

Code of Practice

For the harvest and use of protected plants
under an authority
*Nature Conservation
Act 1992*

Prepared by: Department of Environment and Science

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Human Rights compatibility

The Department of Environment and Science is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this code of practice, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

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1. Operation of this Code

- 1.1. This Code of Practice for the harvest and use of protected plants under an authority ('the Code') is approved under section 174A of the *Nature Conservation Act 1992* ('the Act').
- 1.2. The Code applies to harvesting, growing and trade activities authorised under a licence under the Nature Conservation (Plants) Regulation 2020 ('the Plants Regulation').
- 1.3. A separate code of practice, 'The Code of practice for the take and use of protected plants under an exemption', applies to activities that are exempt from requiring an authority under Chapter 3 of the Plants Regulation.
- 1.4. The Code should be read in conjunction with the Plants Regulation (relevant sections as stated).
- 1.5. The purpose of the Code is to:
 - 1.5.1. State the things a person must do under a protected plant authority where the Plants Regulation requires a person to do a thing according to the Code.
 - 1.5.2. State the particulars that must be recorded on a record form or label when harvesting or using a protected plant under a protected plant authority where the Plants Regulation requires a person to record certain particulars as set out in the Code.

2. Requirements for the take and use of protected plants

2.1 General requirements for the take of any whole plant or any plant parts under a protected plant licence

- 2.1.1 To meet the requirements of Chapter 4 of the Plants Regulation, a person taking any protected plant or plant part under a protected plant licence must do all of the following:
 - 2.1.1.1 Interfere with 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.
 - 2.1.1.2 Clean tools to be used for taking the plant or plant part with detergent and water or disinfecting agent prior to commencing collection on a property.
 - 2.1.1.3 Remove soil from boots and shoes and remove propagules from clothing before leaving a property on which a whole plant or plant part was to be taken.
 - 2.1.1.4 Inspect vehicles and remove any plant propagules and soil from tyre tread prior to leaving a property on which a whole plant or plant part was to be taken.

2.2 General requirements for the take of a plant part from a restricted plant other than a critically endangered or endangered plant

- 2.2.1 To meet the requirements of Chapter 4 of the Plants Regulation, a person taking a plant part from a restricted plant under a protected plant licence, other than a critically endangered or endangered plant, must do the following, in addition to the requirements outlined in section 2.1 of this code:
 - 2.2.1.1 When collecting seeds, fruit or other propagating material, collect no more than 20% of the seeds, fruit or propagating material from any one plant in any 12-month period.
 - 2.2.1.2 Remove no more than 20% of the flowers, fronds, foliage or other parts from any one plant in any 12-month period.
 - 2.2.1.3 For plants that reproduce by spores and rhizomes, harvest no more than 20% of the plant stems from each plant.
 - 2.2.1.4 Only harvest bark from dead or fallen trees, or harvest dead bark only from live trees with a minimum trunk diameter of 15cm at breast height.
 - 2.2.1.5 When taking cycad parts—
 - i) seed must be ripe and shed from the plant or be on the point of being shed

- ii) remove material more or less evenly from each crown in a plant
 - iii) if the plant is of the genus *Bowenia*—
 - a) do not take from a plant with less than three fronds
 - b) at least two fronds must remain on a plant after taking
 - c) no frond is to be taken from a plant bearing female cones.
- 2.2.1.6 When taking grasstree parts—
- i) spikes must be cut only after seeds have been shed
 - ii) do not harvest the central growing core of grasstreeleaves
 - iii) remove material more or less evenly from the circumference of the plant.
- 2.2.1.7 When taking sandalwood parts—
- i) only remove foliage, twigs or propagative material
 - ii) do not harvest the main stem/s.

3. Requirements for labels and record-keeping

3.1 Requirements for a protected plant harvest record

- 3.1.1 To meet the requirements of Chapter 8, Part 1 of the Plants Regulation, the following particulars must be recorded in the protected plant harvest record for each species of plant:
- 3.1.1.1 The scientific name and common name (if any) of the plant or plant part taken.
 - 3.1.1.2 The licence number under which the plant or plant part was taken.
 - 3.1.1.3 The date and approximate time when the plant or plant part was taken.
 - 3.1.1.4 The location of harvest (i.e. the title reference for the land from which each plant or plant part was taken and other details that may prove the lawful origin of the plant or plant part).
 - 3.1.1.5 The total number of whole plants or, for plant parts, the number of cuttings or, where relevant, the volume/weight of plant parts taken from the land.
 - 3.1.1.6 The name of the person who took the plant or plant part and, if a vehicle was used, its registration number.
 - 3.1.1.7 If the plant or plant part was taken by or for a business (including by a contractor for a business)—
 - i) the name of the business
 - ii) the name of the person, contractor or entity operating on behalf of the business.
 - 3.1.1.8 If the plant was taken under contingent salvage only—a description of, and identification number for, the protected plant clearing permit, environmental authority under the *Environmental Protection Act 1994* or authority issued under another Act under which the plant was lawfully taken.
 - 3.1.1.9 For a whole plant that may be traded or used for a trade related purpose—the identification code of the official tag attached to the plant.

