

GROUP BIOSECURITY EMERGENCY PERMIT

Biosecurity Act 2015

I, Joanne Coombe, Chief Veterinary Officer

This group permit applies to the following class of persons:

Owners or persons in charge of a bird in the AI control emergency zone and the AI restricted emergency zone.

Owners or persons in charge of a bird in the AI ACT region control emergency zone and the AI ACT region restricted emergency zone.

This group emergency permit authorises the following conduct that, but for this permit, would or might contravene a requirement imposed by or under the Emergency Order made under the Act:

Moving a bird from into, out of or within the AI control emergency zone and the AI restricted emergency zone or the AI ACT region control emergency zone and the AI ACT region restricted emergency zone from the origin premises to a veterinary clinic (**the movement**)

Note: If you propose to move a bird from origin premises in New South Wales to a veterinary clinic into the Australian Capital Territory, you must comply with the requirements imposed by the Australian Capital Territory government.

Conditions

While you are moving the bird, you must comply with these conditions.

Purpose of movement

1. You may only move a bird because it needs urgent veterinary treatment, and that treatment cannot be provided at the origin premises.

Before you leave the origin premises

2. Before you leave the origin premises, you must contact the veterinary clinic to confirm that the veterinary clinic will provide treatment for the bird.
3. You must confine the bird in a bird cage or bird carrier, and the bird must remain confined until you reach the veterinary clinic.

4. Before you leave the origin premises, you must clean and disinfect your shoes by:
 - (a) scraping the soles of the shoes to remove all organic matter, and
 - (b) washing the soles of the shoes in soapy water or wiping the soles of the shoes with hand sanitiser or an 80% alcohol solution.
5. Before you leave the origin premises you must wash your hands and any other exposed skin with soap and warm water.
6. You must place any removed organic matter in 2 plastic bags, seal the bags and place the bags in the general waste bin or in a waste disposal bin provided by the local council for municipal solid waste.

In transit

7. You must transport the bird directly from the origin premises to the veterinary clinic following the most direct route, avoiding contact with other birds and other susceptible species.

At the veterinary clinic

8. You must follow any instructions the staff of the veterinary clinic give you.

After the veterinary clinic

9. As soon as practicable after you leave the veterinary clinic, and before you have contact with another bird, you must:
 - (a) clean all organic matter from the interior of the vehicle and wipe the interior surfaces of the vehicle with hand sanitiser or an 80% alcohol solution,
 - (b) wash your hands and any other exposed skin with soap and warm water, and
 - (c) clean all organic material from the bird cage or bird carrier and wash the cage or carrier with soap and warm water.
10. You must place any removed organic matter in 2 plastic bags, seal the bags, and place the bags in your general waste bin.

Commencement:

11th July 2024

Ends on:

19 December 2024



Definitions:

In this emergency permit:

AI means Avian Influenza.

AI control emergency zone means the AI control emergency zone specified in clause 4 of the *Biosecurity (Avian Influenza) Emergency Order (No. 3) 2024* dated 27 June 2024, or any order that replaces this order.

AI restricted emergency zone means the AI restricted emergency zone specified in clause 4 of the *Biosecurity (Avian Influenza) Emergency Order (No. 3) 2024* dated 27 June 2024, or any emergency order that replaces this order.

AI ACT region control emergency zone means the AI ACT region control emergency zone specified in clause 4 of the *Biosecurity (Avian Influenza – ACT region) Emergency Order 2024* dated 28 June 2024, and any emergency order that replaces this order.

AI ACT region restricted emergency zone means the AI ACT region restricted emergency zone specified in clause 4 of the *Biosecurity (Avian Influenza – ACT region) Emergency Order 2024* dated 28 June 2024, and any emergency order that replaces this order.

bird means any animal of the avian species.

hand sanitiser a liquid or gel, typically containing alcohol, that is used to clean the hands and kill bacteria, viruses, and other disease-causing agents on the skin.

origin premises means the premises:

- (a) at which the bird is ordinarily kept,
- (b) if the bird is a wild bird in the care of a wildlife carer, the premises at which the wildlife carer is caring for the bird, or
- (c) if the bird is a wild bird that is found in any place.

other susceptible species means all species of swine, equids, caviars, ferrets, cats, dogs, rabbits, rats and mice.

the Act means the *Biosecurity Act 2015*.

vehicle means a vehicle, as defined in the Act, used to facilitate the movement.

veterinary clinic means a veterinary hospital or a veterinary hospital, as defined in the *Veterinary Practice Act 2003*.

Joanne Coombe	
<small>Secretary or delegate's name</small>	<small>Signature</small>
Chief Veterinary Officer	11 th July 2024
<small>Role</small>	<small>Date</small>
Department of Primary Industries and Regional Development	
<small>Agency</small>	

Failure to comply with the conditions of the group emergency 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.

Guide to the Group Biosecurity Emergency Permit

Information about the group biosecurity emergency permit

This emergency permit is issued under section 333 and 337 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 an emergency permit in force under this Act.

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

Penalty for not complying with the group biosecurity emergency 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 a group biosecurity emergency permit

The Secretary (or delegate) may impose conditions on an emergency permit at the time of granting or renewing an 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 a group biosecurity emergency permit

Under section 344 of the Act, the Secretary (or delegate) may, at any time, vary an emergency permit by notice in writing. The 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 for variation to this emergency permit can be made by the emergency 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 an group biosecurity 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 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 emergency permit

The Secretary (or delegate) may, by notice in writing, suspend or cancel an emergency permit if they are 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, refuse to renew an emergency permit, or suspend or cancel an emergency permit, in the case of an emergency.

Contact

For all biosecurity matters please contact NSW Department of Primary Industries and Regional Development on 1800 680 244 or biosecurity@dpi.nsw.gov.