



Office of Environment and Heritage

Approved Harvester Licence – Whole 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. 'WPMP' means '*Whole Plant Sustainable Management Plan 2018–22: commercial harvest, salvage and propagation of protected whole plants*'.
3. An approved harvester licensee must hold both a valid approved harvester licence and a current site approval licence before any harvest may be undertaken.
4. Approved harvester licensees are authorised to harvest plant material from natural stands of plants, where a minimum level of experience, infrastructure and equipment, and holding facilities can be demonstrated.
5. Only species named in this licence in the 'Specified List of Protected Plants' may be authorised for harvest in a site approval.
6. The licensee and associated harvesters may only pick the species of protected plants, in quantities up to those specified and on the land specified and described in a current site approval.
7. Licensees must comply with all licence requirements as documented in the WPMP, as amended or replaced from time to time.
8. Licensees must follow the hygiene, harvest, transport and holding protocols provided with their application and approved by OEH.
9. No threatened species listed under Schedule 1 of the BC Act or plants that are part of a threatened ecological community listed under Schedule 2 of the BC Act may be harvested, except where approved as a salvage operation.
10. The licensee must keep a copy of this licence and site approval licence either on their person or within their immediate possession while harvesting.
11. The licensee and any person named on this licence associates must, on request, produce the licences to an authorised officer or any owner, occupier or lessees of the land specified on the licence.
12. The licensee shall produce the licences to all persons who buy or receive protected plant parts from the licensee.
13. Any place where plants are harvested, stored or processed are to be made available for inspection upon request by an authorised officer.
14. NPWS tags must be attached to all material harvested under an approved harvester licence throughout the supply chain.
15. Receipts for plant part sales must be kept for a minimum period of two years. The licensee will make these receipts available for inspection upon request by an authorised officer.
16. Approved harvester licences may be renewed subject to submission and approval of harvest returns, and compliance with other relevant licence conditions.

17. The licensee agrees to indemnify, and keep indemnified, the Crown in right of NSW (OEH), the NSW Minister for the Environment 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.

18. Licences cannot be transferred.

Note: If the harvest site is within state forests, the licence is to be accompanied by and used in conjunction with a Forest Products Licence granted by the Forestry Corporation of NSW under the Forestry Act 2012.

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