Wildlife Trade Management Plan – Queensland Protected Plants

2024–2029

Queensland Government

Prepared by: Wildlife and Threatened Species Operations, Department of Environment, Science, and Innovation

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1 Introduction

1.1 About this plan

Purpose

This wildlife trade management plan for Queensland protected plants (management plan) has been prepared by the Department of Environment, Science, and Innovation (the department) consistent with the requirements under section 303FO of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The purpose of the management plan is to set out the management arrangements to support the commercial use of native plants in Queensland, where those plants have been obtained in a manner that is ecologically sustainable. The management plan has been designed to meet the requirements for approval of a Wildlife Trade Management Plan under the EPBC Act.

Management arrangements in the management plan are based primarily on the protected plants legislative framework, provisions contained in the *Nature Conservation Act 1992* (Nature Conservation Act), and the *Nature Conservation (Plants) Regulation 2020* ('the Plants Regulation'), and associated Codes of Practice.

Definitions of terms used in this management plan are given in the Dictionary.

Target Species

The management arrangements in this management plan apply to plants indigenous to Australia, natural hybrids and other taxa of indigenous plants—collectively referred to as native plants. The term 'native plant' includes a native specimen that is, or is derived from, a native plant. In Queensland, all native plants are protected plants. 'Protected plant' is a defined term under the Nature Conservation Act, and includes all plants indigenous to Australia including threatened plants (extinct, extinct in the wild, critically endangered, endangered, and vulnerable), near threatened plants, and least-concern plants as specified under the Plants Regulation. For more information see Appendix A.

While the requirements pertaining to use, including trade, apply to all native plants, harvest requirements only apply to the take of plants that are in the wild. Broadly this means, for example, that the harvest of seeds from native plants growing in a landscaped garden is not subject to the provisions of the protected plants legislative framework. However, a person selling these seeds or using them to propagate whole plants for sale will be required to comply with record-keeping and labelling requirements for trade of protected plants.

Land Tenure and Other Legislative Requirements

This plan applies to the take of protected plants from State land and freehold land tenures.

In addition to requirements under the Nature Conservation Act, the take of native plants from the wild may also be regulated under other Queensland State legislation, depending upon the tenure of the land and the status of the plant species or vegetation community.

For example, on State land, the harvest and use of native plants may be subject to additional requirements pertaining to the sustainable use of a forest product under the *Forestry Act 1959,* such as sustainable harvest plans.

On both State and freehold land, clearing of native woody vegetation may also be regulated under the *Vegetation Management Act 1999* and the *Planning Act 2016* (the Planning Act). For activities regulated by these Acts, the only situation where the harvest of native woody vegetation can occur (including plants declared as least concern under the Plants Regulation) is:

1. Harvesting as part of a native forest practice (i.e. native timber harvesting) that is taken in accordance with the 'Accepted Development Vegetation Clearing Code for Managing a Native Forest Practice' or

2. Harvesting of plants on land which was lawfully cleared under a Development Approval under the Planning Act (called 'contingent salvage' under the Plants Regulation).

Harvest operations involving the take of nationally listed threatened species under the EPBC Act may also require a decision under the Nature Conservation Act. Any person undertaking an action that has, will have, or is likely to have a significant impact on a nationally listed threatened species or ecological community should refer their action for a decision to the relevant Commonwealth Department. For further information on the EPBC Act please see www.dcceew.gov.au.

Exclusions

Consistent with the protected plants legislative framework, the management plan does not apply to the take of protected plants from land designated as a protected area under the Nature Conservation Act. The exception to this is if the harvest is consistent with the agreed management plan for a Nature Refuge. Other than Nature Refuges, which may be designated on freehold or State land, in most instances, protected areas are designated on State land.

Eligible listed threatened species harvested from the wild may not be exported for commercial purposes under the EPBC Act without an approved commercial source program and associated permitting.

Management Strategy

This management plan reflects and applies the risk-based approach of the protected plants legislative framework, whereby regulatory effort is focused on plants that are known to be threatened or near threatened and on high risk activities affecting native plants. Minimal regulatory requirements are placed on those species or activities that are low risk and pose a minimal threat to the conservation of native plants.

As such, the aims of this management plan will be achieved primarily by regulation of harvesting in the wild of threatened and near threatened plants indigenous to Australia, as well as certain least concern plants, referred to as special least concern plants, that are commonly harvested in the wild or may be subject to conservation pressures due to the particular biological or physiological traits of the plant.

Conservation listing of protected plants

All protected plants are given a conservation status under the Nature Conservation Act. The following link provides a listing report which is maintained as current for all protected plant classifications in Queensland https://www.qld.gov.au/environment/plants-animals/conservation/threatened-species/classes/threatened-species-listing-report

The department co-ordinates the process for species classifications under the Nature Conservation Act through the Species Technical Committee. Conservation status reviews occur multiple times each year. The Species Technical Committee is comprised of employees of Queensland Government departments and non-government experts. The Species Technical Committee assesses nominations submitted by members of the public, external and government scientists.

Once a species has been assessed, a recommendation is made for the Minister's consideration. For any change in a species listing, a regulatory amendment is required in order for the change in conservation status to take effect. The Governor in Council approves the proposed conservation classifications by amending the Plants Regulation in accordance with the Nature Conservation Act.

Restricted plants

Restricted plants include those species classified as threatened or near threatened under the Nature Conservation Act. In addition, restricted plants include those species plants classified as 'least concern' that are also prescribed under schedule 2 of the Plants Regulation as a 'special least concern plant'.

These controls on harvesting of restricted plants are supported by record keeping and labelling requirements applying to plants used for trade and monitoring of the nursery trade to minimize the potential for illegally harvested plants to enter trade. In circumstances where plants would be destroyed by lawful land clearing, this management plan considers that an authority may be provided for the salvage of these plants and their introduction to trade or into recreational keeping and use.

To reduce collecting pressure on wild populations, this plan encourages the propagation of native plants from seed or other propagating material and allows these plants to enter the trade with only minimal restrictions needed to verify that the plants are from legal sources.

Least concern plants

Other than those species prescribed as special least concern plants under the Nature Conservation Act, minimal requirements will be placed on the harvest of least concern plants. This is because species that are classified as least concern wildlife under the Nature Conservation Act are generally common or abundant in the landscape and do not meet the criteria for critically endangered, endangered, vulnerable or near threatened as assessed by the Queensland Species Technical Committee. They are also not considered at particular risk from harvesting due to commercial value or biological traits of the species to be classified as a special least concern, as assessed by the Queensland Herbarium.

