



Australian Government

Department of the Environment and Energy

Assessment of

***The Wildlife Trade Management Plan - Queensland
Protected Plants, 5 August 2019 to 4 August 2024 as
a wildlife trade management plan under the EPBC
Act, 2019***

July 2019

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This report should be attributed as '*Assessment of Wildlife Trade Management Plan - Queensland Protected Plants, 5 August 2019 to 4 August 2024 as a Wildlife Trade Management Plan under the EPBC Act, 2019*'.

Disclaimer

This document is an assessment carried out by the Department of the Environment and Energy of a commercial wildlife trade management plan. It forms part of the advice provided to the Minister for the Environment and Energy on the fishery in relation to decisions under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for the Environment and Energy or the Australian Government.

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EXECUTIVE SUMMARY

On 11 April 2019, the Queensland Department of Environment and Science (QDES) submitted the Wildlife Trade Management Plan - Queensland Protected Plants, 5 August 2019 to 4 August 2024 (the Plan) to the Department of Environment and Energy (the Department) to be assessed under the EPBC Act as an approved Wildlife Trade Management Plan. Comments received during public consultation from 12 April 2019 to 17 May 2019 were considered in the Department's assessment.

The Plan covers the commercial harvest of whole plants or plant parts within Queensland, subject to outlined management controls. The plan does not cover the export of any CITES I species or eligible threatened species listed under EPBC Act.

The Plan is designed to manage the protected plant industry in Queensland in accordance with the principles of ecological sustainability. This is achieved through:

- Licencing harvesters picking on state land;
- Restricting the harvesting of species; and
- Ensuring compliance with relevant laws through monitoring harvest, inspections and reporting.

The Department will monitor the level of harvest under the Plan by reviewing reports provided by QDES that provide the quantity harvested for each species, any quotas imposed on the harvest of a given species, and enforcement activities undertaken in relation to the Plan.

On this basis, the Department considers that a declaration of the proposal as an approved wildlife trade management plan for five years, until 4 August 2024, is appropriate.

Unless a specific time frame is provided, each condition must be addressed within the period of the approved Wildlife Trade Management Plan.

Section 1: Summary

Previous assessment history

1st assessment (Wildlife Trade Management Plan) finalised August 2014

EPBC requirements	Meets	Partially meets	Does not meet	Details
Part 13A	Meets			<p>The operation is consistent with the Objects of Part 13A.</p> <p>Declaration of the Wildlife Trade Management Plan is recommended for five years, until 4 August 2024, subject to conditions detailed in Section 3 of this report.</p>

Section 2: Part 13A assessment

Section 303BA Objects of Part 13A	
<p>(1) The objects of this Part are as follows:</p> <p>(a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;</p> <p>(b) to protect wildlife that may be adversely affected by trade;</p> <p>(c) to promote the conservation of biodiversity in Australia and other countries;</p> <p>(d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;</p> <p>(e) to promote the humane treatment of wildlife;</p> <p>(f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and</p>	<p>The Wildlife Trade Management Plan - Queensland Protected Plants, 5 August 2019 to 4 August 2024 (the Plan) contributes to a system of national plant management plans designed to ensure conservation and sustainable use of wildlife resources. The Plan is consistent with Australia’s obligations under the Convention on Biological Diversity and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</p> <p>Regulation of protected plants in Queensland is achieved through a harvester licensing system. Stricter requirements apply for species identified as "Restricted plants" (species listed as endangered, vulnerable or near threatened under the <i>Nature Conservation Act 1992 (Queensland)</i>). This system is intended to protect wildlife that may be adversely affected by overharvesting and trade.</p> <p>The Plan aims “to manage the commercial harvesting of protected pants on state land and private property to ensure that harvesting is undertaken in a manner that does not jeopardise the conservation of the species [taxon] being harvested, nor, in the case of state land, the conservation values of the land”. This aim is consistent with this object.</p> <p>The Plan is designed to set out the management arrangements to support the commercial use of native plants in Queensland in accordance with the principles of ecological sustainability. This is achieved through a system of licensing harvesters, listing species as ‘restricted’ or ‘least concern’, ongoing monitoring by the Queensland Herbarium and ensuring compliance with the law.</p> <p>Object 303BA (1)(e) is not applicable to the operation.</p> <p>Object 303BA (1)(f) is not applicable to the operation.</p>

