



## Native Plant Material Collection Policy

### **Description:**

This policy identifies the Department's position on collection of native plant material and provides that permits to collect native plant material will be issued when such collection applies principles of ecologically sustainable harvest and in accordance with the *National Parks and Wildlife Act 1972*

**Document Control:**

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<b>Date.Created</b>	14/03/2005
<b>Date.Released</b>	01/01/2007
<b>Date.Reviewed</b>	
<b>Version</b>	v00-01
<b>Description</b>	This policy will regulate the collection of native seed and fruit on public land in accordance with the National Parks and Wildlife Act 1972
<b>Keywords</b>	AAA - General Administration, COMMUNITY RELATIONS, POLICY, Guidelines, Biodiversity conservation, Sustainable use, Seed and fruit
<b>Availability</b>	
<b>Identifier.URL</b>	<a href="http://hub2/ppg/">http://hub2/ppg/</a>
<b>Identifier.URI</b>	DEH aa/yy/xxxx
<b>Coverage</b>	Departmental
<b>Quality Control</b>	

**Authorisation:****DIRECTOR, SCIENCE AND CONSERVATION**

Name \_\_\_\_\_

Date \_\_\_\_\_

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## 1. POLICY STATEMENT

This policy states the Department's position on the collection of native plant material on public and private lands in South Australia, in accordance with the *National Parks and Wildlife Act 1972* (NPW Act). The Department for Environment and Heritage (DEH) will issue permits for the collection of native plant material only in such circumstances where collection is managed according to principles of ecological sustainability. To ensure collection is carried out sustainably, regulatory framework is required.

## 2. OBJECTIVE

The objective of this policy is to provide regulatory framework for issuing native plant material collection permits to ensure sustainable collection activities.

In particular, the policy aims to:

- promote and support landscape rehabilitation activities including vegetation establishment and degraded site rehabilitation activities using local provenance seeds; and
- support sustainable wild harvest and cultivation of bush food and other consumptive activities;

with regard to:

- minimising damage to collection sites that can be caused through unregulated harvesting practices;
- preventing further spread of plant pathogens, for example, *Phytophthora cinnamomi*; and,
- preventing over-collection from any species and over-harvested sites;

thus ensuring such long term benefits as:

- supporting the community in conservation and restoration activities;
- encouraging sustainable use to promote intra- and inter-generational equity of natural resources; and
- regulating consumptive use of native plant material.

## 3. BACKGROUND

### 3.1 LEGISLATIVE MANDATE

Regulation of native plant material collection in South Australia is legislated under the *National Parks and Wildlife Act 1972* (South Australia) and the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

The NPW Act regulates the collection of native plants by requiring collection permits (**s49**). In the absence of a permit, collection of native plant material is prohibited on any Forest reserve, Wilderness protection area or zone, Crown land or any other land reserved for public purposes (**s47 (1)**). The NPW Act also prohibits the taking of a native plant of a prescribed species on private land (**s47 (2)**).

**Section 69** of the NPW Act provides the conditions under which permits must be applied for and issued. In particular, **s69 (4)(a)** makes provision for this policy,

by stating that 'a condition of a permit may require compliance with a specified code of practice, standard or other document as in force at a specified time or as in force from time to time'.

Under the EPBC Act, any activity that has, will have, or is likely to have a significant impact on a matter of national environmental significance (N.E.S.) will be regulated. Matters of N. E. S. of particular importance in South Australia will be any significant impacts to listed threatened species and ecological communities. In such circumstances, these actions may require approval from the Federal Minister for the Environment. If the Commonwealth prohibits an action, the state has no standing to allow it. However, if the Commonwealth permits an action, permission must still be subsequently sought from DEH.

It is the role of DEH to meet these requirements by developing and implementing policy framework that will lead to the sustainable use of native vegetation, in particular by issuing permits pursuant to **section 49** of the NPW Act.

### **3.2 HISTORICAL CONTEXT**

Collection of native plant material in South Australia is a viable activity both commercially and non-commercially for purposes such as revegetation activities. Every year, hundreds of permits are issued to commercial collectors, individual collectors, community groups and organisations such as Trees for Life. Previously, the Department has issued such permits with a set of standard conditions for collectors to work within. However, given the high numbers of permits being issued, and the subsequent large harvest of native plant material, a need has arisen for a tighter regulatory framework within which to issue permits.

#### **3.2.1 ECOLOGICAL IMPORTANCE OF REGULATION**

Seed and fruit provide the mechanism through which plants regenerate. Thus having an adequate supply of this resource is essential to maintain a healthy population of native vegetation. Also, native seed, fruit and other plant material provide a food source for native fauna. Unregulated collection activities may lead to over-harvesting of some species, and over time, both native flora and fauna may be adversely affected.

