

Biosecurity Registrations

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1. Management of Biosecurity Risk

The purpose of this procedure is to describe how the NSW Department of Primary Industries (NSW DPI) and Local Land Services (LLS) will use biosecurity registration to manage the risks arising from keeping certain non-indigenous animals and bees under the *Biosecurity Act 2015* (the Act) and the Biosecurity Regulation 2017 (the Regulation).

2. Scope

This procedure applies to authorised officers appointed under the Act and NSW DPI and LLS who are responsible for enforcing and administering biosecurity registration.

Biosecurity registration is required for certain non-indigenous vertebrate animals that have not established wide-spread populations in the state but have been assessed as representing a high establishment risk, or a danger to people and /or the state's economic, environmental and community assets and dealing with managed bees as listed in Schedule 4 of the Act.

3. Biosecurity Legislation Summary

Part 12 of the Act provides for biosecurity registrations. Any person can apply for a biosecurity registration to engage in a registrable dealing, schedule 4 of the Act. It is a category offence 2 to engage in a registrable dealing unless the person is a registered entity and the dealing is authorised by the person's biosecurity registration.

Conditions of biosecurity registrations are prescribed in Part 7 of the Biosecurity Regulation 2017 (the Regulation).

The collection, use and disclosure of information in accordance with this procedure, including any internal or external discussion or distribution of information, must be in compliance with the *Privacy and Personal Information Protection Act 1998* or be exempted by the operation of section 387 of the Act.

Section 387 (2) of the Act provides authority for the disclosure of information about a person, without the consent of the person: to a public sector agency, or to any other person, but only if the disclosure is reasonably necessary for the purpose of exercising a biosecurity risk function.

4. Work Health and Safety

The *Work Health and Safety Act 2011* places an obligation on the agency (NSW DPI and LLS) as a person conducting a business or undertaking and workers to provide a safe and healthy workplace. Safe Work Method Statements that support activities included in this procedure must be used in identifying, assessing and controlling risks.

NSW DPI and LLS will work together to create a safe and supportive work environment when undertaking any activities for this procedure.

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Biosecurity Registrations Procedure

1 Roles and responsibilities

1.1 NSW Department of Primary Industries and Local Land Services

- to consider new biosecurity registration applications and renewal of registration applications
- set appropriate conditions for biosecurity registrations in order to adequately manage the biosecurity risks (such as, bee hive requirements, type of animal, enclosures)
- provide advice to registered entities including beekeepers and other stakeholders on the legislated responsibilities of beekeepers and people keeping certain non-indigenous vertebrate animals
- implement an audit system to ensure keepers of non-indigenous animals comply with conditions of registration
- maintain a database of information related to all biosecurity registrations
- investigate incidents where non-indigenous vertebrate animals or bees are being kept unregistered or there is a suspected breach of a biosecurity registration requirements and conditions.

1.2 Authorised officers

- biosecurity registrations are granted consistent with any relevant policy and procedure for the management of a biosecurity risk
- maintain records of all registrations
- assessment of each registration application that is not the subject of policy and procedure are performed in consultation with relevant technical and compliance staff.

2 Application for biosecurity registration

2.1 Application for registration

Section 159 of the Act provides for a person to apply for biosecurity registration under the Act.

It is the responsibility of authorised officers and officers of NSW DPI and LLS to ensure they only consider an application for biosecurity registration if it is consistent with their authorisation, current position description and the policy and procedure for the relevant biosecurity risk.

Authorised officers must ensure that applicants for biosecurity registration are provided with an approved application form.

The processing officer must ensure records are maintained of all biosecurity registration applications.

2.2 Grant or Refusal of biosecurity registration

Section 160 (1) of the Act provides for the Secretary or delegate, to grant or refuse an application for biosecurity registration. The authority of the Secretary to grant or refuse an application for biosecurity registration has been delegated to relevant staff within NSW DPI. A decision to refuse an application must be consistent with grounds for refusal and additional matters identified in section 160(2) and (3) of the Act and clauses 74 and 75 of the Regulation. The Secretary or delegate must record if the

application was granted or refused and the reason for its grant or refusal.

The Secretary or delegate must also ensure their decision to grant or refuse biosecurity registration is consistent with the objectives of any relevant policy and procedure in place for the biosecurity risk. This should be documented with the application for biosecurity registration (Section 2.1 of this procedure).

The Secretary or delegate should give the applicant written notice of a decision to grant or refuse biosecurity registration within 60 days of the application being made.

2.3 Duration of biosecurity registration

Section 161 (1) of the Act provides for biosecurity registration to be in force for a period not exceeding 5 years. The period must be specified by the Secretary or delegate in the notice by which biosecurity registration is granted.

2.4 Variation of biosecurity registration

The Act at section 162 provides for the Secretary or delegate to vary biosecurity registration by notice in writing to a registered entity. This includes any conditions of biosecurity registration. The variation may impose a new condition, substitute, omit or amend a condition.

The Act provides for the Regulation to prescribe a fee for the variation of biosecurity registration. See section 7 'Fees' of this procedure for details.

2.5 Renewal of biosecurity registration

When biosecurity registration expires, section 163(1) of the Act provides for the registration holder to apply to the relevant decision-maker for a renewal biosecurity registration.

The registration holder should be provided with 30 days' notice of the expiry of the biosecurity registration. The applicant must provide a completed application form and pay the prescribed fee (Table 1, Appendix 1).

Grounds for refusal, section 164(2) & (3) of the Act apply for the renewal of biosecurity registration as they do for new biosecurity registration applications.

3. Conditions of biosecurity registration

3.1 Conditions of biosecurity registration

Section 165 of the Act provides for biosecurity registration to be the subject of conditions either prescribed by the Regulation or imposed by the relevant decision-maker.

Currently there are conditions of registration prescribed in the Regulation for bees (see clauses 83, 84 & 85, and non-indigenous animals, clauses 87, 88, 89 & 90).

The Secretary or delegate should consider the current policy and procedure and/or seek advice from staff that are responsible for the biosecurity risk when considering the imposition of conditions.

