



# INDIVIDUAL BIOSECURITY DIRECTION

## *NSW Biosecurity Act 2015*

I, \_\_\_\_\_ am an authorised officer under the *Biosecurity Act 2015* (**the Act**). In accordance with section 123 of the Act I hereby give an individual biosecurity direction (**the biosecurity direction**) to the following person:

Name of individual; corporation; body corporate; Trustee of Family Trust

Residential or business address

Suburb

State

Postcode

Phone

Email

The biosecurity direction applies to the person in relation to the following

- Choose an item.
- 

In accordance with section 128 of the Act, I reasonably believe that the biosecurity direction is necessary for the following purpose/s:

- Choose an item.
- Choose an item. [if more than one is necessary]

The biosecurity direction relates to the following grounds:

## Directions

Section 128 of the Act authorises an authorised officer to give a biosecurity direction that prohibits, regulates, controls, or requires the doing of anything by the person to whom the biosecurity direction is given. It is mandatory to comply with this biosecurity direction. Accordingly, this biosecurity direction:

*Please include on Attachment A any additional directions*

## Commencement:

## Definitions

*Authorised Officer's name*

*Signature*

*Role*

*Date*

*Agency*

Failure to comply with the conditions of the biosecurity direction could result in a penalty notice or prosecution. The maximum penalty for an individual is \$1,100,000. The maximum penalty for a corporation is \$2,200,000.

This information is collected by the collecting agency identified in this form in relation to its functions under the *Biosecurity Act 2015*. This agency/s and the NSW Department of Industry may use and disclose this information as reasonably necessary for the purpose of performing biosecurity risk functions under, or reasonably contemplated by, the *Biosecurity Act 2015*.

---

## Record of action

I confirm that the directions in this biosecurity direction have been addressed, or pursuant to section 125 of the Act, one of the following actions applies:

- ☐ The biosecurity direction has been varied by a subsequent biosecurity direction for the following reason/s:
  
- ☐ The biosecurity direction has been revoked for the following reason/s:

*Authorised Officer's name*

*Signature*

*Role*

*Date*

*Agency*



## Guide to the Individual Biosecurity Direction

### Information about the individual biosecurity direction

This notice is issued under section 123 and section 128 of the *Biosecurity Act 2015* (the Act). It is an offence against the Act not to comply with this notice.

If a person fails to comply with the biosecurity direction, an authorised officer may enter or authorise any person to enter premises and take any actions in relation to those premises or any thing on those premises that you were required to take. A fee may be charged for the costs and expenses incurred in connection with the action.

### Commencement of the individual biosecurity direction

This biosecurity direction operates from the date that is specified in the biosecurity direction.

### Limitations of a individual biosecurity direction

In accordance with section 136 of the Act, an authorised officer may only destroy or require the destruction of a thing if:

- the thing is, or is reasonably suspected of being, prohibited matter; or
- the thing is a pest; or
- the thing is, or is reasonably suspected of being, infected or infested with, or harbouring biosecurity matter that poses a biosecurity risk and there are no other reasonably practical treatment measures that could eliminate or minimise the biosecurity risk posed by the biosecurity matter; or
- the destruction is expressly authorised or required by an emergency order, control order or biosecurity zone regulation.

In accordance with section 137 of the Act, an authorised officer must not, without the express authorisation in an emergency order, control order, or a biosecurity regulation:

- destroy or require the destruction of any living thing that is protected fauna or a protected native plant within the meaning of the *National Parks and Wildlife Act 1974*; or
- destroy or require the destruction of any living thing that is a threatened species within the meaning of the *Threatened Species and Conservation Act 1995*; or
- destroy or require the clearing of native vegetation within the meaning of the *Native Vegetation Act 2003*; or
- harm (within the meaning of the *Heritage Act 1977*) or require the harming to any building, work, relic, moveable object, or place the subject of an interim heritage order or listing on the State Heritage Register under that Act.

### Entry to residential premises

Under section 99 of the Act, an authorised officer can only enter a residential premises with the permission of the occupier or the authority of a search warrant.

### Detention or treatment of persons

Under section 134 of the Act, an authorised officer can not do any of the following in a biosecurity direction, except in the case of an emergency:

- prohibit, regulate or control the movement of a person,
- require a person to undergo any treatment measures or require treatment measures to be carried out in relation to a person,

An authorised officer cannot require a person in a biosecurity direction to provide samples of their blood, hair, saliva or any other body part or body fluid.

### Requiring information

An authorised officer may require a person to furnish records or information or to answer questions. However, the common law privilege against self-incrimination entitles a person to refuse to furnish records or information or to answer questions where it would tend to incriminate that person (except where the authorised officer makes the requirement in the case of an emergency).

### Penalty for not complying with the individual biosecurity direction

The maximum penalty is:

- in the case of an individual—\$220,000 and, in the case of a continuing offence, a further penalty of \$55,000 for each day the offence continues, or
- in the case of a corporation—\$440,000 and, in the case of a continuing offence, a further penalty of \$110,000 for each day the offence continues.

The maximum penalty for an offence that is committed negligently is:

- in the case of an individual—\$1,100,000 and, in the case of a continuing offence, a further penalty of \$137,500 for each day the offence continues, or
- in the case of a corporation—\$2,200,000 and, in the case of a continuing offence, a further penalty of \$275,000 for each day the offence continues.

### Continuing obligation

Under section 138 of the Act, the persons obligation to comply with the requirements of the biosecurity direction continues until the biosecurity direction is complied with, even if the due date for compliance has passed.

### Appeals against the individual biosecurity direction

A person may appeal to the Land and Environment Court against the biosecurity direction. The deadline for lodging your appeal is 28 days after you were served with the biosecurity direction.

If a person lodges an appeal against the biosecurity direction, compliance is still required unless the Land and Environment Court directs that the biosecurity direction is stayed. In this case, the biosecurity direction does not operate until the stay ceases to have effect, or the Land and Environment Court confirms the notice, or the appeal is withdrawn, whichever occurs first.

### Variation of the individual biosecurity direction

Under section 125 of the Act, the biosecurity direction may be varied or revoked by a subsequent biosecurity direction issued by the Secretary or authorised officer.

### Contact

For all biosecurity matters please contact NSW Department of Primary Industries on 1800 808 095 or [biosecurity@dpi.nsw.gov.au](mailto:biosecurity@dpi.nsw.gov.au)



Department of  
Primary Industries



Local Land  
Services

# ATTACHMENT A