

Queensland



*Nature Conservation Act 1992*

# **NATURE CONSERVATION (PROTECTED PLANTS) CONSERVATION PLAN 2000**

**Reprinted as in force on 11 January 2002  
(includes amendments up to SL No. 113 of 2001)**

**Reprint No. 1B**

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# Information about this reprint

This plan is reprinted as at 11 January 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act s 5(c)).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



## NATURE CONSERVATION (PROTECTED PLANTS) CONSERVATION PLAN 2000

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# **NATURE CONSERVATION (PROTECTED PLANTS) CONSERVATION PLAN 2000**

[as amended by all amendments that commenced on or before 11 January 2002]

## **PART 1—PRELIMINARY**

### **1 Short title**

This conservation plan may be cited as the *Nature Conservation (Protected Plants) Conservation Plan 2000*.

### **2 Commencement**

- (1) Section 37 commences on the day this plan is notified in the gazette.
- (2) Sections 15(5)(b) and 22(2)(b) commence on 1 July 2001.
- (3) Section 55(2) commences on 1 January 2002.
- (4) The remaining provisions of this plan commence on 1 January 2001.

### **3 Purposes of plan**

The purposes of this plan are as follows—

- (a) to promote the continued existence in the wild of biologically viable populations of all taxa of protected plants;
- (b) to allow the ecologically sustainable use of protected plants taken from the wild;
- (c) to control threatening processes;
- (d) to minimise the impact of taking protected plants on nature including, for example, by adopting a precautionary approach in the setting of limits for taking and the granting of licences;
- (e) to facilitate the export of protected plants;

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- (f) to encourage the transition from taking protected plants from the wild to obtaining protected plant parts from cultivation while recognising that the taking of plant parts from the wild—
  - (i) may be ecologically sustainable while providing economic and social benefits; and
  - (ii) is required for species that are difficult to cultivate but are suitable for taking from the wild; and
  - (iii) has a legitimate role in market testing of new plant products; and
  - (iv) is required for taxonomic, ecological and scientific purposes; and
  - (v) may be important for bioprospecting activities for new chemical compounds for pharmaceutical or industrial purposes; and
  - (vi) may be allowed for taking for personal or recreational use subject to restrictions; and
  - (vii) is required for military survival training; and
  - (viii) plays a role in Aboriginal tradition and Island custom;
- (g) to provide for the phased reduction in the taking of whole plants from the wild for commercial purposes;
- (h) to minimise the potential for illegally taken plants to be used for commercial purposes.

## **PART 2—INTERPRETATION**

### **4 Definitions**

The dictionary in schedule 3 defines particular words used in this conservation plan.

## **5 Words defined in regulation**

(1) A word that is not defined in this plan, but is defined in the regulation, has the meaning given in the regulation.

(2) Unless the contrary intention appears, a reference to a licence, permit or authority is a reference to a licence, permit or authority under the regulation.

## **6 When whole plant is taken**

(1) For this plan, a whole plant is taken if no part of the plant that may naturally and readily regrow is left behind.

(2) However, if a person divides a plant, each resulting plant is a whole plant even though a viable section of the original plant is left behind after the plant is taken.

(3) If a person takes a plant that propagates by creeping rhizomes, each of the following is a whole plant—

- (a) a continuous piece of rhizome bearing living fronds;
- (b) any removed section of joined rhizomes bearing living fronds.

# **PART 3—TAKING, USING AND KEEPING PROTECTED PLANTS**

## *Division 1—Restrictions and requirements for taking and using protected plants*

## **7 Restriction on taking and using common plants**

(1) A person must not take a common plant in the wild other than under—

- (a) a licence, permit or authority; or
- (b) an authorisation or exemption under—
  - (i) a regulation; or

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(ii) this or another conservation plan.

Maximum penalty—165 penalty units.

(2) It is a defence to a charge of taking a common plant in contravention of subsection (1) to prove—

- (a) the taking happened in the course of a lawful activity that was not directed towards the taking; and
- (b) the taking could not have been reasonably avoided.

(3) A person must not use or keep a common plant taken in contravention of subsection (1).

Maximum penalty—165 penalty units.

## **8 General requirement for taking protected plants**

(1) A person must not take a protected plant other than in a way that minimises—

- (a) damage to the soil; or
- (b) for the taking of—
  - (i) a whole plant—damage or injury to other wildlife; or
  - (ii) a plant part—damage or injury to wildlife.

Maximum penalty—80 penalty units.

(2) However, a person does not commit an offence against subsection (1) if—

- (a) the person complies with the following, to the extent they are relevant to the way in which the plant is taken—
  - (i) the ‘Code of Practice for the Taking and Use of Protected Plants’, published by the department;<sup>1</sup>
  - (ii) an applicable harvest period notice;

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<sup>1</sup> A copy of the code can be obtained during business hours from the department’s office at 160 Ann Street, Brisbane or from the department’s website at <http://www.env.qld.gov.au>.

- (iii) the 'Management Program for Protected Whole Plants in Queensland' or the 'Management Program for Protected Plant Parts in Queensland';<sup>2</sup> or
- (b) the plant is taken under a clearing permit; or
- (c) the plant is taken under section 41; or
- (d) the plant is taken under salvage; or
- (e) exceptional circumstances apply to the taking.

## **9 Taking of protected plant during harvest period**

(1) A person who holds a commercial or recreational wildlife harvesting licence for protected plants may take a protected plant under the licence only during a harvest period for the plant.

(2) A person who takes a protected plant in a harvest period must comply with the conditions stated in the harvest period notice.

Maximum penalty—120 penalty units.

(3) However, a person does not commit an offence against subsection (2) if the person takes the plant under—

- (a) an exemption under section 41, 42, 43 or 44; or
- (b) a damage mitigation permit or clearing permit for the plant.

## **10 Taking protected plant in monitoring plot**

A person must not take a protected plant in a monitoring plot established under a commercial wildlife harvesting licence for protected plants or scientific purposes permit other than under the licence or permit.

Maximum penalty—80 penalty units.

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<sup>2</sup> A copy of the management program may be inspected during business hours at the department's office at 160 Ann Street, Brisbane or viewed at the department's website at <http://www.env.qld.gov.au>.

## **11 Restriction on grant of licence, permit or authority for taking, keeping or using particular plants**

(1) The chief executive must not grant a licence, permit or authority, other than a clearing permit or scientific purposes permit, for the following protected plants—

- (a) family Aponogetonaceae—
  - a plant of the genus *Aponogeton*;
- (b) family Lycopodiaceae—
  - *Huperzia dalhousieana* (blue tassel fern);
- (c) family Orchidaceae—
  - *Dendrobium bigibbum* (Cooktown orchid)
  - *Dendrobium lithocola* (Cooktown orchid)
  - *Dendrobium phalaenopsis* (Cooktown orchid)
  - *Dendrobium falcorostrum* (beech orchid)
  - *Dendrobium kingianum* (pink rock orchid)
  - *Sarcochilus hartmannii*
  - *Sarcochilus cecileae* (fairy bells)
  - *Sarcochilus roseus* (rosy pink)
  - *Sarcochilus fitzgeraldii* (ravine orchid)
  - *Phalaenopsis rosenstromii* (moth orchid);
- (d) family Liliaceae—
  - a plant of the genus *Blandfordia* (Christmas bells).

