

## Biosecurity - Processing permit applications and renewal applications for prohibited dealings

NUMBER:	INT16/157150	VERSION:	1.0
AUTHORISED BY:	Director Invasive Plants and Animals	AUTHORISED DATE:	23/06/2017
ISSUED BY:	Biosecurity & Food Safety	EFFECTIVE DATE:	01/07/2017
CATEGORY:	Operations and Industry	REVIEW DATE	01/07/2018

### Management of biosecurity risk

The purpose of this procedure is to manage biosecurity risks associated with the private keeping of non-indigenous animals

Since European settlement, non-indigenous animals have been introduced to Australia and although many are considered as having beneficial aspects, some are highly invasive and damaging to the economy, environment and the community. Pest animal incursions arising from illegal importations, stowaways, escape, theft and deliberate liberation of legally kept animals present a significant biosecurity threat to NSW.

The keeping of non-indigenous animals listed in Schedule 3 of the *Biosecurity Act 2015* (the Act) is prohibited. This procedure will address the arrangements to allow persons who were, immediately prior to the commencement of the Act, authorised under the *Non-Indigenous Animals Act 1987* to keep individuals of certain non-indigenous animals listed in Schedule 3, to continue to keep, move or otherwise deal with those individual non-indigenous animals by using a permit issued under Part 21 of the Act.

This procedure:

- describes how the NSW Department of Primary Industries (DPI), an office within the NSW Department of Industry, will manage the keeping of individual non-indigenous animals to prevent them from impacting negatively on the NSW economy, environment and community;
- specifies that permits are limited to those individuals who were authorised to keep these animals immediately prior to the commencement of the Act, and that the keeping of additional individuals or new species will not be permitted;
- describes the general and specific conditions an authorised officer must enforce in a private keeping situation, to prevent, eliminate and minimise the potential of any biosecurity risk; and
- describes how the private keeping of prohibited animals (listed in Schedule 3 Part 3 of the Act) in NSW will be phased out.

## Scope

This procedure applies to technical, administrative and authorised officers of NSW DPI who are responsible for managing and issuing permits for high-risk non-indigenous animals listed as prohibited dealings under the Act.

## Biosecurity legislative summary

- Schedule 3 of the Act prohibits dealings with certain non-indigenous animals. A Prohibited Dealing includes any dealing with a non-indigenous vertebrate animal (including the eggs, semen or any other living stage of the animal) listed in Schedule 3 (other than animals listed in Schedule 3 Division 2 of the Act).
- Under section 152 of the Act, it is an offence to have any engagement with an animal that is a prohibited dealing.
- A permit provides for a specified dealing with a non-indigenous vertebrate animal listed in Schedule 3 Part 3 that is kept under appropriate conditions (not including animals kept in licensed Exhibited Animals facilities and licensed Animal Research facilities).

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.

## Work health and safety

The *Work Health and Safety Act 2011* places an obligation on the agency (NSW DPI) 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 will work to create a safe and supportive work environment when undertaking any activities for this procedure.