Regulating the collection of native plant material will ensure collection activities are sustainable. One of the core objectives of the National Strategy for Ecologically Sustainable Development (1992) is 'to protect biological diversity and maintain essential ecological processes and life-support systems'. More recently, the *Environment Protection and Biodiversity Conservation Act 1999* defined ecologically sustainable use of natural resources as 'use of natural resources within their capacity to sustain natural processes while maintaining the life-support systems of nature and ensuring that the benefit of the use to the present generation does not diminish the potential to meet the needs and aspirations of future generations'. Thus, exercising sustainable collection practices is an investment in the future of our native plant resources, ensuring their viability.

Regulation of collection activities, to ensure sustainability, involves setting harvest limits that can be supported by the species and the ecological community of which they are part, as well as maintaining accurate records detailing where collection activities are taking place. Moreover, sustainable collection practices also require that collectors do not negatively impact habitats whilst harvesting. Non-target species, including threatened species, in a target plant's habitat may be inadvertently damaged through harvesting activities, in particular, trampling and vehicle damage. Of particular concern is the risk of spreading plant pathogens (for example, *Phytophthora cinnamomi*, dieback) to uncontaminated sites through unhygienic collection practices.

### 3.3 INTENT OF THE DOCUMENT

This document will meet the Department's objectives of sustainable use and meet legislative requirements under **s49** of the NPW Act, and provisions under the EPBC Act. The native plant material collection policy is not intended to place unfair or unrealistic restrictions upon collectors of native plant material. It will be aimed at encouraging sustainable use of natural resources, particularly where such activities will lead to the benefits gained through revegetation activities. It is also recognised that many of the collectors act voluntarily, and with best intentions. As such, the policy is not intended to discourage collectors, merely to provide a framework that will ensure future collection activities do not impact upon the sustainability of the resource, nor damage the surrounding habitat.

## 4. SCOPE

This policy applies to:

- all persons applying to collect native plant material under **section 49** of the NPW Act, including both commercial and non-commercial harvesters;
- all persons collecting plant material for non-scientific activities such as, but not exclusively, revegetation activities, bush food and floral art;
- all plants indigenous to South Australia including all flowering plants, gymnosperms and ferns;
- all employees of the Crown.

This policy does not apply to:

- persons collecting native plant material for scientific purposes, for example herbarium specimens. Further information regarding scientific permits can be sourced from <http://www.environment.sa.gov.au/biodiversity/research.html>;
- Aboriginal persons collecting native plant material under **section 68D** of the NPW Act as such collection does not require a permit;
- Commonwealth land. Separate permission may be required from the Commonwealth government. Permits may also be required to harvest native plant material from plants listed as threatened in the EPBC Act on public and private land. Further information can be sourced from <http://www.deh.gov.au/epbc/about/index.html>;
- the export of native plant material from Australia, as regulated under the EPBC Act. However, a permit from DEH will still be required in order to harvest from public land;
- clearance of native vegetation as regulated under the *Native Vegetation Act 1991* (NV Act) and *NV Regulations 2003*. Collection of native plant material does not constitute clearance under the NV Act unless collection involves significant damage to native vegetation to access plant material;
- the severing of branches, limbs, stems or trunks of native vegetation; this is defined as clearance under the *Native Vegetation Act 1991*. An exception to this prohibition is where this activity is necessary for the collection of seed and fruit and will not cause substantial damage to the plant;
- the harvesting of resin from *Xanthorrhoea semiplana*. Further information can be sourced from <http://www.dwr.sa.gov.au/biodiversity/vegetation/nativevegetationcouncil.html>;

- salvage harvesting. In the instance that an applicant is seeking a permit to remove whole plants as part of a salvage operation, the applicant should seek guidance from the Native Vegetation Council;
- collection of material from dead plants;
- collection of firewood. Further information can be sourced from <http://www.environment.sa.gov.au/biodiversity/pub.html> - firewood

## 5. MANDATE

This policy is mandated by the Chief Executive to reinforce the Department's obligations under **s49** of the NPW Act, in order to regulate the collection of native seed and fruit.

The policy is consistent with all threatened species recovery plans.

## 6. COMPLIANCE REQUIREMENTS

This policy complies with the:

- *National Parks and Wildlife Act 1972* (South Australia);
- *National Parks and Wildlife (Wildlife) Regulations 2001* (South Australia);
- *Native Vegetation Act 1991* (South Australia);
- *Native Vegetation Regulations 2003* (South Australia)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cwth).

## 7. ROLES AND RESPONSIBILITIES OF DEH

This policy defines the conditions under which native plant material may be collected in South Australia.