(2) Subsection (1) has effect subject to sections 15(7) and 26(2), (3) and (4).

## **12 Restriction on taking and using endangered plant**

(1) A person may take a whole endangered plant in the wild only under—

- (a) a recreational wildlife harvesting licence for protected plants, if the plant—

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- (i) would otherwise have been lawfully destroyed; or
  - (ii) is to be taken under section 26(2); or
  - (b) a clearing permit; or
  - (c) a scientific purposes permit; or
  - (d) a damage mitigation permit; or
  - (e) a commercial wildlife harvesting licence for protected plants that complies with a conservation plan or approved recovery plan for the plant for propagating the species and returning it to the wild.
- (2) A person may take endangered plant parts in the wild only—
- (a) under a recreational or commercial wildlife harvesting licence for protected plants that complies with a conservation plan or approved recovery plan for the plant for propagating the species and returning it to the wild; or
  - (b) under a scientific purposes permit for the plant; or
  - (c) under an Aboriginal tradition or Island custom authority; or
  - (d) for the seed or other propagating material of an endangered plant—if the person is an authorised propagator for taking the seed or material of the plant.

### **13 Restriction on grant of licence, permit or authority for taking endangered plant**

The chief executive must not grant a licence, permit or authority for taking endangered plants if the taking may reduce the ability of the plant's population to expand.

## ***Division 2—Commercial taking of protected plants***

### ***Subdivision 1—Restrictions relating to commercial wildlife harvesting licences***

#### **14 Principle for granting commercial wildlife harvesting licences**

The chief executive must decide an application for a commercial wildlife harvesting licence for protected plants under the principle that, if there are threats of serious or irreversible environmental damage, lack of full scientific certainty must not be used as a reason for postponing measures to prevent threatening processes.

#### **15 Restrictions on grant of commercial wildlife harvesting licences**

**(1)** The chief executive must not grant a commercial wildlife harvesting licence for protected plants—

- (a) to more than 1 person for the same species of protected plant for the same place for the same 12 month period; or
- (b) for a protected plant that has not been adequately identified; or
- (c) for a protected plant mentioned in schedule 1; or
- (d) if there would be a significant impact on other wildlife that uses the plant for shelter or food.

**(2)** However—

- (a) subsection (1)(a), (b) or (c) does not apply if the plant is taken for a bioprospecting activity; and
- (b) subsection (1)(c) does not apply if the plant is taken under salvage.

**(3)** The chief executive must not grant a commercial wildlife harvesting licence for a protected plant part—

- (a) taken from a rare or threatened plant in the wild unless the part is to be used for propagation; or
- (b) if the chief executive is satisfied the taking is likely to result in the death of the plant from which the part is taken.

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(4) Also, the chief executive must not grant a commercial wildlife harvesting licence for protected plants for a place if the chief executive is satisfied 1 of the following may be taken by mistake—

- (a) a rare or threatened plant;
- (b) a plant mentioned in schedule 1;
- (c) a plant for which the taking is prohibited under a harvest period notice.

(5) In addition, the chief executive must not grant a commercial wildlife harvesting licence for protected plant parts unless, the chief executive is satisfied the applicant—

- (a) has access to appropriate levels of scientific expertise and resources to carry out continuing research and monitoring of the taking of plant parts under the licence; and
- (b) has adopted an environmental management system for the taking.

(6) However, subsection (5) does not apply if the chief executive is satisfied—

- (a) the plant is to be taken under salvage or exceptional circumstances apply to the taking; or
- (b) the scale of the operations to be carried out under the licence does not warrant the research and monitoring or the adoption of an environmental management system.

(7) The chief executive may grant a commercial wildlife harvesting licence for taking a protected plant mentioned in section 11(1)(d) only if the chief executive is satisfied the plant would be lawfully destroyed under—

- (a) a clearing permit; or
- (b) an authorisation or exemption under—
  - (i) a regulation; or
  - (ii) this or another conservation plan.

(8) In this section—

**“rare or threatened plant”** includes a critically endangered, endangered or vulnerable plant under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

## **16 Restrictions on taking under commercial wildlife harvesting licence**

(1) A person who takes a protected plant under a commercial wildlife harvesting licence for protected plants must not sell the plant to anyone other than a licensee under a commercial wildlife licence for the plant.

Maximum penalty—120 penalty units.

(2) A person authorised to take protected plants under a commercial wildlife harvesting licence for protected plants must not take protected plants within 50 m of the boundary of a national park or a national park (scientific).

Maximum penalty—165 penalty units.

(3) However, a person does not commit an offence against subsection (2) if the plant is taken under salvage or if exceptional circumstances apply to the taking.

### *Subdivision 2—Commercial taking of whole plants in the wild*

## **17 Restriction on taking whole common plant in the wild**

A person must not take a whole common plant in the wild for a commercial purpose other than under a commercial wildlife harvesting licence for the plant.

Maximum penalty—165 penalty units.

## **18 Restriction on grant of commercial wildlife harvesting licence for whole protected plant**

The chief executive may grant a commercial wildlife harvesting licence for taking a whole protected plant in the wild only if—

- (a) the chief executive is satisfied the applicant has the necessary knowledge and experience to successfully transplant the plant and any of the following apply—
  - (i) the plant would otherwise have been lawfully destroyed;
  - (ii) the taking is part of a conservation program, approved by the chief executive, to conserve the species by cultivation and reintroduction into the wild;

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- (iii) the plant is to be taken for a stock plant;
  - (iv) the plant is a common plant, other than a type A restricted plant, and the taking of the plant is likely to have little adverse impact on the survival in the wild of the species in the part of the plant's natural range from which the plant is to be taken;
  - (v) the plant is a vulnerable or rare plant or a type A restricted plant and chief executive is satisfied the proposed taking is an ecologically sustainable use of the plant; or
- (b) the plant is to be taken for a bioprospecting activity.

## 19 Taking whole plants in the wild

(1) A person who, under a commercial wildlife harvesting licence for protected plants, takes a whole plant mentioned in schedule 2 must, by the time stated in subsection (2)—

- (a) attach an official tag to the plant; or
- (b) attach a label that complies with this section (a **“harvest label”**) to each load of which the plant is a part or container in which the plant is included; or
- (c) if the plant is taken on State land—complete and carry a forestry removal document for the plant until—
  - (i) the load of which the plant is a part or container in which the plant is included is divided for sale; or
  - (ii) the plant is processed for sale.

