



Notice of variation

In accordance with section 344(1) of the *Biosecurity Act 2015*, this permit has been varied to clarify circumstances in which identifiable stock that is not properly identified is permitted to be moved from a property that is affected by an emergency.

This variation occurred on 15 November 2017.

A handwritten signature in black ink that reads 'Christine Middlemiss'.

Dr Christine Middlemiss
Authorised Officer
Department of Primary Industries



Department of
Primary Industries



Local Land
Services

GROUP BIOSECURITY PERMIT

NSW Biosecurity Act 2015

Dr Christine Middlemiss

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

- Any person who is an owner of identifiable stock.
- Any person who causes identifiable stock to leave a property.

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

The movement of identifiable stock is permitted without being properly identified as otherwise required by clauses 17 and 18(1) and 18(2) of the *Biosecurity (National Livestock Identification System) Regulation 2017* in circumstances where the identifiable stock is located on a property that is affected by an emergency and that emergency necessitates their sudden, urgent and temporary movement to another property in order to protect the welfare of the stock.

This permit is subject to the following conditions:-

1. The identifiable stock is to be properly identified after they arrive at the property to which they have been moved, unless they will be returned directly to the previous property from which they were moved as a result of the emergency. The owner of the identifiable stock must make a record of the emergency movement using an NLIS movement document.

Commencement: 15 November 2017

Duration: Five years.

Definitions

emergency means when the welfare of identifiable stock is under an imminent threat from fire, flood or other natural disaster.
identifiable stock, **NLIS movement document**, **properly identified** and **property** all have the same meaning as in the *Biosecurity (National Livestock Identification System) Regulation 2017*



Department of Primary Industries



Local Land Services

Dr Christine Middlemiss

Authorised Officer's name

NSW Chief Veterinary Officer; and Group Director, Animal Biosecurity & Welfare

Role

NSW DPI

Agency

Charlie Middlemiss

Signature

15 November 2017

Date

Failure to comply with the conditions of the 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 808 095 or biosecurity@dpi.nsw.gov.au.