If the registered entity is to be the subject of a compliance audit, this should be included in the conditions of registration. See Section 3.3 of this procedure.

3.2 Conditions of insurance cover

The relevant decision-maker may impose as a condition that the registered entity must take out and maintain an insurance policy against any liability that could result from the conduct engaged under biosecurity registration.

This is a relevant consideration for the Secretary or delegate and should be determined by the units responsible for the management of the biosecurity risk. If required, the relevant decision maker must ensure they obtain evidence of the insurance policy and maintain the record with the registered entities application.

3.3 Conditions of biosecurity audits

Section 170 of the Act requires a registered entity to co-operate with the conduct of biosecurity audits. An accreditation audit may be required of biosecurity registration application and a compliance audit may be required of a registered entity. The requirement for biosecurity audits should be determined by the unit responsible for the management of the biosecurity risk and if required, should be included as a condition of the biosecurity registration.

3.4 Conditions of financial assurances

The Act section 171 provides for a financial assurance to guarantee funding for what the Act defines in section 350(2) as a secured event (see Definitions section).

Section 171 also specifies the acceptable forms of a financial assurance and provides for the Regulation to prescribe the calculation of a financial assurance, the circumstances the financial assurance may be claimed and the administration of financial assurances.

The requirement for a financial assurance should be determined by the unit responsible for the management of the biosecurity risk and if required, should be included as a condition of biosecurity registration.

4. Suspension or cancellation of biosecurity registration

Sections 173 and 174 of the Act provide for the suspension or cancellation of a biosecurity registration and identify the grounds for suspension or cancellation, respectively. The Regulation at clauses 78 and 79 specifies additional grounds for refusing, suspending or cancelling biosecurity registration and additional matters to which the relevant decision-maker may have regards, respectively.

When considering whether to suspend or cancel biosecurity registration, the Secretary or delegate must ensure the decision to suspend or cancel is supported by the grounds specified in either the Act or the Regulation or both and is documented.

If there are grounds for suspension or cancellation, the Secretary or delegate can determine that a biosecurity registration should be suspended and should inform the registered entity by notice in writing, except if:

- the biosecurity impact requires the registration to be suspended urgently, or
- in the case of an emergency.

Section 174(2) of the Act specifies the information that must be included in the notice of suspension. Section 176(2) of the Act specifies the information that must be included in the notice of cancellation.

Sections 175 and 177 of the Act provide for registered entities to be given the opportunity to make submissions about suspension or cancellation, respectively. In both circumstances there is a deadline for submissions of 30 days after the notice was given.

5. Fees

5.1 Application fee

The Act at section 159(3) provides for the Regulation to prescribe a fee for a biosecurity registration application. The power to charge a fee is discretionary as the Act states that the Secretary or delegate may require the fee to accompany the application.

It has been determined that a fee will be required for an application and renewal of biosecurity registration. The fees are included in Table 1, Appendix 1.

5.2 Accreditation and compliance audit fees

If appropriate, the applicant for biosecurity registration should also be informed if their application will be the subject of a biosecurity audit and associated fee. Sections 218 and 230 of the Act provide for auditing of both biosecurity registration applicants and registered entities. If determined to be appropriate under the relevant policy and procedure, audits may also be the subject of a fee. The Act provides for the charging of a reasonable fee for the carrying out of either an accreditation or a compliance audit.

It has been determined that a fee will be charged for an accreditation audit for an application for biosecurity registration to keep a non-indigenous animal, and a compliance audit of a registered entity, non-indigenous animal.

6. Miscellaneous

6.1 Surrender of biosecurity registration

A registered entity may apply to surrender their biosecurity registration. This must be done using the approved surrender application form. The application to surrender biosecurity registration will include information or evidence required by the authorised officer to make an informed decision.

6.2 Appeal to Land and Environment Court

Section 182 provides for a person to appeal to the Land and Environment Court against a decision to refuse, refuse to renew, cancel or refuse to revoke a suspension, impose a condition and vary biosecurity registration.

Relevant decision makers must keep all the appropriate records of their administration of biosecurity registration to ensure matters that are appealed can be dealt with appropriately.

7. Definitions and acronyms

DPI: NSW Department of Primary Industries

Secured event: defined in the Act included any of the following in relation to biosecurity registration:

- the registered entity contravening another condition of biosecurity registration
- the registered entity placing any biosecurity matter that registration authorises the registrable entity to deal with in the care of the Secretary or delegate
- the registered entity ceasing to be authorised to engage in the registrable dealing
- the registered entity becoming unable, because of illness, financial circumstances or otherwise, to continue to engage in the registrable dealing.

8. Revision history

Version	Date issued	Notes	By
1.0	01/07/2017	New procedure developed in response to the <i>Biosecurity Act 2015</i> .	Compliance Systems Coordinator
1.1	20/9/2017	Minor formatting and editing	Project Support Officer

CHAPTER 1: NON-INDIGENOUS ANIMALS

Since European settlement, non-indigenous animal species have been introduced to Australia and, although many are considered as having beneficial aspects, some non-indigenous animals are highly invasive and can present biosecurity risks to agriculture, parks, forests, waterways, and biodiversity and catchment assets etc.

The keeping of certain non-indigenous animals will be managed using biosecurity registration under Part 11 of the Act. Part 11 of the Act requires that anyone who keeps, moves or otherwise deals with a non-indigenous animal specified in Schedule 4 of the Act, must be a registered entity.

Biosecurity registrations are required for Blackbuck, Dromedary camel and Guanaco.

Biosecurity registration is not required for and will not be issued for a non-indigenous vertebrate animals listed in Schedule 4 of the Act if:

- the animal is kept under a licence, permit or approval issued under the *Exhibited Animals Protection Act 1986*
- the animal is kept under a permit issued under the *Animal Research Act 1985*.

The keeping of Dromedary camels in eastern NSW will be exempt from registration if the camels are identified with an approved permanent identifier.

American bison, Bantang and Domestic water buffalo are regulated under the national livestock identification and traceability (NLIS) scheme and are not subject to biosecurity registration.