Maximum penalty—120 penalty units.

(2) The time for compliance with subsection (1) is the first of the following to happen—

- (a) the plant is moved from the land from which it is taken;
- (b) the end of the day the plant is taken.

(3) The harvest label must state the following—

- (a) the name of the plant;
- (b) the date and place of taking;
- (c) the licence number under which the plant is taken;

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- (d) the name of the person who took the plant and, if a vehicle is used, its registration number.

(4) A person must not remove the harvest label until the earlier of the following—

- (a) the load of plants or container in which the plants are included is divided for sale;
- (b) the plant is processed for sale.

Maximum penalty—120 penalty units.

## **20 Taking stock plant in the wild**

(1) The chief executive may grant a commercial wildlife harvesting licence for taking whole plants for stock plants if—

- (a) the chief executive is satisfied there is a need to—
  - (i) introduce a species into cultivation for commercial purposes; or
  - (ii) replenish or supplement the genetic variation in a species in cultivation; and
- (b) the applicant is an authorised cultivator or propagator or a licensee under a commercial wildlife licence for the plants; and
- (c) the chief executive is satisfied the applicant has the necessary knowledge, facilities and resources to propagate the plants and use their progeny for commercial purposes.

(2) A licensee under a commercial wildlife harvesting licence for taking protected plants for propagation only must not—

- (a) take more than 50 whole plants for stock plants in any 12 month period; or
- (b) sell a protected plant taken under the licence without the chief executive's written approval.

Maximum penalty—165 penalty units.

***Subdivision 3—Commercial taking of protected plant parts in the wild***

**21 Restriction on taking particular protected plant parts**

A person must not take protected plant parts from a common plant in the wild for a commercial purpose other than—

- (a) under a commercial wildlife harvesting licence for the plant; or
- (b) if the protected plant part is seed or other propagating material—under section 25(1)(b) or 46.

Maximum penalty—165 penalty units.

**22 General requirements for taking protected plant parts**

(1) This section applies to the licensee under a commercial wildlife harvesting licence for taking protected plant parts.

(2) The licensee must—

- (a) carry out research and monitoring into the effects of taking plant parts under the licence; and
- (b) adopt an environmental management system and give a copy of the system to the chief executive when the system is adopted and each time it is significantly changed.

Maximum penalty—120 penalty units.

(3) However, the licensee does not commit an offence against subsection (2) if—

- (a) the plants are taken under salvage; or
- (b) exceptional circumstances apply to the taking; or
- (c) a notice under subsection (4) is in force for the licensee.

(4) The chief executive may give written notice to the licensee that the scale or nature of the operations to be carried out under the licence do not warrant the research and monitoring or the adoption of an environmental management system.

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(5) The licensee must, in the way stated in the ‘Management Program for Protected Plant Parts in Queensland’<sup>3</sup> or agreed between the licensee and the chief executive—

- (a) establish 1 or more monitoring plots to sample all the species of plants taken under the licence; and
- (b) carry out a yearly survey of the plants in the plots.

Maximum penalty—120 penalty units.

(6) The licensee must give the chief executive—

- (a) in the year the monitoring plot is established, a map or sketch showing the location of the plot; and
- (b) within 1 month after each yearly survey, a statement containing the following information—
  - (i) details of the growth of the plants of each species in the plot measured as average height for each stem for the plants from which plant parts were taken and for the plants designated when the plot was established as plants from which plant parts are not to be taken;
  - (ii) details of the total amount, measured by volume or weight, of material taken from plants of each species in the plot since the last survey.

Maximum penalty—120 penalty units.

## **23 Taking protected plant parts in the wild**

(1) A person who, under a commercial wildlife harvesting licence, takes protected plant parts in the wild must, by the time stated in subsection (2)—

- (a) attach a label that complies with this section (a **“harvest label”**) to each load of plant parts or container in which the plant parts are included; or
- (b) if the plant parts are taken on State land—complete and carry a forestry removal document for the plant parts until—

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3 A copy of the plant parts program may be inspected during business hours at the department’s office at 160 Ann Street, Brisbane or viewed at the department’s website at <http://www.env.qld.gov.au>.

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- (i) the load of plant parts or container in which the plant parts are included is divided for sale; or
- (ii) the plant parts are processed for sale.

Maximum penalty—120 penalty units.

(2) The time for compliance with subsection (1) is the first of the following to happen—

- (a) the plant parts are moved from the land from which they are taken;
- (b) the end of the day the plant parts are taken.

(3) The harvest label must state the following—

- (a) the name of the plant parts;
- (b) the date and place of taking;
- (c) the licence number under which the plant parts are taken;
- (d) the name of the person who took the plant parts and, if a vehicle is used, its registration number.

(4) A person must not remove the harvest label until the earlier of the following—

- (a) the load of plant parts or container in which the plant parts are included is divided for sale;
- (b) the plant parts are processed for sale.

Maximum penalty—120 penalty units.

## **24 Labelling of certain protected plant parts**

(1) This section applies to a licensee under a commercial wildlife harvesting licence for protected plants who takes protected plant parts in the wild for the flower or foliage trade in protected plants.

(2) The licensee must, before moving the plant parts for sale or out of Queensland, ensure each container of protected plant parts is marked or labelled as required by subsection (3) or (4).

Maximum penalty—40 penalty units.

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(3) If all the plant parts are taken under the licence, each container must be marked or labelled “This product has been taken under a *Nature Conservation Act 1992 (Queensland)* licence.”.

(4) If only some of the plant parts are taken under the licence, each container must be marked or labelled—

- (a) “Some of this product has been taken under a *Nature Conservation Act 1992 (Queensland)* licence.”; and
- (b) the remaining plant parts have been obtained from cultivation or lawfully taken in the wild in another State.

## **25 Restrictions on taking seed or other propagating material**

(1) A person must not take seed or other propagating material from a type B restricted plant in the wild for a commercial purpose—

- (a) other than under a commercial wildlife harvesting licence for the plant; or
- (b) unless—
  - (i) the person is an authorised propagator; and
  - (ii) under the person’s approval as an authorised propagator, the person may take seed or other propagating material from a type B restricted plant; and
  - (iii) the person complies with the conditions mentioned in subsection (2).

Maximum penalty—165 penalty units.

(2) For subsection (1)(b)(iii), the conditions are that the person must not take, in any 12 month period, more than—

- (a) 200 seeds of an endangered or vulnerable plant, other than a cycad; or
- (b) 1 kg of cuttings of type B restricted plants; or
- (c) 100 seeds of a vulnerable cycad; or
- (d) 50 seeds of an endangered cycad; or
- (e) 200 seeds of another cycad.