## Contents

Processing permit applications and renewal applications for prohibited dealings procedure .....	5
1. Roles and responsibilities .....	5
1.1 Staff of NSW DPI in the Invasive Plants and Animals Unit .....	5
1.2 Authorised officers in the Biosecurity and Food Safety Compliance Unit that have completed training in investigating non-indigenous animal cases.....	5
1.3 Keepers of animals listed in Schedule 3 of the Act Keepers with a permit for an animal listed as a prohibited dealing must:.....	5
2. General guidelines for the issuing of permits .....	6
2.1 Permits will not be issued for the keeping of non-indigenous vertebrate animals in the following circumstances: .....	7
3. Standard conditions for keeping non-indigenous vertebrate animals under a permit.....	7
3.1 Enclosure security .....	7
3.2 Risk management .....	7
3.3 Vegetation management.....	8
3.4 Digging / burrowing animals.....	8
3.5 Gates and doors.....	8
3.5.1 Successive gates required in certain cases.....	8
3.5.2 Successive gates or doors must open inwards .....	8
3.5.3 Power-operated doors must also be capable of manual operation .....	8
3.5.4 Visibility of gate or door from where it is operated.....	9
3.5.5 Certain perimeter gates or doors must not be able to be lifted off hinges and must be locked .....	9
3.5.6 Certain gates or doors must not be able to be lifted off hinges and must be locked .....	9
3.5.7 Design of locks .....	9
3.6 Identification requirements .....	9
3.6.1 Microchip .....	9
3.6.2 Ear tags .....	9
3.6.3 Tattoos.....	10
3.7 Animal security requirements .....	10
3.7.1 Property or premise requirements .....	10
3.7.2 Facility requirements for non-indigenous animals .....	10
3.8 Other standard conditions for permit .....	10
4. Specialised requirements for permit .....	11
5. Submission of permit applications .....	11
6. Permit variations .....	11
7. Delegation for issue, refusal, suspension or cancellation of a permit .....	12
8. Considerations taken by the delegated authorised officer(s) in granting a permit.....	12
9. Management of non-compliance .....	12
9.1 Compliance options.....	12
9.1.1 Education.....	12
9.1.2 Biosecurity undertaking or direction .....	12

9.1.3 Punitive options .....	13
9.2 Infringements and offences.....	13
10. Movement of Animals .....	13
11. Seizure of animals .....	14
12. Definitions and Acronyms .....	14
13. Documentation .....	14
14. Records .....	14
15. Revision History .....	15
16. Contact.....	15

# Processing permit applications and renewal applications for prohibited dealings procedure

## 1. Roles and responsibilities

### 1.1 Staff of NSW DPI in the Invasive Plants and Animals Unit

- respond to internal and external stakeholder enquiries regarding the management of animals listed as prohibited dealings:
  - understand the procedures involved in applying for a new permit, renewal of a permit and varying a permit
  - ensure that the person applying for the permit will comply with the Act and the conditions of the permit
  - manage reports of animals listed as prohibited dealings that are alleged to be kept without a permit.
- assess new permit applications, permit renewal applications and proposed amendments to permits:
  - liaise with the applicant to ensure application form and related documentation is completed appropriately
  - where necessary, recommend relevant conditions to a draft permit in order to appropriately manage the biosecurity risks associated with the animal(s).
- provide advice to permitted animal keepers and other stakeholders on the biosecurity risks associated with the animal(s) and the general biosecurity duty involved with keeping high-risk non-indigenous vertebrate animals
- manage audits of permit holders to ensure compliance with all legislative and policy requirements
- manage investigation of cases where animals listed as prohibited dealings are suspected of being kept in breach of the Act.
- send courtesy correspondence (via email, registered mail or phone) to permit holders on when annual returns are due as well as if keepers do not comply with permit conditions.

Once appointed as authorised officers under the Act, the Director of Invasive Plants and Animals, the Manager Invasive Species Strategy and Planning and the Technical Specialist Vertebrate Pests are authorised to issue and amend permits for prohibited dealings. No other authorised officers are allowed to issue, renew or amend permits for prohibited dealings without the approval of the Director of Invasive Plants and Animals.

### 1.2 Authorised officers in the Biosecurity and Food Safety Compliance Unit that have completed training in investigating non-indigenous animal cases

- conduct audits of permit holders to ensure compliance with all legislative and policy requirements and permit conditions, and support investigations pursued by the Invasive Plants and Animals Unit
- aid in investigating cases where animals listed as prohibited dealings are suspected of being kept in breach of the Act, by conducting inspections.

### 1.3 Keepers of animals listed in Schedule 3 of the Act Keepers with a permit for an animal listed as a prohibited dealing must:

- ensure that the animal enclosure and animal management infrastructure required to keep and move an animal the subject of a permit is maintained and in good working order so as to provide suitable animal welfare and biosecurity outcomes