In accordance with this policy, the Abundant Species and Sustainable Use Unit (Science and Conservation Directorate) will be responsible for:

- issuing permits to collectors in a manner that conforms to this Policy, the DEH Native Plant Material Collection Procedure, adopted on (insert date), and DEH Native Plant Material Collection Standard, adopted on (insert date);
- assessing collectors' credentials in order to determine their suitability for the collection of plant material;
- accurately collating collectors' annual return information into the Native Plant Material Collection database and maintaining this database;
- conferring regularly with Threatened Species Group to identify any species or areas of particular concern for collection; and
- conferring with Regional Ecologists and Threatened Plant Species project officers on species and areas of particular concern for collection.

In accordance with this policy, the Science and Conservation Directorate will be responsible for:

- creating a draft recommendation as stipulated under NPW Act **s49A (2)** for commercial harvest of species.

In accordance with this policy, the Regional Conservation Directorate (Investigations and Compliance Unit) will be responsible for:

- ensuring that collectors are acting within the conditions set on their permits; and
- taking legal action against collectors who are acting outside the conditions set on their permit or acting without a permit.

In accordance with this policy, the Regional Conservation Directorate is responsible for:

- ensuring any persons collecting in a National Park and Wildlife Reserve have permission to do so.

In accordance with this policy, Native Plant Material Collection permit holders are responsible for:

- ensuring that accurate information is provided to DEH upon application for a permit;
- adhering to the conditions set on the permit;
- following the DEH Native Plant Material Collection Best Practice Guidelines;
- obtaining landholders permission before collecting on any land;
- gaining permission from the relevant Local Government Councils where collection activities are planned;
- carrying permit at all times when collecting and making it available to delegated officers upon an inspection request; and
- providing accurate annual return information to DEH at the cessation of the permit period.

## **8. MANAGEMENT**

This document will be implemented by The Manager, Biodiversity Conservation Program, Science and Conservation Directorate and reviewed every three years.

The Manager, Biodiversity Conservation Program, Science and Conservation Directorate, will report on the management and implementation of this policy to the Chief Executive annually.

## **9. LINKS TO AGENCY ASSOCIATED DOCUMENTS**

This policy must be used in conjunction with:

- DEH Native Plant Material Collection Best Practice Guidelines;
- DEH Native Plant Material Collection Procedure, adopted on ; and,
- DEH Native Plant Material Collection Standard, adopted on

## **10. REFERENCES**

*National Parks and Wildlife Act 1972* (South Australia)

<http://www.parliament.sa.gov.au/Catalog/legislation/Acts/N/1972.56.un.htm>

*Native Vegetation Act 1991* (South Australia)

<http://www.parliament.sa.gov.au/Catalog/legislation/Acts/N/1991.16.un.htm>

*Environment Protection and Biodiversity Act 1999* (Cth)

<http://scaleplus.law.gov.au/html/pasteact/3/3295/top.htm>

*National Parks and Wildlife (Wildlife) Regulations 2001* (South Australia)

[http://www.austlii.edu.au/au/legis/sa/consol\\_reg/npawr2001428/](http://www.austlii.edu.au/au/legis/sa/consol_reg/npawr2001428/)

*Native Vegetation Regulations 2003* (South Australia)

[http://www.austlii.edu.au/au/legis/sa/consol\\_reg/nvr2003303/](http://www.austlii.edu.au/au/legis/sa/consol_reg/nvr2003303/)

Permits for scientific purposes

<http://www.environment.sa.gov.au/biodiversity/research.html>

Native vegetation clearance and heritage agreements

[www.deh.sa.gov.au/biodiversity/heritage\\_education.html](http://www.deh.sa.gov.au/biodiversity/heritage_education.html)

## 11. DEFINITIONS

In this policy, unless contrary intention appears-

‘commercial collection activities’ means any collection that is for the primary purpose of profit, this does not include such activities as community groups who may sell collected material as a fund-raising activity;

‘native vegetation’ means all plants indigenous to South Australia including all flowering plants, gymnosperms and ferns but does not include any plant that is dead;

‘not suitable’ in regards to an applicant means a person from whom a permit has been revoked for breach of permit conditions, or who has a history of offences against the NPW Act, or similar state and territory acts;

‘plant’, for the purposes of harvesting, includes flowers, seeds, fruits and any other part of the vegetation;

‘prescribed species’ are those determined under **s47(2)** of the NPW Act;

‘private land’ means any land that is not Crown Land or Commonwealth Land, and includes pastoral leases;

‘salvage harvesting’ means the act of removing plant parts from areas that are designated for vegetation clearance;

‘substantial damage’ is defined as any killing, destruction or removal of native vegetation and includes the severing of branches, limbs stems or trunks and any analogous activity. Activities excluded from this definition include the taking of a cutting for propagation and the removal of plant parts in order to obtain seeds provided that such removal does not alter the form, destroy or cause death to the plant.