



New South Wales

Biosecurity Order (Permitted Activities) Amendment Order 2017 (No. 2)

under the

Biosecurity Act 2015

I, SARAH BRITTON, CHIEF VETERINARY OFFICER AND GROUP DIRECTOR ANIMAL BIOSECURITY, BIOSECURITY & FOOD SAFETY, NSW DEPARTMENT OF INDUSTRY, with the delegated authority of the Secretary of the Department of Industry in pursuance of section 379 of the *Biosecurity Act 2015* and in pursuance of section 404A of the *Biosecurity Act 2015* ("the Act"), make the following Order.

Dated this 9th day of September 2018

SARAH BRITTON,

Chief Veterinary Officer and Group Director Animal Biosecurity
Biosecurity & Food Safety
Department of Industry

Explanatory note

This Order is made under section 404A of the *Biosecurity Act 2015*.

The object of this Order is to permit an activity that would otherwise be prohibited by a mandatory measure or by a regulatory measure implemented for a biosecurity zone. This Order should be read in conjunction with the mandatory measures and regulatory measures contained in Part 2, Part 3, Part 4 and Part 5 of the *Biosecurity Regulation 2017*.

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Part 1 Preliminary

1 Name of Order

This Order is the *Biosecurity Order (Permitted Activities) Amendment Order 2017 (No. 2)*.

Note: The *Biosecurity Order (Permitted Activities) 2017* is referred to in clauses 6 (Part 2, Division 1), 46 (Part 3, Division 1), 54 (Part 4, Division 1) and 67 (Part 5, Division 1) of the *Biosecurity Regulation 2017*.

2 Commencement

This Order commences on the day it is published on the NSW Legislation website.

3 Amendment of *Biosecurity Order (Permitted Activities) 2017*

Clause 22(1)

Omit the definitions of:

Record of Movement.
Record of Movement (Agricultural Show in NSW).
Record of Movement (Approved Agricultural Show in Queensland).
Record of Movement (Competition Horse).
Record of Movement (General).
Record of Movement (Horse Sales).
Record of Movement (Racehorse).
Record of Movement (Transit).

Insert instead:

Record of Movement means a:

- (a) Record of Movement (Feedlot or Abattoir),
- (b) Record of Movement (General), or
- (c) Record of Movement (Veterinarian), as required by this subdivision.

Record of Movement (General) means a form to the effect of the form published on the Department's website titled 'Record of Movement – Cattle Tick Carrier (General)' for the cattle tick carrier that contains a declaration that the cattle tick carrier satisfies the conditions in this subdivision.

Insert:

restricted property means a property in a cattle tick free zone that is subject to a biosecurity undertaking, biosecurity direction or regulatory instrument in another State or Territory that controls or restricts the movement of animals on a property on account of cattle tick.

In relation to the definition of “Record of Movement (General)”, omit “has been visually examined and found to be cattle tick free”. Insert instead “satisfies the conditions in clause 27”.

In relation to the definition of “unrestricted property”, omit “in a cattle tick free zone that is not subject to a biosecurity undertaking, biosecurity direction or regulatory instrument in another State or Territory that controls or restricts the movement of animals on a property on account of cattle tick”. Insert instead “that is not a restricted property.”

Clause 22(2)

Omit “importation”. Insert instead “before it leaves the property for importation into the State”.

Clause 23

Insert at the end of the heading “and Documents”.

Insert a new sub-heading “Records of movement” at the start of the clause, directly under the heading.

Insert at the end of the clause:

Documents

(c) A person who imports a cattle tick carrier into the State must retain for 2 years a copy of any Record of Movement or Carrier Biosecurity Certificate required by this subdivision, and

(d) A copy of the Record of Movement or Carrier Biosecurity Certificate must accompany the cattle tick carrier until the carrier is moved to the destination specified in the Record of Movement or Carrier Biosecurity Certificate.

Clause 26

Insert “free” after “in a cattle tick”.

Omit:

if paragraphs (a) to (c) are satisfied and the person gives the Department a copy of a completed Record of Movement (Transit) in which they declare these conditions have been met:

(a) the vehicle carrying the cattle tick carrier does not stop for more than 4 hours in total whilst transiting through the infested area, and

(b) the cattle tick carrier was not off-loaded from the vehicle during the journey, and

(c) no additional cattle tick carriers were loaded into the vehicle whilst transiting through the infested area or from a property that is not an unrestricted property in the cattle tick free zone.

Insert instead:

if paragraphs (a) and (b) are satisfied and the person gives the Department a copy of a completed Record of Movement (General) in which they declare these conditions have been met:

- (a) the cattle tick carrier was not off-loaded from the vehicle during the journey, and
- (b) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the conditions for importation of the cattle tick carrier set out in this subdivision.

