

# BIOSECURITY ACT 2015

## Biosecurity Regulation 2017

### Abandoned and neglected horticultural enterprises

Fruits, nuts, vegetables, ornamental plants and wine are important horticultural industries and have a gross value of about \$1.5 billion per year. These products are commonly grown in backyards and contribute to the health and wealth being of us all.

These plants are susceptible to pests and diseases such as fruit fly, scale and fungus that can have a devastating effect on an individual crop and quickly spread and infest plants and crops on neighboring properties.

Abandoned or neglected horticultural enterprises can create breeding grounds for pests and diseases, which may spread to other growers and impact a wide range of horticultural industries and activities. In some instances, if a pest or disease is detected in an area it will mean that trading restrictions are imposed for the entire area even if the pest or disease has only been detected on the one property.

It is therefore crucial that good biosecurity practices are adopted.

#### How are biosecurity risks managed?

Plant pests and diseases are managed using a variety of tools under the Biosecurity Act depending on the level of risk and opportunity for eradication.

For example, high risk pests and diseases such as Citrus powdery mildew and coffee leaf rust

are prohibited matter, which means you must notify DPI immediately and not do anything which could spread it.

Others such as Banana Bunchy Top virus are managed under a control order which allows flexibility in regulating management responses. Other examples such as Mediterranean fruit fly will be managed under regulation.

#### General biosecurity duty

The new Biosecurity Act also provides for another management tool known as the general biosecurity duty.

The general biosecurity duty provides an opportunity to respond to biosecurity risks that may not be dealt with by a specific regulatory requirement. As there are many risks that may be associated with horticultural enterprises, the owners and workers of those enterprises have a duty to take actions to prevent, minimise or eliminate the risks associated with their activities.

This duty means that any person dealing with biosecurity matter (such trees in an orchard), or a carrier (such as packaging material for transport or machinery for harvesting), and who knows or should know of the associated biosecurity risks, has a duty to prevent, minimise or eliminate the risk as far as reasonably practicable.

Abandoned or neglected horticultural enterprises may or may not pose a biosecurity risk – it depends on the extent of any pests and diseases already present in an area, their lifecycle, capacity to spread and the management actions in place. It also depends on the nature of the surrounding properties.

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

W [www.dpi.nsw.gov.au/biosecurityact](http://www.dpi.nsw.gov.au/biosecurityact)

E [biosecuritylegislation@dpi.nsw.gov.au](mailto:biosecuritylegislation@dpi.nsw.gov.au)

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### Responses to biosecurity risks

If a biosecurity risk is detected (or suspected of being present) as a result of an abandoned or neglected horticultural enterprise, there are a number of response options depending on the biosecurity risk. In most cases an onsite assessment of the issue is required. Options normally are:

- Following discussion with the land manager, an authorised officer may agree to accept an undertaking from the land manager that details the outcomes sought and the action the land manager will take to remedy the situation. Failure to comply with the undertaking is an offence.
- If an authorised officer considers there is a risk that voluntary compliance is not achievable, the officer could issue a biosecurity direction to the land manager specifying the outcome sought and any specific actions required to achieve that outcome. If a land manager fails to comply with this direction, further enforcement action such as prosecution is an option.
- In rare cases where there has been no compliance undertaken by the land manager and all other options are exhausted, an authorised officer also has the power to enter or authorise any person to enter the property and take any necessary actions to rectify non-compliance. A fee can be charged to recover the costs of the actions taken. In

the worst case scenario, if a person does not comply with a direction and does not pay for the actions taken to remedy the non-compliance, the Secretary can initiate court proceedings to recover the costs. The Secretary may also apply to the Register-General for registration of any unpaid amount in relation to the land owned by that person.

- Exotic pests and diseases are dealt with by the authorised officers activating their emergency response powers to quickly contain the situation until an emergency order is made

In some cases, an inspection may determine that no biosecurity risk is occurring or is likely to occur in the short term so no action will be required.

### How to report a biosecurity risk

If you believe there is a biosecurity risk or impact, contact Biosecurity Compliance on 02 9741 4790 or report online via DPI's biosecurity website at [quarantine@dpi.nsw.gov.au](mailto:quarantine@dpi.nsw.gov.au)

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