

Biosecurity - Fees and Charges

NUMBER: INT16/169911	VERSION: 1.1
AUTHORISED BY: Director Biosecurity & Food Safety Compliance	AUTHORISED DATE: 02/06/2017
ISSUED BY: Biosecurity & Food Safety	EFFECTIVE DATE: 01/07/2017
CATEGORY: Operations and Industry	REVIEW DATE: 01/07/2018

Management of the biosecurity risk

This procedure is to provide guidance for the application of fees and charges for services provided and actions imposed under or by the *Biosecurity Act 2015* (the Act). This includes identification of the roles and responsibilities of staff that are responsible for administering and executing the Act.

Scope

This procedure applies to the staff of NSW Department of Primary Industries (DPI), an office within the NSW Department of Industry, Local Land Services (LLS), Local Control Authorities (LCA) and the Australian Plague Locust Commission (APLC) including authorised officers, who and are responsible for administering, enforcing and executing the Act.

Biosecurity legislation summary

The Act provides a range of tools and powers to enable the management of biosecurity risks or biosecurity impacts posed by animal and plant pests, diseases and contaminants across the biosecurity spectrum. Similarly the Act provides for fees to be charged for administrative services, including the recovery of costs for actions taken.

Two categories of fees are payable:

1. Regulated fees as prescribed under the Act, these are outlined in Schedule 5 of the *Biosecurity Regulation 2017* (the Regulation)
2. Administrative fees for the recovery of costs for actions taken under part 20 of the Act.

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 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.

Contents

Fees and charges procedure	2
1. Roles and responsibilities	2
2. Fees chargeable	3
3. Charging a fee for a service provided under the Act	3
3.1 Biosecurity registration	3
3.2 Biosecurity certificates	3
3.3 Permits	4
3.4 Accreditation as a Biosecurity Certifier	4
3.5 Appointment as Biosecurity Auditor	4
3.6 Approval to exercise functions of accreditation authority	4
4. Charging a fee for an action taken under the Act	4
4.1 Biosecurity Audits	4
4.1.1 Accreditation audits	4
4.1.2 Compliance audits	5
4.2 Secretary may authorise required actions and recover costs	5
5. Definitions and acronyms	5
6. Documentation	5
7. Records	6
8. Revision history	6
9. Contact	6
Appendix 1	7

Fees and charges procedure

1. Roles and responsibilities

Agencies who are responsible for administering or executing the Act must ensure that:

- authorised officers and administration support staff are trained in the application of fees for services provided and actions taken
- there is communication within the agency so that all relevant staff are informed of fees chargeable for services and actions
- relevant stakeholders and the public generally are informed of fees for services and actions
- fees are charged consist with the requirements of the Act, the Regulation and any relevant policy and procedure
- records of fees charged and all related administrative actions are maintained.

Authorised officers must ensure that:

- fees for services and actions taken are applied consistently

- the time that a person is charged for a service or action taken must be no more than what is reasonably required to carry out the actions required
- records of all fees and charges for services and action taken are maintained
- managers are informed of any issues arising from the charging of a fee.

2. Fees chargeable

Twelve fees have been prescribed in Schedule 5 of the Regulation. One of these fees is specifically related to Local Control Authorities (LCA). The Act includes a provision for the Secretary to waive, reduce or refund a prescribed fee. A LCA has the same functions as the Secretary in relation to recovery of fees charged, or costs or expenses incurred in connection with the exercise of functions by an authorised officer who is appointed by the LCA.

As the Act does not for example distinguish between the different types of biosecurity certificates, such as animal and plant health certificates, or registrations for a person who keeps bees or high-risk non-indigenous animals. A maximum fee has been prescribed in the Regulation and the actual fee payable has been determined under the authority of the Secretary.

Similarly under the Act, permits, registrations and accreditations may be granted for up to a maximum of 5 years.

Table 1 in Appendix 1 includes the details of the prescribed fees including the maximum fee prescribed in the Regulation and the actual amount payable.

The Act also provides for the charging of fees that are '*no more than is reasonable to cover the costs and expenses incurred in connection with the actions taken.*' The Secretary may determine when and the conditions under which these fees are payable. These fees are not prescribed in the Regulation but have been determined through a cost recovery analysis. The actions and the fee that may be charged are included in **Table 2** of Appendix 1.

The Act provides the Secretary with the discretion to charge a fee or not. Subsequently it was determined that some actions would not be the subject of a fee. The actions that will not be the subject of a fee at this time are identified in **Table 3** of Appendix 1.

