

BIOSECURITY ACT 2015

KEY TERMS AND DEFINITIONS

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 and Certification Assurance Schemes.

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 will usually be in writing though in some cases may be given verbally. If given verbally, written confirmation of the verbal direction is to be provided within 7 days unless the direction has already been complied with.

BIOSECURITY DUTY

There are several **Biosecurity Duties** imposed under the Biosecurity Act. These include the General Biosecurity Duty as well as various duties in relation to prohibited matter such as the **Biosecurity Duty** not to deal with prohibited matter and the **Biosecurity Duty** to notify prohibited matter and biosecurity events.

Biosecurity Duties are non-transferable although more than one person can have the same **Biosecurity Duty**. A person can also have more than one **Duty**.

BIOSECURITY EVENT

A **Biosecurity Event** is something that has occurred, is occurring or is likely to occur and that has had, is having, or is likely to have a significant adverse effect on the economy, environment or community. For example, unexplained mass mortality in birds could be a **Biosecurity Event**.

Notification obligations apply with respect to **Biosecurity Events**.

BIOSECURITY IMPACT

A **Biosecurity Impact** means an adverse effect on the economy, environment or the community that arises, or has the potential to arise, from biosecurity matter or a carrier and that relates to:

- » the introduction, presence, spread or increase of a disease, disease agent or pest;
- » stock food or fertilisers;
- » animals, plants or animal products becoming chemically affected;
- » public nuisance caused by bees;
- » risk to public safety caused by bees or non-indigenous animals; or
- » anything else prescribed by the regulations.

If the adverse effect on the economy, environment or the community does not relate to any of the above things, then it is not a **Biosecurity Impact**.

BIOSECURITY MATTER

Biosecurity Matter is:

- » any living thing, part of a living thing or product of a living thing (other than a human); or
- » a disease, prion or contaminant; or
- » a disease agent that can cause disease in a living thing (other than a human) or that can cause disease in a human via transmission from a non-human host (i.e. zoonosis).

BIOSECURITY RISK

Biosecurity Risk is the risk of a biosecurity impact occurring. (See definition of biosecurity impact).

BIOSECURITY ZONE

A **Biosecurity Zone** is established by regulation and its purpose is to prevent, eliminate, minimise or otherwise manage a biosecurity risk or biosecurity impact.

Generally, a **Biosecurity Zone** will be used to provide for the long term management of a particular biosecurity risk or biosecurity impact.

For example, a **Biosecurity Zone** could be established to prevent the spread of the serious grapevine pest phylloxera. The regulation could establish a Phylloxera Infested Zone and a Phylloxera Exclusion Zone and could then prohibit the movement of certain things from the Infested Zone into the Exclusion Zone.

A **Biosecurity Zone** could also be put in place to assist NSW compliance with international market access requirements.

CARRIER

A **Carrier** means anything (whether alive, dead or inanimate, and including a human) that has, or is capable of having any biosecurity matter on it, attached to it or contained in it.

The **Carrier** may not itself be affected by the biosecurity matter.

Carriers may include: plants and animals (whether living or dead), soil, gravel, sand and other matter, inanimate objects (such as vehicles, packaging and agricultural equipment) or humans.

CONTROL ORDER

A **Control Order** is an order made by the Minister 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 5 years. If it is clear that longer term management is required, a biosecurity zone could be established.

DEALINGS

Dealing is used in the context of 'dealing with' biosecurity matter or a carrier or to 'engage in a dealing'.

A **Dealing** can include any of the following: to keep, possess, care for, have custody of, control, produce, manufacture, supply, import, acquire, buy, sell, dispose of, move, release, use, treat, breed, propagate, grow, raise, feed, culture, experiment with, display, enter into an agreement that deals with, agree to deal with, and/or cause or permit a **Dealing**.

EMERGENCY ORDER

An **Emergency Order** is an order made by the Secretary to declare a biosecurity emergency and to impose emergency response measures to respond to the biosecurity emergency.

GENERAL BIOSECURITY DUTY

The **General Biosecurity Duty** (GBD) provides that any person who deals with biosecurity matter or a carrier, and who knows (or ought reasonably to know) of the biosecurity risk posed (or likely to be posed), has a biosecurity duty to ensure that the risk is prevented, eliminated or minimised – so far as is reasonably practicable.

For more information on the GBD, please visit the General Biosecurity Duty – Biosecurity Act 2015 website www.dpi.nsw.gov.au/biosecurityact.

PROHIBITED MATTER

Prohibited Matter is biosecurity matter that is listed in Schedule 2 to the Biosecurity Act.

This listed matter is biosecurity matter that could have significant adverse consequences to the economy, environment or community.

Prohibited Matter includes Foot and Mouth Disease, Avian Influenza, Hendra Virus infection (other than in pteropid bats), Citrus Canker and parthenium weed.

Notification obligations apply with respect to **Prohibited Matter**. It is also an offence to deal with **Prohibited Matter**.

REASONABLY PRACTICABLE

Reasonably Practicable is used in relation to the prevention, elimination or minimisation of biosecurity risks.

What is **Reasonably Practicable** means that which is reasonably able to be done, taking into account and weigh-up all relevant matters including the nature of the biosecurity risk concerned, the availability and suitability of ways to manage the biosecurity risk concerned and the cost involved.

REGISTRABLE DEALINGS

Schedule 4 to the Biosecurity Act specifies certain dealings as **Registrable Dealings**. These include dealing with managed bees and certain non-indigenous animals.

A person must be registered under the Biosecurity Act to engage in a **Registrable Dealing**.

MORE INFORMATION

Please contact **submissions.biosecuritylegislation@dpi.nsw.gov.au** for more information or join our discussion at www.dpi.nsw.gov.au/biosecurityact.