



GROUP BIOSECURITY PERMIT

NSW Biosecurity Act 2015

I, Janine O'Donnell

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 persons:

All persons

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):

Importing or causing or permitting the importation of lupin grain into New South Wales for transit through New South Wales to other jurisdictions.

This group permit is subject to the following conditions:

1. Prior to entry into New South Wales the lupin grain must be securely contained;
 - a. in bulka bags that have been securely sealed top and bottom; or
 - b. in sealed shipping containers; or
 - c. in trailers covered to ensure tarpaulins are securely fastened to all edges of the trailer, and the level of grain is at least 30 cm below the top of truck sides.
2. Prior to entry into New South Wales all outer surfaces of the conveyances carrying the lupin grain must be free of lupin plant material.
3. The lupin grain must remain securely contained at all times while within New South Wales.
4. Containers and trailers holding the lupin grain must not be opened or unloaded within the State of New South Wales.
5. The lupin grain must be transported through New South Wales by the most direct route.
6. Transport operators must be made aware of the lupin anthracnose biosecurity risk associated with the lupin grain.
7. In the event of any spillage within New South Wales, New South Wales Department of Primary Industries must be immediately notified on 0417 401 057 (Biosecurity and Food Safety Compliance) or plant.permits@dpi.nsw.gov.au.

Commencement: 1 May 2021Ends on: 30 April 2023

Ref: OUT21/4398



Department of
Primary Industries



Local Land
Services

Definitions:

Securely contained means sealed in a way to prevent the leakage of any grain.

Janine O'Donnell

Authorised officers name

Manager Plant Product Integrity & Standards
and Deputy Chief Plant Protection Officer

Role

NSW Department of Primary Industries

Agency

A handwritten signature in blue ink, appearing to read 'Janine O'Donnell'.

Signature

1 May 2021

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 a 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