1. Roles and Responsibilities of Registered entities

- must provide the details of the permanent identification fitted to their animals to NSW DPI
- must submit annual animal records to NSW DPI containing the following information:
 - o the numbers and species of animals kept which must be advised by 30th April each year
 - o the numbers and species of animals transferred off the premises during the year
 - o the names and licence/permit numbers (if applicable) of the persons to whom the animals were transferred
 - o the numbers and species of animals transferred onto the premises during the year
 - o the names and licence/permit numbers (if applicable) of the persons whom the animals were transferred from or to
 - o the numbers and species of animals kept by the licensee that died during the year
 - o the microchip numbers, or ear tag identification, or tattoo numbers of all non-indigenous animals kept on the premises listed on the return during the year, including the numbers for animals which have died during that period.
- keepers must submit all required paperwork for the approval of a new or renewal of biosecurity registration for non-indigenous vertebrate animals to NSW DPI
- a keeper must not release an animal subject of a biosecurity registration from captivity or otherwise permit the escape of any such animal.

2 Applications for a non-indigenous vertebrate animal biosecurity registration

NSW DPI staff must consider the following when considering a biosecurity registration application:

- the life expectancy and specialised care requirements of the animal
- whether the number of registrations for certain species should be restricted
- whether the applicant is a suitable person to keep the animal concerned
- whether the applicant has had related licences or permits that have been breached or cancelled
- whether the applicant has had animal welfare or similar convictions
- whether an application contains false or misleading information
- location and land ownership or leasing details where the animal is proposed to be kept.

3 Grant or refusal of a biosecurity registration for non-indigenous animals

Matters to which the Secretary or delegate must have regard

(1) For the purposes of section 160 (1) of the Act, the following matters are additional matters to which the Secretary or delegate must have regard in deciding whether to grant a licence or renewal:

- the life expectancy of any animal that is to be kept under the biosecurity registration
- the specialised care requirements of any animal that is to be kept under the biosecurity registration
- the general welfare of any animal that is to be kept under the biosecurity registration,
- the security and care required for the animal that is to be kept under the biosecurity registration
- whether the number of biosecurity registrations in force that relate to certain species of animals should be restricted and, if it should be restricted, whether the grant of the biosecurity registration or its renewal would violate that restriction
- where the applicant is the holder of an authority under *the [Exhibited Animals Protection Act 1986](#)*
- whether the applicant is accredited as a research establishment under the *[Animal Research Act 1985](#)*
- whether the applicant, immediately before the repeal of the Non-Indigenous Animals Act 1987, held a licence under the *[Non-Indigenous Animals Act 1987](#)* in relation to the animal, and
- whether the applicant is a party to a written lease agreement or other formal written arrangement with the owner of the accommodation that provides the applicant with the following rights:
 - the right to use the premises as accommodation for the animal kept under the authority of the biosecurity registration
 - the right to do anything on the premises that may be required under the Act or Regulation in relation to the use of the premises as registered accommodation
 - the right to invite authorised officers on to the premises.
- whether the applicant has made a statement or furnished information in connection with the application, that was, in the opinion of the Secretary or delegate, false or misleading
- whether the applicant resides in New South Wales or has a registered office in NSW
- whether the applicant has previously held an authority for the species that has been cancelled
- whether the applicant has been convicted of an offence under:
 - the *[Non-Indigenous Animals Act 1987](#)* (including any regulations under that Act), or
 - the *[Prevention of Cruelty to Animals Act 1979](#)* (including any regulations under that Act), or
 - any other law (whether of the State or of the Commonwealth or of another State or Territory) relating to the keeping or protection of animals.

(2) In deciding whether to grant a renewal of a biosecurity registration, the Secretary or delegate must also have regard to the following:

- whether the licensee has had an animal of the species to which the application relates in the biosecurity registrants keeping at any time during the immediately preceding 12 months
- whether the manager of the biosecurity registration has, in the opinion of the Secretary or delegate:
 - failed to comply with a condition of the biosecurity registration, or
 - failed to comply with, or ensure that the registered accommodation complied with, a requirement or standard prescribed for the purposes of the Act.

(3) In deciding whether to grant a biosecurity registration, in addition to the matters prescribed by subclause (1), the Secretary or delegate must have regard to whether the granting of the licence is in accordance with the categories of non-indigenous animals prescribed in Schedules 3 and 4 of the Act.

4. Standards for identification of non-indigenous animals

4.1 Identification

A manager of a registered entity must ensure that each animal the subject of the biosecurity registration is permanently identified:

- by a microchip inserted in the animal:
 - in accordance with the requirements of the relevant breed society or of the Zoo and Aquarium Association Inc., or
 - subcutaneously, to the left of the spine in between the scapulae (shoulder blades) of the animal, or
- in the case of *Camelus dromedarius* (commonly known as Dromedary Camel or Arabian Camel), or *Antilope cervicapra* (commonly known as Blackbuck), or *Lama guanicoe* (Commonly known as Guanaco) as an alternative to microchipping—by the attachment of an ear tag equipped with a unique radiofrequency identification to the animal.

4.2 Proof of identification must be provided

A manager of a registered entity must provide the Secretary or delegate with a certificate, in relation to each non-indigenous animal that is the subject of the biosecurity registration and that has been microchipped, in which a veterinary practitioner:

- certifies that the animal has been microchipped, and
- certifies that the microchip was functioning after implantation, and
- states the location of the microchip in the animal, and
- states the number of the microchip implanted in the animal.

A manager of a registered entity must provide the Secretary or delegate with:

- a certificate, in relation to each non-indigenous animal that is the subject of the biosecurity registration and that has been ear tagged, in which a veterinary practitioner:
 - certifies that an ear tag has been attached to the animal, and
 - states the number of the ear tag attached to the animal, or
- such other documents that provide evidence, to the satisfaction of the Secretary or delegate, in relation to each non-indigenous animal that is the subject of the biosecurity registration and that has been ear tagged:
 - that an ear tag has been attached to the animal, and
 - of the number of the ear tag attached to the animal.

