Flowchart: Management of priority pest animals under the *Biosecurity Act 2015*

Step 1. Record and triage notification/report

Step 1.1
Notification/report of pest animal or biosecurity impact received

Step 1.2
Acknowledge receipt of notification/report and collect additional details where necessary

Step 1.3
Record details of notification/report in FARMS or FeralScan

Does report concern:
1. a 'priority pest' for LLS region?
2. a locust (sch.1 Biosec Reg)?
3. a prohibited dealing with feral camel, wild deer, feral pig, wild rabbit or fox listed in clause 17B of the Biosecurity Reg?

No → Does report concern a pest animal or biosecurity impact listed as a prohibited dealing or prohibited matter in the *Biosecurity Act?*

Yes → Report prohibited dealings and prohibited matter to NSW DPI

No → No regulatory action required. If appropriate provide pest management advice to person reporting information

Yes → Step 2

Step 2. Collect background information

Step 2.1
Is the location of the pest animal or biosecurity impact within a relevant LPAMP area?

Yes → Steps 2.2 - 2.3
Have proactive/reactive best practice management activities been implemented?

Yes → Step 2.4
Are the pest animal/biosecurity impacts being adequately prevented, eliminated or minimised through proactive/reactive management activities?

Yes → No regulatory action required. Record information in FARMS or FeralScan

No (Step 2.4) → Step 3

Don't know (Step 2.1) → Go to step 4

No (Steps 2.2 - 2.3) → Step 3

No (Step 2.1) → Step 3

Step 3. Education

Step 3.1
The General Biosecurity Duty

The management of biosecurity matter (including pest animals) to prevent biosecurity impacts is largely achieved under the authority of the general biosecurity duty, (Part 3 of the Act).

Section 22 of the Act states: *'Any person who **deals** with biosecurity matter or a carrier and who knows, or ought reasonably to **know**, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is **reasonably practicable**, the biosecurity risk is **prevented, eliminated or minimised**.'*

The general biosecurity duty can be used as authority to require a person to conduct pest animal management activities once they are informed of:

1. biosecurity risks of the pest animal
2. the biosecurity duty to prevent, eliminate or minimise the biosecurity impacts of the pest animal
3. best practice management options to prevent, eliminate or minimise the biosecurity risks

Step 3.2
Provide the following advisory material to the land manager/other relevant person to guide best practice pest animal management and to outline the general biosecurity duty:

a. The RSPAMP and the priority pest animals for the LLS region,
b. LPAMP (if relevant)
c. Part 3 of the Biosecurity Act
d. Information on pest animal impacts, ecology, behaviour and best practice options for management

Authorised officers must record the information that has been provided, explained, assessed etc. in FARMS or FeralScan.

Step 3.3
Is there a relevant LPAMP that can be joined?

Yes → Step 3.4
Authorised officer encourages land manager or other person to join existing LPAMP group?

Step 3.5
Land manager/ person joins and participates in LPAMP?

Yes → Go to step 4.

No → Authorised officer to outline options for implementing property level pest management

No → Go to step 4.

Step 4. Investigation/property visit

Step 4.1
Arrange property inspection
Authorised officers visit properties to conduct inspections, assess biosecurity impacts of pest animals, and confirm any management actions taken. Evidence that a person is not, has not or is not likely to discharge their biosecurity duty or to manage biosecurity impacts include:

- failure to participate in pest animal control activities as outlined in LPAMP
- failure to implement an alternate effective pest animal control program to that outlined in LPAMP
- evidence of the presence of the pest animal on the land and/or in the LPAMP area in excess of an acceptable threshold
- evidence that pest animal impacts (e.g. stock losses) are occurring on the land and/or in the LPAMP area, in excess of an acceptable threshold
- Failure of land manager to notify the LLS or an authorised officer of the presence of a priority pest animal on their land.

Step 4.2
Evidence of pest animal and/or biosecurity impact on land manager's property?

No → Step 4.3
Evidence of pest animal presence and/or biosecurity impact in surrounding area of land manager's property

No → Record nil evidence result in FARMS or FeralScan and stop.