### ***Division 3—Recreational wildlife harvesting licences for protected plants***

#### **26 Restrictions on grant of recreational wildlife harvesting licence**

(1) The chief executive must not grant a recreational wildlife harvesting licence for protected plants unless the applicant is—

- (a) an individual; or
- (b) a recreational plant society.

(2) The chief executive may grant a recreational wildlife harvesting licence for taking protected plants for conservation purposes only if the chief executive is satisfied—

- (a) the applicant—
  - (i) is a voluntary conservation organisation; and
  - (ii) has the expertise to take the seed or other propagating material and to propagate the plants for reintroduction to the wild; and
- (b) the plant is an—
  - (i) endangered or vulnerable plant and—
    - (A) adequate seed or other propagating material is available from the wild; and
    - (B) the species was part of the original flora of the place to be revegetated; and
    - (C) if the plant is a plant mentioned in section 11(1)(a) or (b)—exceptional circumstances apply to its taking; and
  - (ii) endangered plant and the taking and reintroduction of the plant to the wild is consistent with a recovery plan or conservation plan for the plant.

(3) Also, the chief executive may grant a recreational wildlife harvesting licence for taking a protected plant mentioned in section 11(1)(c) only if the chief executive is satisfied exceptional circumstances apply to its taking.

(4) In addition, the chief executive may grant a recreational wildlife harvesting licence for taking a protected plant mentioned in

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section 11(1)(d) only if the chief executive is satisfied the plant would be lawfully destroyed under—

- (a) a clearing permit; or
- (b) an authorisation or exemption under—
  - (i) a regulation; or
  - (ii) this or another conservation plan.

### **27 Restrictions on recreational wildlife harvesting licensee**

(1) The licensee under a recreational wildlife harvesting licence for whole type A restricted plants must not take more than—

- (a) for an individual—
  - (i) 5 plants of a species in a month; or
  - (ii) 50 plants in any 12 month period; or
- (b) for a recreational plant society—
  - (i) 5 plants of a species in a month; or
  - (ii) 100 plants in any 12 month period.

Maximum penalty—80 penalty units.

(2) However, the licensee does not commit an offence against subsection (1)(b) if the protected plant—

- (a) would otherwise have been lawfully destroyed; and
- (b) is taken with the chief executive's approval.

(3) A recreational plant society must ensure the taking, under the society's recreational wildlife harvesting licence, of more than 1 specimen from the same plant does not contravene section 8(1).

Maximum penalty—10 penalty units.

(4) A person who takes a protected plant under a recreational wildlife harvesting licence for protected plants must not use the plant for a commercial purpose.

Maximum penalty—165 penalty units.

#### ***Division 4—Permits for taking and using protected plants***

### **28 Restriction on grant of educational or scientific purposes permit**

(1) The chief executive must not grant an educational or scientific purposes permit for protected plants to—

- (a) a licensee under a wildlife harvesting licence or commercial wildlife licence for protected plants; or
- (b) an authorised cultivator or propagator; or
- (c) if the application for the permit relates to whole endangered or vulnerable plants—a person who does not have, or have access to, facilities to properly care for the plants; or
- (d) a person for carrying out a bioprospecting activity.

(2) The holder of a scientific or educational purposes permit must not use a plant taken under the permit for a commercial purpose.

Maximum penalty—165 penalty units.

(3) For subsection (2), a person is not taken to have used a plant for a commercial purpose merely because the person has used the plant in carrying out an environmental impact assessment study.

(4) The chief executive may, by written notice given to the permit holder, require the holder to give a specimen of a plant taken under the permit to a stated entity.

(5) The permit holder must comply with the notice unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

### **29 Restrictions on grant of clearing permit**

(1) The chief executive may grant a clearing permit for taking protected plants only if the chief executive is satisfied—

- (a) the applicant is the land-holder, or has the approval of the land-holder, of the land on which the plants are located; and
- (b) the taking will not adversely affect the survival in the wild of the plant; and

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- (c) for a plant mentioned in section 11(1)(a), (b) or (c)—exceptional circumstances apply to its taking.

(2) Also, the chief executive may grant a clearing permit for taking protected plants in an area identified under a conservation plan as, or including, a critical habitat or an area of major interest, only if—

- (a) the plan does not prohibit the granting of the permit; and
- (b) the chief executive is satisfied the taking of the plants will not have a significant impact on a viable population of protected wildlife or a community of native wildlife in the area.

### **30 Conditions of clearing permit**

(1) The chief executive may grant a clearing permit on the following conditions—

- (a) the permit holder must try to find a lawful commercial or recreational use for the plants taken under the permit;
- (b) the plants must be transplanted and maintained by the permit holder or someone else.

(2) Subsection (1) does not limit the conditions that may be imposed on a clearing permit.

### **31 Restrictions on grant of damage mitigation permit**

The chief executive may grant a damage mitigation permit to take an endangered, vulnerable or rare cycad if the chief executive is satisfied there is no prudent and feasible alternative to the destruction of the plant.<sup>4</sup>

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<sup>4</sup> See also sections 112 (Restrictions on grant of damage mitigation permit) and 119 (General restriction on grant of permits) of the regulation.

### ***Division 5—Tagging and movement of protected plants***

#### **32 Particular plants for sale to be tagged**

The licensee under a commercial wildlife harvesting licence for protected plants who takes a whole protected plant mentioned in schedule 2 must—

- (a) attach an official tag to the plant before selling or moving the plant to a licensee under a commercial wildlife licence for the plant (a “**wholesaler**”); or
- (b) when moving the plant to the wholesaler, give the wholesaler an official tag for the plant.

Maximum penalty—120 penalty units.

#### **33 Protected plant parts to be tagged**

(1) This section applies if a harvest period notice declares the licensee under a commercial wildlife harvesting licence for protected plants must not sell protected plant parts unless the plant parts are tagged.

(2) The licensee must securely attach an official tag to each bundle of stems of protected plants secured together before selling or moving the plant parts to a licensee under a commercial wildlife licence for the plant.

Maximum penalty—120 penalty units.

#### **34 When official tag may be removed**

(1) This section applies if, under this plan or the regulation, an official tag is attached to a protected plant.

(2) A person must not remove the tag—

- (a) for a whole plant—unless the plant is bought under a retail sale and the person does not sell the plant; or
- (b) for a bundle of stems of protected plants secured together—unless the person buys the plant parts for retail sale from a licensee under a commercial wildlife licence.

Maximum penalty—80 penalty units.