The certificate or document must be provided to the Secretary or delegate:

- within seven days of the microchip, or ear tag having been inserted in, attached to or placed on the animal, or
- in the case of an animal that was already microchipped, ear tagged or tattooed when the licensee applied for the licence—within 14 days of the issue of the licence.

4.3 Identification of offspring

A manager of a registered entity must ensure that, if an animal that is the subject of a biosecurity registration has any offspring:

- the offspring is identified (when appropriate for the age and size of the animal), and
- information is provided about that identification to the Secretary (or delegate).

5. Security Requirements

5.1 Security of accommodation where animals subject of a biosecurity registration are kept

The manager/owner of a registered entity must ensure that any animal accommodation the subject of the biosecurity registration where an animal or animals the subject of a biosecurity registration are kept is securely fenced and that appropriate and reasonable management practices are put in place to prevent the following:

- the escape or accidental release of the animal
- the intentional release of the animal by unauthorised persons
- unauthorised entry to the licensed accommodation by any persons
- the undermining, jumping-in or breaking-in of an enclosure by unauthorised people or animals.

5.2 Construction of enclosures where animals the subject of a Biosecurity Registration are to be kept

A manager of a registered entity must ensure that an animal the subject of the biosecurity registration is kept in an enclosure that is constructed so as to minimise the risks of the following:

- injury to the public
- injury to animal attendants exercising due care while in the enclosure
- injury to any animal in the enclosure
- escape from the enclosure by any animal.

5.3 Maintenance of vegetation near enclosures where animals the subject of the biosecurity registration are kept

A manager of a registered entity must ensure that vegetation or other material in or near an enclosure where an animal the subject of the biosecurity registration is kept is positioned in such a way that it cannot assist an animal to escape.

5.4 Construction of enclosures where animals the subject of the biosecurity registration are kept the subject of the biosecurity registration

A manager of a registered entity must ensure that an enclosure located in an area known to have digging, burrowing or jumping is constructed in order to prevent, digging, burrowing or jumping animals impacting on the security of the enclosure and the animals kept subject to a biosecurity registration:

- area where registered animal is kept need to have an enclosing fence of galvanised steel mesh, stainless steel mesh or concrete that extends below ground level to a depth of at least one metre and then (at that depth) extends horizontally within the enclosure at least one metre to prevent burrowing animals from impacting negatively on the structure and with protection from animals that are able to jump over a fence and into an enclosure, or
- area where registered animals is kept needs to have a subterranean floor consisting of concrete, galvanised steel mesh or stainless steel mesh that covers the entire floor area of the enclosure and an enclosing fence of galvanised steel mesh, stainless steel mesh or concrete that extends below ground level to a depth of at least 0.6 metre and with protection from animals that are able to jump over a fence and into an enclosure, or
- in such other manner as the Secretary or delegate has approved in writing as offering a similar degree of resistance to ingress by animals.

6. Property or premise requirements

6.1 Gates and doors must open inwards

A manager/owner of a registered entity must ensure that any gate or door on the perimeter of an enclosure in which an animal or animals the subject of a biosecurity registration is kept opens inwards to the enclosure.

6.2 Design of gates and doors

A manager of a registered entity must ensure that any gate or door, including any sliding gate or door, on the perimeter of an enclosure in which an animal or animals the subject of a biosecurity registration is kept is designed in such a way that:

- an animal in the enclosure cannot lift the gate or door off its hinges, or lift the sliding gate or door off its tracks, and
- an animal in the enclosure cannot unfasten the device that secures the gate or door.

6.3 Successive gates required in certain cases

A manager/owner of a registered entity must ensure that entry to an enclosure in which an animal or animals the subject of a biosecurity registration is kept is by means of a safety entrance through successive gates or doors (which may be sliding gates or doors).

A manager/owner of a registered entity must ensure that all of those gates or doors are kept locked, by key or combination, except when a person is in the enclosure.

6.4 Successive gates or doors must open inwards

A manager/owner of a registered entity must ensure that, if an entrance to an enclosure in which an animal or animals the subject of a biosecurity registration is kept is a safety entrance through successive gates or doors, the gates or doors open inwards to the enclosure.

6.5 Power-operated doors must also be capable of manual operation

A manager/owner of a registered entity must ensure that any gate or door, including any sliding gate or door, of an enclosure in which an animal or animals the subject of a biosecurity registration is kept that is power-operated is also capable of manual operation (from both within and outside the enclosure) without risk to the operator.

6.6 Visibility of gate or door from where it is operated

A manager/owner of a registered entity must ensure that the location from which a gate or door, including any sliding gate or door, of an enclosure in which an animal or animals the subject of a biosecurity registration is kept, or any other means of access to such an enclosure, is operated:

- is safely accessible, and
- allows a clear view of the gate or door or other means of access and the immediate area of the gate or door or other means of access.

6.7 Certain perimeter gates or doors must not be able to be lifted off hinges and must be locked

A manager/owner of a registered entity must ensure that any gate or door on the perimeter of premises in which an animal or animals the subject of a biosecurity registration is kept:

- is constructed so that it cannot be lifted off its hinges, and
- is kept securely locked when a person is not in attendance at the premises.

6.8 Certain gates or doors must not be able to be lifted off hinges and must be locked

A manager/owner of a registered entity must ensure that any gate or door on any enclosure (including a yard or paddock) within ungated premises:

- is constructed so that it cannot be lifted off its hinges, and
- is kept securely locked when an authorised person is not in attendance at the premises.

In this circumstance, ungated premises means premises where there is no gate on the perimeter of the premises or where there is a gate but it is impractical to lock it.

6.9 Design of locks

A manager/owner of a registered entity must ensure that any lock on a gate or door on the perimeter of premises or on an enclosure (including a yard or paddock) within those premises in which an animal or animals the subject of a biosecurity registration is kept is designed in a way that will inhibit its removal using bolt-cutters or a similar portable tool.

