



# GROUP BIOSECURITY PROHIBITED MATTER PERMIT – RICE BLAST

## *Biosecurity Act 2015 (NSW)*

I, Chris Anderson

with delegated authority of the Secretary under section 379 of the *Biosecurity Act 2015* (the Act) and in accordance with section 333, 335, 336 and 338 of the Act, hereby grant a group biosecurity permit (the group prohibited matter permit) to the following person:

All persons involved in the management, growing, harvesting, transporting, packing, retailing and research of rice.

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

Dealing with the prohibited matter, rice blast, within the prohibited matter permit zone, despite section 28 of the Act.

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

A person may deal with rice blast within the prohibited matter permit zone in the following ways:

- (a) have possession, care, custody or control of rice blast
- (b) move rice blast
- (c) keep rice blast
- (d) dispose of rice blast
- (e) treat rice blast
- (f) experiment, culture or propagate rice blast for the purpose of research, and
- (g) enter into an agreement or other arrangement under which another person deals with rice blast in the ways set out in (a) – (f).

Note 1: This group prohibited matter permit does not authorise a person to contravene a requirement of the Act, *Biosecurity Regulation 2017* (the Regulation) or *Biosecurity Order (Permitted Activities 2019)* in the rice biosecurity zone.

Note 2: A person who becomes aware of, or suspects, the presence of rice blast in New South Wales or the introduction of rice blast into New South Wales has a biosecurity duty to immediately notify in accordance with the requirements of this Regulation.

**Commencement:** 15 February 2024

**Ends on:** 15 February 2029

**Definitions:** ***Prohibited matter permit zone*** means all land in New South Wales excluding the rice biosecurity zone.



**Rice blast** means *Pyricularia oryzae*.

**Rice biosecurity zone** has the same meaning as clause 64 the Regulation, being all land within the following local government areas, or any local government area that replaces these local government areas:

- (a) Balranald
- (b) Berrigan
- (c) Carrathool
- (d) Edward River
- (e) Federation
- (f) City of Griffith
- (g) Hay
- (h) Leeton
- (i) Murray River
- (j) Murrumbidgee, and
- (k) Narrandera.

Chris Anderson

Authorised officers name



Signature

Deputy Chief Plant Protection Officer

Role

**22 Feb 2024**

Date

Department of Primary Industries, Biosecurity and Food Safety

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 Department of Regional NSW 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 permit is issued under sections 333, 335, 336 and 338 of the *Biosecurity Act 2015* (the Act). A prohibited matter permit is a permit authorises dealing with biosecurity matter that is prohibited matter throughout the State or in part of the State. 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 group biosecurity prohibited matter permit.

The Secretary has power to issue a prohibited matter permit and may delegate that authority. An authorised officer does not have the power to grant 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 permit

Under sections 348, 349 and 350 of the Act, the Secretary or their delegate 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 a group biosecurity prohibited matter permit

Under section 344 of the Act, the Secretary or their delegate 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 a group biosecurity prohibited matter permit

The Secretary or their delegate 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 the Secretary or their delegate 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 group biosecurity prohibited matter permit

The Secretary or their delegate may, by notice in writing, suspend or cancel a permit if the Secretary or their delegate 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 the Secretary or their delegate 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 Department of Primary Industries on 1800 680 244 or [biosecurity@dpi.nsw.gov.au](mailto:biosecurity@dpi.nsw.gov.au)