



Queensland

Nature Conservation Act 1992

Nature Conservation (Protected Plants Harvest Period) Notice 2008

Reprinted as in force on 1 April 2008

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This notice is reprinted as at 1 April 2008.

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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Nature Conservation (Protected Plants Harvest Period) Notice 2008

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
3	Definitions	3
Part 2	Harvest period for protected plants	
4	Harvest period for protected plants	4
Part 3	Limitations and conditions applying to whole protected plants	
5	Limitation on application of harvest period for least concern plants	5
6	Condition on taking least concern plants under contingent salvage	5
7	Limitation on application of harvest period for other protected plants	7
Part 4	Limitations and conditions applying to protected plant parts	
8	Limitation on application of harvest period for particular protected plant parts	7
9	Condition on taking sandalwood from State land	8
10	Condition on taking sandalwood from other land	8
Part 5	Expiry	
11	Expiry	8
Endnotes		
1	Index to endnotes	9
2	Date to which amendments incorporated	9
3	Key	9

Contents

4	Table of reprints	10
5	List of legislation	10

Nature Conservation (Protected Plants Harvest Period) Notice 2008

[reprinted as in force on 1 April 2008]

Part 1 Preliminary

1 Short title

This notice may be cited as the *Nature Conservation (Protected Plants Harvest Period) Notice 2008*.

2 Commencement

This notice commences on 1 April 2008.

3 Definitions

In this notice—

bioprospecting activity means an activity that—

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

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

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

[s 4]

harvest period means the harvest period declared under section 4.

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

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

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

sandalwood means a plant of the species *Santalum lanceolatum*.

State land see the *Nature Conservation (Protected Plants) Conservation Plan 2000*, schedule 3.

stock plant means a plant taken in the wild for providing propagating material by—

- (a) dividing the plant; or
- (b) removing the seed, cuttings or propagating material from the plant.

whole, for a protected plant, includes—

- (a) a seedling, but not an ungerminated seed; and
- (b) if a person divides a plant into 1 or more viable plants—each viable plant.

Part 2 Harvest period for protected plants

4 Harvest period for protected plants

A harvest period for all protected plants—

- (a) starts at the beginning of 1 April 2008; and
- (b) ends at the end of 31 March 2009.

Part 3 Limitations and conditions applying to whole protected plants

5 Limitation on application of harvest period for least concern plants

- (1) The harvest period applies to the taking, for a commercial purpose, of a whole protected plant that is least concern wildlife if the plant is taken—
 - (a) as a stock plant; or
 - (b) under contingent salvage; or
 - (c) for a bioprospecting activity.
- (2) The harvest period applies to the taking, for other than a commercial purpose, of a whole protected plant that is least concern wildlife of the genus *Microsorium* if the plant is taken under contingent salvage.

6 Condition on taking least concern plants under contingent salvage

- (1) A whole protected plant that is least concern wildlife may be taken under contingent salvage, during the harvest period, only if the following conditions are complied with—
 - (a) the land from which the plant is taken is being, or will be, cleared—
 - (i) for an activity conducted under a mining lease under the *Mineral Resources Act 1989*; or
 - (ii) for a government infrastructure project; or

[s 6]

- (iii) to harvest a timber plantation; or
 - (iv) under a development approval under the *Integrated Planning Act 1997*;
- (b) the person taking the whole protected plant has an approved salvage plan for the land.

(2) In this section—

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

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

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

- (a) the construction of a facility for telecommunications under the *Telecommunications Act 1997* (Cwlth); or

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

7 Limitation on application of harvest period for other protected plants

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

Part 4 Limitations and conditions applying to protected plant parts

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

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

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

[s 9]

9 Condition on taking sandalwood from State land

- (1) No more than 500t of protected plant parts of sandalwood may be taken from all State land, during the harvest period, under all commercial wildlife harvesting licences.
- (2) The portion of the 500t that may be taken under a particular commercial wildlife harvesting licence is the volume stated on the licence for protected plant parts of sandalwood authorised to be taken from land that is State land.
- (3) In this section, a reference to the protected plant parts of sandalwood does not include—
 - (a) dead material or stumps of sandalwood; and
 - (b) protected plant parts of sandalwood taken under salvage.

10 Condition on taking sandalwood from other land

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

Part 5 Expiry

11 Expiry

This notice expires on 31 March 2009.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	9
3 Key	9
4 Table of reprints	10
5 List of legislation	10

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Nature Conservation (Protected Plants Harvest Period) Notice 2008 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 April 2008	

5 List of legislation

Nature Conservation (Protected Plants Harvest Period) Notice 2008 SL No. 65

made by the chief executive on 10 March 2008

notfd gaz 14 March 2008 pp 1469–72

ss 1–2 commenced on date of notification

remaining provisions commenced 1 April 2008 (see s 2)

exp 31 March 2009 (see s 11)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.