(h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.	The Plan explicitly notes that decisions regarding the implementation of management measures will take into account the precautionary principle. These include: banning the harvest of particular species; banning harvest from particular areas; imposing quotas; declaring harvest periods, and restricting harvest methods or the parts of plants that may be taken.
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Section 303FO Approved wildlife trade management plan	
(2) The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified plan is an approved wildlife trade management plan for the purposes of this section.	
(3) The Minister must not declare a plan under subsection (2) unless the Minister is satisfied that: (a) the plan is consistent with the objects of Part 13A of the Act; and	<p>Meets</p> <p>The operation is consistent with Objects of 13A – see assessment above.</p>
(b) there has been an assessment of the environmental impact of the activities covered by the plan, including (but not limited to) an assessment of: i. the status of the species to which the plan relates in the wild; and ii. the extent of the habitat of the species to which the plan relates; and iii. the threats to the species to which the plan relates; and iv. the impacts of the activities covered by the plan on the habitat or relevant ecosystems.	<p>Meets</p> <p>The Plan relates only to “protected plants” as defined under the <i>Nature Conservation Act 1992 (Queensland)</i> (Nature Conservation Act), the Nature Conservation (Wildlife Management) Regulation 2006, and the Nature Conservation (Wildlife) Regulation 2006. A ‘protected plant’ is any Queensland native plant species.</p> <p>The Plan contains an individual assessment of biology, habitat, conservation status, range, threats and harvesting impacts for each of the plant species listed on the Nature Conservation Act. This list contains the status for all species for which commercial harvesting occurs.</p> <p>QDES co-ordinates the process for plant species to be listed under the Nature Conservation Act, through the Species Technical Committee (STC). The STC is comprised of employees of Queensland Government departments and non-government experts.</p> <p>The Queensland Herbarium will continue to monitor emerging trends and commercial interest in plant specimens. The Queensland Herbarium will also continue to play a critical role in identifying new plant species, the commerciality of plant species and referring plant species to the STC for a review of their conservation status under the Nature Conservation Act if required. Decisions regarding the listing status of a species under the Nature Conservation Act are made by the Queensland Herbarium based on advice from the STC. Recommendations by the Queensland Herbarium are based on:</p> <ul style="list-style-type: none"> • expert knowledge on the species’ biology • knowledge of what is harvested and what is traded • other significant factors such as the affects of land clearing on the species and collection of species by enthusiasts. <p>The Plan covers the whole of Queensland. No harvesting is allowed in National Parks or other conservation reserves under the Nature Conservation (Protected Areas) Regulation 1994. Harvesting on private land is also regulated, and clearing controls are found via the <i>Vegetation Management Act 1999</i>, and <i>Planning Act 2016</i>.</p> <p>State-wide threats and conservation issues are monitored by the Queensland Herbarium and the STC. The major threats and issues covered in the Plan are when unrestricted harvest is permitted for least concern plant. If warranted, a conservation plan for particular species may be established or an area may be identified as an area of major interest or critical habitat.</p>