6.10 Stand-off barriers

A manager/owner of a registered entity must, in respect of any enclosure in which a dangerous animal the subject of a biosecurity registration is kept, and is constructed so that contact between the animal and any person outside the enclosure is not possible, and ensure that a barrier is provided that

- prevents contact between the animal and any person outside the enclosure, and
- makes it as difficult as is reasonably practicable for a person outside the enclosure to evade the barrier.

6.11 Warning signs on enclosures with electrified fences

- a manager/owner of a registered entity must ensure that a sign is displayed on any enclosure in which an animal the subject of a biosecurity registration is kept that has an electrified fence
- the manager/owner of a registered entity must ensure that such a sign:
 - warns of the dangers of the electrified fence, using words, symbols or both, and
 - is sufficient in size and legibility to give reasonable warning of the dangers.
- the manager of a registered entity must ensure that more than one such sign is displayed if necessary to give reasonable warning of the dangers.

6.12 Warning signs on enclosures for dangerous animals

- a manager/owner of a registered entity must ensure that a sign is displayed on any enclosure in which a dangerous animal is kept
- the manager/owner of the registered entity must ensure that such a sign:
 - warns of the dangers of the animal, using words, symbols or both, and
 - is sufficient in size and legibility to give reasonable warning of the dangers.
- the manager of a registered entity must ensure that more than one such sign is displayed if necessary to give reasonable warning of the dangers.

6.13 Prohibition on use of dwelling to keep certain animals

A manager/owner of a registered entity must not use a dwelling for the keeping of an animal the subject of a biosecurity registration.

7 Standards of husbandry for non-indigenous animals

7.1 Not to cause or permit animals subject to a biosecurity registration to cross breed

A manager/owner of a registered entity must not cause or permit a non-indigenous animal that is the subject of a biosecurity registration to breed with any other species of animal unless that breeding is part of an international breed protection program to which Australia is a signatory.

7.2 Notification of death of animal

The manager/owner of a registered entity must notify the Secretary or delegate of the death of any non-indigenous animal the subject of a biosecurity registration

- that notice must be given within seven days after the manager of the registered entity becomes aware of the death of the animal
- that notice must include any of the following evidence of the animal's death:
 - a certificate in which a veterinary practitioner certifies the animal is dead and states the number of the microchip, or ear tag for the animal
 - any other documents or items that provide evidence, to the satisfaction of the Secretary or delegate, of the death of the animal (for example, photographs confirming the animal is dead or the animal's microchip or ear tag).

7.3 Notification of escape, theft or release of animal

- a registered entity must not release an animal of the registered entity from captivity or otherwise permit the escape of any such animal
- a registered entity must, within 24 hours of first becoming aware of the theft, release or escape of an animal of the registered entity, notify the Secretary of the following:
 - when the animal was stolen, released or escaped
 - whether the animal has been recovered
 - the identification details of the animal including any microchip or ear tag number of the animal.
- a registered entity must ensure that, at least every seven days, an inspection is carried out to ensure no animals of the registered entity are missing and a record of each inspection is kept in a readily accessible form and that record is made available to the Secretary (or delegate) or an authorised officer on request.

8. Movement of registered animals

Any person wishing to import, move or transport a registered non-indigenous vertebrate animal must complete a Transport Stock Statement (TSS). TSS booklets are available from the NSW LLS.

TSS only covers movement within NSW. Please check movement with other jurisdictions regarding their movement permit requirements if you plan to move a non-indigenous vertebrate animal interstate.

9. Seizure of animals

- an authorised officer may seize and take charge of an animal listed in Schedule 4 of the Act which is unlawfully in any person's keeping or charge or which is at large. When seizing an animal in any person's keeping or charge, the authorised officer may also seize and take charge of any cage or other transportable container that may reasonably be suspected of having been used to keep the animal, and may retain any such cage or container for as long as is reasonably necessary to deal further with the animal in accordance with this Act
- an animal seized under this section becomes, upon seizure, the property of the Crown and may be dealt with in accordance with directions given by the Secretary (or delegate)
- an animal listed in Schedule 4 of the Act which is at large and poses an immediate threat to life or property may be destroyed by an authorised officer or any other person
- any costs and expenses incurred on behalf of the Crown as a result of the efforts (whether successful or not) of an authorised officer to seize or destroy an animal pursuant to this section, or in keeping it after seizure and before its disposal, may be recovered, to an amount not greater than \$10,000, in the Local Court as a debt due to the Crown from:
 - a person in whose unlawful keeping or charge the animal was at the time of seizure or attempted seizure, or
 - a person who caused the animal to be at large.
- a document purporting to be a certificate of the Secretary or delegate stating the amount of

any costs and expenses referred to in subsection (4) shall, in the absence of evidence to the contrary, be accepted as proof of that amount in any legal proceedings for their recovery

- an authorised officer attempting to capture an animal which is at large shall afford any person entitled to keep or take charge of the animal a reasonable opportunity to effect or assist in its recapture and return to the place where it is authorised to be kept.

10 Reporting to Secretary - Notices

A registered entity must, if requested to do so by notice in writing from the Secretary or delegate, provide the following in a written report:

- the number, sex and species of animals held by the registered entity at the start of the period specified in the notice
- the number, sex and species of animals transferred from and to the registered entity during that period
- the name of the person from and to whom the animal were transferred and if available the registration number of those persons
- the number, sex and species of animals born to animals held by the registered entity during that period
- the number, sex and species of animals held by the registered entity that died during that period
- the microchip or ear tag number for each animal listed in the report (including any animals that died during the period)
- any other information reasonably requested by the Secretary or delegate in the notice.