- ensure that an inspection of the animal(s) and animal enclosure(s) that are the subject of a permit is conducted at least every 24 hours to ensure that no animals are missing. A record of each animal enclosure inspection must be kept and made available to the Secretary or an authorised officer on request.
- ensure that any animal the subject of a permit is not deliberately released, stolen or allowed to escape from the enclosure specified in the permit.
- if an animal is deliberately released, stolen or escapes, within 24 hours of learning of the event, notify NSW DPI of:
  - when the animal was stolen, released or escaped
  - whether the animal has been recovered
    - the identification details of the animal including the microchip or other permanent identification details.
- ensure that any animal subject of a permit is identified with a microchip that is inserted in the animal, or in the case of primates, as an alternative to microchipping, by an alphanumeric tattoo on the animal. This clause does not apply to an animal that a veterinary practitioner has certified that it is not in the interests of the welfare of the animal for a tattoo to be placed on the animal, or for the animal to be microchipped
- provide the details of the permanent identification fitted to their animals to NSW DPI. If the animal was permanently identified before the permit was granted, the information must be provided to NSW DPI within 21 days of the permit being granted. In any other case, the information must be provided to NSW DPI within seven days after the animal is permanently identified or is acquired (whichever occurs later). Suitable permanent identification options are described in section 3.6
- submit an animal record return to NSW DPI by 31 May each year containing the following information:
  - the number, sex and species of animal(s) kept at 30 April of that year
  - the number and species of animals transferred off the premises during the previous year
  - the names and licence/permit numbers (if applicable) of the persons to whom the animal(s) were transferred
  - the numbers and species of animal(s) transferred onto the premises during the previous year
  - the names and licence/permit numbers (if applicable) of the persons whom the animals were transferred from
  - the numbers and species of animal(s) kept by the licensee that died during the year
  - the microchip numbers or other identification details of all non-indigenous animals kept on the premises listed on the animal record return during the year, including the numbers for animals which have died during that period.

## 2. General guidelines for the issuing of permits

Generally, a new permit will not be issued for the keeping of animals listed in Schedule 3 Part 3 of the Act. The purpose of this procedure is to phase out the private keeping of these animals.

An exception to this procedure may arise where a licence was issued under the *Non-Indigenous Animals Act 1987* and in force immediately before the repeal of the *Non-Indigenous Animals Act 1987*. In such cases a permit will normally be granted.

In order to suitably manage animal welfare outcomes for animals currently kept privately in NSW under a permit, the following provisions have been made:

- a new permit may be issued on welfare grounds to effect the transfer of a currently permitted animal where the existing permit is surrendered or cancelled on the proviso that the animal was not kept outside of NSW or kept in NSW under an authority

issued under the *Exhibited Animals Protection Act 1986* or the *Animal Research Act 1985*. Transfer of animals from zoos to private keepers is against NSW DPI policy

- the owner/person in charge of the animal needs to have suitable experience dealing with the same or a very similar species
- the applicant for the permit needs to be the owner, or proposed owner of the animal and the animal is to be kept on land owned by the applicant or on land where the applicant has suitable written and binding agreement to use, manage and control the property for the purposes of keeping the animal
- permits can be issued to companies provided an appropriately qualified and authorised person is in charge of the animals and the animals are kept on the premises owned by the company but are not the subject of an exhibit
- the permit holder must be the owner of the animal(s) and be an Australian resident.

### **2.1 Permits will not be issued for the keeping of non-indigenous vertebrate animals in the following circumstances:**

- the species is listed in Schedule 3 Part 2 of the Act. These species are considered as having the potential to cause significant biosecurity impacts and are not considered to be present within NSW. Preventing the entry of such species into NSW is one of the broad objectives of the NSW Biosecurity Strategy
- for the keeping of animal(s) that are of the same species as animals held under a licence issued under the *Exhibited Animals Act 1986* or the *Animal Research Act 1985* at the same premises; i.e., where an animal is kept for research and / or exhibition purposes, and it is also necessary to keep the animal under a permit, the animal should be kept at a separate premise
- for the replacement of animals kept under a permit that die; are stolen or escape and cannot be recovered; are surrendered for whatever reason; or are removed from the owner's keeping as a result of a breach of the Biosecurity Act or any other Act any other act
- for the keeping of any animal not listed in Schedule 3 of the Act
- for the keeping of hybrid or genetically modified non-indigenous animals
- a permit will not be issued to partnerships
- for any rodeo, show, field day, training event etc, other than where the proposed premises are permitted under the Act
- where unlawful keeping of animals is identified.

