



INDIVIDUAL BIOSECURITY PROHIBITED MATTER PERMIT

NSW Biosecurity Act 2015

I, _____, in accordance with sections 333, 338 and 379 of the *Biosecurity Act 2015 (the Act)*, hereby grant an individual prohibited matter permit (**the prohibited matter 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 prohibited matter permit authorises dealing with the following biosecurity matter that is prohibited matter throughout the State or in part of the State:

Name of prohibited matter (include common name and/or scientific name)

Specifically, the prohibited matter permit authorises the following dealing/s (subject to stated conditions of this prohibited matter permit):

This prohibited matter permit is subject to the following conditions:-.

Please include on Attachment A any additional conditions

Commencement:

Duration:

Definitions

Secretary or delegate's name

Signature

Role

Date

Agency

Failure to comply with the conditions of the prohibited matter 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 Biosecurity Prohibited Matter Permit

Information about the individual biosecurity prohibited matter permit

This prohibited matter permit is issued under section 333, 338 and 379 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 prohibited matter permit in force under this Act.

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

Penalty for not complying with the individual biosecurity prohibited matter 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 biosecurity prohibited matter permits

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

Variation of an individual biosecurity prohibited matter permit

Under section 344 of the Act, the Secretary (or delegate) may, at any time, vary a prohibited matter permit by notice in writing. The variation includes the imposition of new conditions on a prohibited matter permit, the substitution of a condition, or the omission or amendment of conditions.

An application for variation to this prohibited matter permit can be made by the prohibited matter 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 biosecurity prohibited matter permit

The Secretary (or delegate) may on application or using their own initiative, renew or refuse to renew a prohibited matter permit. Section 346 of the Act sets out matters that the Secretary (or delegate) may consider when making a decision to renew or refuse a prohibited matter permit. The Secretary (or delegate) must give written or oral notice of a decision to renew or refuse to renew a prohibited matter 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 biosecurity prohibited matter permit

The Secretary (or delegate) may, by notice in writing, suspend or cancel a prohibited matter permit if the authorised officer is satisfied that there are grounds for the suspension or cancellation of the prohibited matter permit. Section 352 of the Act sets out general grounds for suspension or cancellation of a prohibited matter permit.

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

Rights of appeal

A person may appeal to the Land and Environment Court against a decision by the Secretary (or delegate) to refuse a prohibited matter permit, refuse to renew a prohibited matter permit, suspend or cancel a prohibited matter permit, refuse to revoke a suspension of a prohibited matter permit, impose any conditions on a prohibited matter permit or on the suspension or cancellation of a prohibited matter permit, or on a variation of a prohibited matter 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



Department of
Primary Industries



Local Land
Services

ATTACHMENT A