11. Definitions and acronyms

DPI NSW Department of Primary Industries

TSS Transport Stock Statement

12. Documentation

Biosecurity - Regulated Non-Indigenous Animals – Prohibited and Registrable Dealings Policy

Biosecurity - Non-Indigenous Animal Incursion Management Procedure

Biosecurity – Collection, use and disclosure of information Procedure

Biosecurity – Collection, use and disclosure of information Policy

Records Management Policy (IND-I-177)

Information Security Policy (IND-I-197)

Classified Information Policy (IND-I-196)

Government Information (Public Access) Policy (IND-I-178)

13. Records

Not applicable

14. Contact

Manager Invasive Species Strategy and Planning

(02) 6391 3525

CHAPTER 2: BEEKEEPER REGISTRATION

1. Roles and Responsibilities of beekeepers

- must be registered and submit all required records for the approval of a new or renewal of biosecurity registration for bees to NSW DPI.
- must following the prescribed requirements for keeping bees in hives as prescribed in the Regulation. This includes frame hives with moveable frames or a hive containing fixed frames and with moveable frames in the brood box and queen excluder fitted above the broodbox
- must have all bee hives to be identified with the registered entity's registration number as well as complying with any other conditions included in the registration
- registered beekeeper must keep documented records in a readily accessible form for a period of five years of:
 - the movement of hives
 - hives lost, stolen or destroyed and the date on which that occurred
 - if a registered beekeeper disposes of or sells a hive to another person, the registered entity must notify the Secretary (or delegate) within 28 days of the date on which the disposal occurred, the number of hives involved, the method of disposal and h name and postal address to whom the hive was disposed.

2 Application

Any person can apply for registration as a beekeeper. There are no qualifications, age or other conditions that must be met.

As stated in Part 12 of Act, the application must be in an approved form (s 159(2)) and be accompanied by the prescribed fee section 159 (5). Appendix 1, Table 1 contains proposed fees.

Approved methods of application are:

- By mail using the form available from the NSW DPI website and sent to the Beekeeper Registration Unit (see *Resources and Further information*). The beekeeper may pay the fee over the telephone but must provide a written application in the approved form.

Additional information may be requested if considered necessary. A complete and valid mail application is normally granted within two weeks.

- On-line through the Government Licensing Service (GLS) website (see *Resources and Further information*). An on-line application through the GLS is processed automatically and provides immediate registration. The GLS system provides an email acknowledgement and receipt which includes the registration (hive brand) number, The GLS emails the Beekeeper Registration Clerk with the details of any new on-line registrations (licence number prefixed with 'BK'), then prints and mails a certificate of registration to the beekeeper.

Mail – in person

The beekeeper's details are entered into the register of beekeepers and the beekeeper is allocated a registration (hive brand) number. The beekeeper is sent a certificate of registration in an approved form and a tax receipt, both generated from the GLS.

The following information is mandatory for all new individual applications:

- licence class (business or recreational)
- full name
- date of birth
- daytime telephone number
- email address
- residential (physical) address
- mailing address (if different)
- number of hives

The following information is mandatory for all new organisation applications:

- licence class (business or recreational)
- name of organisation
- daytime telephone number
- email address
- contact person's full name
- contact person's date of birth
- business (physical) address
- business postal address (if different)
- number of hives.

Other desirable but optional information is included on the application form.

The Secretary or delegate may refuse an application if any mandatory information has been omitted, or if the application contains information that is materially false or misleading. Registration may be refused for any of the reasons identified in section 160(2) & (3) of the Act.

On-line and counter applications which are granted at the time may be subsequently cancelled if there is evidence that any of the information provided for example, was false or misleading in a material particular or that the applicant was not a fit and proper person. The applicant may be contacted to obtain the missing or correct information.

There is no minimum age prescribed in the Act for a beekeeper, and minors are not exempt from the registration requirements. However, the on-line GLS application system will not accept an application where the date of birth indicates that the person is under the age of 18.

Applicants under 18 years of age may submit a paper application to the Beekeeper Registration Unit.

3. Duration of registration

Registration under the Act remains in force for a period specified in the registration notice but should not exceed five years.

4. Renewal of biosecurity registration

The GLS database automatically generates a list of registrations which are due to expire 3-4 weeks' time, and registration which have expired 3-4 weeks ago, each Saturday and posts the files on a FTP server. The files are accessed using SFTP software by an external mailing service each Monday, merged into the renewal and final notice letter template, and mailed to each beekeeper.

As stated in 163 (2) of the Act, an application for renewal must be in an approved form (see section 162(2a) of the Act) and may be accompanied by the prescribed fee (see section 162(5) of the Act). Approved methods of application for renewal are:

- **By telephone** (with adequate proof of identity –The beekeeper's details are updated on the GLS database, including a comment that renewal was transacted over the phone in the 'Activities/Events' field. The beekeeper is sent a new certificate of registration in an approved form and a receipt generated from the GLS usually within one week.
- **In person** at a Service NSW office utilising a kiosk which can be used to logon to the GLS website and make an online payment (refer on-line below).
- **On-line** through the GLS website (as for new applications). Hive numbers cannot be updated on-line – if the beekeeper wishes to change the number of hives, they must notify the Beekeeper Registration Clerk (by phone on 02 6558 1707 or by email at beekeeper.registration@dpi.nsw.gov.au) and provide the updated hive numbers. The GLS automatically provides acknowledgement on screen and sends a receipt by email.
- **By mail** using the mailed renewal form which is posted or faxed back to the Beekeeper Registration Unit with payment, or the renewal fee may be paid over the telephone. The beekeeper's details are updated on the register of beekeepers. The beekeeper is sent a new certificate of registration in an approved form and a receipt. A complete and valid mail application is normally processed within two weeks. A beekeeper's registration continues to be in effect, even if not yet processed, provided an application for renewal is received by the expiry date.

The same mandatory and optional information as for new applications is required for applications for renewal of registration.

The current registration number is retained unless there are reasons to change it.

The renewal is granted unless there are grounds to cancel the registration; it appears that the application is materially false or misleading, or mandatory information (as for new applications) has been omitted from the application. On-line and counter renewals which are granted at the time may be subsequently cancelled if there is evidence that any of the information provided was false or misleading in a material particular.

A beekeeper's registration will expire on the fifth anniversary of the date on which it was granted (or last renewed). The beekeeper can no longer lawfully keep bees or carry on the business of a beekeeper. The registration is automatically set to 'Expired' on the GLS system the day after the expiry date. It may be administratively reinstated to 'Active' if a valid application has been or is subsequently received, retaining the same registration (hive brand) number.