3.2 Requirements for a protected plant trade record

- 3.2.1 To meet the requirements of Chapter 8, Part 1 of the Plants Regulation, the following particulars must be recorded in the protected plant trade record for each plant species:
- 3.2.1.1 The scientific name and common name (if any) of the plant or plant part.
 - 3.2.1.2 For a plant or plant part moved (where there is no change of ownership or trade)—all of the following—
 - i) the street address of the place where the plant or plant part was moved from

- ii) the street address of the place where the plant or plant part was moved to
- iii) the total number of plants or plant parts being moved
- iv) the identification code of the official tag attached to each plant or plant part moved
- v) the date of movement of the plant or plant parts.

3.2.1.3 For each transaction by which a plant or plant part was sold or given away—all of the following—

- i) the identification code of the official tag attached to each plant or plant part
- ii) the date of the transaction
- iii) the full name of the person who sells or gives away the plant or plant part
- iv) the full name of the person who buys or receives the plant or plant part
- v) the total number of plants or plant parts sold or given away under the transaction.

NOTE: Subsection 3.2.1.3 (iv) does not apply to a person who sells or gives away a protected plant in the course of a retail activity to a buyer for the buyer's own personal use.

3.2.1.4 For plants propagated, or plant parts cultivated, from wild harvested plants or plant parts—all of the following—

- i) the total number of plants or plant parts produced by the propagation or cultivation
- ii) the identification code of the official tag attached to each plant or plant part
- iii) if a plant taken dies or is lost or stolen—
 - a) the date the plant was reasonably believed to have died or been lost or stolen
 - b) the total number of plants that died or were lost or stolen
 - c) if an official tag was attached to, or accompanied the plant—the identification code for the tag.

3.3 Additional recordkeeping requirements

Please note that additional identity recordkeeping requirements may apply to persons selling, giving away or receiving protected plants. Please refer to s.154 and s.155 in the Plants Regulation for further information.

3.4 Requirements for a protected plant trade label

3.4.1 To meet the requirements of Chapter 8, Part 3 of the Plants Regulation, the following particulars must be recorded on the protected plant trade label for each whole plant or plant part, or container or package of plant parts:

- 3.4.1.1 The scientific name and common name (if any) of the plant or plant part taken or otherwise obtained.
- 3.4.1.2 The origin or source of the plants or plant parts (e.g. lawfully taken from the wild, propagated, cultivated or imported from another state or territory).
- 3.4.1.3 For wild harvested plants or plant parts, the licence number and type under which the plant or plant part was harvested.

3.5 Requirements for a protected plant harvest label

3.5.1 To meet the requirements of Chapter 8, Part 3 of the Plants Regulation, the following particulars must be recorded on the protected plant harvest label:

- 3.5.1.1 The scientific name and common name (if any) of the plant or plant part.
- 3.5.1.2 The date and approximate time when the plant or plant part was taken.
- 3.5.1.3 If the protected plant harvest label is for a container or package containing plants or plant parts, the number of plants or plant parts in the container or package.

- 3.5.1.4 The location of harvest (i.e. the title reference for the land from which each plant or plant part was taken and other details that may prove the lawful origin of the plant or plant part).
- 3.5.1.5 The licence number and type under which the plant or plant part was harvested.
- 3.5.1.6 The name/s of the harvester/s.
- 3.5.1.7 The business name if harvested by or on behalf of a business or contractor.

4. Key definitions

For the purposes of this document:

“identification code” means a sequence of letters and numbers that identify the tag.

“protected plant harvest label” means a label that states the information required under the relevant section of the code of practice and must remain legible for the length of time the label is required to be attached. If compliant with this the harvest label is considered a ‘protected plant harvest label’.

“protected plant trade label” means a label that states the information required under the relevant section of the code of practice and must remain legible for the length of time the label is required to be attached. If compliant with this the trade label is considered a ‘protected plant trade label’.

“official tag” means a tag supplied by the Department of Environment and Science for attaching to a plant if it is used or intended on being used for trade; or if from another state, a tag used for attaching to the plant that complies with the requirements under the law (or any other applicable law) of the other state.

“protected plant harvest record” means a record kept for the details of harvest of restricted whole plants or plant parts taken under either a protected plant harvesting licence or protected plant growing licence granted under the Plants Regulation.

“protected plant trade record” means a record kept for restricted whole plants or plant parts used for trade either under a protected plant harvesting licence or protected plant-growing licence granted under the Plants Regulation

“restricted plant” means a protected plant that is classed as either critically endangered, endangered, vulnerable or near threatened under the Plants Regulation or that is prescribed as a special least concern plant under schedule 2 of the Plants Regulation.

5. Additional information

Restricted plants – for a full listing of plants that are critically endangered, endangered, vulnerable and near threatened refer to the Plants Regulation. For a full listing of plants that are special least concern refer to schedule 2 of the Plants Regulation. The regulations are available on the Office of the Queensland Parliamentary Counsel website < <https://www.legislation.qld.gov.au/OQPCHome.htm> >

The code is designed to be read in conjunction with the Plants Regulation. This regulation is available on the Office of the Queensland Parliamentary Counsel website < <https://www.legislation.qld.gov.au/OQPCHome.htm> >

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