



# BIOSECURITY ACT 2015

## OVERVIEW

### BIOSECURITY: A SHARED RESPONSIBILITY

*'Government, industry and the people of NSW working together to protect the economy, environment and community from the negative impacts of animal and plant pests and diseases, weeds and contaminants for the benefit of all people in NSW.'*

The *Biosecurity Act 2015* (the Biosecurity Act), was assented to in September 2015 and is expected to come into effect in 2017. The regulations, instruments, policies and procedures that will underpin the Biosecurity Act are currently being developed and we are keen to hear from community, industry and our partners on how best to achieve a regulatory framework that can respond to and manage biosecurity risks.

### BACKGROUND

In 2013, the NSW Government released the NSW Biosecurity Strategy 2013 – 2021, that is based on the principle that biosecurity is a shared responsibility between governments, industries and individuals. The Strategy outlines how government, industry and the community need to work together to identify, prevent, eradicate, minimise, respond to and manage biosecurity risks.

The Biosecurity Act complements that principle, and provides for a range of tools and powers that can be used to support risk based management and allow for increasing efficiency and decreasing regulation. Unlike the current situation where something needs to be listed before response action can be initiated, the Biosecurity Act allows for a response to be mounted regardless of whether we know what the actual biosecurity matter is.

The Biosecurity Act also reflects the work that has been undertaken to make sure the legislation is compatible with biosecurity legislation across Australia. It is a significant piece of modern legislation that will provide NSW with the essential tools and powers to manage animal and plant pests and diseases, weeds and contaminants that threaten the NSW economy, environment and community.

The development of the regulations, instruments, policies and procedures will be overseen by the NSW Biosecurity Advisory Committee. This committee is independently chaired and includes representatives from the Department of Primary Industries, the Office of Environment and Heritage, Local Land Services, the Game and Pest Management Advisory Board, New South Wales Farmers and the Nature Conservation Council.

These representatives collectively have knowledge and skills in the areas of biosecurity, risk management, science, economics, community education and engagement.

### WHY IS BIOSECURITY IMPORTANT?

Biosecurity is about protecting the economy, community and environment from the negative impact of pests, diseases, weeds and contaminants.

A strong biosecurity system is vital for protecting our primary industries, our economy and our community. Agricultural production alone provides:

- » \$12 billion NSW Primary Industries contribution to the economy;
- » 39,000 agricultural businesses in NSW;
- » 42,000 farms in NSW;
- » 66,000 people employed in NSW agriculture industry; and
- » \$8 billion value of NSW agricultural exports.

Without a strong biosecurity system, biodiversity will be further compromised resulting in degradation of our unique environment, access to fresh and safe food will be limited and our infrastructure threatened. With respect to our national parks and reserves there are<sup>1</sup>:

- » more than 850 National Parks and reserves;
- » more than 39 million visits to National Parks in 2014;
- » more than 350 species, populations and communities considered to be threatened by the impacts of pest animals; and
- » 1,665 weed species in NSW. Over 340 of these species have the ability to threaten diversity.

<sup>1</sup>Data source: NSW Office of Environment and Heritage website

### WHAT ARE THE OBJECTIVES OF THE BIOSECURITY ACT?

The broad objectives for biosecurity in NSW are to manage biosecurity risks from animal and plant pests and diseases, weeds and contaminants by:

- » preventing their entry into NSW;
- » quickly finding, containing and eradicating any new entries; and
- » effectively minimising the impacts of those pests, diseases, weeds and contaminants that cannot be eradicated through robust management arrangements;

Specifically, the Biosecurity Act will:

- » embed the principle that biosecurity is a shared responsibility;
- » provide modern, flexible tools and powers that allow effective management of pests and diseases, weeds and contaminants across the landscape regardless of whether it is private or public land;
- » minimise delays and define responsibilities in emergency situations;
- » provide for risk-based decision-making that enables a flexible approach to responding and managing biosecurity risks regardless of the type of biosecurity matter; and
- » support a national approach to biosecurity and give effect to intergovernmental biosecurity agreements.

The Biosecurity Act provides a flexible and responsive statutory framework to help achieve these objectives for the benefit of the NSW economy, environment and community.

The Biosecurity Act allows for consideration of economic, environmental and community issues when determining management arrangements. It also allows for an educative and advisory approach to be taken with stakeholders to help manage biosecurity risks.

The Biosecurity Act will provide greater flexibility and choice for those who do the right thing in relation to biosecurity. For the minority of people who do the wrong thing, the Biosecurity Act includes strong enforcement tools, including significant penalty provisions especially for wilful or reckless acts.

The Biosecurity Act applies to all land within NSW and all waters within the limits of the State.

### WHAT ARE THE MANAGEMENT TOOLS IN THE BIOSECURITY ACT?

The Biosecurity Act includes a range of tools for the management of biosecurity threats and risks. The tools allow for the management response and practical requirements to be proportionate to the risk and include:

- » a high-risk category known as prohibited matter that acknowledges the severe consequences of some pests and diseases (such as Foot and Mouth Disease and parthenium weed);
- » emergency powers that allow swift action to be taken to respond to significant biosecurity risks to the economy, environment and community;
- » a General Biosecurity Duty that provides that people who deal with biosecurity matter or a carrier and who have knowledge of the biosecurity risks posed are to take reasonable steps to manage those risks; and
- » numerous other management tools such as Biosecurity Zones, Control Orders, Registration, Biosecurity Certificates, Biosecurity Directions and Permits.

### MORE INFORMATION

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

### OVERVIEW OF MANAGEMENT TOOLS