## **3. Standard conditions for keeping non-indigenous vertebrate animals under a permit**

### **3.1 Enclosure security**

A permit holder must ensure that any permitted animal enclosure is securely fenced and that appropriate and reasonable management practices are put in place to prevent the following:

- the theft, escape or accidental release of the animal
- the intentional release of the animal by unauthorised persons
- entry to the permitted animal enclosure by any unauthorised persons.

### **3.2 Risk management**

A permit holder must ensure that any animal kept under a biosecurity permit 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

- injury to any permit animal in the enclosure
- escape from the enclosure by any controlled category animal.

### **3.3 Vegetation management**

A permit holder must ensure that vegetation or other material in or near an enclosure where an animal kept is kept is maintained in such a way that it cannot assist the animal to escape.

### **3.4 Digging / burrowing animals**

A permit holder must ensure that an enclosure in which a digging or burrowing animal is kept is constructed:

- with 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, or
- with 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, or
- in such other manner as the Secretary (or delegate) has approved in writing as offering a similar degree of resistance to escape by the animal.

A permit holder must ensure that the ground or floor of an enclosure in which a digging or burrowing animal is kept is covered by sufficient soil to enable the animal to dig or burrow without escaping.

### **3.5 Gates and doors**

A permit holder must ensure that any swinging gate or door on the perimeter of an enclosure in which an animal is kept opens inwards to the enclosure.

A permit holder must ensure that any gate or door on the perimeter of an enclosure in which a controlled category animal 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.

#### **3.5.1 Successive gates required in certain cases**

- a permit holder must ensure that entry to an enclosure in which the keeping of the particular prohibited dealing is high-risk, has a safety entrance such as through successive gates or doors (which may be sliding gates or doors)
- a permit holder must ensure that all of those gates or doors are kept locked, by key or combination, except when a person is in the enclosure.

#### **3.5.2 Successive gates or doors must open inwards**

A permit holder must ensure that, if an entrance to an enclosure where the prohibited dealing animal is kept is a safety entrance through successive swinging gates or doors, the gates or doors open inwards to the enclosure.

This clause does not apply to enclosures in which only slow-moving large reptiles or amphibians are kept.

#### **3.5.3 Power-operated doors must also be capable of manual operation**

A permit holder must ensure that any gate or door, including any sliding gate or door, of an enclosure in which a prohibited dealing animal is kept that is power-operated is also capable of manual operation (from both within and outside the enclosure) without risk to the operator.



### **3.5.4 Visibility of gate or door from where it is operated**

A permit holder must ensure that the location from which a gate or door (or other means of accessing the enclosure) including any sliding gate or door is operated:

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

### **3.5.5 Certain perimeter gates or doors must not be able to be lifted off hinges and must be locked**

A permit holder must ensure that any gate or door on the perimeter of premises in which a high-risk prohibited dealing animal 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.

### **3.5.6 Certain gates or doors must not be able to be lifted off hinges and must be locked**

A permit holder must ensure that any gate or door on any enclosure (including a yard or paddock) within un-gated premises\*:

- 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.

\* Un-gated premises means premises in which a higher-risk prohibited dealing subject of the permit is kept, and there is no gate on the perimeter of the premises, or there is a gate but it is impractical to lock it.

### **3.5.7 Design of locks**

A permit holder 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 high-risk prohibited dealing animals the subject of the permit are kept is designed in a way that will inhibit its removal using bolt-cutters or a similar portable tool.

## **3.6 Identification requirements**

Each animal must be permanently identified using an approved microchip, ear tag or tattoo (including any animal born when the mother of the animal is held by the registered entity). Permit holders must provide evidence of the permanently identified animal(s) to the Secretary of NSW DPI.

### **3.6.1 Microchip**

- evidence of microchipping must be in the form of a certificate from a veterinary practitioner that certifies the microchip with a specified number for that animal and specified location
- a microchip can be authorised by the Zoo and Aquarium Association or a breed society if relevant to the animal
- the microchip must be inserted under the skin of the animal, between the shoulder blades and to the left of the spine
- microchips.