While a licence is not required to harvest least concern plants (other than special least concern) the aims of this management plan will be achieved through requiring that any harvest is undertaken in a way that minimises the impact of the harvest. Mechanisms have been established in the protected plants legislative framework to impose additional constraints or requirements on the harvest of least concern plants where an increased threat to the survival or viability of a least concern plant species is detected or suspected. If a potential threat to a least concern plant species is identified these mechanisms will be activated to constrain harvest and help mitigate the threat.

Any least concern plant that is determined to be at harvesting risk, or is likely to be subject to excessive harvesting pressures, due to their commercial or recreational demand, and the nature of their growth and reproduction (e.g. small or slow growing species, species that produce limited seed) as determined by the Queensland Herbarium will be listed as a special least concern plant. This is further outlined in section 4.1.4. The Queensland Herbarium may also seek advice from the Queensland Species Technical Committee or conservation officers within the department when making this determination. If there are other threatening processes that have been identified that may be placing this plant species being under threat in the wild, the species can also be referred to the Queensland Species Technical Committee for a review of its conservation status through the STC nomination process.

A harvest period may also be declared by the chief executive of the department, to restrict how many whole plants or plant parts can be taken from the wild. This has immediate effect and can be introduced for one species or a group of plant species. The plant, species may also be referred to the Queensland Species Technical Committee for review, such as if a member of the public, government or scientific community has identified any potential threats to the plant that impacts on its ability to survive in the wild, and therefore warrants further investigation.

In addition, as mentioned in the preceding sections, other State legislative instruments impose a level of constraint on the quantity and extent of whole plants that may be harvested in regulated vegetation communities and on State land.

2 Legislative framework

2.1 Commonwealth Legislation

Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides the legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. It regulates, among other things, the international movement of plants and animals (wildlife), wildlife specimens and products derived from wildlife. Harvest operations involving the take of nationally listed threatened species under the EPBC Act may require a decision under the Nature Conservation Act.

Plants Breeders Rights Act 1994

The *Plant Breeders Rights Act 1994* (PBR Act) allows Australia-wide proprietary rights to be granted to breeders of new varieties or cultivars of plants. A plant registered under the PBR Act is exempt from the protected plants

framework because it has been artificially bred and does not occur naturally in the wild. However, it is the responsibility of the applicant to demonstrate the status of PBR Act material.

2.2 State Legislation

Nature Conservation Act 1992

The clearing, harvest, use and trade of native plants in Queensland are regulated under the *Nature Conservation Act 1992* (Nature Conservation Act) and subordinate legislation and instruments. All native plants in Queensland are considered protected plants under the legislation. The Nature Conservation Act regulates all protected wildlife on the basis of their conservation status. Classes of wildlife to which the Nature Conservation Act applies for protected plants include:

(a) Extinct in the wild wildlife;

(b) Critically endangered wildlife;

(c) Endangered wildlife;

(d) Vulnerable wildlife;

(e) Near threatened wildlife; and

(f) Least concern wildlife.

The Nature Conservation Act also provides for the establishment of protected areas for the conservation of native plants.

All protected plants are assigned a conservation status under the Nature Conservation Act. Conservation status is determined by rigorous scientific assessment undertaken by the Queensland Species Technical Committee. Any change to conservation status is subject to Governor in Council approval and requires a regulatory amendment.

A protected plants clearing permit is required to clear protected plants in an area where threatened or near threatened plants have been recorded as present, or to knowingly clear threatened or near threatened plants.

Vegetation Management Act 1999, Planning Act 2016* and *Land Act 1994

The *Vegetation Management Act 1999*, *Planning Act 2016* (Planning Act) local laws and planning schemes made by local governments and the *Land Act 1994* regulate broad-scale land clearing in Queensland.

2.3 Convention on International Trade in Endangered Species of Wild Fauna and Flora

Like the State, the Commonwealth is concerned that the total utilisation of all plants for all purposes is sustainable. This includes ensuring that wild harvested plant products are not traded as cultivated material. Some species covered by this program may also be subject to the Convention on International Trade in Endangered Species (CITES) of Wild Fauna and Flora to which Australia is a signatory.

3 Aims and objectives

This management plan, in coordination with the Queensland Protected Plants legislative and policy framework aims to:

- ensure biologically viable populations of all taxa of protected plants continue to exist in the wild by giving priority to the conservation and management of wild populations of special least concern, near threatened and threatened species;
- allow the harvest of protected plants in the wild, where the harvest is ecologically sustainable; and
- encourage propagation and cultivation, thereby reducing collecting pressure on wild populations.
- ensure the public, including nursery owners, is informed about the conservation needs of protected plants;

- encourage primary producers to manage their properties so the grazing industry can co-exist with populations of protected species;
- minimise the potential for illegally taken plants to enter trade;
- ensure appropriate data collection to enable harvest limits to be set where necessary, from scientific experts, conservation groups, commercial operators and industry representatives;
- employ a precautionary method of setting harvest limits in any circumstances of incomplete data; and
- allow for traditional use of protected plants (other than endangered or critically endangered plants) by Aboriginal people and Torres Strait Islanders, provided that this use is ecologically sustainable.

4 Management arrangements

The aims and objectives of this plan will be achieved through the management arrangements.

The key measures available to regulate the commercial use of native plants include:

- licences (protected plants growing licence; protected plants harvesting licence) which apply to the harvest of native plants;
- exemptions for certain low-risk activities, species and biologically insignificant quantities;
- record keeping and labelling requirements for harvest and trade of native plants;
- harvest limits and requirements as set out in a code of practice; and
- the ability for the chief executive to declare a harvest period to restrict harvest of particular species where a threat or increased risk is identified.

The following sections outline how these measures are utilised to establish the management arrangements and thus meet the aims and objectives of this management plan.

General Principles and Concepts

Risk-based regulation

The legislative framework for protected plants establishes a risk-based approach to focus regulatory effort on higher risk activities and at risk species and removes or reduces regulatory burden on low-risk activities and species. Regulatory requirements are focused primarily on ensuring that any harvest in the wild is ecologically sustainable, rather than on the purpose of the harvest or intended use of the plants. It is however recognised that some requirements on trade of native plants are necessary to support monitoring and compliance and help to reduce opportunities for unlawfully harvested plants to enter trade.

