



Department of  
Primary Industries

Ref



Local Land  
Services

# GROUP BIOSECURITY EMERGENCY PERMIT

*NSW Biosecurity Act 2015*

I, **RICHARD VARVEL**

with delegated authority under section 379 of the *Biosecurity Act 2015 (the Act)*, and under section 333, 336 and 337 of the Act, grant a group permit (**the permit**) to the following class of persons:

Any person in charge of bees located at premises within an area described by the Australian Government Bureau of Meteorology in the *Flood Watch for the New South Wales Coastal River Catchments for the Hunter to the South Coast* whose bees or hives are in a location that may be submerged by flood water caused by heavy rainfall.

Any person in charge of bees located at premises within an area described by the Australian Government Bureau of Meteorology in a current flood warning whose bees or hives are in a location that may be submerged by flood water caused by heavy rainfall.

**Note:** At the time this permit was granted, the *Flood Watch for the New South Wales Coastal River Catchments for the Hunter to the South Coast* was found at [Flood Warning - Flood Watch 1 \(bom.gov.au\)](https://www.bom.gov.au/flood-watch/). The flood warnings for New South Wales are found at [New South Wales Warnings Summary \(bom.gov.au\)](https://www.bom.gov.au/new-south-wales/warnings/).

This emergency permit applies to the biosecurity emergency declared by the *Biosecurity (Varroa Mite) Emergency Order 2022* dated 24 June 2022 (published in the NSW Government Gazette No. 276 of Friday 24 June 2022 at pages 1 to 7),

This emergency permit authorises the following conduct that, but for the permit, would contravene a requirement imposed by an emergency order made under the Act:

1. A person in charge of bees may move bees and a hive from a location at which the bees or hive are at risk of being submerged by flood water to a location with a higher elevation at the same premises.
2. If all the premises at which the bees or a hive are located are at risk of submersion by flood water, the person in charge of the bees:
  - (a) may move the bees and hive from the location at which the bees or hive are at risk of being submerged by flood water to premises within the same emergency zone with a higher elevation, and
  - (b) must notify the Department of the new location of the bees and hive using the [Beekeeper Notifications - Varroa mite online form](https://www.bom.gov.au/flood-watch/) at <https://nswfoodauthority-dpi-online-forms.app.oneblink.io/forms/12288>.
3. A person moving bees or a hive to premises within the same emergency zone cannot enter a different emergency zone when moving the bees or a hive.
4. After the person has moved bees or a hive to a higher elevation, the person must not move the bees or hives from the new location to a new location or back to the original location.



Commencement:

10 July 2022

Duration:

17 July 2022

Definitions

bee has the same meaning as in the Act.
emergency order means the Biosecurity (Varroa Mite) Emergency Order 2022 (No. 4) dated 30 June 2022 or any emergency order that replaces this order.
emergency zone means an emergency zone described in the emergency order and includes:
(a) the Varroa mite general emergency zone,
(b) the Varroa mite eradication emergency zone,
(c) the Varroa mite surveillance emergency zone, and
(d) the Varroa mite notification emergency zone
flood water means an overflow of water that flows beyond the normal limits of a watercourse and submerges land that is usually dry.
hive means an artificial receptacle designed for housing living bees and its contents but does not include a new hive that has never been exposed to or had contact with bees.
the Act means the Biosecurity Act 2015.

RICHARD VARVEL

Delegato's name

AUTHORISED OFFICER

Role

Department of Regional New South Wales

Agency

[Handwritten Signature]

Signature

9 July 22

Date

Failure to comply with the conditions of the permit could result in a penalty notice or prosecution. The maximum penalty for an individual is \$1,100,000. The maximum penalty for a corporation is \$2,200,000.

This information is collected by the collecting agency identified in this form in relation to its functions under the Biosecurity Act 2015. This agency/s and the NSW Department of Industry may use and disclose this information as reasonably necessary for the purpose of performing biosecurity risk functions under, or reasonably contemplated by, the Biosecurity Act 2015.



## Guide to the Group Biosecurity Permit

### Information about the group biosecurity permit

This permit is issued under section 333, section 336 and section 337 of the *Biosecurity Act 2015* (the Act). A person is not guilty of an offence against this Act or the regulations under this Act if the person was authorised to engage in the conduct alleged to constitute the offence concerned by a permit in force under this Act.

It is an offence to contravene a condition of a permit.

### Penalty for not complying with the group biosecurity permit

The maximum penalty is:

- in the case of an individual—\$220,000 and, in the case of a continuing offence, a further penalty of \$55,000 for each day the offence continues, or
- in the case of a corporation—\$440,000 and, in the case of a continuing offence, a further penalty of \$110,000 for each day the offence continues.

The maximum penalty for an offence that is committed negligently is:

- in the case of an individual—\$1,100,000 and, in the case of a continuing offence, a further penalty of \$137,500 for each day the offence continues, or
- in the case of a corporation—\$2,200,000 and, in the case of a continuing offence, a further penalty of \$275,000 for each day the offence continues.

### Conditions of a group biosecurity permit

Under sections 348, 349 and 350 of the Act, an authorised officer may impose conditions on a permit at the time of granting or renewing a permit, or at any other time by variation to the permit. The conditions of a permit may include (but are not limited to) conditions for insurance cover, conditions for biosecurity audits, and conditions requiring financial assurances.

### Limitations of a group biosecurity permit

A permit does not authorise any conduct in contravention of an emergency order, or a biosecurity direction given in the case of an emergency unless the permit is an emergency permit and the permit is expressed to apply in relation to the emergency concerned.

An authorised officer is not authorised to grant, renew, suspend or cancel an:

- *Emergency permit*, which authorises conduct that, but for the permit, would or might contravene an emergency order, or a biosecurity direction in the case of an emergency, and that is expressed to apply to the emergency concerned.
- *Prohibited matter permit*, which authorises dealing with biosecurity matter that is prohibited matter

### Variation of a group biosecurity permit

Under section 344 of the Act, an authorised officer may, at any time, vary a permit by notice in writing. The variation includes the imposition of new conditions on a permit, the substitution of a condition, or the omission or amendment of conditions.

An application for variation to this permit can be made by the permit holder in an approved form and must be accompanied by any relevant information or evidence that the decision maker requires.

### Refusal to grant / renew a group biosecurity permit

An authorised officer may on application or using their own initiative, renew or refuse to renew a permit. Section 346 of the Act sets out matters that the Secretary may consider when making a decision to renew or refuse a permit. An authorised officer must give an applicant written or oral notice of a decision to renew or refuse to renew permit. If a notice is provided orally, a written confirmation of the decision must be provided as soon as practicable.

### Suspension or cancellation of a group biosecurity permit

An authorised officer may, by notice, suspend or cancel a permit if the authorised officer is satisfied that there are grounds for the suspension or cancellation of the permit. Section 352 of the Act sets out general grounds for suspension or cancellation of a permit.

A person may also apply for the suspension or cancellation of a permit.

### Rights of appeal

No appeal can be laid against any decision about a group permit.

For all biosecurity matters please contact NSW Department of Primary Industries on 1800 808 095 or [biosecurity@dpi.nsw.gov.au](mailto:biosecurity@dpi.nsw.gov.au).