### **35 Movement of protected plants taken under commercial wildlife harvesting licence**

A person who takes a protected plant under a commercial wildlife harvesting licence for protected plants must not move the plant to a place other than—

- (a) if the plant is to be used for cultivation or propagation—the place where the cultivation or propagation is to be carried out; or
- (b) if the plant is to be stored before it is sold to a licensee under a commercial wildlife licence for the plant—the person’s usual residence or another place authorised in writing by the chief executive; or
- (c) if the plant is sold, or to be sold, to a licensee under a commercial wildlife licence for the plant—a place stated in the licence for the plant; or
- (d) a transport depot for consignment to a place stated in a commercial wildlife licence for the plant.

Maximum penalty—120 penalty units.

### **36 Movement of protected plants taken under recreational wildlife harvesting licence**

A person who takes a protected plant under a recreational wildlife harvesting licence for protected plants must not move the plant to, or store or propagate the plant at, a place other than the person’s usual place of residence or another place authorised in writing by the chief executive.

Maximum penalty—120 penalty units.

## *Division 6—Miscellaneous provisions*

### **37 Declaration of harvest period**

(1) The chief executive may, by written notice (a “**harvest period notice**”), declare a harvest period for a protected plant.<sup>5</sup>

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<sup>5</sup> A harvest period notice is subordinate legislation, see the *Statutory Instruments Regulation 1992*, section 2(3) and schedule 1, item 6.

(2) The harvest period notice may impose conditions on the taking of a protected plant, including, for example—

- (a) the maximum number of plants that may be taken; and
- (b) the way in which a whole plant or plant part may be taken; and
- (c) localities where a plant must not be taken; and
- (d) how a plant taken may be used.

(3) Despite subsection (1), the chief executive may declare a harvest period for taking whole protected plants for a commercial purpose after 31 December 2005 only if the plants are to be taken—

- (a) as stock plants; or
- (b) under salvage; or
- (c) for a bioprospecting activity.

### **38 Dealing in protected plants taken in contravention of plan**

(1) The licensee under a commercial wildlife licence for protected plants must not buy a protected plant mentioned in schedule 2 if the plant does not have an official tag with, or attached to, it.

Maximum penalty—165 penalty units.

(2) However, subsection (1) does not apply if the plant has been lawfully taken, kept or used in another State and has been brought into Queensland under a wildlife movement permit or movement advice.

(3) The licensee under a commercial wildlife licence for protected plants must not buy a protected plant part if it does not have an official tag attached to it as required under a harvest period notice for the plant part.

Maximum penalty—165 penalty units.

### **39 Restriction on approval of authorised propagators to take seed**

The chief executive must not approve an authorised propagator to take seed or other propagating material from a type B restricted plant unless the chief executive is satisfied the propagator—

- (a) has the ability to identify threatened plants and type B restricted plants; and
- (b) does not trade in seed of a type B restricted plant.<sup>6</sup>

## **PART 4—EXEMPTIONS AND AUTHORISATIONS FOR TAKING, USING AND KEEPING PROTECTED PLANTS**

### *Division 1—Preliminary*

#### **40 Purpose of pt 4**

The purpose of this part is to provide authorisations and exemptions for offences for taking, using or keeping protected plants under sections 89 and 90 of the Act and section 7.<sup>7</sup>

### *Division 2—Exemptions for taking, using and keeping protected plants*

#### **41 Exemption for requirement for clearing permit**

- (1) A clearing permit is not needed for taking a protected plant if—
- (a) the taking happens in the course of an activity under an authority made, granted or given under another Act by—
    - (i) the Governor in Council; or
    - (ii) someone else and the chief executive approves the taking in the course of the activity; or
  - (b) for a common plant on private land—the person taking the plant is the land-holder of the land.

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<sup>6</sup> See also section 170 (Chief executive may grant commercial wildlife licence for using protected plants) of the regulation.

<sup>7</sup> Section 89 (Restriction on taking etc. protected plants) and section 90 (Restriction on using threatened or rare plants) of the Act.

(2) For subsection (1)(a)(ii), the chief executive's approval may be given—

- (a) for a particular activity or class of activity; and
- (b) with or without conditions; and
- (c) only if the chief executive is satisfied the taking will not adversely affect the survival in the wild of the plant.

#### **42 Exemption for taking or using common plant for timber or mulch**

A licence, permit or authority is not needed for taking or using a common plant—

- (a) for timber—if the plant was taken—
  - (i) under the *Forestry Act 1959* on State land; or
  - (ii) on private land; or
- (b) for mulch—if the plant is taken under salvage.

#### **43 Exemption for taking or using marine plant**

A licence, permit or authority is not needed for taking or using a marine plant under the *Fisheries Act 1994* that is a common plant if the plant is lawfully taken or used under that Act.

#### **44 Exemption for taking or using particular plants for grazing activities**

(1) The land-holder of private land does not need a licence, permit or authority for taking or using a common plant on the land if the plant is—

- (a) consumed by stock on the land; or
- (b) taken or used for fodder or mulch for stock.

(2) A licence, permit or authority is not needed for taking a protected plant on State land if the plant is taken by stock grazing under a lease, licence, permit or other authority, or an exemption, given under another Act.

#### **45 Exemption for taking protected plant parts for sick, injured or orphaned wildlife**

(1) A person does not need a wildlife harvesting licence for taking plant parts from a common plant if—

- (a) the plant parts are taken for the care of a sick, injured or orphaned protected animal; and
- (b) the person holds a rescue permit for the animal.

(2) A person who takes a plant part under subsection (1) must carry a copy of the permit when taking the plant part.

Maximum penalty—20 penalty units.

#### **46 Exemption for taking and using seed or propagating material of protected plant for commercial purpose**

A person does not need a commercial wildlife harvesting licence for taking or using seed or other propagating material of a protected plant in the wild, other than a type B restricted plant, for a commercial purpose.

### *Division 3—Authorisations for taking, using and keeping protected plants*

#### **47 Authorisation for taking protected plant parts for identification**

(1) This section applies if it is necessary to have a plant identified to enable the chief executive to grant a person a licence, permit or authority for taking a protected plant.

(2) Also, this section applies if a person—

- (a) finds a plant at a place, other than on State land; and
- (b) reasonably believes the plant is a vulnerable, rare or common plant and is an important record for the species at the place; and
- (c) does not have a licence, permit or authority for taking the plant; and
- (d) reasonably believes it is not practicable for the person to return to the place after obtaining a licence, permit or authority for taking the plant.

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(3) The person may take a specimen from the plant without a licence, permit or authority.

(4) Also, the person may take—

- (a) more of the plant than will fit on a standard sheet of herbarium paper if—
  - (i) the person reasonably believes the plant exhibits special life forms and might not be correctly identified if a smaller part of the plant were taken; and
  - (ii) the taking will not cause the plant to die; and
- (b) another specimen from the same plant or the same species of plant at the same place for personal use.

(5) The person must—

- (a) complete a specimen label for the plant part before leaving the land where the plant part is taken; and
- (b) give the plant part, other than a specimen taken under subsection (4)(b), to the chief executive as soon as practicable after taking it.

