contains a specified level of stated biosecurity matter,
- that something has been treated in a specified manner, or
- that something is in a specified condition.

Biosecurity certificates are an important part of the Interstate Certification Assurance (ICA) and Certification Assurance (CA) schemes in the plant industry. They also support certification of many of the conditions within the Biosecurity Order (Permitted Activities) 2017 to permit a dealing that would otherwise contravene a requirement under the Biosecurity Act for example, movement of machinery from parthenium infested areas of QLD or stock from cattle tick infested areas of QLD.

### BIOSECURITY CERTIFIERS

A biosecurity certifier is a person accredited under the Act, or a corresponding law of a State or Territory to issue biosecurity certificates. Their accreditation in some cases may be limited to a particular type of biosecurity

certificate. For example, a business may be accredited as a biosecurity certifier to issue Plant Health Assurance Certificates for a particular biosecurity matter or carrier, to certify that the plant health quarantine conditions for trade within the State or between States and Territories has been satisfied.

### BIOSECURITY ORDER (PERMITTED ACTIVITIES) 2017

An order approved by the Secretary (or delegate) and published on the NSW legislation website, that permits an activity that would otherwise be prohibited by a mandatory measure or a regulatory measure implemented in relation to a biosecurity zone. Note: mandatory measures and regulatory requirements of a biosecurity zone are prescribed in the Biosecurity Regulation 2017.

### CONTROL ORDER

A control order is an order made by the Minister (or delegate) that establishes one or more zones to prevent, eliminate, minimise or otherwise manage a biosecurity risk or biosecurity impact.

Generally, a control order will be made to prevent the introduction of, or to eradicate, particular biosecurity matter.

A control order can be made quickly so that a timely response can be mounted to a biosecurity risk or impact that does not require an emergency response, or while longer term management arrangements are being developed.

For example, a control order could require containment, treatment or disposal of soil, stock, plants or products from a contaminated area, to prevent the contaminant entering the human food chain. It could prohibit grazing or, plant and livestock production on the contaminated area, and require decontamination actions such as removal or deep burial.

A control order can remain in place for up to five years. If it is clear that longer term management is required, a biosecurity zone could be established.

## **EMERGENCY ORDER**

An emergency order is an order made by the Secretary (or delegate) to declare a biosecurity emergency and to impose emergency response measures to respond to the biosecurity emergency.

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

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

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