General sustainability requirement

All harvesting in the wild (other than salvage operations) whether licensed or exempt must satisfy the ‘general sustainability requirement’. This requires that plants must be taken in a way that minimises damage to soil and, for plant parts, the taking does not result in the death of the plant and enough of the plant remains to allow for reproduction of the plant and provide habitat or food for other wildlife. The harvester will normally satisfy this requirement by complying with the protected plants code of practice (the ‘Code of Practice’) (refer appendices) and sustainable harvest guidelines, where applicable.

Harvest to be ecologically sustainable

All harvest of protected plants must be ecologically sustainable. In particular, where a licence is required to harvest restricted whole plants or plant parts, the applicant will need to demonstrate that the harvest provides a conservation benefit and/or provide a sustainable harvest plan demonstrating that the proposed harvest is ecologically sustainable. The exception to this is harvest by way of salvage as the impact on threatened and near threatened plants has been addressed through other assessment processes.

Demonstrating and determining whether the proposed harvest is ecologically sustainable may include consideration of:

- general information about the target species, such as conservation status, distribution, habitat requirements and ecological dependencies, growth and maturation rates, reproduction and regeneration strategies, resilience or sensitivity to disturbance;
- general site information, such as site health, disturbance, soil types, presence of sensitive species or wildlife, current land uses or management regimes;
- species site specific information, such as abundance, distribution, age cohorts, species health;
- harvest methodology and regime, such as quantities, rotations, access, tools, health and hygiene, other interventions such as fire regimes, grazing;
- monitoring methodology for measuring harvest impacts, species and site recovery.

Specifically, a sustainable harvest plan will need to outline proposed harvest and land management techniques including:

- Harvest management:
    - Quantity of whole plants or plant parts to be harvested
    - Age and size of plants to be harvested (e.g. particular age or size, or the range of ages or sizes)
    - Where plants will be harvested from (e.g. spread across the harvest site/population extent)
    - Timing of harvest (e.g. particular time of year, season, duration of harvest, after reproduction or seed shed, rotations or staged over a number of years or locations)
    - Method of harvest (i.e. how harvest will be done, harvested species accessed and removed from site) (e.g. hand tools, removal of soil, diggers or excavation equipment, cranes, existing or new tracks).
- Land management:
    - Fire regime (e.g. the frequency, timing and intensity of controlled burns or exclusion of fire, reduction of hazardous fuel loads)
    - Tracks for access and removal (e.g. utilisation of existing tracks, establishment of new tracks)
    - Weed control and weed risk management techniques (e.g. wash down of tyres, removal of existing weeds)
    - Disease control or risk management techniques (e.g. sterilisation of equipment, checks for signs of disease)
    - Erosion or sediment control or risk management techniques (e.g. holes filled with soil from the site, soil retained on site, contour banks)
    - Other land use and management strategies or plans (e.g. changed grazing regime, stocking intensity or introduction or exclusion of stock, site rehabilitation and revegetation).

The harvest regime must be designed to minimise the impact on a target species' population, particularly avoiding potential population declines at the site and regional levels. As a general principle, sustainable harvest of a plant should not involve the substantial take of whole or parts of restricted plant species from a particular area or localised population. The harvest regime must also demonstrate that the proposed harvest will:

- Minimise the impact of harvest on surrounding species;
- For the harvest of plant parts, maintain the health and survival of plants that the parts will be taken from;
- Maintain (at a minimum) ecological processes, survival of non-target plants or animals, biodiversity and supporting habitat;
- Manage disease, pest and weed risks;

- Minimise soil disturbance and manage erosion and sediment loss risks;
- Enhance recruitment of seedlings, seed shed or improve the supporting habitat, without compromising the viability of non-target species, ecosystem function or biodiversity of the area;
- Rehabilitate the area to improve overall ecosystem health and ecological processes to enhance the viability of the target species and vegetation community; and
- Improve the resilience of the site and/or target species.

Where the proposed harvest activity includes a low abundant species and/or disjunct population, evidence must be provided demonstrating that the target population is able to cope with:

- the amount and rates of removal of parts and/or whole plants (i.e. single or continual harvest);
- the harvest technique (i.e. cohort/size class selection, area rotation); and
- the time of harvest.

Where any doubt exists as to the advisability of permitting a harvest or granting a licence or to the level of harvest to be permitted, the department will take a precautionary approach, with the integrity of local populations being the foremost consideration.

Special least concern plants

Some native plants, are not considered sufficiently rare to be classified as near threatened or threatened plants under the Nature Conservation Act, but are harvested and traded to the extent that a potential threat to the species might exist if harvest was not regulated. The groups of plants commonly harvested as whole plants are mostly slow growing or difficult to propagate, and which, with some exceptions, transplant reasonably easily. They take a long time to replace themselves by natural processes when part of the population is removed. Other species, due to particular physiological or biological traits, may be at risk from unregulated harvesting.

Therefore, least concern plants that are commonly harvested in the wild or may be subject to conservation pressures due to the particular biological or physiological traits of the plant and/or unregulated harvesting due to high commercial demand are prescribed as ‘special least concern’ plants. To ensure populations of these plants are not depleted to the point where they become threatened, harvest will be regulated and conditions will apply to the trade of these plants.

This means that for all special least concern plants, a licence is required to harvest whole plants from the wild in all circumstances. Further, harvest of whole plants in the wild will only be approved where the applicant satisfies the department, through a comprehensive sustainable harvest plan, that the proposed harvest of the target species would be ecologically sustainable. For plant parts, a licence is required to harvest quantities above the maximum limits set in the code of practice. As with whole plants, applicants will need to satisfy the department, through a comprehensive sustainable harvest plan, that the proposed harvest is ecologically sustainable.

Trade of special least concern plants will be monitored through the requirement for records to be kept of harvesting activities, and the sale and movement of whole plants and plant parts. Refer to section 4.6 for further information on the requirements for commercial use and trade in protected plants.

Restricted plants

Under the Nature Conservation Act, restricted plants include special least concern plants as well as threatened and near threatened plants.

Meaning of trade

A plant or plant part is used or kept for trade if a person uses or keeps the plant or plant part for a commercial purpose or related purpose or otherwise sells, gives away, buys, obtains or exchanges the plant or plant part for benefit or reward. Examples of a commercial or related purpose include a landscape contractor using a restricted plant in a landscaping job, a nursery owner using a whole restricted plant to produce other whole plants for potential sale or a plant hobbyist selling at a flea market the progeny of a whole restricted plant the

hobbyist has propagated at their home. A plant or plant part is not used or kept for trade if a person uses or keeps the plant or plant part for the person's own personal use.

