



Department of
Primary Industries



Local Land
Services

GROUP BIOSECURITY PROHIBITED MATTER PERMIT

NSW Biosecurity Act 2015

I, **Scott Charlton**, 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:

Owners of buildings and timber items infested with West Indian drywood termites in NSW

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

West Indian drywood termites (*Cryptotermes brevis*)

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

1. optionally treating or contracting treatment of West Indian drywood termites
2. having possession of West Indian drywood termites
3. moving timber infested with West Indian drywood termites from an infested premises

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

To conduct dealing (3) above the timber must be treated using one of the methods specified in Attachment A.

Please include on Attachment A any additional directions

Commencement: 4/17/23

Duration: 2 years or until the species is removed from Schedule 2 of the Biosecurity Act 2015

Definitions: Nil.

If applicable

Scott Charlton

Secretary or delegate's name

Director Invasive Species Biosecurity

Role

NSW Department of Primary Industries

Agency

Signature

17/4/23

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*.



ATTACHMENT A

1. Fumigation treatment by a licenced pest control operator
2. Freezing for 24 hours
3. Heat treatment to at least 49 degrees Celsius for at least 1 hour
4. Double wrapped with heavy duty plastic sheeting, sealing the ends and edges with heavy duty tape, labeled as “infested with drywood termites, not to be reused”

Fumigated, freezer-treated, heat-treated or wrapped, sealed and labeled materials can then be moved to the nearest waste management facility that will accept the waste.



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

Then 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