

BIOSECURITY EMERGENCY GROUP PERMIT

NSW *Biosecurity Act 2015*

I, Satendra Kumar, Chief Plant Protection Officer, and Director Plant Biosecurity and Product Integrity

with the delegated authority of the Secretary under section 379 of the *Biosecurity Act 2015 (the Act)* and under Part 21 of the Act, grant an emergency permit to the following class of persons:

A person in charge of premises or other person who is accepting or receiving bees from a registered commercial beekeeper.

This emergency permit authorises the following conduct that, but for the emergency permit, would contravene a requirement imposed by or under the emergency order:

1. Allowing a registered commercial beekeeper to move bees onto a premises that the person is in charge of, but only where those premises are in the Varroa mite general emergency zone, and where that registered commercial beekeeper is moving hives under the authority of an emergency permit issued under the Act.
2. Accepting and receiving bees in the Varroa mite general emergency zone that have been moved by a registered commercial beekeeper, but only where that registered commercial beekeeper is moving hives under the authority of an emergency permit issued under the Act.

Note. Clause 10(8) of the emergency order prohibits a person in charge of premises from permitting a person to move any bees onto those premises. Clause 10(9) of the emergency order prohibits a person from accepting or receiving any bees that have been moved by another person. The intent of this permit is to allow for a person to accept or receive bees for pollination, where those bees have been moved under the authority of an emergency permit issued under the Act.

Definitions:

- (1) In this permit:

bee has the same meaning as in the Act.

emergency order means the *Biosecurity (Varroa Mite) Emergency Order 2022 (No. 14)* dated 17 July 2022 or any emergency order that replaces that order.

registered commercial beekeeper means a person who has been granted biosecurity registration under Part 12 of the Act to engage in the registrable dealing of dealing with bees, where that registration is a business registration, or a person who is registered to keep bees under a corresponding law (within the meaning of clause 1, Schedule 4 to the Act).

Varroa mite general emergency zone – has the same meaning as in clause **Error! Reference source not found.** of the emergency order.

- (2) Unless otherwise specified in this permit, words and expressions have the same meaning as they have in the *Biosecurity Act 2015* and instruments made under that Act.

Commencement



20 July 2022

Expiry

20 August 2022

Satendra Kumar

Name

Signature

Chief Plant Protection Officer, and Director
Plant Biosecurity and Product Integrity

19/07/2022

Role

Date

Department of Primary Industries within the
Department of Regional NSW

Agency

Failure to comply with the conditions of the emergency permit could result in a penalty notice or prosecution. The maximum penalty for an individual is \$1,100,000 or imprisonment for 3 years, or both, and, in the case of a continuing offence, a further penalty of \$137,500 for each day the offence continues. The maximum penalty for a corporation is \$2,200,000 and, in the case of a continuing offence, a further penalty of \$275,000 for each day the offence continues.

This information is collected by the collecting agency identified in this form in relation to its functions under the *Biosecurity Act 2015*. This agency 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 Biosecurity Emergency Permit (Group)

Information about the emergency permit

This emergency permit is issued under Part 21 of the *Biosecurity Act 2015* (the Act) (including section 337). A person is not guilty of an offence against the Act or regulations under the Act if the person was authorised to engage in the conduct alleged to constitute the offence concerned by an emergency permit in force under this Act.

It is an offence to contravene a condition of an emergency permit.

Conditions of emergency permit

The Secretary (or delegate) may impose conditions on an emergency permit at the time of granting or renewing the emergency permit or at any other time by variation to the emergency permit. Under sections 348, 349 and 350 of the Act, the conditions of an emergency permit may include (but are not limited to) conditions for insurance cover, conditions for biosecurity audits and conditions requiring financial assurances.

Variation of an emergency permit

Under section 334 of the Act, the Secretary (or delegate) may, at any time, vary an emergency permit by notice in writing. A variation includes the imposition of new conditions on an emergency permit, the substitution of a condition, or the omission or amendment of conditions.

An application to vary this emergency permit can be made by the permit holder in an approved form and must be accompanied by any relevant information or evidence that the decision maker requires. This application must be accompanied by a fee.

Refusal to grant / renew an emergency permit

The Secretary (or delegate) may, on application or using their own initiative, renew or refuse to renew an emergency permit. Section 346 of the Act sets out matters that the Secretary (or delegate) may consider when making a decision to renew or refuse an emergency permit. The Secretary (or delegate) must give written or oral notice of a decision to renew or refuse to renew an emergency permit. If notice is provided orally, written confirmation of the decision must be provided as soon as practicable.

Suspension or cancellation of an emergency permit

The Secretary (or delegate) may, by oral or written notice, suspend or cancel an emergency permit if satisfied that there are grounds for the suspension or cancellation of the emergency permit. Section 352 of the Act sets out general grounds for suspension or cancellation of an emergency permit.

A person may also apply for the suspension or cancellation of an emergency permit.

Rights of appeal

No appeal can be laid against any decision of the Secretary (or delegate):

- to refuse to grant or renew an emergency permit, or
- to refuse to renew, or to suspend or cancel a permit in the case of an emergency, or
- about a group permit.

Contact

For all biosecurity matters please contact NSW Department of Primary Industries on **1800 808 095** or biosecurity@dpi.nsw.gov.au