



Department of
Primary Industries



Ref:

Local Land
Services

INDIVIDUAL BIOSECURITY PERMIT

NSW Biosecurity Act 2015

I, _____ in accordance with section 333 and 336 of the *Biosecurity Act 2015* (**the Act**), hereby grant an individual biosecurity permit (**the permit**) to the following person:

Name of individual: corporation: body corporate; Trustee of Family Trust

Residential or business address

Suburb

State

Postcode

Phone

Email

This permit authorises the following conduct that, but for the permit, would or might contravene a requirement imposed by or under the Act (subject to stated conditions of this permit):

This permit is subject to the following conditions:-

Please include on Attachment A any additional conditions

Commencement:

Duration:

Definitions

Authorised Officer's name

Signature

Role

Date

Agency

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 Individual Permit

Information about the individual permit

This permit is issued under section 333 and section 336 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 an individual permit.

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

- *Emergency permit*, which authorises conduct that, but 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 throughout the State or in part of the State.

Penalty for not complying with the individual 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 individual 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 (s348), conditions for biosecurity audits (s349), and conditions requiring financial assurances (s350).

Variation of an individual permit

Under section 334 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. This application must be accompanied by a fee.

Refusal to grant / renew an individual permit

An authorised officer may on application or using their own initiative, renew or refuse to renew a permit. Section 346 of the Act and Part 11 of the Regulation sets out matters that an authorised officer may consider when making a decision to renew or refuse a permit. The Secretary (or delegate) must give written or oral notice of a decision to renew, or refuse to renew a permit. If a notice is provided orally, a written confirmation of the decision must be provided as soon as practicable.

Suspension or cancellation of an individual permit

An authorised officer may, by notice in writing, 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 and Clause 104 of the Regulation 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

A person may appeal to the Land and Environment Court against a decision by an authorised officer to refuse a permit, refuse to renew a permit, suspend or cancel a permit, refuse to revoke a suspension of a permit, impose any conditions on a permit or on the suspension or cancellation of a permit, or on a variation of a permit. The deadline for lodging an appeal is 28 days after the date written notice of the decision is served on the person.

Contact

For all biosecurity matters please contact NSW Department of Primary Industries on 1800 808 095 or biosecurity@dpi.nsw.gov.au



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ATTACHMENT A