

GROUP PERMIT

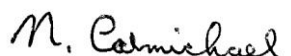
Biosecurity Act 2019 **s100 (1) (c) & s110**

Dealings with a declared pest

Undaria pinnatifida

1. I, Noel Carmichael, being and as the delegate of the Secretary of the Department of Natural Resources and Environment Tasmania (NRE Tas) under the *Biosecurity Act 2019* (the Act)¹ hereby grant to the classes of persons described in clause 2 below, a group permit authorising the following dealings with a declared pest, namely *Undaria pinnatifida* ("Undaria") under its current list status:
 - (a) collecting, processing, transporting, breeding, propagation, growing, raising, feeding, cloning or culturing of Undaria;
 - (b) importing Undaria (subject to the condition in clause 3);
 - (c) treating and experimenting with Undaria;
 - (d) the supply of Undaria;
2. This permit is granted to all persons who are authorised (by permit or licence) to possess, cultivate, supply, acquire or otherwise deal with Undaria under the *Living Marine Resources Management Act 1995*.
3. A person importing Undaria under this permit must comply with the general requirements applying to the import of plants, plant products and restricted horticultural material that are specified in Part 2 of the latest edition of the [Plant Biosecurity Manual Tasmania](#), as published by Biosecurity Tasmania on the website of NRE Tas.
4. This permit takes effect on 29 June 2023 at 12.00 AM and remains in force for a period of 5 years unless sooner revoked.
5. This permit authorises dealings for the purposes of the *Biosecurity Act 2019* and does not authorise any activity that is otherwise prohibited or restricted under the *Living Marine Resources Management Act 1995* or any other Australian law.

Signed:



Noel Carmichael
A/Manager (Invasive Species)
Biosecurity Tasmania
Delegate of the Secretary
Date: **28/6/23**

¹ All terms used in this permit that are defined in the Act, regulations made under the Act, or the Tasmanian Biosecurity Compendium have the same meaning as in the Act, regulations or the Compendium.

INFORMATION

Effect of a permit

1. A person is not guilty of an offence under the Act in respect of conduct if –
 - (a) the person is a permit holder with a valid permit; and
 - (b) the permit authorises the conduct; and
 - (c) the person is acting in accordance with the permit when engaging in the conduct.
2. A permit does not authorise conduct in contravention of an emergency order or emergency biosecurity direction unless –
 - (a) the permit is an emergency permit granted in respect of the relevant emergency; and
 - (b) the conduct of the person is in accordance with the emergency permit.
3. Compliance with a permit in respect of a dealing is necessary to ensure that a person complies with the [general biosecurity duty](#) (GBD), however the GBD also requires the permit holder to take all reasonable and practicable measures to prevent, eliminate or minimise biosecurity risks posed by their dealings, even if such measures, dealings or risks are not covered or required by the permit.
4. A permit is of no effect while it is suspended.

Conditions of a permit

5. It is an offence for a permit holder to contravene a condition of their permit with a maximum penalty of 500 penalty units for an individual and 2500 penalty units for a corporation.
6. A permit, or the conditions of a permit, may be varied at any time by written notice to the permit holder.

Suspension or cancellation of a permit

7. A permit may be suspended or cancelled for one or more of the following reasons:
 - (a) the permit holder has contravened a requirement imposed by, or under, the Act or a corresponding law;
 - (b) the permit holder is no longer a suitable person to engage in the conduct authorised by the permit;
 - (c) an application relating to the permit was false or misleading in a material particular;
 - (d) the permit holder has failed to pay fees or charges payable by the permit holder under the Act;
 - (e) it is in the interests of public safety to suspend or cancel the permit;
 - (f) information has been provided that, if it had been provided at the time that an application relating to the permit was made, may have resulted in the application for the permit being refused;

- (g) the suspension or cancellation is necessary in an emergency.

Renewal of a permit

- 8. At least 28 days before the expiry of an individual permit the permit holder may apply for a renewal of the permit.
- 9. An application for renewal of a permit must –
 - (a) be in the approved form; and
 - (b) include, or be accompanied by, all information or that is relevant to the application; and
 - (c) be accompanied by the prescribed fee (if any).

Appeals relating to permits

- 10. A person aggrieved by any of the following decisions may, within 28 days of receiving notice of the decision, appeal to the Tasmanian Civil and Administrative Tribunal against the decision:
 - (a) a decision to refuse to grant or renew a permit to the person;
 - (b) a decision to suspend or cancel a permit held by the person;
 - (c) a decision to refuse to revoke a suspension of a permit following the making of a submission by the former permit holder under this Act, being a suspension of which the former permit holder was not given prior notice;
 - (d) a decision to impose any condition on a permit held by the person, or on the suspension, cancellation or surrender of a permit held by the person;
 - (e) a decision to vary a permit held by the person or any condition on a permit held by the person.
- 11. No right of appeal lies against any of the following decisions:
 - (a) a decision in respect of an emergency permit;
 - (b) a decision in respect of a prohibited dealing permit;
 - (c) a decision in respect of a prohibited matter permit;
 - (d) a decision of a relevant decision-maker to refuse to renew a permit, or to suspend or cancel a permit, due to the occurrence of an emergency;
 - (e) a decision in respect of a group permit.