

# Summary of stakeholder submissions

## Draft sustainable management plans for whole plants and cut flowers 2018-2022

### Introduction

Draft sustainable management plans for protected whole plants and cut-flowers for the 2018-2022 period were jointly exhibited for public consultation by the NSW Office of Environment and Heritage (OEH) and the Australian Department of Environment and Energy (DOEE) from 9 October to 12 November 2017.

The draft 2018-2022 plans were developed based on a review of the 2013-2017 plans by a consultative committee comprising industry and OEH representatives.

The 2018-2022 management plans, as revised following review of public submissions, have been approved by DOEE and OEH effective 1 January 2018.

Copies of the approved plans and updated information on OEH licence classes is available on the [OEH website](#).

This report provides a summary of the issues raised in submissions and where these resulted in changes in the approved plans. It does not identify persons and groups that made submissions.

### Number of submissions received

A total of 17 submissions were received. The whole plants plan attracted more submissions than the cut flower plan.

**Table 1 – Breakdown of submissions by stakeholder category**

Stakeholder category	Whole plants	Cut flowers	General	Total
Industry groups	1	1	-	2
Licensed harvesters and growers	3	-	-	3
Plant societies and groups	6	-	-	6
Individuals	-	-	5	5
Environment groups	-	1	-	1
<b>Total</b>	<b>10</b>	<b>2</b>	<b>5</b>	<b>17</b>

### General comments

Submissions from individuals included general comments supporting the objectives of the plans including:

- support for the management plans and the regulation of the commercial use of native plants

- the need to support artificial propagation of native species to reduce demand for plants sourced from the wild
- the need for proactive compliance inspections and high penalties for non-compliance.

## Comments on the Whole Plants Management Plan

Issues raised in submissions about the whole plant management plan included:

- tagging for plants cultivated under grower licences
- size limits for wild harvested *Xanthorrhoea* (grass trees)
- impact on orchid societies and their members
- hybrid plants
- propagation of threatened species
- grower licence application forms
- salvage harvesting.
- licence and tag fees

### Tagging for plants cultivated under grower licences

As indicated in the draft plan, OEH consulted industry representatives during the consultation period to review tagging requirements under grower licences. Key concerns included the practicability and cost of the draft plan's requirements to:

- attach grower tags to cultivated plants sold in batches to wholesalers and landscapers
- attach both grower and NPWS tags to specified species of cultivated plants that exceed stated size limits.

As a result, the approved plan includes the following tagging requirements for plants cultivated under a grower licence:

- for cultivated plants sold in batches to wholesalers and landscapers, evidence of their source may be provided to the buyer, rather than individually tagging each plant (see section 4.11.2)
- grower tags must be attached to individual plants that are offered or displayed for retail sale (see section 4.11.2)
- NPWS tags are no longer required for cultivated aspleniums and palms (other than cabbage tree palms) that exceed specified size limits, on the basis they are not likely to be confused with wild harvested plants (see Appendix K)
- a grower tag is not required for plants that require a NPWS tag because they exceed specified size limits (see Appendix K).

### Impact on orchid societies and their members

A number of submissions were received from orchid societies which raised various issues concerning the application of the management plan and OEH licensing requirements for orchids cultivated by their members.

#### Hobbyist exemptions

Concern was expressed that the *Biodiversity Conservation Act 2016* includes a defence for hobbyists from the offence of picking plants, but not for the offences of possessing and dealing in plants, as applied under the *National Parks and Wildlife Act 1974*.

The plan has been revised to clarify that the defences for hobbyists apply to picking, possession and dealing of plants for non-commercial purposes (see section 4.5.3). OEH has

sought approval for the defences for possession and dealing for non-commercial purposes to be included under the BC Act.

### Tagging requirements for hobbyists

It was suggested that it was unreasonable to require hobbyists to retain tags and records of the purchase of harvested orchids.

Tags are not required for plants kept in a hobbyist's collection. The revised tagging requirements in the plan clarify that tags are only required to be attached to individual plants when offered or displayed for retail sale (see section 4.11.2).

Hobbyists are only required to obtain a grower's licence and comply with tagging and record keeping requirements if they propose to grow and sell protected plants to the public (see section 4.5.4). A licence and tags are not required if plants are traded between members of a society or given away to members of the public.