### **3.6.2 Ear tags**

- Ear tags must be in the form of radio frequency (RFID) tags that have a visible unique identification number

- Evidence of ear tags must be in the form of a certificate from a veterinary practitioner that certifies that an ear tag with a specified number has been attached to the animal, or in any other form approved by the Secretary.

### **3.6.3 Tattoos**

Tattoos can be used as identification for animals and can be applied inside the ear, inside the lip, and on the thigh or abdomen.

## **3.7 Animal security requirements**

The following security conditions must be met for the issuing of a permit to ensure non-indigenous animals are managed to ensure there is no escape and subsequent establishment in the environment.

### **3.7.1 Property or premise requirements**

- the owner or the person in charge of the animals must reside on the property where the animals are kept (in the case of a private owner), or where the staff are in attendance everyday (in the case of permitted exhibitors)
- the area surrounding the proposed property or premises must be considered suitable to allow easy detection and recapture of escaped animals. Examples of unsuitable areas include but are not limited to forest or marsh areas, very rough terrain or large creeks or rivers
- any street entrance to the premises, or main entrance to the area housing the animals (even if separated by fences), as well as the main enclosure (if cage or yard), must be lockable and locked when no one is present on the premises
- a second permit may be required to keep animals on alternative premises and movement permits are required for the movement of animals between permitted premises (see section 10, movement of animals).

### **3.7.2 Facility requirements for non-indigenous animals**

- premises must contain suitable facilities (enclosures, yards, paddocks, fences etc) for maintaining the security of the species
- the enclosures for small animals must be:
  - suitable to prevent the animals from escaping
  - safe from being breached by falling trees
  - enclosed within another enclosure with lockable entry gate in addition to the boundary fence of the premises.
- enclosures for grazing animals must be double fenced, with:
  - a substantial, functional cattle fence on the boundary of the property; and
  - have a substantial, functional cattle fence with electric wires or at least one outrigger on all internal fences which immediately contain the animals.
  - Exceptions may be made where the fences have been purpose built for the species and are equally suitable in preventing the animals escaping through or over the fence.
- large grazing animals such as an elephant or lion require a suitable firearm controlled by a licenced shooter that is readily available at short notice to destroy an escaped or escaping animal. The requirement may be waived when there is other suitable arrangements such as additional fencing are in place, or where the location would enable uncomplicated recapture.

## **3.8 Other standard conditions for permit**

- applications for renewal of a permit to keep an animal must be submitted at least 30 days before the expiry date of the current permit
- permit holders must provide annual record returns to NSW DPI according to specifications in section 1.3
- all forms of promotion, display or advertising of permitted animals, including field days or shows, are not permitted
- permitted animals must be kept securely within the permitted enclosure and NSW DPI must be informed of any animal escape, theft or liberation from the enclosure
- breeding of prohibited dealing non-indigenous animals is restricted to cases where the breeding is part of an Australasian Species Management Program conducted by the Zoo and Aquarium Association Inc., or the breeding is part of an approved Cooperative Conservation Program registered with the Commonwealth Department of Environment and Energy or any subsequent Commonwealth Department responsible for such registration. In such cases
- if breeding is approved, the keeper will require high security levels approved in their application, such as additional fencing and locks, restricted public access and security against natural disasters.

#### **4. Specialised requirements for permit**

Specialised requirements for keeping non-indigenous vertebrate animals vary for each animal based on particular circumstances and risks. These specialised requirements will be listed as conditions on each permit. Examples of specialised permit requirements include:

- conditions on where the animal will be housed. This includes whether the permit allows the prohibited dealing non-indigenous animals to be kept in any premises used as a dwelling
- the maximum number of non-indigenous vertebrate animals permitted to be kept, where breeding is approved. This number will be based on animal welfare, husbandry and carrying capacity considerations
- the individual animals permitted to be kept, where breeding is not approved. These animals will be identified with unique permanent ID.

