

BIOSECURITY EMERGENCY GROUP PERMIT

NSW Biosecurity Act 2015

I, Brett Kerruish, an Authorised Officer

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:

Any person in charge of bees located at premises within an area described by the Australian Government Bureau of Meteorology (BOM) in a current flood warning whose bees or hive(s) are in a location that may be at risk of inundation by flood water.

Note: At the time this permit was granted, the flood warnings for New South Wales are found at <http://www.bom.gov.au/nsw/warnings/index.shtml>.

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. A person in charge of bees may move hive/s and the bee colonies housed within them from a location at which the bees or hive/s are at risk of inundation or being inundated by flood water to a location at a higher elevation at the same premises.
2. If all the premises at which the bees or a hive(s) are located are at risk of inundation by flood water, the person in charge of the bees:
 - (a) may move the bees and hive(s) from the location at which the bees or hive(s) are at risk of being inundated by flood water to premises within the same emergency zone with a higher elevation, and
 - (b) must notify the Department of the new location of the bees and hive using the Beekeeper Notifications - Varroa mite online form at <https://nswfoodauthority-dpi-online-forms.app.oneblink.io/forms/12288> or by contacting the Exotic Plant Pest Hotline, **1800 084 881** (9am to 5pm, 7 days a week)
3. A person moving bees or a hive to premises within the same emergency zone cannot enter a different emergency zone when moving the bees or a hive(s).
4. After the person has moved bees or a hive(s) to a higher elevation, the person must not move the bees or hive(s) from the new location to another new location or back to the original location.

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. 27)* dated 6 September 2022 or any emergency order that replaces that order.

emergency zone means an emergency zone described in the emergency order and includes:



Department of Primary Industries

- (a) the Varroa mite general emergency zone,
- (b) the Varroa mite eradication emergency zone, and
- (c) the Varroa mite surveillance emergency zone.

flood water means an overflow of water that flows beyond the normal limits of a watercourse and submerges land that is usually dry.

hive means an artificial receptacle designed for housing living bees and its contents but does not include a new hive that has never been exposed to or had contact with bees.

premises means:

- (a) a parcel of land,
- (b) several parcels of land which:
 - (i) are contiguous with one another or are separated from one another only by a road, river, creek or other watercourse, and
 - (ii) constitute or are worked as a single property, or
- (c) a single apiary site or apiary range, identified on the NSW Government BPass map at <https://bpass.dpi.nsw.gov.au/s/view-sites-public>.

Variation:

This emergency permit varies the emergency permit dated 6 October 2022 published on the NSW DPI website at <https://www.dpi.nsw.gov.au/about-us/legislation/list/biosecurity-act-2015>.

Commencement

14th October 2022

Expiry

31st January 2023

Brett Kerruish		  Department of Primary Industries Biosecurity & Food Safety
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Name

Signature

Authorised Officer Movements Manager	14/10/2022
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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