4.1 Returned mail

If a renewal notice is returned to sender undelivered, the NSW DPI Beekeeper Registration Clerk attempts to contact the beekeeper at least twice using other available contact details on the GLS database or telephone directory. Records of these attempts are entered into the 'Activities/Events' field in the GLS database. If this is successful, the beekeeper is re-sent the renewal notice and their contact details updated on the GLS database. If unsuccessful, the registration is cancelled after 30 days and the reason entered into the 'Activities/Events' field.

5 Suspensions and Cancellation of beekeeper biosecurity registration

Section 173 of the Act specifies the following constitutes grounds for suspending or cancelling biosecurity registration:

- the Secretary or delegate is of the opinion that the registered entity has contravened a requirement imposed by or under this Act
- the Secretary or delegate is of the opinion that the registered entity is not a suitable person to be involved in the registrable dealing concerned
- the Secretary or delegate receives information about the registered entity and the Secretary or delegate is of the opinion that, had the information been received at the time when the application for biosecurity registration or renewal of biosecurity registration was made, the Secretary or delegate would have refused the application, any other grounds prescribed by the regulations, or
- in the case of an emergency.

6. Follow-up of expired and cancelled registrations

If a beekeeper has notified disposal of all of their hives, the Beekeeper Registration Clerk checks whether the new owner of the hives (if known) is registered and, if not, sends that person an application form.

The Clerk sends notices of disposal and advice of cancellations due to returned mail to the Regulatory Specialist (Apiaries), who may use this information and other information provided in the daily GLS extract (to further investigate an alleged breach of either failing to notify disposal (or of keeping beehives while unregistered

7. Change of registration details

Beekeepers should advise the Beekeeper Registration Clerk when any relevant details about their registration change, including any address or telephone number.

A change of details form is available on the NSW DPI website or from the Beekeeper Registration Clerk. Changes may also be requested verbally or in other forms (such as email) provided the beekeeper can satisfactorily confirm their identity).

7.1 Transfer of registration

A registration may be transferred to another person using the change of details form (the request must be in writing). The same information must be supplied about the new beekeeper as is required for a new application for registration). If the registration is current, the same expiry date is retained.

8 Register of beekeepers

NSW DPI is responsible for maintaining a beekeeper register. The register is maintained in the Siebel® database operated by GLS.

8.1 Purposes of the register

The register of beekeepers is maintained and may be used for the following purposes:

- to facilitate and assist the operation of the Act
- to protect public health and safety
- to assist in controlling disease and residues in bees and apiary products
- to assist in enabling the disease and residue risk or status of bees, beehives, appliances and apiary products to be ascertained
- to facilitate the determination of ownership of bees, beehives, appliances and apiary products
- to assist in tracing the movement of bees, beehives, appliances and apiary products
- to assist in the investigation of the theft of bees, beehives, appliances and apiary products
- to facilitate the dissemination of information in relation to the production and marketing of bees and apiary products
- to assist with the management of land on which apiaries are located
- any other purposes prescribed by the regulations.

8.2 Proof of identity

A registered beekeeper must provide their full name, registration number and a contact address to obtain any information about their registration or to effect any change in their registration details. Additional information recorded in the register, such as residential address or date of birth, may be requested if there is any doubt as to the person's identity.

A new applicant must complete and sign the approved form or apply on-line.

There is no need for any person to provide documented proof of identity, such as a photo licence or birth certificate.

8.3 Access to information in the register

Access to personal information contained in the register of beekeepers is subject to the *Privacy and Personal Information Protection Act 1998*.

8.4 Registered beekeepers

A registered beekeeper may access, view or correct any information recorded in the register about themselves by contacting the Beekeeper Registration Clerk (see *Resources and Further Information*). The request may be made verbally or in writing (email, fax or letter) provided the beekeeper can confirm their identity). Responses are normally provided immediately where possible.

8.5 Government officers and agencies

Information may be provided on verbal or written request for a purpose listed in the register to:

- an inspector, a police officer or an employee of a local Council, or
- any employee of NSW DPI.

Responses are normally provided at the time or otherwise within two working days.

Information must be provided on written request:

- to an agency for the purposes of law enforcement, investigation of alleged offences or protection of public revenue (e.g. NSW Police Force, Independent Commission Against Corruption, Office of State Revenue, Australian Taxation Office) in accordance with Division

3 of the *Privacy and Personal Information Protection Act 1998*

- to an agency when the information is requested under powers conferred on that agency under State or Commonwealth legislation, or
- in response to a subpoena issued by a Court.

Responses are normally provided to meet any deadline specified in the request or otherwise within five working days.

8.6 Other persons

Any other person may request and be given information from the register provided it is for a purpose consistent with those listed in:

- for example, a landowner or occupier (including another Government agency or authority not specified above) may request information about the owner of beehives, based on the hive brand, because the hives are on their land without their knowledge or permission or are causing an inconvenience or nuisance
- the request must be made or referred to the following NSW DPI officers: Beekeeper Registration Clerk, Regulatory Specialist (Apiaries), an inspector, Manager Biosecurity Intelligence and Traceability Systems or Director Biosecurity and Food Safety Compliance
- the request must be in writing (email, fax or letter) and confirm the person who is making the request, the reason for the request, how the information will be used, and to provide a record of the request
- the NSW DPI officer may disclose (in writing or verbally) the name, contact address and one or more contact telephone numbers only – no other information about the beekeeper may be provided
- the person must be advised that the information may only be used for the requested purpose consistent with the register
- a record of this disclosure must be made in the GLS database 'Activities/Events' field or an inspector's diary or record of events
- responses are normally provided within five working days.

Information will not be disclosed from the register for the purposes of direct marketing, debt collection, or other commercial purposes.

Statistical information which does not identify individual beekeepers may be provided verbally or in writing by any NSW DPI officer to any person (including the media) for any reasonable purpose, provided the information is readily available.