<p>(c) the plan includes management controls directed towards ensuring that the impacts of the activities covered by the plan on:</p> <ul style="list-style-type: none"> i. a taxon to which the plan relates; and ii. any taxa that may be affected by activities covered by the plan; and iii. any relevant ecosystem (for example, impacts on habitat or biodiversity); <p>are ecologically sustainable; and</p>	<p>Meets</p> <p>The Plan aims to achieve ecological sustainability of the harvest of Queensland protected plants by licensing harvesters, setting quotas, listing species, and ensuring compliance with the Nature Conservation Act and associated regulations. Harvesting protected plants on Crown Land requires a licence.</p> <p>Under licence, harvesters are required to comply with relevant record keeping and tagging conditions in order for them to be able to trade in protected plant species. These conditions aim to support compliance and monitoring and minimise opportunities for unlawfully harvested plants to enter trade. Official tags are issued by the Queensland Government and are numbered consecutively so that the origin of the plant can be traced.</p> <p>The harvester must attach an approved trade label to each whole plant or bundle or container of plant parts harvested. The information required to be included on an approved trade label will be sufficient to enable identification of the origin of the plant, and the licence or authority under which the plant was harvested. This arrangement enables the origin of a restricted plant to be traced through the protected plant trade records for the plant.</p> <p>QDES conservation officers have statutory powers to ensure compliance with the Nature Conservation Act. They conduct field operations to monitor compliance on Crown Land and private land, as well as propagators, nurseries, wholesalers and retailers.</p> <p>As a part of the application process to obtain a licence, harvesters must supply a sustainable harvest plan which includes details of their proposed harvest regime. Harvesting of specific taxa can also be banned if it cannot be proven sustainable.</p>
<p>(d) the activities covered by the plan will not be detrimental to:</p> <ul style="list-style-type: none"> i. the survival of a taxon to which the plan relates; or ii. the conservation status of a taxon to which the plan relates; or iii. any relevant ecosystem (for example, detriment to habitat or biodiversity). 	<p>Meets</p> <p>The operation is not expected to be detrimental to the survival or conservation status of the relevant taxon and ecosystems.</p> <p>The Plan allows the harvest of restricted plant species in the wild under licence only where the harvest is shown to be ecologically sustainable, therefore ensuring viable populations of the target species continue to exist in the wild. In this way, the survival and conservation status of any relevant taxa should not be affected.</p> <p>The Plan details the responsibilities of harvesters to minimise the impact of harvest on ecosystems and thereby ensure harvesting activity is not detrimental to that ecosystem. Under their harvest plan (that must be agreed to by QDES prior to a licence being granted), the harvester must demonstrate their harvesting plan will:</p> <ul style="list-style-type: none"> I. 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; and II. rehabilitate the area to improve overall ecosystem health and ecological processes to enhance the viability of the target species and vegetation community. <p>For least concern plants, QDES will rely on expert advice from the Queensland Herbarium and the STC to monitor emerging threats and the conservation status of plant species.</p>

<p>(e) the plan includes measures:</p> <ul style="list-style-type: none"> i. to mitigate and/or minimise the environmental impact of the activities covered by the plan; and ii. to monitor the environmental impact of the activities covered by the plan; and iii. to respond to changes in the environmental impact of the activities covered by the plan; and 	<p>Meets</p> <p>Management measures to mitigate and/or minimise the environmental impact of the activities covered by the Plan are detailed under s(3)(b) and (c) above.</p> <p>Enforcement approaches are outlined in the “Enforcement Guideline” document, and in the Plan. The purpose of the guideline is to ensure consistency and transparency of enforcement actions. The range of enforcement actions undertaken by QDES apply to the wildlife under the Nature Conservation Act.</p> <p>The harvest of protected plants in Queensland is monitored via records of the protected plant licences and official tags issued. These records and documents can be accessed and analysed to monitor harvesting trends. Least concern plants that may be exempt from requiring harvest licences will also be monitored to ensure collecting pressure remains sustainable – information gathered through the records of Forest Products and other State agencies will help identify any trends in commercial interest or spikes in demand.</p> <p>Species facing new commercial pressures, or, where there is an increase in the quantity of plants entering trade, or significant changes in land use or other events that may impact on species or populations, will be referred to the Queensland Herbarium for further assessment and if required will be listed as special least concern. Plants listed as special least concern are not considered rare, however are susceptible to over harvesting.</p> <p>Auditing of licensed harvesters will be undertaken by QDES 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 Queensland Herbarium will also be consulted regarding the status of species that are utilised in trade obtained through their network.</p> <p>Monitoring of harvesting activities will be undertaken by QDES conservation officers through contact with industry representatives and local contacts in the areas of harvest. Any potential breaches or spikes in activity will be escalated for further investigation.</p> <p>Mechanisms are available under the Nature Conservation Act to reclassify the conservation status of species or to restrict harvest in response to changes in the impact of harvesting activity. QDES will advise the Department in writing of any reclassification of conservation status of any plant species under the Plan or the introduction of harvest periods or quotas imposed on any plant species.</p>
<p>(f) if the plan relates to the taking of live specimens that belong to a taxon specified in the regulations - the conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and</p>	<p>Not applicable</p> <p>The Environment Protection and Biodiversity Conservation Regulations 2000 (the Regulations) do not specify plants in relation to the welfare of live specimens.</p>
<p>(g) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>Not applicable</p> <p>No other conditions are specified in relation to commercial wildlife trade management plans in the Regulations.</p>

