



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:

1. Businesses accredited under Part A of a Certification Assurance Arrangement in a jurisdiction other than New South Wales who are consigning produce to a business in New South Wales that is accredited under Part B of the equivalent Certification Assurance Arrangement; and
2. Businesses accredited under Part B of a Certification Assurance Arrangement in New South Wales who are receiving produce from a business outside New South Wales that is accredited under Part A of the equivalent Certification Assurance Arrangement.

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):

Consignments of produce may be imported or moved into New South Wales if the consignment is accompanied by a duly completed declaration instead of a duly completed Plant Health Assurance Certificate.

This group permit is subject to the following conditions:

1. The produce must be consigned before 31 December 2023.
2. The consigned produce must have been dealt with in accordance with all the requirements of Part A of the relevant Certification Assurance Arrangement in force in the jurisdiction in which the produce was grown.
3. The declaration must be completed and issued in accordance with all the requirements of Part A of the relevant Certification Assurance Arrangement in force in the jurisdiction in which the produce was grown.
4. The produce must be consigned directly to a business in New South Wales that is accredited under Part B of the equivalent Certification Assurance Arrangement.
5. The Part A accredited business and the Part B accredited business must keep a copy of each declaration for a period of 2 years.

Commencement: 22 June 2022

Ends on: 31 December 2025

Definitions: **Business** means a legal entity accredited under a Certification Assurance



Department of
Primary Industries

Ref: OUT22/7923



Local Land
Services

Arrangement.

Certification Assurance Arrangement means a CA Arrangement or an ICA Scheme that enables a biosecurity certifier or a person authorised under a corresponding law of a State or Territory to issue a Plant Health Assurance Certificate that meets certain plant health quarantine conditions for trade within the State or between the State and other States or Territories.

ICA scheme means a scheme developed by the States and Territories to meet their respective plant quarantine requirements under the Memorandum of Understanding on Interstate Certification Assurance dated 6 August 1999.

Plant Health Assurance Certificate means a biosecurity certificate or interstate biosecurity certificate issued in accordance with the requirements of a Certification Assurance Arrangement.

Note: 'biosecurity certificate', 'biosecurity certifier', 'corresponding law' and 'interstate biosecurity certificate' have the same meaning as they have in the Act.

Lloyd Kingham

Authorised officers name

Acting Manager,
Plant Product Integrity & Standards

Role

NSW Department of Primary Industries

Agency

Signature

22 June 2022

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