

GENERAL BIOSECURITY DIRECTION

NSW Biosecurity Act 2015

I, Peter John McGrath

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

The unauthorized entry to the General Public to the entirety of Barren Box Storage and Wetland and its riparian areas.
 Lot 5 - DP 1156566, Lot 1 - DP 718984, Lot 2 - DP 788532, Lot 2 - DP 1086493, Lot 53 – DP 756062, Lot 19 – DP 756064, Lot 3 – DP 914688, Lot 2 – DP 1203459, Lot 4 – DP 1203459, Lot 1 – DP 1203459, Lot 39 – DP 756062, Lot 2 – DP 1203510, Lot 1 – DP 1156566, Lot 2 - DP 1156566, Lot 3 – DP 1156566, Lot 4 – DP 1156566, Lot 58 – DP 756062, Lot 55 – DP 1203523, Lot 1 – DP 1203510, Lot 3 - 1203459, Lot 3 – DP 1203510, Lot 4 – DP 1203510, Lot 1 – DP 433132, Lot 1 – DP 718984, Lot 1 – DP 346919, Lot 7300 – DP 1160543, Lot 1 – DP 184288, Lot 1 – DP 262942, Lot 2 – DP 718984

In accordance with section 126 of the Act, I reasonably believe that the biosecurity direction is necessary for the following purpose/s:

- To prevent, eliminate or minimise a biosecurity risk [s126(1)(a)]; and
- To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur [s126(1)(b)];

The biosecurity direction specifically relates to the carrying out of an activity in connection with

To prevent, eliminate or minimize a biosecurity risk of Alligator Weed (*Alternanthera philoxeroides*) being carried away by a Person or Persons, Vehicles, Earth moving machinery, machinery, Vessels, Domestic animals or stock and the Biosecurity matter being carried away by water flow from Barren Box Swamp.

Directions

Section 126 of the Act authorises an authorised officer to give a biosecurity direction that prohibits, regulates, or controls the carrying out of an activity in connection with the biosecurity matter, carrier or potential carrier identified above. It is mandatory to comply with this biosecurity direction. Accordingly, this biosecurity direction:

1. Prohibit the entry of any unauthorized Person or Persons, Vehicles, Earth moving machinery, machinery, Vessels, Domestic animals or stock to all land known as the Barren Box Swamp.
2. To control unauthorized entry to Barren Box Swamp the managers will install Quarantine signs stating “the NSW Biosecurity act 2015, Alligator Weed control zone and the associated penalties for breaching a General Biosecurity Direction. Griffith City Council to be listed as the Local Control Authority and other pertinent information to the managers.

3. The managers and staff of Barren Box Swamp are Authorised persons and can Authorises persons to do activity's in accordance with the General Biosecurity Direction, these authorisation are to have a start and finish date and these persons are to have these authorizations with them and presented to Authorised Officers when asked, copies of these persons authorisation are to be sent to Griffith City Council the Local Control Authority
4. Clean down procedures must be put into place by the managers and adhered to. This is to prevent any Biosecurity matter being carried away by Vehicles, Earth moving machinery, Machinery, Vessels, Domestic animals or stock.
5. Any Domestic animals or stock on the site, must be reported to the Local Control Authority by the managers. All stock to remain in quarantine on site, until a full digestive cycle has been completed prior to moving off the site. This will prevent the possibility of Biosecurity matter being transported in feces.
6. Booms are to be erected by the managers, on the outflows of Barren Box swamp to prevent water flow carrying the Biosecurity matter away. A minimum of three (3) booms to be erected on the main outflow from the infestation site and also a single boom on each of the Wah Wah and Barren Box outfall channels. Regular monitoring shall take place by the managers to ensure the booms remain in place and functional to prevent any Biosecurity matter entering the neighboring Carrathool Shire council area.
7. Eradicate the Alligator weed (*Alternanthera philoxeroides*) or if that is not reasonably practicable destroy as much of the weed as is practicable and suppress the spread of any remaining weed.
8. The Local Control Authority Authorised Biosecurity Weeds Officers, shall have unfettered access to regulate and monitor the controls implemented and associated with this infestation and this Direction.

Commencement: 09/12/2021

Ends on: 09/12/2026

Definitions:

If applicable

Peter John McGrath

Authorised officers name

Authorised Biosecurity Weeds Officer

Role

Griffith City Council

Agency



Signature

09/12/2021

Date

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*.

Guide to the General Biosecurity Direction

Information about the general biosecurity direction

This notice is issued under section 123 and section 126 of the *Biosecurity Act 2015* (the Act). It is an offence against the Act not to comply with this notice.

Commencement of the general biosecurity direction

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

Limitations of a general 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, states that 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 (s134):

- 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 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 general 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, a person is obliged 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 general biosecurity direction

No appeal can be laid against a decision to give a general biosecurity direction.

Variation of the general 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