Maximum penalty—20 penalty units.

(6) A person must not use a plant part taken under subsection (3) or (4) for a commercial purpose.

Maximum penalty—165 penalty units.

#### **48 Authorisation for taking or using plant parts for personal or recreational use**

(1) A person may take a plant part from a species of protected plant, other than an endangered plant, on private land for personal or recreational use without a recreational wildlife harvesting licence for protected plants if—

- (a) the person is the land-holder of the land; or
- (b) the person has the land-holder's written permission to take the plant part.

(2) Subsection (1) applies only if the person complies with the conditions mentioned in subsection (3).

(3) The conditions are that the person does not take—

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- (a) more than 40 cuttings of the species in a month; or
- (b) more than 200 cuttings of the species in any 12 month period; or
- (c) if the seed of the species is larger than 1 cm in any dimension—
  - (i) more than 20 seeds of the species in a month; or
  - (ii) more than 100 seeds of the species in any 12 month period;  
or
- (d) if the seed of the species is larger than 2 mm but not larger than 1 cm in any dimension—
  - (i) more than 50 seeds of the species in a month; or
  - (ii) more than 250 seeds of the species in any 12 month period;  
or
- (e) if the seed of the species is not larger than 2 mm in any dimension—
  - (i) more than 10 g of seed of the species in a month; or
  - (ii) more than 100 g of seed of the species in any 12 month period.

(4) A person who takes a plant part under this section must not use the plant part for a commercial purpose.

Maximum penalty—165 penalty units.

**49 Authorisation for taking or using whole common plant for personal or recreational use**

(1) A person may take a whole common plant, other than a type A restricted plant, on private land for personal or recreational use without a recreational wildlife harvesting licence for protected plants if—

- (a) the person is the land-holder of the land; or
- (b) the person has the land-holder's written permission to take the plant.

(2) A person who takes a plant under subsection (1) must not use the plant for a commercial purpose.

Maximum penalty—165 penalty units.

## **50 Authorisation for taking protected plant for conservation or revegetation program**

(1) Subject to subsection (2), the land-holder of private land may take the following protected plants from the land for use in a conservation or revegetation program without a wildlife harvesting licence for protected plants if the land-holder's land, or land local to the land-holder's land, to be revegetated is in the natural range of the species—

- (a) the seed or other propagating material of a vulnerable, rare or common plant;
- (b) a whole vulnerable, rare or common plant.

(2) For subsection (1), land is local to the land-holder's land if it—

- (a) is neighbouring the land-holder's land; or
- (b) is included in a conservation or revegetation program that includes the land-holder's land.

(3) Subsection (1) applies to the taking of a whole or part of a vulnerable plant only if the chief executive has given the land-holder written permission to take the plant.

(4) The chief executive must not grant the permission unless the chief executive is satisfied—

- (a) the land-holder has enough expertise and access to resources to propagate the plant and plant out and care for the propagated plants or transplant the whole plant; and
- (b) a conservation plan, recovery plan or genetic survey does not need to be prepared or carried out before the species can be transplanted or propagated and established in the wild; and
- (c) taking the whole or part of the plant will not adversely impact on the existing population of the plant on the land-holder's land.

(5) Seed or other propagating material taken under this section may be propagated at a place other than on the land-holder's land.

(6) A person must not use seed or other propagating material taken under this section for a commercial purpose.

Maximum penalty—165 penalty units.

(7) For subsection (6), the land-holder does not use seed or propagating material for a commercial purpose merely because the land-holder engages another person to take, propagate or transplant the plant.

### **51 Authorisation for taking plant for educational or scientific purposes**

(1) A person may take a whole common plant in the wild on private land, other than a type A restricted plant or a plant mentioned in schedule 1, for an educational or scientific purpose without an educational or scientific purposes permit if the person does not take—

- (a) more than 5 whole plants of the same species in a month; and
- (b) more than 50 whole plants in any 12 month period.

(2) A person may take not more than 2 plant parts as specimens from a rare or vulnerable plant in the wild on private land without an educational or scientific purposes permit if—

- (a) the plant parts are to be used for an educational or scientific purpose; or
- (b) the person, or someone else by the person, is required to carry out an environmental impact assessment study—
  - (i) under an Act; or
  - (ii) as a condition of an approval by a government entity; or
  - (iii) to ensure the person complies with the general environmental duty under the *Environmental Protection Act 1994*.<sup>8</sup>

(3) A person who takes a plant or plant part under subsection (1) or (2) must complete a specimen label for the plant part before leaving the land where the plant or plant part was taken.

Maximum penalty—20 penalty units.

(4) A person may take plant parts from a common plant in the wild on private land, other than a plant mentioned in schedule 1, for an educational or scientific purpose without an educational or scientific purposes permit.

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8 *Environmental Protection Act 1994*, section 319 (General environmental duty)

(5) However, subsection (4) applies only if the number of plant parts taken is reasonable for the educational or scientific purpose.

(6) A person must not use a whole plant or plant part taken under this section for a commercial purpose.

Maximum penalty—165 penalty units.

## **52 Authorisation for Australian Defence Forces taking and using common plants**

A member of the Australian Defence Forces may take and use a common plant for food during authorised survival exercises without a collection authority if the plant is taken—

- (a) under Military Standing Orders; or
- (b) on private land with the permission of the land-holder; or
- (c) under a permit or other approval under the *Forestry Act 1959*.

## **53 Authorisation for chief executive taking, using or keeping protected plants**

The chief executive may take, use or keep a protected plant for conservation purposes without a licence, permit or authority.

# **PART 5—RECORDS AND RETURNS**

## **54 Records to be kept**

(1) The licensee under a commercial wildlife harvesting licence for protected plants must keep a record book.

(2) For section 258(3)(b)(i) of the regulation, the time for making an entry in the record book is within 24 hours after the event to which the entry relates happens.

(3) The licensee must, when taking or using a protected plant under the licence, keep the record book in the licensee's possession while taking or moving the plant.

Maximum penalty—40 penalty units.

(4) If the licensee is a corporation, the licensee must, if the premises stated in the licence is not open for business, keep the record book at the licensee's office in the State.

Maximum penalty—80 penalty units.

### **55 Return of operations—wildlife harvesting licences**

(1) The licensee under a commercial wildlife harvesting licence for protected plants must, within 14 days after the end of each month in a harvest period, give the chief executive a return of operations for the month.

Maximum penalty—120 penalty units.

(2) However, subsection (1) does not apply if the licensee is required, under the *Forestry Act 1959*, to give a return about the taking of the plant.

(3) The licensee under a recreational wildlife harvesting licence for protected plants must, within 14 days after the end of each month in a harvest period, give the chief executive a return of operations for the month.

Maximum penalty—20 penalty units.