4.2 Code of practice

The protected plants code of practice (the 'code of practice') is a statutory instrument under the Nature Conservation Act. It provides standards for the conduct of people involved in the harvest, keeping and use of protected plants in Queensland.

The code applies to both exempt and licensed harvest and establishes general standards for the taking of all whole protected plants and all protected plant parts, including least concern plants. Harvesters must adopt appropriate phytosanitary practices as specified in the code of practice to:

- prevent introduction and spread of weeds;
- prevent unintentional transportation of propagules; and
- prevent introduction and spread of plant and animal diseases.

Plant and stock diseases and weed species can be easily transported by people and vehicles if hygiene measures are not observed. One of the worst plant diseases is the fungus *Phytophthora cinnamomi* ('dieback'), and while this disease is incurable, strict hygiene measures may reduce the spread. In addition, the unintentional introduction of plant genetic material from one location to another can compromise the genetic integrity of plant populations and even affect the evolutionary processes of species.

In addition, the code establishes more specific requirements for taking of plant parts from a restricted plant. For example: collecting no more than the quantity specified for the seed size and no more than 20% of the seeds, fruit or other propagating material from any one plant in any 12-month period. These requirements help ensure viable populations of the target species remain in the wild, and that harvesting is ecologically sustainable and does not compromise the species viability.

4.3 Licences

There are two types of licences for harvesting of protected plants. These may be collectively referred to as a protected plant licence. Details on these licences are provided in the following sections.

Protected plant growing licence

A protected plant growing licence may be issued to harvest whole plants or plant parts specifically for the purpose of introducing particular traits or species into cultivation or propagation. Quantities are generally considered to be lower than for other types of purposes and can often provide a conservation benefit to the species, such as by reducing demand for wild harvested specimens. Applicants may be required to demonstrate that they have the ability to propagate the plant and that harvest of the target species is ecologically sustainable or provides a conservation benefit for the species.

Protected plant harvesting licence

A protected plant harvesting licence may be issued to harvest whole plants and plant parts from the wild. Applicants will be required to demonstrate that the harvest is ecologically sustainable or provides a conservation benefit for the species.

4.4 Harvesting

All least concern plants (other than special least concern)

Harvest of least concern plants (whole plants and plant parts) other than those listed as special least concern, is exempt from licence and trade requirements. This is because these plants are generally abundant, grow and reproduce quickly and/or are not threatened by commercial demand. However, harvest must be done in such a way that:

- if the taking requires disturbance of the soil the plant is taken from, the disturbance is only to the extent necessary to remove the plant;

- the taking (for plant parts) does not result in the death of the plant from which the part is taken;
- enough of the plant (when plant parts are taken) remains to allow for reproduction of the plant and provide habitat or food for other wildlife;
- the harvest (whole plants and plant parts) complies with the general requirements for the harvest of protected plants as set out in the code of practice.

In addition to hygiene and pest management requirements, the code of practice requires that a person harvesting a protected plant or plant part must interfere or damage understorey plants only to access and/or remove the plant or plant part and only to the minimum extent necessary to take the plant or plant part.

Furthermore, harvest cannot be done to such an extent or in such a way that it would be considered to be clearing or require a clearing permit.

Whole restricted plants

A protected plant licence is required to harvest whole restricted plants from the wild. Harvest must be ecologically sustainable or provide a conservation benefit to the target species as outlined in section 4.1.3. However, for whole plants harvested by way of contingent salvage, ecological sustainability does not need to be demonstrated as impacts on protected plants have been considered as part of the clearing approval and the plants would otherwise be destroyed.

A protected plant growing licence is required for the harvest of whole plants to be used as stock plants to introduce a species or form into cultivation. Stock plants cannot be traded; however, their progeny can be used for trade.

Certain exemptions apply to low risk, minimum take activities, primarily for conservation purposes, that will not pose a threat to the viability of and will instead help conserve the species. Plants taken under such exemptions cannot be used for trade.

For the purposes of the protected plants framework, harvest of the trunk or main stem of sandalwood (*Santalum lanceolatum*) is taken to be harvest of a whole plant, even if a part of the plant that may naturally and readily regrow is left behind. This distinction is due to the combination of the particular physiology of the species and the high commercial pressure placed on wild populations of sandalwood.

Restricted plant parts

In general, low-risk activities and harvest of small, biologically insignificant quantities of plant parts are exempt from licensing requirements. A licence is required for amounts above the specified quantity limit or for certain species where harvesting of particular parts may pose a greater risk to the survival or viability of the species.

For example, only the twigs, leaves, flowers and seeds of sandalwood are considered to be plant parts under the framework. The harvest of the trunk or main stem of sandalwood (*Santalum lanceolatum*) is taken to be the harvest of a whole plant.

Seed and other propagative material

Harvest of seed or other propagative material requires a licence if the plants are endangered, critically endangered, or members of the Cycadaceae and Zamiaceae families. For other species, seed or other propagative material may be harvested for trade, without a licence provided the amount taken is within the limits prescribed in the protected plants code of practice. These limits are considered to be biologically insignificant and, in conjunction with the harvesting practices prescribed in the code of practice are not likely to pose a risk to the survival of the target species. A protected plant licence is also required to harvest quantities of seed or other propagative material above the quantities or in a way that does not comply with the code of practice.

The seed or other propagative material of vulnerable and near threatened plants, and special least concern plants may be harvested for particular conservation purposes without a licence. However, the plant material is not authorised for trade.

Limited quantities of seed and other propagative material may be harvested from members of the Cycadaceae and Zamiaceae families for purposes other than trade.

Other parts

Small quantities of plant parts (including seed and other propagative material) may be harvested without a licence where the parts are taken for the purpose of identifying the species or improving records of threatened or near threatened species. The plant material cannot be used for trade.

Other than from endangered or critically endangered plants, parts (excluding seed and other propagative material) may be harvested for any purpose, including trade, without a licence provided amounts taken are within the limits prescribed in the code of practice. Harvest must also comply with the harvesting requirements prescribed in the code of practice. Additional requirements may apply to particular species that may be sensitive to disturbance, slow growing or at additional risk from commercial demand.

Parts may be harvested by way of operational salvage without a licence, as they are otherwise being removed for necessary maintenance works that will not result in the death of the plant. This does not apply to the main trunk or stem of sandalwood.