#### **5. Submission of permit applications**

- permit application forms will be available online on the NSW DPI biosecurity website
- the transfer or keeping of high-risk animals cannot occur without a permit being issued first.
- permit application forms must be fully completed. Where an incomplete application is received:
  - the applicant will receive a written request to provide the outstanding information within 60 calendar days. If the required information is not provided in that time, the application will be rejected.
  - if the person making the application still wishes to pursue a permit after an application is rejected, they will be required to lodge a new application and pay the corresponding application fee.

#### **6. Permit variations**

A permit holder must notify NSW DPI within 48 hours of any change to the person in charge of the permitted premises.

The permit holder must provide full details and certified identification of the proposed new person in charge. NSW DPI will consider whether the replacement person is a suitable person to be in

charge of the animals and, if they are suitable, vary the permit to reflect the new arrangement. If a person is not considered suitable, the permit holder will be given 60 days to identify another person to be in charge of the animals. If no such person can be identified the permit will be cancelled.

## **7. Delegation for issue, refusal, suspension or cancellation of a permit**

Once appointed as authorised officers under the Act, the Director of Invasive Plants and Animals, the Manager Invasive Species Strategy and Planning and the Technical Specialist Vertebrate Pests are delegated authorised officers for the purpose of issuing, refusing, suspending, varying and cancelling permits for prohibited dealings.

## **8. Considerations taken by the delegated authorised officer(s) in granting a permit**

The delegated authorised officer may refuse to grant a permit to a person, refuse to grant a renewal of a permit to a person or suspend or cancel a person's permit on any of the following grounds:

- the person has stated or provided false or misleading information in regards to contents within application and compliance under the Act
- the person has previously been granted a permit and that permit was cancelled within the previous two years and has not been overturned on appeal
- the person does not have relevant skills, knowledge or experience to manage any biosecurity risk associated with the permit
- the biosecurity risk(s) associated with the proposed application is unacceptable
- the result of an accreditation audit
- the person has had previous history of non-compliance with the Act and Biosecurity Regulation 2017 or equivalent/previous legislation
- the person does not have the capacity to properly discharge their obligations under the permit
- the person has previously had a cancelled or suspended permit.
- any other reason that the authorised officer considers to be a good reason for refusing the application.

## **9. Management of non-compliance**

Where permit conditions are not complied with or annual animal record returns are not provided to NSW DPI and this cannot be rectified in a timely manner, a compliance investigation may be instigated by authorised officers.

### **9.1 Compliance options**

There is a range of educational, capacity building and regulatory tools available for managing issues of non-compliance under the Act. The following steps provide a standard approach to managing a breach of a permit:

#### **9.1.1 Education**

Where the breach does not present a significant biosecurity risk or where action is warranted to prevent the occurrence of a biosecurity event, education should be considered as an initial response. Educational material such as codes of practice and department policy can be provided to animal keepers with general knowledge as to how they could manage the biosecurity risk.

Deployment of an authorised officer may be necessary to manage a significant biosecurity risk. This could include informing an animal keeper of their keeper's general biosecurity duty and how their duty could be discharged, the specific conditions of a permit that they must comply with and their responsibilities of keeping an animal listed as a prohibited dealing as prescribed under the Act.

#### **9.1.2 Biosecurity undertaking or direction**

In high-risk biosecurity events and where the animal keeper has continued to fail to comply with the necessary requirements of a permit or failed to discharge their general biosecurity duty, regulatory action using the tools of the Act are available for authorised officers.

Examples of non-compliance could include failure to submit a permit renewal application or not meeting the specified permanent identification requirements of a permit.

Authorised officers may issue a biosecurity direction or accept a biosecurity undertaking to prevent, eliminate and minimise the biosecurity risk.

Refer to Biosecurity Undertaking Procedure and Biosecurity Direction Procedure.

### **9.1.3 Punitive options**

Where the initial steps outlined above do not result in the effective management of the biosecurity risk, punitive steps may be required to manage the issue, including the issue of a penalty infringement notice, seizing the animal(s) and managing them appropriately under the control of the Crown as well as charging a person with an offence under the Act.

Refer to Seizure of Non-Animals Procedure.

