



New South Wales

Biosecurity Amendment (Biosecurity Management Plans) Regulation 2019

under the

Biosecurity Act 2015

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Biosecurity Act 2015*.

ADAM MARSHALL, MP
Minister for Agriculture and Western New South Wales

Explanatory note

The object of this Regulation is to amend the *Biosecurity Regulation 2017* as follows:

- (a) to recognise biosecurity management plans containing measures to prevent, eliminate or minimise the risks of biosecurity impacts that are prepared by persons who carry on commercial or educational activities for the purpose of intensive or extensive agriculture or horticulture or for the purpose of processing agricultural or horticultural products,
- (b) to make compliance with those biosecurity management plans a mandatory measure that must be complied with by persons who enter or who are at or in places to which the plans apply and who deal with biosecurity matters or carriers.

This Regulation is made under the *Biosecurity Act 2015*, including sections 24 and 404 (the general regulation-making power).

Biosecurity Amendment (Biosecurity Management Plans) Regulation 2019

under the

Biosecurity Act 2015

1 Name of Regulation

This Regulation is the *Biosecurity Amendment (Biosecurity Management Plans) Regulation 2019*.

2 Commencement

This Regulation commences on 1 August 2019 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Biosecurity Regulation 2017

Part 2 Mandatory measures

Insert after Division 11:

Division 12 Biosecurity management plans

44A Application of Division

- (1) This Division applies to a place at which:
 - (a) a commercial or educational activity is carried on for the purpose of intensive or extensive agriculture or horticulture or for the purpose of processing agricultural or horticultural products, and
 - (b) persons engage in dealings with biosecurity matter or a carrier.
- (2) This Division does not apply to a person who enters or is in a management area under the authority of an Act or another law.
- (3) Nothing in this Division requires a person who carries on an activity at a place to which this Division applies to adopt a biosecurity management plan for the place.

44B Biosecurity management plans

- (1) For the purposes of this Division, a *biosecurity management plan* for a place to which this Division applies is a plan that:
 - (a) contains reasonable measures to prevent, eliminate or minimise the risk of a biosecurity impact caused by persons entering or carrying out activities at or from the place, and
 - (b) has been prepared by or on behalf of, or adopted by, the person conducting a commercial or an educational activity at the place.
- (2) A biosecurity management plan may apply to the whole or a part or parts of a place (the *management area*).
- (3) Without limiting subclause (1), a biosecurity plan adopted under an industry scheme applicable to a place to which this Division applies is taken to be a biosecurity management plan for the purposes of this Part.
- (4) A provision of a biosecurity management plan that is not a measure of a kind referred to in subclause (1) (a) is taken not to be part of that plan for the purposes of this Division.

44C Compliance with biosecurity management plans

- (1) A person who enters or who is at or in a management area and who deals with biosecurity matter or a carrier must, while in the area, comply with the applicable requirements of the biosecurity management plan.
- (2) A person is not required to comply with a biosecurity management plan for a place unless a notice setting out the following matters is conspicuously posted at each entrance to the place:
 - (a) that persons entering a management area at the place must comply with the biosecurity management plan and that failure to do so may be an offence under the *Biosecurity Act 2015*,
 - (b) how a copy of the plan may be obtained,

- (c) contact details of a person who can explain the obligations under the plan.