



GROUP BIOSECURITY PROHIBITED MATTER PERMIT

NSW Biosecurity Act 2015

I, Jo Coombe

in accordance with section 333, 334 338, and 379 of the *Biosecurity Act 2015* (**the Act**), hereby grant a group biosecurity prohibited matter permit (**the prohibited matter permit**) to the following class of persons:

A person in charge of an anthrax susceptible animal.

This prohibited matter permit authorises dealing with the following biosecurity matter that is prohibited matter throughout the State or in part of the State:

Anthrax

Specifically, the prohibited matter permit authorises the following dealing (subject to stated conditions of this prohibited matter permit):

Despite section 39 of the SM Act, a person in charge of an anthrax susceptible animal can use the anthrax vaccine contrary to the restraints on the use instructions.

This prohibited matter permit is subject to the following conditions:-

1. The person in charge of an anthrax susceptible animal may only use an anthrax vaccine following authority from a Local Land Services District Veterinarian to use the anthrax vaccine.
2. The person in charge of an anthrax susceptible animal must use the anthrax vaccine in accordance with the use instructions, other than the restraints.
3. The person in charge of an anthrax susceptible animal must not use the anthrax vaccine on an anthrax susceptible animal less than 42 days before slaughter for human consumption.

Commencement:11/03/2024**Ends on:**11/03/2029



Definitions

anthrax susceptible animal means cattle, sheep and pigs.

anthrax vaccine means the APVMA approved vaccine for Anthrax Vaccine (Living Spore Sterne 34F2 Strain), product number 68127.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

restraints means instructions, directions or recommendations appearing under the heading "Restraint" or "Restrains" on the label attached to the anthrax vaccine.

the SM Act means the *Stock Medicines Act 1989*.

use instructions has the same meaning as it

Dr Jo Coombe

Secretary or delegate's name

NSW Chief Veterinary Officer, Group Director
Animal Biosecurity

Role

NSW Department of Primary Industries

Agency

Signature

11/03/2024

Date

Failure to comply with the conditions of the prohibited matter permit 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 Department of Regional NSW 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 Group Biosecurity Prohibited Matter Permit

Information about the group biosecurity prohibited matter permit

This prohibited matter permit is issued under section 333, 338, and 379 of the *Biosecurity Act 2015* (the Act). A person is not guilty of an offence against this Act or the regulations under this Act if the person was authorised to engage in the conduct alleged to constitute the offence concerned by a prohibited matter permit in force under this Act.

It is an offence to contravene a condition of a prohibited matter permit.

Penalty for not complying with the group biosecurity prohibited matter permit

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.

Conditions of group biosecurity prohibited matter permits

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

Variation of a group biosecurity prohibited matter permit

Under section 344 of the Act, the Secretary (or delegate) may, at any time, vary a prohibited matter permit by notice in writing. The variation includes the imposition of new conditions on a prohibited matter permit, the substitution of a condition, or the omission or amendment of conditions.

An application for variation to this prohibited matter permit can be made by the prohibited matter permit holder in an approved form and must be accompanied by any relevant information or evidence that the decision maker requires.

Refusal to grant / renew a group biosecurity prohibited matter permit

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

Suspension or cancellation of a group biosecurity prohibited matter permit

The Secretary (or delegate) may, by notice in writing, suspend or cancel a prohibited matter permit if they are satisfied that there are grounds for the suspension or cancellation of the prohibited matter permit. Section 352 of the Act sets out general grounds for suspension or cancellation of a prohibited matter permit. A person may also apply for the suspension or cancellation of a prohibited matter permit.

Rights of appeal

No appeal can be laid against any decision about a prohibited matter permit.

Contact

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