

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

CORPORATE EXECUTIVE

ADMINISTRATIVE INSTRUCTION NO. 60

5 July 1995

(SCHEDULES 1 and 2 RE-ISSUED 1.2.2000)

FLORA ROYALTIES PAYABLE UNDER COMMERCIAL PURPOSES LICENCES

INTRODUCTION

This Administrative Instruction should be read in conjunction with Policy Statement No. 13, "Commercial Flora Harvesting", November 1993.

Following revision of the Schedule of Royalty for Forest Produce by the Forest Resources Division and legal advice on the licensing requirements for taking minor forest produce and protected flora, it has been determined that those products listed in the royalty schedule to this instruction (Schedule 1) which were previously treated as minor forest produce will now only be subject to taking for commercial purposes under the authority of a Wildlife Conservation Act Commercial Purposes Licence.

The requirement to pay royalty for protected flora taken on Crown land is effected through Commercial Purposes Licence terms or conditions which specify the rate of royalty payment (see section 68(2)(a) of the *Wildlife Conservation Act 1950*). Collection of royalty may be subject to pre-payment by the applicant for a licence or licence endorsement, depending on the circumstances or special conditions in place to manage the relevant flora species subject to royalty.

Royalty received for protected flora must be paid into the Nature Conservation and National Parks Trust Account in compliance with section 68(2)(a) of the *Conservation and Land Management Act 1984*. It is not possible to recoup administrative or operational costs associated with royalty and licence fee collection from the Trust Account (cf. section 64(3) of the CALM Act) and Regions and Districts can therefore only assign these costs as expenditure under the Nature Conservation Program.

Some of the flora subject to royalty will also have special conditions applying to, for example, assessment of licence and endorsement applications or the quantity of flora that may be taken (cf. below and Schedule 2).

Amendments and additions to flora royalties, the species subject to royalty and the special conditions that may apply will ordinarily be implemented through the issue of dated replacement Schedules for this Administrative Instruction (Schedule 1: Flora Royalties; Schedule 2: Special Conditions). However, under special circumstances licensees may be charged a royalty other than that prescribed in Schedule 1 by the exercise of the power provided in section 23C(3)(a) of the *Wildlife Conservation Act 1950*. Such a variation in royalty from that prescribed can only be implemented where authorisation to proceed has been granted by the Director of Nature Conservation, or the Manager, Wildlife Branch. Similarly, special conditions not prescribed in Schedule 2 may be endorsed on or added to a Commercial Purposes Licence to enable special circumstances to be managed and addressed (cf sections 15(5), 2313(1) and 23C(2) of the *Wildlife Conservation Act*).

LICENSING PROCEDURES, FEES AND ROYALTIES

Regions and Districts will accept licence applications and fees, collect royalty and issue approved licence endorsements as appropriate. Wildlife Branch will also continue to carry out these administrative functions and issue flora licences under the *Wildlife Conservation Act 1950*, as a centralised service.

New Applications and Renewals

Applications for Commercial Purposes Licences, whether for a new licence or to maintain continuity of licensing, will be accepted at Regional and District offices provided they are on the said form and accompanied by the licence fee, which is currently \$100.00. Application forms and receipts for licence fees must then be forwarded to Wildlife Branch, Como. The flexfield short-code to be used for the Commercial Purposes Licence fees is 147 843 0501.

Wildlife Branch will advise Regions and Districts whether pre-payment of royalty is required. If pre-payment of royalty is required, an applicant intending to take flora subject to royalty must, in addition to paying the licence fee, also pre-pay the royalty amount applicable to the quantity of flora that may be taken (see also **Quotas and Other Special Conditions** below). Royalty receipts must also be forwarded to Wildlife Branch along with the application form and licence fee receipt. The flexfield short-code to be used for flora royalty is 147 843 1100.

Applications from Current Licensees

Where a Commercial Purposes Licence has already been issued, is current and a licensee intends to take protected flora subject to royalty, an endorsement comprising amended and additional licence conditions may be issued at a Regional or District office provided that, where applicable, the appropriate royalty is pre-paid (flexfield short-code 147 843 1 100). Endorsements will be provided to Regions and Districts by Wildlife Branch.

Quotas

The quantity of flora that may be taken can be restricted and made subject to quotas by licence condition. Any proposal for the implementation or variation of a quota must be referred to Wildlife Branch for assessment. Authorisation to proceed with the implementation or variation of a quota may be given by the Director of Nature Conservation. Quotas currently apply to brown boronia (*Boronia megastigma*), snakewood (*Acacia xiphophylla*) and *Dryandra formosa*.

Whole Plants

Standard Commercial Purposes Licence conditions preclude the taking of whole plants. Taking of certain whole plants subject to royalty will therefore also require amended licence conditions to be issued. Whole plant harvesting will normally only be permitted as a salvage operation where the plants would otherwise be destroyed. Applicants must also be advised that as the Australian Nature Conservation Agency will not generally issue permits for export overseas of whole plants, they should contact Wildlife Branch for advice if export overseas is intended.

