



Nature Conservation Act 1992

Nature Conservation (Protected Plants Harvest Period) Notice 2013

Current as at 1 April 2013

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the Reprints Act 1992 used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/information.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



Queensland

Nature Conservation (Protected Plants Harvest Period) Notice 2013

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Nature Conservation (Protected Plants Harvest Period) Notice 2013

[reprinted as in force on 1 April 2013]

Part 1 Preliminary

1 Short title

This notice may be cited as the *Nature Conservation (Protected Plants Harvest Period) Notice 2013*.

2 Commencement

This notice commences on 1 April 2013.

3 Definitions

In this notice—

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

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.

harvest period means the harvest period declared under section 4.

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

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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.

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 2013; and
- (b) ends at the end of 31 March 2014.

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 conducting an activity under a mining lease under the *Mineral Resources Act 1989*; or
 - (ii) for a government infrastructure project; or
 - (iii) to harvest a timber plantation; or
 - (iv) under a development approval under the *Sustainable Planning Act 2009*;
 - (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 each of the following—
 - (i) a description and map of the land;
 - (ii) a declaration from the landholder that the land will be cleared;
 - (iii) a description of the development or activity for which the land will be cleared;

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- (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 *Sustainable Planning Act 2009*; 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, the 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 2009* 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 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 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.

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 weight 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; or
 - (b) protected plant parts of sandalwood taken under salvage.

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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 weight 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; or
 - (b) protected plant parts of sandalwood taken under salvage.

Part 5 Expiry

11 Expiry

This notice expires on 31 March 2014.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Nature Conservation (Protected Plants Harvest Period) Notice 2013 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

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
1 April 2013	none	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note.

Nature Conservation (Protected Plants Harvest Period) Notice 2013 SL No. 33

made by the chief executive on 7 March 2013
notfd gaz 15 March 2013 pp 387–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 April 2013 (see s 2)
exp 31 March 2014 (see s 11)