(4) A person who, under a commercial or recreational wildlife harvesting licence for protected plants, attaches an official tag to a protected plant or moves a protected plant with an official tag must, within 14 days after the end of each month in a harvest period, give the chief executive a return stating—

- (a) the serial number of the tag attached or allocated to each plant in the month; and
- (b) the species of the plant to which the tag is attached or allocated.

Maximum penalty—120 penalty units.

### **56 Return of operations—clearing permit**

(1) The holder of a clearing permit for protected plants must give the chief executive a return of operations that complies with subsection (2) within 28 days after the first of the following happens—

- (a) the clearing is completed;

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(b) the permit ceases to have effect.

Maximum penalty—80 penalty units.

(2) The return of operations must state the following—

- (a) a reasonable estimate of the number of protected plants destroyed;
- (b) the way in which the plants were disposed of or destroyed;
- (c) the number of plants successfully transplanted.

## **PART 6—MISCELLANEOUS PROVISIONS**

### **57 Conservation value**

No conservation value is payable for a protected plant taken under this plan.

### **58 Plan does not replace management intent for protected plants**

Section 121(2) of the Act does not apply to this plan.

### **59 Amendment of plan—Act, s 124**

An amendment of the following is an amendment to which section 124(2)(c) of the Act applies—

- (a) section 11(1);
- (b) schedule 1;
- (c) schedule 2.

## SCHEDULE 1

### PROTECTED PLANTS FOR WHICH ADDITIONAL TAKING LIMITATIONS APPLY

sections 15 and 51

All fungi, algae, lichens, mosses and liverworts

Plants of the families—

Adiantaceae, other than *Adiantum formosum*

Alismataceae

Amaryllidaceae

Aristolochiaceae

Asphodelaceae

Balanophoraceae

Blandfordiaceae

Blechnaceae, other than *Blechnum cartilagineum* and *Doodia aspera*.

Burmanniaceae

Byblidaceae

Cabombaceae

Campanulaceae, other than *Isotoma anethifolia*.

Centrolepidaceae

Colchicaceae

Convallariaceae

Corsiaceae

Cymodoceaceae

Cyperaceae, other than the following taxa—

*Baumea rubiginosa*

*Bolboschoenus caldwellii*

## SCHEDULE 1 (continued)

*Carex appressa*

*Carex brunnea*

*Carex fascicularis*

*Carex horsfieldii*

*Carex inversa*

*Carex lophocarpa*

*Carex polyantha*

*Caustis blakei* subsp. *blakei*

*Caustis flexuosa*

*Caustis recurvata*

*Caustis* sp. (Robinson Gorge P.I.Forster+ PIF11256)

*Cyperus concinnus*

*Cyperus cyperoides* (terrestrial only)

*Cyperus difformis*

*Cyperus exaltatus* (terrestrial only)

*Cyperus haspan*

subsp. *haspan*

subsp. *juncooides*

*Cyperus iria*

*Cyperus leiocaulon* (terrestrial only)

*Cyperus lucidus* (terrestrial only)

*Cyperus polystachyos*

var. *laxiflorus*

var. *polystachyos* (terrestrial only)

*Cyperus sanguinolentus*

*Cyperus scaber* (terrestrial only)

*Cyperus trinervis*

## SCHEDULE 1 (continued)

*Eleocharis sphacelata*

*Fimbristylis cinnamometorum* (terrestrial only)

*Fimbristylis dichotoma*

*Fimbristylis tristachya* (terrestrial only)

*Fuirena ciliaris* (terrestrial only)

*Gahnia aspera*

*Gahnia sieberiana*

*Isolepis nodosa*

*Lepidosperma laterale*

var. *angustum*

var. *laterale*

*Lepironia articulata*

*Schoenoplectus litoralis*

*Schoenoplectus mucronatus*

*Schoenus brevifolius* (terrestrial only)

*Scleria levis* (terrestrial only)

*Scleria mackaviensis*

*Scleria sphacelata*

Doryanthaceae

Dicksoniaceae, other than *Calochlaena dubia*.

Dracaenaceae, other than *Cordyline petiolaris* and *Cordyline rubra*.

Droseraceae

Dryopteridaceae

Eriocaulaceae

Gesneriaceae

Goodeniaceae (*Brunonia* only)

Grammitidaceae

## SCHEDULE 1 (continued)

Hydrocharitaceae

Hymenophyllaceae

Juncaceae, other than *Juncus continuus*, *Juncus polyanthemus* and  
*Juncus usitatus*.

Juncaginaceae

Lemnaceae

Lentibulariaceae

Lycopodiaceae, other than *Lycopodiella cernua*.

Menyanthaceae

Najadaceae

Nelumbonaceae

Nepenthaceae

Nymphaeaceae

Orchidaceae

Phormiaceae, other than *Stypandra glauca*.

Podostemaceae

Potamogetonaceae

Restionaceae, other than—

*Baloskion pallens*

*Baloskion stenocoleum*

*Baloskion tetraphyllum*

*Eurychorda complanata*

Schizaeaceae

Stylidiaceae, other than *Stylidium graminifolium*.

Taccaceae

Tmesipteridaceae

Violaceae

## SCHEDULE 1 (continued)

Vittariaceae

Xyridaceae

Zingiberaceae (*Costus* only)

Zosteraceae

## **SCHEDULE 2**

### **WHOLE PROTECTED PLANTS REQUIRING OFFICIAL TAG WHEN TAKEN IN THE WILD**

sections 19, 32 and 38

A type A restricted plant

*Asplenium australasicum*

*Asplenium nidus*

*Spathoglottis plicata*

## SCHEDULE 3

### DICTIONARY

section 4

**“bioprospecting activity”**—

1. “Bioprospecting activity” is an activity that—
  - (a) is carried out for commercial purposes using biological material or a derivative of the material obtained from protected plants taken in the State; and
  - (b) is characterised by the systematic search for new sources of chemical compounds, genes, proteins and other products of current or potential economic use found in nature.
2. The term does not include taking to obtain plant genetic material or chemicals for taxonomic studies if the specimens taken are given to a State or Commonwealth government herbarium and the results are placed freely in the public domain.

**“contingent salvage”**—

1. “Contingent salvage” is the taking of a plant if—
  - (a) the land on which the plant is located is to be lawfully cleared or substantially disturbed; and  
*Example for paragraph (a)*—
    - constructing a road or loading ramp for a logging activity
    - clearing land for urban development.
  - (b) the plant will be destroyed because of the clearing or disturbance; and
  - (c) the taking of the plant for a commercial purpose is not the reason for the clearing or disturbance.
2. The term does not include the taking of a plant if exceptional circumstances apply to its taking.