Returns

All Commercial Purposes Licensees are required to provide a quarterly return of protected flora taken under licence showing the flora taken in each month. Where protected flora is subject to a royalty and/or quota, separate returns may be required for that flora. For example, this requirement is already implemented in respect of the taking of *Boronia megastigma*. The frequency of returns and the periods that they apply to may also be varied by the Department to suit the management practices required for particular species subject to royalty and/or quota. Return frequency etc. will be determined by Wildlife Branch.

Other Special Conditions

Flora currently subject to royalty and special conditions are blackboys (*Xanthorrhoea* and *Kingia* species); pineapple bush (*Dasyopogon hookeri*), zamia palms (Zamiaceae); boabs (*Adansonia gregorii*); fan palms (*Livistona* species); snakewood (*Acacia xiphophylla*), brown boronia (*Boronia megastigma*) and flora, such as tea tree (*Agonis*, *Kunzea*, *Leptospermum* and *Melaleuca* species) and *Eucalyptus* species, taken for garden sticks, craypot sticks, brush fencing and similar woody products.

Special conditions are listed in Schedule 2 and the relevant licence endorsements are available from Wildlife Branch. Where species are endemic to, or only present in, harvestable quantities in a particular Region or District, then licence endorsements will only be provided to the relevant Region or District.

Minor Forest Produce

Only forest floor material ("forest debris") may be collected under a Forest Produce Licence on lands designated under the CALM Act, ie State forest, CALM Act timber reserves, pastoral leases, mining tenements and vacant Crown land. Similar material taken from other lands will be subject to a Commercial Purposes Licence and a compatible royalty will apply. If there is any doubt as to whether the taking of any indigenous plant or plant product should be subject to a Forest Produce Licence or a Commercial Purposes Licence, then the matter is to be referred to Wildlife Branch who will liaise with Forest Resources Division as necessary, to determine which licence and royalty should apply.

Note: that under the CALM Act and the Land Act, pastoral leases can use timber (eg. Mulga or cypress pine) for purposes associated with their pastoral lease such as yard and fencing timber. Timber taken for this purpose does not require a Forest Produce Licence, provided it is used on the relevant lease.

Enquiries

Any enquiries on the issuing of Commercial Purposes Licences or administration of flora royalties should be directed to the Administrative Officer Flora, Wildlife Branch (phone (09) 334 0422; fax (09) 334 0278).

Syd Shea
EXECUTIVE DIRECTOR

5 July 1995

Attachments: Schedule 1: Flora Royalties
Schedule 2: Special Conditions.

Distribution: Lists ABDEL

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT
(ADMINISTRATIVE INSTRUCTION NO 60, *FLORA ROYALTY PAYABLE UNDER
COMMERCIAL PURPOSES LICENCES*)

SCHEDULE 1: FLORA ROYALTIES

[NB. (sc) denotes special conditions apply to application assessment and/or licence; (q) denotes quota applicable

FLORA (species; product, etc.)	ROYALTY / UNIT
1. Grasstrees (<i>Xanthorrhoea</i> and <i>Kingia</i> spp. (sc); Pineapple bush (<i>Dasypogon hookeri</i>) (sc); and Zamia palm (Zamiaceae)(sc): whole, live plants dead plants	\$9.00/plant \$100.00/tonne (minimum royalty \$5.00)
2. Boab (<i>Adansonia gregorii</i>)(sc) whole live plants with maximum girth below crown peak of less than 1.0m 1.0m or greater, but less than 2.0m 2.0m or greater, but less than 4.0m greater than 4.0m not available	\$50.00/plant \$100.00/plant \$400.00/plant N/A
3. Boab nuts (fruits)	\$10.00/100 nuts (minimum royalty \$5.00)
4. Fan palm (<i>Livistona</i> spp.) (sc) whole live plants with a height of: less than 2.0m 2.0m or greater, but less than 6.0m 6.0m or greater dead plants	\$30.00/plant \$50.00/plant \$70.00/plant \$5.00/tonne (minimum royalty \$5.00)
5. Fan palm seeds	\$5.00/100 seeds (minimum royalty \$5.00)
6. Flora, such as <i>Agonis</i> , <i>Kunzea</i> , <i>Leptospermum</i> , <i>Melaleuca</i> and <i>Eucalyptus</i> species, taken for beansticks, garden sticks, craypot canes, brush fencing and other similar woody products (sc)	\$50.00/tonne (minimum royalty \$5.00) or \$5.00/100 sticks (minimum royalty \$5.00)
7. Snakewood (<i>Acacia xiphophylla</i>)(sc)(q) lateral branches	\$50.00/tonne (minimum royalty \$5.00)
8. Banksia (<i>Banksia</i> spp.) cones	\$5.00/100 cones (minimum royalty \$5.00)
9. Brown or scented boronia (<i>Boronia megastigma</i>) (sc) (q) stripped blossom (for essential oils) flower sprays (stems) seed (includes unprocessed fruit / seed material) cuttings (for propagation)	\$1.50/kg \$1.00/kg \$7.50/kg \$0.01/cutting (minimum royalty \$5.00 for each above)
10. <i>Banksia hookeriana</i> flowering stems (sc) (q)	\$0.01 per stem
11. <i>Eucalyptus</i> species harvested for didgeridoos	\$2.00 per blank
12. Craftwood other than that taken under a Forest Produce Licence	\$5.00/tonne (minimum royalty \$5.00)

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SCHEDULE 2: SPECIAL CONDITIONS

The majority of Special Conditions can only be implemented through Commercial Purposes Licence conditions. Endorsements varying and adding to standard licence conditions are available from Wildlife Branch.