Requests for information from the register which fall outside the above guidelines are referred to Manager Biosecurity Intelligence and Traceability Systems or Director Biosecurity and Food Safety Compliance for consideration and approval or rejection. Such requests are normally determined within 30 working days.

The Act and Regulation prescribe fees that may be payable for providing a copy of information from the register. In practice the fee is usually waived as it is usually in the public interest for the information to be provided for an authorised purpose and the cost of invoicing and collecting the fee does not make it worthwhile.

9. Registration (hive brand), licence and renewal numbers

Each registered beekeeper is assigned a registration number (which is the number to be displayed on their beehives (see 2.1)). This number is called the 'Asset name' in the GLS system.

New registration numbers are automatically generated by the GLS database and comprise the letter N (for NSW), the first letter of the beekeeper's surname, and a sequential number greater than 10, e.g. NQ123. Registrations prior to 2010 do not include the initial N and are based on the surname and sequential number but may include additional letters and numbers, e.g. Q123, QQ1234.

The GLS database automatically generates a GLS licence number for each beekeeper and, when their renewal is due, a renewal number. The latter two numbers are required to log into the GLS portal for renewal of registration.

The terminology and formats of the various numbers are as follows:

	Registration number (Hive brand)	Licence number	Renewal number
<i>Biosecurity Act 2015</i>	Registration number	(Not applicable)	(Not applicable)
GLS	Asset name / Brand	Licence number	Renewal number
Example of format 2010 and earlier and migrated to GLS	Q123	Q123	1-123456789
Example of format 2010 and later first registered on GLS: - registered by DPI - registered on-line	NQ123	10000123 BK-0000123	1-123456789

10. Fees and Payments

Fees for beekeeper registration are included in Appendix 1.

All payments are processed and banked in accordance with NSW DPI's accounts receivable policies and procedures.

10.1 Credit card surcharge

A surcharge (0.4% at the time of issue of this Procedure) is payable on all online payments through GLS.

10.2 Dispersal of fees

Registration fees are dispersed as follows:

- Registration Fees: NSW DPI to pay for the costs of administering the registration system. This fund is also used to reimburse the Government Licencing quarterly for the invoiced costs of using that system, and to reimburse Service NSW for invoiced costs of the services they have provided.

10.3 Refunds

Refunds of registration fees are not generally payable. The registration fee covers the costs of establishing and maintaining the details in the register of beekeepers, and this cost has already been incurred when the registration is granted or renewed.

The appropriate portion of the registration fee is refundable if a beekeeper has overpaid their registration fee by more than \$5.

An *ex gratia* payment of 50% of the administrative component of the registration fee only may be considered in the following circumstances:

- the beekeeper is registered interstate, has just become aware of the exemption, and requests a refund within 12 months of registration or renewal.
- the beekeeper has died and a refund is requested by their estate within 12 months of registration or renewal.

Requests for these *ex gratia* payments are referred to Manager Biosecurity Intelligence and Traceability Systems for consideration and approval.

A refund is not payable if a beekeeper has notified sale or disposal of some or all of their hives or otherwise requests that their registration be cancelled.

11. Records

11.1 Correspondence

Paper copies of applications and renewals sent to NSW DPI and correspondence generated by NSW DPI are retained in files by month of receipt and in alphabetical order for eight years, and then disposed in accordance with State records management policy.

Electronic records of all on-line applications and renewals and correspondence generated by the GLS system are stored in that database.

11.2 Data extracts

A daily extract of beekeeper registration data is generated by the GLS system and emailed to relevant NSW DPI beekeeper registration, regulatory and advisory staff. The extract provides a ready reference for looking up a hive brand, confirming the current registration and contact details for any beekeeper, and noting expired registrations for further investigation.

A copy of all registrations held in the former Beekeeper Registration System (BRS) at the time it was replaced by the GLS system (late 2010) is held as TRIM file INT12/82905. This provides a reference for former registrations and hive brand numbers.

12. Definitions and acronyms

DPI NSW Department of Primary Industries

FTP File transfer protocol

GLS Government Licensing Service

Inspector: A person appointed as an inspector *SFTP*: Secure file transfer protocol

13. Documentation

Biosecurity Act 2015

Biosecurity Regulation 2017

Policy: The collection, use and disclosure of information under the Biosecurity Act 2015 (INT17/82007)

Procedure: The collection, use and disclosure of information under the Biosecurity Act 2015 (INT17/83863)

Policy: Records Management Policy (IND-I-177)

Policy: Information Security Policy (IND-I-197)

Policy: Classified Information Policy (IND-I-196)

Policy: Government Information (Public Access) Policy (IND-I-178)

Biosecurity - NLIS Procedures of assigning property identification codes and for managing and accessing registers

Biosecurity registration application for a beekeeper

Beekeeper registration change of details form

Notice of sale or disposal of hives

Additional information: www.dpi.nsw.gov.au/agriculture/livestock/honey-bees

Bee pests and diseases, hive management practices

www.dpi.nsw.gov.au/agriculture/livestock/honey-bees

14. Contact

Beekeeper Registration Clerk:

PO Box 108 Gloucester NSW 2422

Tel: 02 6558 1707

Fax: 02 6558 2554

Email: beekeeper.registration@dpi.nsw.gov.au

Appendix 1

Table 1: Fees for biosecurity registration

Service under the Biosecurity Act	Maximum fee payable	Non-indigenous animals	Bee keepers
Application for the grant of biosecurity registration	\$720	\$720 for 5 years	\$120 for 2 years; or \$90 if paid online, for 2 years.
Application for variation of biosecurity registration	\$70/hour	\$70/hour	Nil
Application for the renewal of biosecurity registration	\$420	\$420 for 5 years	\$120 for 2 years; or \$90 if paid online, for 2 years.
Application for permit	\$720	\$720 for 5 years	N/A

Table 2: Biosecurity Audit Fees

Activity	Section of Act	Payable	Maximum Fee
Accreditation Audit	S222(1)	On completion of audit	\$150/hour
Compliance Audit	S230(1)	On completion of audit	\$150/hour