



GROUP BIOSECURITY PERMIT

NSW Biosecurity Act 2015

I, Lloyd Kingham

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:

NSW businesses accredited under the Interstate Assurance Arrangement ICA-31 titled 'Pre-harvest treatment and inspection of blueberries for blueberry rust' providing Fruit Delivery Dockets for Part B businesses between 26 July 2022 and 26 July 2025.

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):

Part A businesses may provide a Fruit Delivery Docket to Part B businesses instead of a Plant Health Assurance Certificate (PHAC).

This group permit is subject to the following conditions:

1. The blueberries must be delivered to a Part B business on or before 26 July 2025.
2. A Fruit Delivery Docket must be completed for each consignment of blueberries and must contain the following information:
 - a. a unique docket number;
 - b. the name and Interstate Produce (IP) Number of the accredited Business that grew and pre-harvest treated the fruit;
 - c. a statement that the business is accredited under Part A of ICA-31 for the source property or properties on which the blueberries were grown;
 - d. the identity of the source block/s on which the fruit was grown;
 - e. details of the last pre-harvest treatment applied to the source block/s;
 - f. the date or dates of the last treatment of the source block/s;
 - g. a statement that the fruit has been inspected during harvest and found free from blueberry rust; and
 - h. the signature of an Authorised Signatory from the Part A business.
3. A completed Fruit Delivery Docket must accompany each delivery of blueberries to the Part B business.
4. Both the Part A business and the Part B business must keep a copy of the completed Fruit Delivery Docket for 2 years.

Commencement: 26 July 2022

Ends on: 26 July 2027

**Definitions:***If applicable*

Part A Business means a legal entity accredited under Part A of ICA-31 'Pre-harvest treatment and inspection of blueberries for blueberry rust'.

Part B Business means a legal entity accredited under Part b of ICA-31 'Pre-harvest treatment and inspection of blueberries for blueberry rust'.

Lloyd Kingham

Authorised officers name

Acting Manager, Plant Product Integrity and Standards

Role

NSW Department of Primary Industries

Agency



Signature

26 July 2022

Date

Note: This permit authorises conduct that, but for the permit, would or might contravene the *Biosecurity Act 2015*.

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