3. Charging a fee for a service provided under the Act

3.1 Biosecurity registration

Under section 156 of the Act the Secretary may grant biosecurity registration to authorise a person to engage in a registrable dealing. Schedule 4 of the Act identifies registrable dealings such as bee-keeping (other than an exempt dealing) and dealings with certain non-indigenous animals unless the dealing is for permitted exhibition or research purposes.

The Act provides for applications for the grant, variation and renewal of biosecurity registration must be in the approved form and accompanied by the scheduled fee. Where relevant the fees for biosecurity registration for keeping bees and identified non-indigenous animals, are included in **Table 1**, Appendix 1.

Biosecurity registration for both bees and the identified non-indigenous animals are the subject of separate procedures.

3.2 Biosecurity certificates

Under section 184A(1) of the Act an authorised officer who prepares a biosecurity certificate may charge the person a fee for preparing the biosecurity certificate.

The Regulation has prescribed a maximum fee. The Secretary has determined the fees that may be charged for plant health certificate, area freedom certificates and Carrier freedom certificates (Cattle tick).

The fees for biosecurity certificates are included in **Table 1**, Appendix 1.

3.3 Permits

Under section 341(1) of the Act a person may apply to a relevant decision-maker for a permit under the Act.

The Regulation has prescribed a maximum fee for a permit application. Subject to the Secretary's discretion it has been determined that the fee will apply to applications to deal with a non-indigenous animal classified under Schedule 3 of the Act as a 'prohibited dealing'. The fee may be varied depending on the type of dealing. Applications to keep a prohibited dealing animal in NSW will be subject to the full 'Application for a permit' fee.

Applications for a permit to deal with an animal classified as a 'prohibited dealing' must be in the approved form and accompanied by the scheduled fee.

Permit applications for a prohibited dealing animal that involves a short-term stay and/or movement into and out of NSW, may be the subject of the hourly rate, 'General permit application' fee.

The application of the 'General permit application fee' in other circumstances will be determined on a case by case basis and subject to the approval of the relevant Director..

The fees for the grant of a permit are included in **Table 1**, Appendix 1.

3.4 Accreditation as a Biosecurity Certifier

Under section 196(1) of the Act a person may apply to an accreditation authority (the Secretary) for accreditation as a biosecurity certifier.

Applications for the grant and renewal of accreditation as a biosecurity certifier must be in the approved form and accompanied by the relevant fee. The fees for accreditation as biosecurity certifier are included in **Table 1**, Appendix 1.

3.5 Appointment as Biosecurity Auditor

Under section 244 (1) of the Act a person may apply to an accreditation authority (the Secretary) for appointment as a biosecurity auditor.

Applications for the grant and renewal of an appointment as a biosecurity auditor must be in the approved form and accompanied by the relevant fee. The fees for appointment as biosecurity certifier are included in **Table 1**, Appendix 1.

3.6 Approval to exercise functions of accreditation authority

Under section 263 (1) of the Act a person may apply to the Secretary for approval to exercise the functions of an accreditation authority.

Applications for approval to exercise the functions of an accreditation authority must be in the approved form and accompanied by the relevant fee. The fees for the approval and renewal to exercise the functions of an accreditation authority are included in **Table 1**, Appendix 1.

4. Charging a fee for an action taken under the Act

4.1 Biosecurity Audits

4.1.1 Accreditation audits

Section 222(1) of the Act provides for a person who requires an accreditation audit to charge the audit target a reasonable fee for the carrying out of the accreditation audit.

An accreditation audit is carried out for the purposes of assessing an application for the grant, renewal or variation of:

- biosecurity registration, or
- biosecurity certifier accreditation, or
- biosecurity auditor appointment, or
- a permit, or

- an approval to exercise any of the functions of an accreditation authority.

The application of a fee for an accreditation audit should be determined by the staff responsible for carrying out the action and detailed in the Biosecurity Audit procedure.

The fee that is chargeable for the conduct of an accreditation audit is included in Table 4, Appendix 1.

4.1.2 Compliance audits

Section 230(1) of the Act provides for a person who requires a compliance audit to charge the audit target a reasonable fee for the carrying out of the compliance audit, if the audit target is a 'biosecurity participant'.

Section 7 of the Act defines biosecurity participant as, or formerly was:

- a registered entity, or
- a biosecurity certifier, or
- a biosecurity auditor, or
- the holder of an individual permit, or
- an applicant for a group permit that was granted, or
- a person who has given a biosecurity undertaking, or
- an accreditation authority.

The conduct of compliance audits and the application of a fee will be determined by the staff responsible for carrying out the action and detailed in the procedure for the relevant biosecurity risk and/or the Biosecurity Audit procedure.

