



## The General Biosecurity Obligation

The Government is more committed than ever to biosecurity in Queensland and wishes to better target its efforts. The new Biosecurity Act makes it clear that biosecurity is everybody's business and introduces the General Biosecurity Obligation; which means everyone must take reasonable steps to prevent or minimise biosecurity risks. The General Biosecurity Obligation also simplifies legislation as it will not be necessary to maintain some of the current prescriptive requirements for dealing with particular pests or diseases.

### Does the General Biosecurity Obligation apply to me?

Yes. Under the new Biosecurity Act, if your activities are likely to pose a biosecurity risk, then you must take all reasonable and practical steps to prevent or minimise that risk.

### Does this mean I need to know about all biosecurity risks?

No. You could never be expected to know about every biosecurity risk. However, you would be expected to know about many of the risks posed by what you do. For example, if you own land in a rural area, you would be expected to be aware that letting wild dogs live on your land could impact on your neighbour's livestock. If you are in the banana industry, you would be expected to know about banana pests and diseases. If you transport agricultural produce, you would be expected to check whether the transportation could spread pests or diseases. If you were a residential gardener, you would not be expected to know about all the pests and diseases that might affect plants, but you would be expected to take some action if it was obvious some plants were diseased.

### What happens if I take some action but it makes things worse?

If you have taken all reasonable precautions and exercised proper diligence to prevent or minimise a biosecurity risk, this can be used in your defence. One way to be diligent is to follow the process prescribed in a regulation or code of practice. Another way of being diligent is to be guided by information published by Biosecurity Queensland on how to prevent or minimise a biosecurity risk.

### What happens if I do not meet my General Biosecurity Obligation?

If you know or ought to know that you should do something to prevent or minimise a biosecurity risk but you decide not to, you may be guilty of an offence with a very significant maximum penalty. First, you may be given a biosecurity order requiring you to do something specific to address the risk within a stated timeframe to meet your obligation. If you do not comply with the biosecurity order, you may be guilty of an offence and the government will undertake the required action and oblige you to pay the costs.

### Is the General Biosecurity Obligation going to work without a regulation or code of practice about each risk?

Guidance on what is reasonable and practical will be provided in many ways, including through fact sheets, demonstrations and other educational tools. The main benefit of the General Biosecurity Obligation is the flexibility it provides. However, it will still be important to maintain some regulations and codes of practice—prescriptive requirements may be necessary in some circumstances, such as where only certain steps are effective in managing a high-risk pest.

### What are the benefits of prescriptive regulation versus no regulation?

A pest of a particular crop has spread throughout Queensland. The pest can have significant impacts on a crop if it is left uncontrolled. If the pest is controlled there is minimal impact on the crop. The pest can spread via winds, and the closer a clean crop is to an infested crop, the higher the likelihood that the clean crop will become infested.

This biosecurity risk could be managed using the General Biosecurity Obligation, with or without a regulation.

**Option 1:** Make a regulation requiring anyone with the pest on their crops to treat it in the way prescribed in the regulation.

As the regulation is prescriptive, it would state clearly what a person must do. However, the prescribed treatment method in the regulation must be followed, and there is no option to deviate from it. If a better treatment was available it could not be used until the regulation was amended.

**Option 2:** Promote the General Biosecurity Obligation to deal with the pest and ensure that it does not spread.

A person has an obligation to prevent or minimise a biosecurity risk posed by the pest. The Government could recommend a specific treatment on the Biosecurity Queensland website. However, it would not be mandatory for the person to use that treatment, as long as what they did met their obligation. This provides flexibility and allows industry members to determine the best way to address the risk in their individual circumstance.

### How would the prickly acacia weed be managed under the act?

A grazier finds that there is prickly acacia on their property. What is the grazier's responsibility regarding prickly acacia?

Prickly acacia is a weed of national significance that causes an adverse effect on Queensland's economy and environment by displacing pasture and the habitat of endangered flora and fauna. Given these impacts, a person who comes across prickly acacia on their property has a General Biosecurity Obligation to take all reasonable and practical steps to prevent or minimise the risks.

A local government may authorise a surveillance program directed at monitoring compliance for prickly acacia. Through that program an authorised officer may request the grazier to deal with the prickly acacia in a specified way. If the grazier does not comply, the authorised officer may give the grazier a biosecurity order to discharge their General Biosecurity Obligation towards prickly acacia. The grounds will be dependent on the circumstances, which may be the presence on the land of an unmanaged prickly acacia infestation or the presence of prickly acacia trees with mature pods hanging over a boundary fence to adjoining land that is effectively prickly acacia free.

The grazier must also minimise the chance that cattle moved from the property do not have seeds in their guts, as they may exacerbate the problem through the spread of prickly acacia seeds in their manure.

However, in situations of drought, a grazier may use prickly acacia as drought feed. In doing so, the grazier must continue to mitigate the risks of prickly acacia spreading under the General Biosecurity Obligation.

Education will be provided to raise awareness about the biosecurity risk posed by prickly acacia, its adverse impacts and the reasonable and practicable measures for its management.