The plan also notes that a society requires a grower licence if the society is selling plants to the public, including plants donated by members (see section 4.5.3). When plants are in a raffle, this is considered a sale, and a licence is required.

### **Size limits and tagging for Xanthorrhoea (grass trees)**

Submissions from licensed harvesters and industry groups indicated support for changes in the plan to:

- allow wild harvesting of Xanthorrhoea up to 2 metres in height, subject to population assessments and harvest levels to ensure harvesting is sustainable (see Appendices H and K).
- increase the minimum pot size limit for plants requiring a NPWS tag instead of a grower tag from 140 millimetres to 200 millimetres (see Appendix K).

One submission welcomed these changes as they would align NSW requirements with those of Queensland.

### **Hybrid plants**

Several submissions suggested the plan and associated licensing requirements should not apply to hybrids.

The plan notes that many hybrids cannot be readily distinguished from the parent stock until flowering occurs, making identification of hybrids very difficult without flowering parts (see section 4.11.3).

For this reason, in the absence of a reliable method to identify hybrid plants, licensing and associated grower tags are required for protected plant hybrids cultivated for commercial purposes, except for hybrids registered under the *Plant Breeders Rights Act 1994*.

### **Propagation of threatened species**

It was suggested that plant societies should be able to obtain a licence to enable members to harvest and cultivate threatened species to ensure the species are conserved if wild populations are lost.

The wild harvest of threatened species for commercial purposes is not permitted under the plan, except for threatened species individually listed in the schedule of protected plants (see section 4.8.9).

However, the plan notes picking threatened species from the wild to establish an artificial propagation program is permitted under a scientific licence.

OEH's [citizen science strategy](#), promotes the involvement of volunteers in conservation and research projects and through scientific licences.

### **Grower licence application form**

The grower licence application form requires the applicant to list the species proposed to be grown.

One submission noted it may be impossible for small nurseries to forecast which species they may cultivate over a licence term, especially over a five-year licence term.

The plan has been clarified to note that additional species can be added to a licence during a licence term (see Appendix G).

### **Salvage harvesting**

The draft plan allows harvesting of protected plants from the wild where approved construction, mining, forestry or infrastructure development will result in their destruction.

One submission suggested salvage harvest licences should include provision for plants to be successfully reintroduced as an 'offset' measure to ensure the continued existence of the species in the wild.

The plan does not require licensed harvesters to implement offsetting measures for salvage harvests. However, NSW laws require scientifically-based biodiversity conservation assessment of proposed developments and provide that offset measures may be applied to development approvals to conserve biodiversity.

### **Licence and tag fees**

The current grower's licence is \$30 for 12 months, \$75 for three years and \$100 for five years. One submission noted the licence fees are reasonable, but another submission indicated grower licence fee discounts should be available to not-for-profit groups. Licence and tags fees are subject to periodic review by OEH.

The plan proposes a premium fee for NPWS tags for certain species. One submission supported a single flat fee for NPWS tags not exceeding 20 cents. At this stage, OEH will only charge a premium fee for tags for wild harvested *Xanthorrhoea* that exceed one metre in height (see Appendix H).

## **Comments on the draft cut flower management plan**

A wildflower industry group commented that the draft plan addressed the concerns raised by its members during consultative committee meetings.

### **Harvesting in State Forests**

The draft plan includes a proposal to discontinue OEH picker licences which allowed commercial harvesting of cut flowers and foliage of low risk species of protected plants on land not owned by the harvester.

Under this proposal, harvesting of low risk species would continue to be allowed in State Forests if approved by the Forestry Corporation under a forest products licence.

## Summary of stakeholder submissions

An environmental group raised concerns this proposal did not ensure harvesting in State Forests would be undertaken on a sustainable basis.

OEH considers the proposal will enhance the sustainability of harvesting of lower risk species, because it restricts commercial cut flower and foliage harvesting to State Forests and to land owned by wild harvester licence holders.

The plan provides the Forestry Corporation will provide forest products licence data to OEH to enable OEH to monitor harvest levels under both forest product licences and OEH wild harvester licences (see section 3.4.3).