



Queensland

# Nature Conservation (Protected Plants Harvest Period) Notice 2009

## Subordinate Legislation 2009 No. 28

made under the

*Nature Conservation Act 1992*

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## Part 1 Preliminary

### 1 Short title

This notice may be cited as the *Nature Conservation (Protected Plants Harvest Period) Notice 2009*.

### 2 Commencement

This notice commences on 1 April 2009.

### 3 Definitions

In this notice—

***bioprospecting activity*** means an activity that—

- (a) is a bioprospecting activity within the meaning given by the *Nature Conservation (Protected Plants) Conservation Plan 2000*, schedule 3; and
- (b) is not an activity for which a collection authority is required under the *Biodiscovery Act 2004*.

***commercial wildlife harvesting licence*** means a commercial wildlife harvesting licence granted under the *Nature Conservation (Administration) Regulation 2006*, section 29(1)(a).

***contingent salvage*** see the *Nature Conservation (Protected Plants) Conservation Plan 2000*, schedule 3.

***harvest period*** means the harvest period declared under section 4.

***protected plant*** means a plant that is endangered wildlife, vulnerable wildlife, rare wildlife, near threatened wildlife or least concern wildlife.

***protected plant part*** includes the bark, bud, chemical, exudate, flower, foliage, fruit, gall, genetic material, gum, oil, phyllode, resin, rhizome, root, seed, spore, stem, and any other structural component or constituent, of a protected plant.





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(2) In this section—

***approved salvage plan***, for land, means a plan that—

- (a) includes the following—
  - (i) a description and map of the land;
  - (ii) a declaration from the land-holder that the land will be cleared;
  - (iii) a description of the development or activity for which the land will be cleared;
  - (iv) a copy of any necessary licence, permit or other authority required for the development or activity under an Act;
  - (v) if the land does not include remnant vegetation under the *Vegetation Management Act 1999*—enough information to show that the land does not include remnant vegetation under that Act;
  - (vi) if subparagraph (v) does not apply—enough information to show that the clearing of the land is authorised under the *Integrated Planning Act 1997*; and
- (b) is approved by the chief executive.

***government infrastructure project*** means a project relating to the provision of infrastructure or utilities by or for the Commonwealth, the State or a local government carried out under an Act, including, for example—

- (a) the construction of a facility for telecommunications under the *Telecommunications Act 1997* (Cwlth); or
- (b) the carrying out of works on an easement under the *Electricity Act 1994*; or
- (c) the construction under the *Local Government Act 1993* of a road controlled by a local government.

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**7 Limitation on application of harvest period for other protected plants**

- (1) The harvest period applies to the taking, for a commercial purpose, of a whole protected plant that is endangered wildlife, vulnerable wildlife, rare wildlife or near threatened wildlife only if the plant is taken—
  - (a) as a stock plant; or
  - (b) for a bioprospecting activity.
- (2) The harvest period applies to the taking, for other than a commercial purpose, of a whole protected plant that is endangered wildlife, vulnerable wildlife, rare wildlife or near threatened wildlife.

**Part 4 Limitations and conditions applying to protected plant parts**

**8 Limitation on application of harvest period for particular protected plant parts**

The harvest period applies to the taking of a protected plant part for a plant of the genus *Microsorium* if the protected plant part is taken—

- (a) under salvage; or
- (b) for a bioprospecting activity.

**9 Condition on taking sandalwood from State land**

- (1) No more than 500t of protected plant parts of sandalwood may be taken from all State land, during the harvest period, under all commercial wildlife harvesting licences.
- (2) The portion of the 500t that may be taken under a particular commercial wildlife harvesting licence is the volume stated

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on the licence for protected plant parts of sandalwood authorised to be taken from land that is State land.

- (3) In this section, a reference to the protected plant parts of sandalwood does not include—
  - (a) dead material or stumps of sandalwood; and
  - (b) protected plant parts of sandalwood taken under salvage.

## **10 Condition on taking sandalwood from other land**

- (1) No more than 50t of protected plant parts of sandalwood may be taken from all land other than State land, during the harvest period, under all commercial wildlife harvesting licences.
- (2) The portion of the 50t that may be taken under a particular commercial wildlife harvesting licence is the volume stated on the licence for protected plant parts of sandalwood authorised to be taken from land that is not State land.
- (3) In this section, a reference to the protected plant parts of sandalwood does not include—
  - (a) dead material or stumps of sandalwood; and
  - (b) protected plant parts of sandalwood taken under salvage.

## **Part 5 Expiry**

### **11 Expiry**

This notice expires on 31 March 2010.

ENDNOTES

- 1 Made by the chief executive on 31 March 2009.
- 2 Notified in the gazette on 1 April 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of the Environment and Resource Management.

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