



GROUP BIOSECURITY PROHIBITED MATTER PERMIT

NSW Biosecurity Act 2015

Scott Charlton,

I, in accordance with section 333, 338, and 379 of the *Biosecurity Act 2015* (**the Act**), hereby grant a group biosecurity prohibited matter permit (**the prohibited matter permit**) to the following class of persons:

National Parks and Wildlife Service staff, and contractors, researchers and volunteers directed by or assisting National Parks and Wildlife Service staff as part of an approved control program.

This prohibited matter permit authorises dealing with the following biosecurity matter that is prohibited matter throughout the State or in part of the State:

Hawkweed *Pilosella* spp (all species)

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

The following dealings are permitted when carried out in the course of approved control programs:

- Having possession, care, custody or control of the prohibited matter or a carrier;
- Disposing of the prohibited matter or a carrier; and
- Moving the prohibited matter or a carrier.

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

- The prohibited matter is to be held securely so that no plant parts (including seeds, stems and stolons) are released into the environment, either by humans, animals or via natural events such as wind.
- Records of plant movements and possession are maintained.
- Plants and plant parts of hawkweed are to be destroyed immediately when they are no longer required as part of the approved control programs.

Commencement: 16 February 2023

Duration: 6 months

Definitions



approved control programs means the NSW Hawkweed Program, including any detection, control or eradication program which is organised by or affiliated with NSW National Parks and Wildlife Service.

carrier means any thing (whether alive, dead or inanimate, and including a human) that has, or is capable of having, the prohibited matter (as defined) on it, attached to it or contained in it.

relevant area means all of New South Wales

the prohibited matter means hawkweed (*Pilosella* spp.).

Scott Charlton

Secretary or delegate's name

Director Invasive Species Biosecurity

Role

NSW Department of Primary Industries

Agency

Signature

16 February 2023

Date

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 Group Biosecurity Prohibited Matter Permit

Information about the group 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 group 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 group 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 a group 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.

Refusal to grant / renew a group 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 a group biosecurity prohibited matter permit

The Secretary (or delegate) may, by notice in writing, suspend or cancel a prohibited matter permit if they are 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

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

Contact

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