A protected plant licence is required to harvest plant parts above the prescribed quantities or in a way that does not comply with the code of practice.

A protected plant licence is also required to harvest the trunk or main stem of sandalwood.

Harvest by way of salvage

Harvest by way of salvage provides opportunities to use plants that would otherwise be destroyed by activities aimed at the use of the land. This source of plants and plant parts helps reduce harvesting pressures in areas that aren't subject to clearing activities and thus helps promote the maintenance of viable populations in the wild.

The protected plants framework recognises two types of salvage:

- Operational salvage
- Contingent salvage

Operational Salvage

Operational salvage is the harvesting of a whole plant (other than a restricted plant) or protected plant part from land that is to be cleared or disturbed by repetitive, routine activities, including slashing or ploughing for example, and the activities are being carried out to allow the land to be used for:

- Forest management
- Road safety
- Maintaining electricity, water, gas, telecommunication or another service facility.

The plant or part must otherwise be destroyed by the activities and the type of plant taken must be one that will normally regenerate if a significant proportion of the parts of the plant that are above ground are taken or die. Additionally, the use of the plant or plant part must not be the primary reason for carrying out the activities.

Operational salvage does not apply to whole special least concern plants and other restricted plants. Whole least concern plants (excluding special least concern plants) and all protected plant parts may be harvested by way of operational salvage. Parts, such as twigs, leaves, seeds or propagative material of sandalwood (*Santalum lanceolatum*) may be taken by way of operational salvage; however, in all circumstances a protected plant harvesting licence is required to take the main stem or trunk of a sandalwood plant. In other words, the main stem or trunk of sandalwood cannot be harvested by way of operational salvage.

Harvest by way of operational salvage may be undertaken without a protected plant licence. Plants and parts taken by way of operational salvage may be used for any purpose. Evidence that the plants or parts were lawfully taken from an area that meets the operational salvage criteria must be retained. Record keeping and label requirements apply if the plants or parts are to be used for trade.

Contingent salvage

Contingent salvage is the harvesting of a whole restricted plant from land that is being lawfully cleared or substantially disturbed:

- Under a protected plant clearing permit
- Under an activity under a mining lease under the *Mineral Resources Act 1989* or a petroleum lease under the *Petroleum Act 1923*, where the lease is exempt from requiring a protected plant clearing permit
- For a government infrastructure project
- To harvest a timber plantation
- Under a development approval under the *Planning Act.*

The plant must be one that would otherwise be destroyed by the clearing but is not the subject of a condition requiring the use of the plant to manage the impacts of the clearing activity on the species. In addition, the use of the plant must not be the primary reason for carrying out the activities.

A protected plant licence is required to harvest whole restricted plants by way of contingent salvage. A protected plant licence may be issued solely for harvest by contingent salvage. Alternatively, the holder of a current protected plant licence is allowed to harvest by way of contingent salvage under the licence. Evidence that the plants were lawfully taken from an area that meets the contingent salvage criteria must be retained. To demonstrate lawful origin, record keeping, tag and label requirements apply if the plants or parts are to be used for trade.

Harvest records

Records must be kept for all restricted whole plants and plant parts harvested under a protected plant licence or under an exemption where the plants are intended to be used for trade. Particular information that must be included in a record is stated in the code of practice and may include, for example, the scientific name of the plant, licence number or exemption under which the plant was taken, title reference of the land and the name of the person who took the plant.

Harvest labels

A harvest label must be attached, at the time of harvest, to all restricted whole plants and plant parts harvested under a licence or exemption. The harvest label cannot be removed until the plants have been moved from the site of harvest and an approved trade label has been attached or the plants or parts start being used for a purpose other than trade. The harvest label must contain the minimum information specified under the protected plants code of practice and be legible for the life of the label.

This labelling requirement will help with monitoring and enforcement and that a person is harvesting the correct species and able to demonstrate that whole restricted plants or plant parts have been legally sourced from the wild.

4.5 Propagation and cultivation

Propagation and cultivation of native plants is encouraged to help reduce the demand for wild-collected plants. The legislative framework supports this through exemptions to access limited quantities of propagative material and lower fees for harvesting associated with growing of protected plants. Likewise, an authority or licence is not required to undertake propagation or cultivation of native plants.

Under the framework, propagation is the process of growing native plants under controlled conditions for the purpose of producing new whole plants (the progeny of the parent plant or material); and cultivation is the process of growing native plants in controlled conditions to derive useable plants parts from the parent plants. Division of a plant is regarded as propagation only where the plant has increased in size in cultivation, which is deemed to occur only after a 12-month period. A protected plant is cultivated under controlled conditions if its reproduction and growth are intensively manipulated, including by weed control, irrigation, tillage and fertilising, to produce the plant parts for sale. Stock plants are whole plant harvested to introduce a species or form into

cultivation, including for example, the introduction of new or additional genetic variation. Stock plants cannot be sold, but their progeny can be used for trade.

Under the framework, propagation and cultivation are collectively referred to as ‘growing’. This is distinct from the activity, for example, of growing-on a plant to a suitable size for sale or planting.

A protected plant growing licence will be required to harvest whole restricted plants (for stock plants) and the seeds and other propagative material of endangered and critically endangered plants and members of the Cycadaceae and Zamiaceae families. Applicants will need to demonstrate that harvest is ecologically sustainable and/or provides a conservation benefit.

Harvest of whole plants and parts of least concern plants (other than those listed as special least concern) is exempt from licencing requirements, as is the harvest of seed and other propagative material of special least concern, near threatened and vulnerable species (excluding members of the Cycadaceae and Zamiaceae families), provided harvest is in accordance with the requirements and quantity limits specified in the protected plants code of practice.

Propagators and cultivators need to be able to provide evidence of the lawful origin of any reproductive or stock material, including the date and other relevant information about when it was obtained. Record keeping, tag and label requirements apply if plants or parts are to be used for trade. This will help ensure that wild harvested plants or parts are not ‘laundered’ as propagated or cultivated material.

4.6 Trade

The protected plants framework establishes a system for exempting trade in restricted plants from licensing requirements, provided that tag, label and record keeping requirements are complied with. The particular conditions for trade in restricted plants are intended to support compliance and monitoring and minimise opportunities for unlawfully harvested plants to enter trade.

There are no licence requirements, restrictions or conditions on trade of least concern plants (other than those listed as special least concern).