Clause 27

Omit this clause. Insert instead:

27 Movement of a cattle tick carrier from a property in an infested area or a restricted property

A person may import into the State a cattle tick carrier from a property that is in the infested area, or a restricted property, if paragraphs (a) to (c) are satisfied and the person gives the Department a copy of a completed Record of Movement (General) in which they declare these conditions have been met:

- (a) a biosecurity certifier has issued a Carrier Biosecurity Certificate that certifies:
 - (i) the cattle tick carrier underwent a manual inspection and was found free of cattle ticks, and
 - (ii) the cattle tick carrier underwent a supervised chemical treatment, and
- (b) the cattle tick carrier is imported into the State no later than 24 hours after the supervised chemical treatment was carried out; and
- (c) if the vehicle on which the cattle tick carrier is transported transits through an infested area before it enters the State:
 - (i) the cattle tick carrier was not off-loaded from the vehicle, and
 - (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the conditions for importation of the cattle tick carrier set out in this subdivision.

Clause 28

The heading: insert “restricted” (after “or a”) and omit “that is not an unrestricted property in a cattle tick free zone.”

Omit “that is not an unrestricted property in a cattle tick free zone or a property in an infested area”. Insert instead “in an infested area or a restricted property”.

Omit Table 1. Insert instead:

Table 1: Cattle Tick Carrier Importation Conditions for Equines

Column 1: Type of Importation	Column 2: Conditions for Importation
<p>The equine is being imported into the State having received veterinary treatment on a property in an infested area.</p>	<p>The person responsible for the equine and the attending veterinary practitioner give the Department a completed Record of Movement (Veterinarian) in which:</p> <ul style="list-style-type: none"> (a) the person responsible for the equine declares these conditions have been met: <ul style="list-style-type: none"> (i) the equine was moved to the Veterinary Clinic or Hospital specified in the Record of Movement (Veterinarian) for the purpose of the veterinary procedure named in the Record of Movement (Veterinarian), and (ii) the equine travelled directly to the Veterinary Clinic or Hospital and stayed entirely within that Veterinary Clinic or Hospital, and (iii) if the vehicle on which the cattle tick carrier is transported to or from the Veterinary Clinic or Hospital transits through an infested area before it enters the State: <ul style="list-style-type: none"> A. the cattle tick carrier was not off-loaded from the vehicle, and B. no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the conditions for importation of the cattle tick carrier set out in this subdivision and (b) The veterinary practitioner declares these conditions have been met: <ul style="list-style-type: none"> (i) the equine was moved to the Veterinary Clinic or Hospital specified in the Record of Movement (Veterinarian) for the purpose of the veterinary procedure named in the Record of Movement (Veterinarian), (ii) the equine stayed entirely within that Veterinary Clinic or Hospital and (iii) the equine was visually free of cattle tick before leaving the Veterinary Clinic or Hospital.
<p>The equine is imported into the State:</p> <ul style="list-style-type: none"> (a) for the sole purpose of racing; or (b) from attending a race on a property in an infested area. 	<p>The person responsible for the equine, the registered trainer of the equine (or a person authorised to act on behalf of the registered trainer), or the Chief Steward (or a person authorised to act on behalf of the Chief Steward) gives the Department a completed Record of Movement (General) in which they declare these conditions have been or will be met:</p> <ul style="list-style-type: none"> (a) the equine is a registered thoroughbred, and (b) for 35 days immediately before importation, the equine was stabled, (c) the equine is competing at a designated race meeting under the control of a racing authority in the State or Territory where the race meeting will be held, and

Table 1: Cattle Tick Carrier Importation Conditions for Equines

Column 1: Type of Importation	Column 2: Conditions for Importation
	<ul style="list-style-type: none"> (d) in the period commencing 24 hours before importation, the equine was visually inspected and found to be cattle tick free by the person responsible for the animal, and (e) the equine will return to its State or Territory of origin within 7 days of the proposed movement date, and (f) if the vehicle on which the cattle tick carrier is transported transits through an infested area before it enters the State: <ul style="list-style-type: none"> (i) the cattle tick carrier was not off-loaded from the vehicle, and (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the conditions for importation of the cattle tick carrier set out in this subdivision.
<p>The equine is imported into the State for a competition other than racing</p>	<p>The owner or the person responsible for the husbandry of the equine gives the Department a completed Record of Movement (General) in which they declare these conditions have been or will be met:</p> <ul style="list-style-type: none"> (a) the equine is attending a horse only event in a venue where no cattle were kept within the last 12 months, and (b) the equine satisfies either of these conditions: <ul style="list-style-type: none"> (i) in the 12 months before importation, the equine was not resident on land grazed by cattle or deer, or (ii) for 35 days immediately before importation, the equine was held in pasture free conditions, and (c) the equine is clean and groomed, and (d) the equine will travel directly to and from the destination described on the Record of Movement (General), and (e) the equine will return to the State or Territory from which it was imported within 7 days of the movement date specified on the Record of Movement (General), and (f) the equine is accompanied by a Carrier Biosecurity Certificate issued by a biosecurity certifier that certifies before entry into the State, the equine underwent a manual inspection and was found free of cattle ticks, and (g) if the vehicle on which the cattle tick carrier is transported transits through an infested area before it enters the State: <ul style="list-style-type: none"> (i) the equine was not off-loaded from the vehicle, and (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the conditions for importation of the cattle tick carrier set out in this subdivision.

