

GROUP BIOSECURITY PROHIBITED MATTER PERMIT – VARROA MITE

NSW Biosecurity Act 2015

I, SHANE HETHERINGTON, Acting Chief Plant Protection Officer, with delegated authority of the Secretary under section 379 of the *Biosecurity Act 2015 (the Act)* and pursuant to Part 21 of the Act, grant a prohibited matter permit that is group permit (**permit**).

Dated: 25 October 2023



SHANE HETHERINGTON

Acting Chief Plant Protection Officer
Department of Primary Industries
Department of Regional NSW

Part 1 Preliminary

1 Commencement and duration

- (a) This permit commences on the date it is signed.
- (b) This permit is in force for 1 year.

Note. Notice of this permit will be given by publishing it on the Department's website.

2 Prohibited matter

The prohibited matter to which this permit applies is Varroa mite.

3 Class of persons

The class of persons to whom this permit is granted is registered beekeepers.

4 Interpretation

In this permit:

registered beekeeper means a person who has been granted biosecurity registration under Part 12 of the Act to engage in the registrable dealing of dealing with bees.

Varroa mite means *Varroa destructor*.

Part 2 Authorised conduct

5 Dealings

Despite section 28, the Act, in the whole of New South Wales, a registered beekeeper may deal with Varroa mite in the following ways:

- (a) keep Varroa mite,
- (b) have possession, care, custody or control of Varroa mite,
- (c) supply, sell or dispose of Varroa mite,
- (d) acquire or buy Varroa mite,
- (e) move Varroa mite,
- (f) release Varroa mite,
- (g) treat Varroa mite,
- (h) enter into an agreement or other arrangement under which another person deals with Varroa mite,
- (i) agree to deal with Varroa mite, and
- (j) cause or permit a dealing in Varroa mite.

Note. This prohibited matter permit does not authorise a registered beekeeper to contravene a requirement of an emergency order issued under Part 5, the Act or a control order issued under Part 6, the Act for the prevention, elimination, minimisation or management of Varroa mite. Contravention of a requirement of an emergency order can only be authorised by an emergency permit.

Information about group prohibited matter permits

This group prohibited matter permit is issued under section 333, 338, and 379 of the *Biosecurity Act 2015* (the Act). A prohibited matter permit authorises conduct that, but for the permit, would or might contravene a requirement imposed by or under this Act. It is an offence to contravene a condition of a prohibited matter permit.

Penalty for not complying with a group prohibited matter permit

The maximum penalty for an individual is:

- **\$220,000** and, in the case of a continuing offence, a further penalty of **\$55,000** for each day the offence continues, or
- If the contravention is intentional or reckless or committed negligently — **\$1,100,000** and, in the case of a continuing offence, a further penalty of **\$137,500** for each day the offence continues.

The maximum penalty for a corporation is:

- **\$440,000** and, in the case of a continuing offence, a further penalty of **\$110,000** for each day the offence continues:
- If the contravention is intentional or reckless or committed negligently — **\$2,200,000** and, in the case of a continuing offence, a further penalty of **\$275,000** for each day the offence continues.

An authorised officer may also issue a penalty notice. The amount of the fine is **\$1,000**.

Conditions of a group prohibited matter permit

The Secretary (or delegate) may impose conditions on a group prohibited matter permit at the time of granting or renewing the permit, or at any other time by varying the permit.

Variation of a group biosecurity prohibited matter permit

Under sections 335 and 344 of the Act, the Secretary (or delegate) may, at any time, vary a group prohibited matter permit publication on the Department's website. The variation includes the imposing new conditions on a prohibited matter permit, substituting a condition, omitting or amending conditions.

Refusal to grant / renew a group biosecurity prohibited matter permit

The Secretary (or delegate) may renew or refuse to renew a prohibited matter permit for any reason that the Secretary considers to be a good reason. The Secretary must publish notice of a decision to renew or refuse to renew a group prohibited matter permit on the Department's website.

Rights of appeal

There is no right of appeal against any decision about a group prohibited matter permit.