Record keeping

When a restricted plant is used or intended to be used for trade, records of the origins and movement of the plants are to be kept by all persons involved in the harvest and use of the plant. This includes information to verify the source of the plant and applies to selling, giving away, buying or accepting a restricted plant. These requirements apply to all persons involved in the trade or movement of a restricted plant, whether the plant is sourced directly from the wild or from a non-wild source (such as purchased from a wholesale nursery) from within Queensland or from another State. A restricted plant ceases to be used for trade when it is acquired for a person’s own personal use.

Particular information required to be included in a record is stated in the code of practice and may include, for example: the species and number of plants being moved or traded; the name and details of the seller and buyer; if wild harvested, the licence number or exemption under which the plant was taken; if not wild harvested; the name of the propagator or cultivator who grew the plant; where the plants are being moved from and to; and the date of the transaction.

This arrangement enables the origin of a restricted plant to be traced through the protected plant trade records for the plant. The particular information required to be recorded in a record is stated in the code of practice and will, at a minimum, need to be sufficient to enable a protected plant to be traced from the end use back to the origin (for example, wild harvested or propagated, including the source of the seed, propagative material or parent plant) and for all parties connected to the plant, from source to end use, to be identified and located. This would include, for example, details about the use and trade of the plant, including where the plant is kept, moved from and to, all parties, including individuals and businesses, involved in the trade, when trade occurred, the type and number of plants involved in the trade, and any other information to assist in verifying the lawful origin of the plant, including for example, the species name, licence or exemption under which the plant was harvested or the parent material was sourced.

Approved trade label

Before trading a restricted whole plant or plant part harvested from the wild or grown in controlled conditions, a person must attach an approved trade label to each whole plant or bundle or container of plant parts. The approved trade label must state the matters set out for the label in the Protected Plants Code of Practice and be legible for the life of the label. The information required to be included on an approved trade label will be sufficient to enable identification of the origin of the plant, such as wild harvested or propagated, the species and, if wild harvested, whether the plant was harvested in Queensland or another State and the particular exemption, licence or authority under which the plant was harvested.

It is an offence to trade or move a restricted plant intended for trade without an approved trade label attached. It is the responsibility of the buyer, for example, to ensure that an approved trade label is attached to a plant prior to taking possession of the plant, to verify the origin of the plant and that the information in the label complies with the code of practice.

This arrangement helps support the conservation of restricted plants by being a public, visible and legal declaration that a native plant has been lawfully obtained, from a wild or non-wild source. The approved trade label will also make it easier for buyers and the general public to make an informed decision about the purchase of protected plants.

Additional labelling requirements

Additional label requirements apply to all restricted plants traded or moved out of Queensland for trade. All containers—including shipping containers and containers on trucks or other vehicles for example—of restricted plants being traded or moved out of Queensland for trade or in relation to the use of the plants for trade must be labelled or marked in a manner that clearly identifies the origin (wild-harvested or non-wild source) of the plants in the container.

Official tags

All restricted whole plants harvested from the wild must have an official tag attached prior to being used for trade. It is an offence to trade in a wild harvested restricted whole plant that does not have an official tag attached to it. Official tags are issued by the Queensland Government and are numbered consecutively so that the origin of the plant can be traced. Official tags must be securely fixed so that they cannot be easily removed. Tags attached legally to native plants under legislation of another State will have the same status as an official tag supplied by the Queensland Government.

5 Performance Indicators

The following annual performance indicators have been set to measure the effectiveness of the management arrangements in meeting the aims and objectives as outlined in section 3 of this plan:

1. Number of protected plant growing and harvesting licences issued
2. Level of compliance with the framework
3. Species and areas targeted for harvest remain viable

Performance measures and the results of these activities will be analysed to assess the degree of compliance with the protected plants framework. Results of trade activities can be measured against protected plant licences issued to assess consistency with quantities and species harvested. Depending on the nature of harvest and location, auditing of various criteria, such as species abundance, presence, recruitment, age cohorts and diversity, can be used to evaluate whether harvest is ecologically sustainable.

6 Monitoring and Reporting

6.1 Monitoring and reporting

The department will rely on expert advice from the Queensland Herbarium and Queensland Species Technical Committee to monitor emerging threats and the conservation status of plants species, including threats to least concern plants. Through local contacts and industry representatives, conservation officers from the department

will monitor harvest activities in their local areas and report any potential breaches or spikes in activity for further investigation.

The department will monitor the number of protected plant licences issued, the locations, species and quantities approved and the number of official tags issued. Copies of sustainable harvest plans provided to demonstrate that harvest is ecologically sustainable will also be retained. These records and documents can be accessed and analysed as required to monitor harvesting trends. A proportion of these documents will be routinely audited as part of compliance activities and will be provided for reporting purposes as necessary.

Auditing of licensed harvest may be undertaken to verify that licence conditions, including sustainable harvest plans, are being complied with and to monitor the impact of harvest on native plants species, populations and ecosystems.

The harvest and trade records of nurseries, wholesalers, businesses and individuals involved in the trade of native plants may be audited to ensure compliance with the framework and identify potential unlawful activity. Stocks of native plants may also be audited to gather data on species of commercial interest and monitor emerging trends in commercial demand that may place additional pressure on restricted plants or on unrestricted least concern plants.

Monitoring of exempt harvest may be utilised to ensure collecting pressure remains low. As most harvesting occurs on State land, this monitoring can be achieved through the records of Forest Products. This can be extended to private land through extrapolation (that is, comparisons based on vegetation types and species present), and through the normal business documents of commercial harvesters. In conjunction with other data the State may have gathered, this information will also help the State identify any trends in commercial interest or spikes in demand, particularly for least concern plant species and other exempt harvest. The department may undertake a number of market based inspections per year in each region of the State where trade in protected plants is known to occur. Species facing new commercial pressures will be referred to the Queensland Herbarium for further assessment and if required will be recommended for listing as special least concern. Where there are immediate risks to least concern species, mechanisms such as a harvest period notice, will be activated to deal with this threat.

Annual reporting to the Commonwealth Government will also occur for all plants that are relevant under this plan, including:

a) harvest records for all harvested taxa;

b) quotas, requirements and/or limitations for authorised harvesting of any taxa;

c) sustainable harvest plans;

d) emerging threats detected;

e) any species reclassified under the Nature Conservation Act 1992 (Queensland);

f) enforcement activities, including numbers of investigations, breaches and prosecutions, and details of any remedial action taken; and

g) results of research carried out in the previous twelve month period.