Clause 29

Omit subclauses (1) and (2). Insert instead:

- (1) A person may import into the State a cattle tick carrier from a feedlot that is a restricted property in a cattle tick free zone or a property in an infested area if it satisfies paragraphs (a) to (d) and the person gives the Department a copy of a completed Record of Movement (Feedlot or Abattoir) in which they declare these conditions have been or will be met:
 - (a) the feedlot has a Cattle Tick Risk Management Plan in place that is consistent with subclause (3), and
 - (b) cattle tick carrier was held at the feedlot for 35 days immediately before importation, and
 - (c) the cattle tick carrier underwent a visual inspection by the person in charge of it and was found to be free of cattle tick, and
 - (d) if the vehicle on which the cattle tick carrier is transported transits through an infested area from the feedlot:
 - (i) the cattle tick carrier was not off-loaded from the vehicle, and
 - (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the conditions for importation of the cattle tick carrier set out in this subdivision.

- (2) A person may import into an abattoir or feedlot in the State that has in place a Cattle Tick Risk Management Plan a cattle tick carrier from a property that is a restricted property or a property in an infested area if it satisfies paragraphs (a) to (d) and the person gives the Department a copy of a completed Record of Movement (Feedlot or Abattoir) in which they declare these conditions have been or will be met:
 - (a) a biosecurity certifier has issued a Carrier Biosecurity Certificate that certifies:
 - (i) no earlier than 24 hours before importation, the cattle tick carrier underwent a manual inspection and was found free of cattle ticks, or
 - (ii) the cattle tick carrier underwent a visual inspection and a supervised chemical treatment, and
 - (b) if the cattle tick carrier underwent a supervised chemical treatment, it is imported into the State:
 - (i) where the chemical treatment applied was an acaricide – no later than 96 hours after the supervised chemical treatment was carried out, and
 - (ii) where the chemical treatment applied was an Endectocide – in the period starting 4 days and ending 7 days after the supervised chemical treatment was carried out, and

- (c) if the vehicle on which the cattle tick carrier is transported transits through an infested area before it enters the State:
 - (i) the cattle tick carrier was not off-loaded from the vehicle, and
 - (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the conditions for importation of the cattle tick carrier set out in this subdivision.
- (3) In this clause, a ***Cattle Tick Risk Management Plan*** means a protocol prepared by the feedlot and auditable by the Department under which the following management steps are undertaken:
- (i) the feedlot, including yards and handling facilities, is surrounded by a buffer zone of at least 10 metres, and the buffer is kept free of cattle tick carriers at all times, and
 - (ii) feedlot pens and associated handling facilities are kept free of vegetation at all times, and
 - (iii) the feedlot operator must have documented procedures to prevent an infestation of cattle tick being introduced by cattle tick carriers from an infested area, and
 - (iv) cattle tick carriers must not be removed from feedlot pens for husbandry, drafting or loading for any longer than is necessary, and
 - (v) the feedlot owner must maintain records of movements of cattle tick carriers in and out of the feedlot.

Clause 30

Omit “not an unrestricted property in a cattle tick free zone”. Insert instead “a restricted property”.

Omit references to “Record of Movement (Agricultural Show in NSW)”. Insert instead “Record of Movement (General)”.

Omit paragraph (1)(a).

Re-number paragraph (1)(b) to paragraph (1)(a). Omit “5” and insert instead “7”.

Re-number paragraph (1)(c) to paragraph (1)(b).

Insert a new paragraph (1)(c):

- (c) if the vehicle on which the cattle tick carrier is transported transits through an infested area on its way to the agricultural show:
 - (i) the cattle tick carrier was not off-loaded from the vehicle, and
 - (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the conditions for importation of the cattle tick carrier set out in this subdivision, and

Omit subclause (2).