Yes → Land manager agrees to implement proactive/reactive best practice pest animal management?

Yes → Step 5

No → Step 5

Step 5. Compliance

Step 5.1
An authorised officer may take enforcement action to

- ensure a person discharges their biosecurity duty to prevent, eliminate or minimise a biosecurity risk and/or,
- prevent, manage or control a biosecurity impact and/or,
- ensure a person has complied with a mandatory measure requirement (e.g. notification of pests and or animal disease).

Step 5.2
Verbal agreement to implement pest animal control
Authorised officer discusses with land manager and records contemporaneous notes on the following:

- the biosecurity risk of the animal
- the biosecurity duty to manage the animal
- best practice management options to minimise, prevent or eradicate the biosecurity risk
- the pest animal management activities the land manager has agreed to implement and;
- A date to re-inspect property.

Step 5.3
Biosecurity Undertaking (s 142)
A Biosecurity Undertaking can be accepted by an authorised officer in accordance with the Biosecurity Undertaking procedure.

Step 5.4
Individual Biosecurity Direction (s 128)
An individual Biosecurity Direction can be given by an authorised officer to:

- prevent, eliminate or minimise a biosecurity risk
- prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur
- Ensure the person discharges their biosecurity duty

in accordance with the Biosecurity Direction procedure

Step 5.5
General Biosecurity Direction (s126)
A general Biosecurity Direction can be given by an authorised officer to:

- prevent, eliminate or minimise a biosecurity risk
- prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur

in accordance with the Biosecurity Direction procedure.

Step 6. Re-inspection

Step 6.1
Monitor for additional pest animal notification/reports
An authorised officer should monitor for additional pest animal or biosecurity impact notification/reports made in relation to a property where one of the following is in force:

- verbal agreement
- Biosecurity Undertaking
- Biosecurity Direction

Step 6.2
Arrange re-inspection
Authorised officer arranges with land manager/person to re-inspect property to determine compliance with:

- verbal agreement
- Biosecurity Undertaking,
- Biosecurity Direction,

Step 6.3
Has the land manager/ person complied with the verbal agreement/Biosecurity Undertaking/Biosecurity Direction?

Yes → Step 6.3.3b
Consider revoking Biosecurity Undertaking/Biosecurity Direction

No → Step 6.3.3a
Consider varying Biosecurity Undertaking/Biosecurity Direction to extend the time to achieve compliance
1. consider reasons for failure to comply (financial, physical, etc.)
2. assess the residual biosecurity risk/impact significance
3. relevant policy and procedure for the biosecurity risk present
4. if the person has taken some action (to a satisfactory level) but has not completed all of the actions required to comply
5. being fair and reasonable

When varying an existing Biosecurity Direction/Undertaking, written advice must be issued to inform the person of the variation on the approved 'Letter of Advice-Revocation or Variation of a Biosecurity Direction/Undertaking'

Vary Biosecurity Undertaking/Biosecurity Direction?

Yes → Go to step 6.1.

No → Step 6.4
Alternative options to varying Biosecurity Undertaking/Biosecurity Direction
1. consider issuing an Individual Biosecurity Direction if the verbal agreement, Biosecurity Undertaking or a General Biosecurity Direction has not been complied with
2. consider accepting a Biosecurity Undertaking if the verbal agreement, or General Biosecurity Direction has not been complied with.
3. consider using a warning letter, penalty notice or prosecution

Third party intervention necessary to manage pest animal/ biosecurity impacts

Yes → Step 7

No → Step 6.1.

Step 7. Intervention

Step 7.1
If a person fails to comply with a Biosecurity Direction, s133 of the Act provides an authorised officer (or another authorised person) with the power to enter the premises and take any actions that are necessary to remedy the failure (see part 7 of the Biosecurity Directions Procedure)

Step 7.2
If a person fails to comply with a Biosecurity Undertaking, s147 of the Act provides for an authorised officer to enter the premises, or to authorise any person to enter the premises and take action if deemed appropriate (see part 5 of the Biosecurity Undertakings procedure)