6.2 Review and response

The protected plants framework and management arrangements have been set up to be responsive to new scientific knowledge and management techniques. For example, cultivation and propagation of native plants is encouraged, which will help facilitate uptake of new technologies and production techniques. At the same time opportunities are available to harvest from the wild where the harvest can be demonstrated to be ecologically sustainable. This helps encourage industry involvement in research and technology to support both the conservation and sustainable use of native plants.

In addition, the department will work collaboratively with key representatives from the harvest, nursery and trade industries to support implementation and facilitate monitoring of harvest and trade practices. This will include

encouraging industry self-regulation, sustainable practices and regulatory compliance through communication and education utilising established industry networks.

A review of the conservation status or harvest requirements may be triggered in response to:

- a sudden and significant increase in commercial demand or value;
- an increase in the quantity of plants or plant parts entering trade;
- significant changes in land use or other events that may result in a significant contraction or reduction in the extent or viability of a species or populations.

Further investigation and consultation with technical experts will be undertaken where increases in commercial demand or other emerging trends that may affect the viability of a species are detected to help determine an appropriate response.

A number of mechanisms are available under the framework to reclassify the conservation status of a species or to restrict harvest where a potential threat is identified.

The department will advise the Australian Government Department responsible for administering the EPBC Act in writing of any commercial plant species that are listed as special least concern; the reclassification of conservation status of any plant species; and the introduction of harvest periods or quotas imposed on any plant species.

7 Compliance

The risk-based approach of the protected plants framework enables resources to be focused where most needed, including compliance and auditing and education.

The department will focus compliance effort on:

(a) actions that would potentially undermine the integrity of the approval framework for harvesting and growing of protected plants:

- Ensuring sustainable harvest of threatened and near threatened species and least concern species can be demonstrated when undertaking harvesting. This must be shown under a sustainable harvest plan.
- Harvesting must comply with the Code of Practice for the taking and use of protected plants.
- Ensuring number of plants harvested does not exceed allowed amount.
- Parties involved in trade of native plants must demonstrate that the plants are legally sourced from the wild and traded legitimately. This is through self-regulated record-keeping and attaching trade labels to plants and plant parts.

(b) Wilful ‘take’ of protected plants which has not been authorised under the Nature Conservation Act.

Compliance activities may include:

- The department’s conservation officers visit propagators, nurseries, wholesalers and retailers where checks are made to determine whether required documentation and correct labels and tags are present, and that records are being maintained correctly.
- where feasible, field checks are carried out on wild populations, such as commercially valuable special least concern species, and action taken with respect to any potential illegal harvesting.
- random inspections carried out by authorised officers on protected plant harvesting operations.
- The department’s conservation officers randomly inspect the premises of propagators to ensure that plants being sold are propagated and have not been taken in the wild.

- spot checks undertaken randomly, or in response to complaints, in respect to information recorded on tags and labels affixed to protected plants.
- where there is reason to suspect the legislation is not being complied with, investigations are carried out. In some instances where organised crime or illegal export of plants is involved the Queensland Police Service and Commonwealth law enforcement agencies may be involved.

7.1 Enforcement

Any breach of the Nature Conservation Act or its subordinate legislation will be considered in the context of the department's Enforcement Guidelines, which explain how the department determines the enforcement action it may take on the basis of the seriousness of the breach of the legislation. The range of enforcement actions the department can undertake include:

- warning notices and letters
- penalty infringement notices
- administrative notices and orders made under legislation
- proceedings for court orders provided for under legislation
- prosecution
- suspension or cancellation of permit, licence or authority.

7.2 Public education

Subject to resources and government priorities, the department will continue to develop educational material that explains the value of native plants, particularly near threatened and threatened plants, to the public, and to seek public cooperation in conserving them.

The department will make harvesters, the nursery industry and private recreational keepers aware of their responsibilities under the Nature Conservation Act and regulations through appropriate material and measures to provide education on commercial and recreational plant harvesting and harvesting and trade requirements. Where possible, the department 18ill partner with relevant stakeholders, including other government departments, to ensure that information regarding the requirements of this framework are clearly communicated when applicable.

8 Background information

8.1 Research

Knowledge of the populations, numbers, and reproductive biology of most protected plant species in Queensland is extremely limited. The department manages an electronic wildlife database (WildNet) containing information on the status, distribution and, to a lesser extent, biology and threat information on a large number of the plant species covered by the management plan, including near threatened and threatened species. Summaries of available research information are included in the WildNet database and can be accessed by all staff assessing permit applications.

The Queensland Herbarium continues to study Queensland's near threatened and threatened plants and to monitor least concern plants. These programs may include research on natural range, abundance and extent, ecological communities, or response of particular species or areas of interest to climate change, disturbance and altered land use or hydrology and will continue subject to resources. The harvest industry will be encouraged to use available research to demonstrate sustainability of harvest through their application for a harvesting licence. The industry will also be encouraged to research and monitor the impacts of harvesting activities to ensure that harvest is done in a way that is ecologically sustainable and can continue to support a viable native plant harvesting and trade industry.

Where applicable, research and monitoring results will be included in a report to the Australian Government Department administering the EPBC Act.

9 Definitions

Terms used in the *Nature Conservation Act 1992*, the Nature Conservation (Plants) Regulation 2020, and in this publication include:

biologically significant — for a given plant or a species in a given area or a species in its wild habitat that part or quantity that reduces its ability to maintain its capacity to regenerate naturally or recover its natural population levels in the area

buy — includes:

a) agree or offer to buy; and

b) receive or accept under an agreement; and

c) agree to receive or accept under an agreement; and

d) offer or attempt to receive or accept under an agreement; and

e) cause or permit to be received or accepted under an agreement; and

f) acquire by exchange; and

g) accept on hire or lease

chief executive — Director-General of the Department of Environment, Science, and Innovation, or the Queensland department administering the nature conservation legislation

code of practice — the publication entitled Protected Plants Code of Practice, approved by the chief executive and published by the Department of Environment, Science, and Innovation. A copy can be obtained during office hours on business days at the department's head office at 400 George Street, Brisbane

conservation plan — a plan approved by the Governor in Council under the *Nature Conservation Act 1992* s120J

cutting — a small portion of a plant taken for the purpose of propagation, usually less than 5 percent of the plant mass

destroy, destruction — the demise of a plant with no subsequent use of the plant or its parts

DAF — Department of Agriculture and Fisheries (Queensland)