<p>(4) In deciding whether to declare a plan under subsection (2), the Minister must have regard to:</p> <p>(a) whether legislation relating to the protection, conservation or management of the specimens to which the plan relates is in force in the State or Territory concerned; and</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p> <p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p>Meets</p> <p>This Plan currently operates under the Nature Conservation Act and the licensing and management frameworks for these activities are contained in the Nature Conservation (Wildlife Management) Regulation 2006 and Nature Conservation (Wildlife) Regulation 2006. The Nature Conservation Act applies throughout Queensland.</p> <p>The compliance, monitoring and enforcement section of the Plan has been updated to reflect current practices under the QDES's Enforcement Guidelines. The new guideline aims to ensure consistency and transparency of enforcement actions, these enforcement guidelines apply to all decisions about enforcement action made by QDES in administering its legislation. The range of enforcement actions undertaken by the department according to this guide have been described in the Plan and apply to the wildlife under the Nature Conservation Act.</p> <p>The Department has considered the conservation listing and licencing requirements in the legislation, and the monitoring, analysis and enforcement actions planned by QDES, and concluded that the Queensland legislation will be effective in protecting, managing and conserving the species harvested as whole plants and plant parts.</p>
<p>Section 303FQ Consultation with state and territory agencies</p>	
<p>Before making a declaration under section 303FO or 303FP, the Minister must consult a relevant agency of each State and self-governing Territory affected by the declaration.</p>	<p>Consultation was undertaken with the Queensland Department of Environment and Science.</p>
<p>Section 303FR Public consultation</p>	
<p>(1) Before making a declaration under section 303FO, the Minister must cause to be published on the Internet a notice:</p> <p>(a) setting out the proposal to make the declaration; and</p> <p>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and</p> <p>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.</p> <p>(2) A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.</p>	<p>Meets</p> <p>A public notice, which set out the proposal to declare the Wildlife Trade Management Plan for Protected Plants in Queensland 5 August 2019 to 4 August 2024, as an approved wildlife trade management plan, was released for public comment on 12 April 2019 to 17 May 2019, a total of 20 business days.</p>
<p>(3) In making a decision about whether to make a declaration under section 303FO, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.</p>	<p>One public comment was received on the 17 May 2019.</p> <p>The comment was in regards to strengthening compliance and enforcement. QDES addressed the comment and updated the Plan accordingly.</p>
<p>Section 303FT Additional provisions relating to declarations</p>	
<p>(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.</p>	<p>A declaration for the operation will be made under section 303FO.</p>
<p>(4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</p> <p>(a) during a particular period; or</p> <p>(b) while certain circumstances exist; or</p> <p>(c) while a certain condition is complied with.</p> <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	<p>The standard conditions applied to commercial wildlife trade operations include:</p> <ul style="list-style-type: none"> This declaration is valid for five years from the date of registration of this declaration. <p>The wildlife trade management plan instrument for the Wildlife Trade Management Plan - Queensland Protected Plants, 5 August 2019 to 4 August 2024 specifies the aforementioned standard condition and the additional conditions as specified in section 3 of this report.</p>

(8) A condition may relate to reporting or monitoring.	One of the conditions specified in section 3 of this assessment relates to reporting.
(9) The Minister must, by instrument published in the Gazette, revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.	
(11) A copy of an instrument under section 303FO, or this section is to be made available for inspection on the internet.	The instrument for the Plan made under sections 303FO, including conditions applied under section 303FT will be registered as a notifiable instrument and made available through the Department's website.

Section 3: Recommended Conditions

Issue	Condition
<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of the Environment and Energy needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes operational and legislated amendments that may affect sustainability of the target species or negatively impact on <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) protected species or the ecosystem.</p>	<p>Condition 1:</p> <p>Harvesting of plants and plant parts in Queensland is to be done in accordance with the Wildlife Trade Management Plan - Queensland Protected Plants, 5 August 2019 to 4 August 2024 (the Plan).</p> <p>The Queensland Department of Environment and Science to inform the Department of any intended material changes to the Plan that may affect the assessment against which the EPBC Act decisions are made.</p> <p>Condition 2:</p> <p>The approval excludes wild harvested specimens of species CITES I listed or listed as threatened under the EPBC Act.</p>
<p><u>Reporting</u></p> <p>It is important that reports be produced and presented to the Department in order for the performance of the operation to be monitored and assessed throughout the life of the declaration.</p>	<p>Condition 3:</p> <p>The Queensland Department of Environment and Science must provide a report to the Department of the Environment and Energy by 30 June each year. The report must include details of:</p> <ul style="list-style-type: none"> 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 <i>Nature Conservation Act 1992 (Queensland)</i>; 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.