SCHEDULE 3 (continued)

**“environmental management system”** is an operational plan complying with the Australian/New Zealand Environmental Management Systems Standard 1996.<sup>9</sup>

**“exceptional circumstances”**, for the taking of a plant, means taking the plant when the land on which the plant is located is cleared or substantially disturbed, if—

- (a) the land is ordinarily unlikely to be cleared or disturbed because of its nature including, for example, a cliff face or gorge; and
- (b) the clearing or disturbance is—
  - (i) a matter of State or national interest; or
  - (ii) approved under another Act.

*Example for paragraph (b)(i)—*

Flooding land for a dam or constructing a railway or highway.

*Example for paragraph (b)(ii)—*

Developing an open cut mine.

**“forestry removal document”** means a document required to be completed by the purchaser of forest products under section 80 of the *Forestry Act 1959*.<sup>10</sup>

**“harvest period notice”** see section 37(1).

**“local government controlled road”** means a road that, under the *Local Government Act 1993*, is under the control of a local government.

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9 AS/NZS ISO 14001:1996 ‘Environmental management systems—Specification with guidance for use’ and AS/NZS ISO 14004:1996 ‘Environmental management systems—General guidelines on principles, systems and supporting techniques’.

10 Section 80 (Accounts of forest products) of the *Forestry Act 1959*

SCHEDULE 3 (continued)

**“marine plant”** see the *Fisheries Act 1994*.<sup>11</sup>

**“operational salvage”**—

1. “Operational salvage” is the taking of a protected plant part by the holder of a commercial wildlife harvesting licence for protected plants because the land from which the plant part is to be taken is to be cleared or disturbed by repetitive routine activities, including, for example, slashing, ploughing or poisoning if—
  - (a) the activities are to be carried out to allow the land to be used for forest management, road safety or maintaining electricity, water, gas, telecommunication or another service facility; and
  - (b) the plant part is to be taken in carrying out the activities; and
  - (c) the taking of the plant part for a commercial purpose is not the reason for the activities.

*Examples of land for paragraph 1—*

1. A state-controlled road other than a native vegetation regeneration area or significant environmental area identified by a roadside sign.
2. A plantation forest of a species that is not indigenous to Australia in a State Forest or on private land.
3. Land beneath an electric line forming part of a transmission grid or supply network in a publicly controlled place under the *Electricity Act 1994* (other than a local government controlled road), an easement or land owned by an electricity entity under the *Electricity Act 1994*.

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11 The *Fisheries Act 1994*, section 8, defines **“marine plant”** as follows—

**8.(1) “Marine plant”** includes the following—

- (a) a plant (a **“tidal plant”**) that usually grows on, or adjacent to, tidal land, whether it is living, dead, standing or fallen;
- (b) material of a tidal plant, or other plant material on tidal land;
- (c) a plant, or material of a plant, prescribed under a regulation or management plan to be a marine plant.

**(2) “Marine plant”** does not include a declared plant under the *Rural Lands Protection Act 1985*.

SCHEDULE 3 (continued)

2. However, operational salvage does not include the taking of a protected plant part if exceptional circumstances apply to its taking.

**“personal or recreational use”** includes the taking of a protected plant part for use in a local government botanic garden or park.

**“private land”** means—

- (a) freehold land; or
- (b) land the subject of a lease under any Act containing an entitlement to a deed of grant in fee simple.

**“protected plant”** means an endangered, vulnerable, rare or common plant.

**“recovery plan”** means—

- (a) a recovery plan under the *Nature Conservation (Wildlife) Regulation 1994*, section 3; or
- (b) a recovery plan approved under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

**“regulation”** means the *Nature Conservation Regulation 1994*.

**“salvage”** means contingent salvage or operational salvage.

**“specimen”** means part of a plant, including leaves, flowers or fruit, that when taken—

- (a) fits on a single standard sheet of herbarium paper; and
- (b) will not cause the plant to die.

**“specimen label”** means a sheet of paper or cardboard kept with the specimen that includes the following information—

- (a) the name of the person who took the specimen;
- (b) the place and date of taking;
- (c) information required under a condition of an applicable harvest period notice.

**“standard sheet of herbarium paper”** means a sheet of paper or card 270 mm wide and 450 mm long.

## SCHEDULE 3 (continued)

**“State-controlled road”** see the *Transport Infrastructure Act 1994*, schedule 3.

**“State land”** means—

- (a) unallocated State land under the *Land Act 1994*; or
- (b) a reserve for community purposes under the *Land Act 1994*; or
- (c) a State forest or timber reserve under the *Forestry Act 1959*; or
- (d) a forest reserve under the *Nature Conservation Act 1992*; or
- (e) land subject to a lease or licence under the *Land Act 1994*; or
- (d) a State-controlled or local government controlled road.

**“timber”** means—

- (a) a sawlog, sleeper, post or pole—
  - (i) forming, or capable of forming, a structure; or
  - (ii) for sawing or splitting into planks, boards or other things for use in carpentry or joinery; or
  - (iii) for manufacturing timber veneer; or
- (b) burrs or burls for wood-turning; or
- (c) wood for artefacts, including, for example, a boomerang didgeridoo; or
- (d) firewood for heating, cooking or charcoal production; or
- (e) woodchips for manufacturing panelboard, paper or related products.

## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 11 January 2002. Future amendments of the Nature Conservation (Protected Plants) Conservation Plan 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	2 January 2001
1A	to SL No. 113 of 2001	3 August 2001

## 5 List of legislation

### **Nature Conservation (Protected Plants) Conservation Plan 2000 SL No. 353**

approved by the Governor in Council on 14 December 2000

notfd gaz 15 December 2000 pp 1478–83

ss 1–2, 37 commenced on date of notification (see s 2(1))

ss 15(5)(b), 22(2)(b) commenced 1 July 2001 (see s 2(2))

s 55(2) commenced 1 January 2002 (see s 2(3))

remaining provisions commenced 1 January 2001 (see s 2(4))

exp 1 September 2011 (see SIA s 54)

as amended by—

### **Nature Conservation (Protected Plants) Amendment Conservation Plan (No. 1) 2001 SL No. 113**

notfd gaz 20 July 2001 pp 1138–40

commenced on date of notification

## 6 List of annotations

### **General requirements for taking protected plant parts**

s 22      amd SL No. 113 s 3

### **Labelling of certain protected plant parts**

s 24      amd SL No. 113 s 4

### **Particular plants for sale to be tagged**

s 32      amd SL No. 113 s 5

### **Protected plant parts to be tagged**

s 33      amd SL No. 113 s 6

### **When official tag may be removed**

s 34      amd SL No. 113 s 7

### **Movement of protected plants taken under commercial wildlife harvesting licence**

s 35      amd SL No. 113 s 8

**Declaration of harvest period**

s 37 and SL No. 113 s 9

**Return of operations—wildlife harvesting licences**

s 55 prov hdg and SL No. 113 s 10