



# Office of Environment and Heritage

## Grower Licence – Protected Plants

### *Biodiversity Conservation Act 2016*

## Example licence conditions

1. Unless stated otherwise, words and expressions used in this licence have the same meaning as those set out in the *Biodiversity Conservation Act 2016* (BC Act).
2. In this licence:
  - a. 'licensee' means the person named as the licensee and persons working on behalf of the licensee
  - b. 'OEH' means the Office of Environment and Heritage, Department of Planning and Environment
  - c. 'NPWS' means the National Parks and Wildlife Service
  - d. 'CFMP' means 'Cut-flower Sustainable Management Plan 2018–22: protected and threatened plants in the cut-flower industry' published by OEH.
  - e. 'WPMP' means *Whole Plant Sustainable Management Plan 2018–22: commercial harvest, salvage and propagation of protected whole plants*.
3. The licensee may only grow the plants specified on the licence.
4. All plants requiring tags are to be tagged individually or in bunches or according to the conditions in the WPMP and CFMP for sale within Australia. Export sales may be tagged in the units in which they are usually sold.
5. Licensees and all those acting on their behalf are to grow plants in accordance with relevant guidelines (e.g. Florabank) for the taking and use of protected plants.
6. It is the responsibility of the applicant to confirm the identification of the species that they intend to grow or pick. Where this is in doubt the species should be formally identified through a recognised authority such as the NSW Herbarium.
7. No harvest levels will be set for material harvested under a grower licence.
8. The licensee is to keep a copy of their licence at the property where the plants are grown.
9. The licensee must produce the licence to any authorised officer or any owner, occupier or lessee of the land specified on the licence.
10. The licensee must produce the licence to all persons who buy or receive protected or threatened plants from the licensee.
11. Any place where plants are to be picked, stored or processed are to be available for inspection upon request by an authorised officer.
12. The licensee must comply with any requirements in the CFMP and WPMP, as amended or replaced from time to time.
13. Receipts for all sales must be kept for a minimum period of two years. The licensee must make these receipts available for inspection upon request from an authorised officer.
14. The licensee must forward to the NPWS area office a copy of harvest returns for the licence period no later than one month after the licence has expired, or at any other time required by OEH. No licence renewal or new licence will be granted until the harvest returns have been submitted.
15. The licensee agrees to indemnify and keep indemnified, the Crown in right of NSW (OEH), the NSW Minister responsible for the environment and administering the BC Act, the Chief Executive, and their employees, agents and contractors, in the absence of any wilful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:

- any damage or destruction to any real or personal property
- injury suffered or sustained (including death) by any persons arising out of or in connection with the activities undertaken pursuant to this licence.

Under Section 2.14 of the BC Act it is an offence to contravene or fail to comply with a condition of this licence.

EXAMPLE