The fee that is chargeable for the conduct of an accreditation audit is included in **Table 2**, Appendix 1.

4.2 Secretary may authorise required actions and recover costs

The Act provides for the Secretary to authorise actions and recover costs if a person fails to comply with:

- an Emergency order, section 59(2)(3)
- a Control Order, section 76(2)(3)
- a Biosecurity zone, section 88(2)(3)
- authorised officer (Powers of Authorised Officers), section 104(2)(3)
- authorised officer (Biosecurity Direction), section 133(2)(3)
- authorised officer (Biosecurity Undertaking), section 147(2)(3).

The application of a fee for the recovery of costs should be determined on a 'case by case' basis by the staff responsible for carrying out the action.

The costs that can be recovered will be based on the application of an hourly rate included in **Table 2**, Appendix 1.

5. Definitions and acronyms

NSW DPI	NSW Department of Primary Industries
LLS	Local Land Services
LCA	Local Control Authority
APLC	Australian Plague Locust Commission

6. Documentation

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
Approved forms
Invoice form

7. Records

Fees charged
Fees received
Fees outstanding

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 and Systems Coordinator
1.1	15/04/2019	Minor amendments.	Policy, Legislation, Performance and Consultation.

9. Contact

Compliance Systems Coordinator
02 6391 3698

Appendix 1

Table 1: Fees payable for services under the Act

Section of the Act	Service	Fee payable	<i>Biosecurity Regulation 2017</i> Schedule 5 Maximum fee
159 (4)	Application for the grant of biosecurity registration: <ul style="list-style-type: none"> • Non-indigenous animals • Beekeepers 	\$720 (5 years) \$120 or \$90 online (2 years)	\$720
162 (3) (b)	Application for variation of biosecurity registration: <ul style="list-style-type: none"> • Non-indigenous animals 	\$70/hour	\$300
163 (4)	Application for the renewal of biosecurity registration: <ul style="list-style-type: none"> • Non-indigenous animals • Beekeepers 	\$420 (5 years) \$120 or \$90 on-line (2 years)	\$420
184A (2)	Fee for a biosecurity certificate: <ul style="list-style-type: none"> • Plant health Certificate 	\$150/hour	\$200

	<ul style="list-style-type: none"> • Area Freedom Certificate • Carrier Freedom Certificate (cattle tick) 	\$50/hour \$5.50	
196 (5) (a)	Application for accreditation as biosecurity certifier	\$255 annually or \$750 (5 years)	\$750
200 (5) (a)	Application for renewal of accreditation as biosecurity certifier	\$160 annually	\$160
244 (5) (a)	Application for appointment as biosecurity auditor	\$835 (2 years)	\$1000
248 (5) (a)	Application for renewal of appointment as biosecurity auditor	\$750 (2 years)	\$1000
263 (3)	Application for approval to exercise functions of accreditation authority	\$1150 (2 years)	\$1500
267 (3)	Application for renewal of approval to exercise functions of accreditation authority	\$1150 (2 years)	\$1500
341 (3)	<p>Application for a permit:</p> <p>To keep a high risk (Category 1a, 1b, 2 & 3a) non-indigenous animal in NSW</p> <p>General permit application fee (individual and group permits)</p>	<p>\$720 (5 years)</p> <p>\$80/hour</p>	\$720
Clause 28, Schedule 7	Application for certificate from local control authority as to weed control notices, expenses and charges on land		\$200

Table 2: The recovery of costs and expenses for actions taken under the Act

Section of Act	Activity	Fee Payable	Maximum Fee
222	Accreditation Audit	On completion of audit	\$150/hour
230	Compliance Audit	On completion of audit	\$150/hour
59	Emergency Order	Post actions	\$150/hour
76	Control Order	Post actions	\$150/hour
88	Biosecurity Zone	Post actions	\$150/hour
104	Authorised Officer Actions (General)	Post actions	\$150/hour
133	Authorised Officer Actions (Biosecurity Direction)	Post actions	\$150/hour
147	Authorised Officer Actions (Biosecurity Undertaking)	Post actions	\$150/hour

Table 3: Services where are fees have been waived

Section of Act	Description
132(2)	Preparing and giving individual biosecurity direction
146(2)	Preparing and accepting biosecurity undertaking
162 (3)	Variation of biosecurity registration (beekeepers only)
181(2)(b)	The voluntary cancellation of biosecurity registration
247(3)(b)	The variation of an appointment as a biosecurity auditor
266(3)(b)	The variation of an approval to exercise the functions of an accreditation authority
344(3)(b)	The variation of a permit
345(3)	The renewal of a permit
359(2)(b)	The voluntary cancellation of a permit