The department — Department of Environment, Science and Innovation (Queensland) or the Queensland department administering the nature conservation legislation

harvesting — the commercial or recreational removal of plants, seed or other plant parts from a plant in the wild for the horticultural trade, for the cut flower industry, for the purpose of extracting chemicals or biological derivatives, for food, or for other purposes involving the actual use of the plants

harvesting for propagation —includes the taking of seed or other propagating material (such as cuttings) for the purpose of producing new plants

harvesting for purposes other than propagation —includes harvesting of foliage, flowers, fruit or any other plant parts for purposes including the florist trade and other decorative purposes, the sale of seed, the bush food trade, and the extraction of chemicals (including drugs and biological derivatives) but not for propagation

indigenous to Australia — wildlife that was not originally introduced to Australia by human intervention (other than wildlife introduced before the year 1600)

inspector — includes conservation officer, forestry officer, police officer and an inspector employed by the Australian Government

in the wild — plants in an independent state of natural liberty

keep — in relation to wildlife, includes have in possession, or under control, in any place (whether for the use or benefit of the person in relation to whom the term is used or another person), even though another person has the actual possession or custody

least concern plants — all plants indigenous to Australia which are not listed as special least concern, near threatened or threatened plants under the *Nature Conservation Act 1992*.

native wildlife — any species or taxon of wildlife that is indigenous to Australia

nature conservation legislation — one or more of the *Nature Conservation Act 1992*, the *Nature Conservation (Plants) Regulation 2020* or amendments thereto

personal or recreational use — is the non-commercial use of protected plants and includes the taking of a protected plant part in the wild for use in a local government botanic garden or park

plant — any member of the plant or fungus kingdom (whether alive, dead, standing or fallen and any part of the organism), and includes any flowering plant, cycad, conifer, fern or fern ally, moss, liverwort, alga, fungus, or lichen

plant parts — includes stems, phyllodes, foliage, buds, flowers, spores, seeds, fruits, bark, oils, roots, rhizomes, resins, gums, exudates, galls, genetic material, chemicals and any other structural component or constituent of a plant

point of commercial distribution — place where plants or plant parts are prepared for wholesale or retail trading

private land — freehold land and land contracted to be granted in fee simple by the State

propagating — a process where an original plant gives rise to new plants by producing additional plant material. This could be by seed, cuttings or by a plant increasing in size and then splitting naturally or being artificially split into two or more smaller plants

protected area – the Nature Conservation Act recognises several classes of protected areas, including: national parks; national parks (scientific), national parks (Aboriginal land); national parks (Torres Strait Islander land); national parks (Cape York Peninsula Aboriginal land); conservation parks; resources reserves; special wildlife reserves; nature refuges; and coordinated conservation areas.

protected plants — plants which are indigenous to Australia and which are prescribed under the Nature Conservation Act as extinct in the wild, critically endangered, endangered, vulnerable, near threatened, or least-concern wildlife. The term does not include “processed products”, which are declared under the Plants Regulation.

recovery plan — a plan approved by the chief executive in accordance with the declared management intent for protected plants under the Plants Regulation or a recovery plan approved under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)

recreational harvesting — removal of plants or plant parts from the wild for personal, non-commercial use. Quantities taken will usually be minor and not biologically significant, but larger quantities might be regarded as recreational where they come from salvage

restricted plant — all critically endangered, endangered, vulnerable, near threatened and special least concern plant species listed under the *Nature Conservation Act 1992*.

Sell — includes:

a) auction, exchange or supply (including give); and

b) keep, expose, supply or receive for sale; and

c) send or deliver for sale; and

d) dispose of by hire or lease; and

e) cause or permit the doing of an act mentioned in (a), (b), (c) or (d); and

f) offer or attempt to do an act mentioned in paragraph (a), (b), (c) or (d); and

g) offer or attempt to sell; and

h) cause or permit to be sold.

State land — land owned by the State of Queensland, including land leased for various purposes. The term includes state forests, leasehold land, reserves for community purposes, roads and unallocated State land. However, for the purposes of this publication, national parks and conservation parks prescribed in the *Nature Conservation (Protected Areas) Regulation 1994* are not included in this definition, but a forest reserve is included.

stock plant — a whole plant taken in the wild for propagation purposes under a commercial wildlife harvesting licence. These plants cannot be traded

take — includes undertaking or an attempt to undertake any of the following actions: gather, pluck, cut, pull up, destroy, dig up, fell, remove or injure the plant or any part of a plant. The act of harvesting is a form of taking

trade — see use, buy, sell

threatened plant — a critically endangered, endangered, or vulnerable plant. In this plan extinct in the wild plants (normally included in this definition) are deemed, if re-discovered in the wild, to be unavailable for any form of harvest or trade

timber — a sawlog, sleeper, post or pole, forming or capable of forming, a structure, or suitable for the purpose of being sawn or split into planks, boards or other things for use in carpentry or joinery or for the manufacture of timber veneer. Timber also includes firewood, burrs or burls for woodturning, wood (excluding sandalwood) for artefacts such as a boomerang or didgeridoo and woodchips for panelboard or paper manufacture

use — in relation to a protected plant, includes buy, sell, process, move or gain any benefit from the plant

whole plant — includes a seedling, but not an ungerminated seed, and in relation to harvesting, but excluding sandalwood, means that no part of the plant which will naturally and readily regrow is left behind. However, if a person divides certain plants, each resulting viable plant is a whole plant regardless of whether any viable section of the original plant is left behind after harvesting. The harvest of the trunk or main stem of sandalwood is taken to be harvest of a whole plant, even if part of the plant which may naturally and readily regrow is left behind.

wildlife — includes both plants and animals.

Appendix A

The *Nature Conservation Act 1992* (the Act) regulates the ‘take’, keep’, or ‘use’ of native plants in Queensland to protect our critically endangered, endangered, vulnerable and near threatened plants for current and future generations. Significant fines may apply for unauthorised ‘take’, ‘keep’, or ‘use’ of protected plants. Activities that may involve ‘take’, ‘keep’, or ‘use’ include clearing, growing, harvesting, and trade.

All plants that are native to Queensland are protected under the Act. Under the Nature Conservation (Plants) Regulation 2020 (the Regulations) there are specific restrictions that apply to harvest and trade of protected plants that are classified as 'restricted plants'. Restricted plants include plants that are listed under the Regulations as critically endangered, endangered, vulnerable or near threatened plants, and plants listed as special least concern.

All protected plants are listed under schedule 1 and 2 of the Nature Conservation (Plants) Regulation 2020.