### **9.2 Infringements and offences**

- Category 1 & category 2 offence (committed negligently) maximum penalty: \$1,100,000 individual \$2,200,000 corporation
- Category 2 offence maximum penalty: \$220,000 individual or \$440,000 corporation.
- Penalty notice offence: \$1000

## **10. Movement of Animals**

An applicant can nominate at the time of permit application a number of standard locations to which they may need to move their animals e.g. a veterinary practice. A person wishing to import, move or transport a prohibited dealing non-indigenous animal outside of these standard permitted movements must apply for a movement permit. The person must:

- fill in the approved movement permit application form
- inform the NSW DPI prior to and after movement, on (02) 6391 3525 or [nia.management@dpi.nsw.gov.au](mailto:nia.management@dpi.nsw.gov.au)
- secure the vehicle in which the animals are transported against unauthorised entry to prevent animals being released or escaping during transit
- in the event of any accident involving the vehicle in which the animals are being transported by and which causes animals to be injured or killed or affects the proposed time/date of completion of the movement of the animals, or if any animals escape from the vehicle, notify the NSW DPI immediately on (02) 6391 3525 or [nia.management@dpi.nsw.gov.au](mailto:nia.management@dpi.nsw.gov.au)
- immediately report any animals that escape during loading, transport or unloading and take all necessary steps to recapture the animals or destroy them if they cannot be recaptured
- transport the animals in an enclosure on the transporting vehicle that allows them all to assume a normal standing position and to lie down during transport
- ensure transport complies with any publication in the Australian standards for transporting animals of the species, including the Australian Animal Welfare Standards and Guidelines available at: <http://www.animalwelfarestandards.net.au/>
- where specific standards for transporting the species do not apply, protect the animals from the elements and wind and not allow them to suffer while being transported
- transport the animals by the shortest possible main route

- do not publicly exhibit or display the animals while they are being transported.

## 11. Seizure of animals

Any individual or corporation who deals with an animal listed in Schedule 3 in breach of the Act or Regulation may be subject to the seizure of their animals by an authorised officer.

Prior to seizure, an authorised officer should conduct (and record) an interview with the individual or corporation to:

- determine whether an incursion response is required, or otherwise the best option for managing biosecurity risks
- try to determine as many details on the origin of the non-indigenous animal(s) and the purpose the animal(s) were serving (e.g. pet, breeding, trading, strayed onto property)

The seizure of animals may occur if:

- animals are being illegally kept, have escaped or have been released, and
- a proposal for the seizure and subsequent handling has been developed by the Invasive Species Unit in Biosecurity and Food Safety
- 

Animal(s) may only be seized by an authorised officer. Once seized:

- Animals will generally be transported to the State Veterinary Disease Laboratory for positive identification, euthanasia, biosecurity screening and genetic tissue sampling
- Only species listed as CITES Appendix 1 (the most endangered amongst CITES categories) will be considered for rehoming with an appropriately authorised facility. This must be considered for the issue of a penalty infringement notice or if the offence should be prosecuted through the judicial system.

Authorised officers, under part 8, division 6, and section 113 of the Act, can destroy a thing, in this case a non-indigenous animal, if it poses a biosecurity risk.

Refer to “Seizure of non-indigenous animals” for further details.

## 12. Definitions and Acronyms

DPI NSW Department of Primary Industries

## 13. Documentation

Seizure of Non-Animals Procedure  
 Biosecurity Undertakings Procedure  
 Biosecurity Direction Procedure  
*Biosecurity Act 2015*  
 Biosecurity Regulation 2017  
 Policy - Records Management (IND-I-177)  
 Policy - Information Security (IND-I-197)  
 Policy - Classified Information (IND-I-196)  
 Policy - Government Information (Public Access) (IND-I-178)  
 Policy - Biosecurity collection, use and disclosure of information  
 Procedure - Biosecurity collection, use and disclosure of information

## 14. Records

Not applicable.

## 15. Revision History

Version	Date issued	Notes	By
1.0	01/07/2017	New policy developed in response to the <i>Biosecurity Act 2015</i> .	Technical Specialist Vertebrate Pests

## 16. Contact

Technical Specialist Vertebrate Pests

(02) 6391 3174