

GROUP BIOSECURITY PERMIT

NSW Biosecurity Act 2015

I, Andrew Sanger

in accordance with section 333 and 336 of the *Biosecurity Act 2015* (the Act), hereby grant a group biosecurity permit (group permit) to the following class of persons:

Persons who operate at the Sydney Markets, in the course of their professional duties who sell plants listed as Weeds under Schedule 3 of the *Biosecurity Regulation 2017*.

This group permit authorises the following conduct that, but for the group permit, would or might contravene a requirement imposed by or under the Act (subject to stated conditions of this group permit):

Sydney Markets are exempt from the prohibition on certain dealings with biosecurity matter (weeds) by Division 8 Clause 33 of the *Biosecurity Regulation 2017* to the extent of certain weed species under Schedule 3, being:

- *Asparagus aethiopicus*
- *Asparagus plumosus*
- *Salix matsudana*
- *Salix nigricans*

This permit authorises the sale of the specified weeds in commercial capacity in accordance with the conditions of this group permit.

This permit does not exempt any person from their General Biosecurity Duty, rather it permits the supply and use of the plant parts for the flower industry where the risk of weed spread is low.

This group permit is subject to the following conditions:

1. Commercial producer or seller is to only have in their possession:
- a. Non-viable (non-reproductive) plant material. For *Salix* species, stems must have been treated so that they are devitalised
 - b. Plant material imported or from a NSW plantation (that is they must not have for sale plants collected from the wild)
2. This permit does not authorise the supply or trade of viable (including reproductive) plant material, including but not limited to seeds, fruits and rhizomes.
3. Specified weeds must only be sold within the premises of Sydney Markets.
4. A Record of Movement must be maintained to ensure traceability of the product.

Commencement: 1 June 2019

Ends on: 1 June 2024

Definitions:
If applicable NA



Andrew Sanger

Authorised officers name

Andrew Sanger

Signature

Director of Invasive Plants and Animals

Role

28/11/2019

Date

NSW DPI

Agency

Failure to comply with the conditions of the group 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 NSW Department of Industry 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 Permit

Information about the group biosecurity permit

This permit is issued under section 333 and section 336 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 permit in force under this Act.

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

Penalty for not complying with the group biosecurity 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 permit

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

Limitations of a group biosecurity permit

A permit does not authorise any conduct in contravention of an emergency order, or a biosecurity direction given in the case of an emergency unless the permit is an emergency permit and the permit is expressed to apply in relation to the emergency concerned.

An authorised officer is not authorised to grant, renew, suspend or cancel an:

- *Emergency permit*, which authorises conduct that, but for the permit, would or might contravene an emergency order, or a biosecurity direction in the case of an emergency, and that is expressed to apply to the emergency concerned.
- *Prohibited matter permit*, which authorises dealing with biosecurity matter that is prohibited matter

Variation of a group biosecurity permit

Under section 344 of the Act, an authorised officer may, at any time, vary a permit by notice in writing. The variation includes the imposition of new conditions on a permit, the substitution of a condition, or the omission or amendment of conditions.

An application for variation to this 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.

Refusal to grant / renew a group biosecurity permit

An authorised officer may on application or using their own initiative, renew or refuse to renew a permit. Section 346 of the Act sets out matters that the Secretary may consider when making a decision to renew or refuse a permit. An authorised officer must give an applicant written or oral notice of a decision to renew or refuse to renew 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 permit

An authorised officer may, by notice, suspend or cancel a permit if the authorised officer is satisfied that there are grounds for the suspension or cancellation of the permit. Section 352 of the Act sets out general grounds for suspension or cancellation of a permit.

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

Rights of appeal

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

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