Live *Xanthorrhoea* etc. (cf item 1, Schedule 1)

Applications to take whole, live grasstrees (*Xanthorrhoea* and *Kingia* spp.), pineapple bush (*Dasypogon hookeri*), and zamia palms (Zamiaceae) will only be considered if the plants are available from areas where they are likely to be destroyed by timber harvesting, mining, roading or other operations; or from areas subject to pre-mining or other salvage operations.

Fan Palms and Boabs (cf items 2 & 4, Schedule 1)

Subject to the special conditions listed below, the fan palm *Livistona eastoni* may be taken from established groves, provided that the structure and viability of the grove/population is not affected. However, other *Livistona* species may only be taken as salvage operations whether they are established in groves or not.

Special conditions applying to the taking of fan palms (*Livistona eastoni*) and boabs (*Adansonia gregorii*) are:

- (a) authorisation to remove these plants may be granted for horticultural purposes which comprise an approved project where there is a conservation or educational benefit to the State (e.g. projects carried out by State Government authorities, local government authorities, community groups, wildlife parks, botanic gardens)*;
- (b) no plant will be selected within 2 kilometres of any dwelling, stockyard, bore, boundary fence, or other improvements; or within 500 metres of a public or main pastoral lease access road; or within 200 metres of any internal road or fence of a pastoral lease;
- (c) no plant can be removed if, in the opinion of an officer of the Department erosion is likely to occur as a result of its removal;
- (d) no plant will be selected from a site which is an obvious and frequent stopping or shelter place for livestock;
- (e) a determination of which plants may be taken will be made in the field but the determination shall ensure that the plants selected are in a widely spaced pattern.

*Boabs and all species of fan palms may also be taken where they are likely to be destroyed by mining, roading or other operations.

***Agonis, Kunzea, Leptospermum, Melaleuca and Eucalyptus* spp. (cf item 6, Schedule 1)**

Special conditions applying to the taking of woody products of tea tree or similar flora, such as for garden sticks, beansticks, tomato rails, craypot canes and brush fencing, are:

- (a) harvest must be by hand implement (eg. hatchet, knife or secateurs), and not by mechanical means or by breaking off,

- (b) no plant shall be cut closer than 60cm from ground level and under no circumstances shall any plant be removed from the ground;
- (c) no more than 20% of plants are to be harvested in any population (stand). Harvested plants should be spread throughout the population and not concentrated in one small area;
- (d) no product shall be taken in such a manner which damages or jeopardises the survival of the parent plant; and
- (e) on CALM-managed lands harvest is to only be for specified quantities, from defined areas.

Note that species dependent on seed for regeneration may not be able to reshoot after stem removal (ie *Kunzea ericifolia* and *Melaleuca viminea*). The taking of woody products from tea tree is thus restricted to those species that are able to reshoot from the cut stem.

Snakewood (*Acacia xiphophylla*) (cf item 7, Schedule 1)

Only one lateral limb of snakewood may be removed from each plant provided the diameter of the limb chosen does not exceed 200mm. If a plant has previously had a lateral limb removed it cannot be utilised again. A lateral limb is not to be removed if its removal will result in a reduction of more than 20% of the canopy of the affected plant.

Authorisation to take snakewood within 100 metres of any main road will not be granted unless it can be established that the plant will be destroyed by roadworks or similar operations.

No plant will be harvested within 2 kilometres of any dwelling, stockyard, boundary or other improvements; or within 500m of any watering point or within 20m of any pastoral service road.

A licensee may be granted authorisation to take up to two tonnes of branches in a 12 month period provided that a corresponding proportion of the total annual quota for snakewood that may be harvested is available. The total annual quota is currently 8 tonnes but it will be reviewed regularly in respect of the sustainability of the harvest.

Brown or Scented Boronia (cf item 9, Schedule 1)

Licence conditions (endorsements) enabling the taking of *Boronia megastigma* will only be issued on a seasonal basis for the following periods:

- (i) 1 July to 30 September for stripped blossom and flower sprays; and
- (ii) 1 October to 31 December for seed and cuttings.

An overall quota for the taking of boronia will be determined each year (e.g. 4 000 kg for blossom and 1 500 kg for sprays in 1994), with quotas for individual forest blocks set as a proportion of the overall quota.

Allocation of forest blocks to licensees will be in accordance with the Boronia Management Program and will be administered under Wildlife Branch guidelines by District Offices having day to day management of the forest blocks.

Licensees will be required to submit returns specific to boronia.

Banksia hookeriana (cf item 10, Schedule 1)

Harvest of *B. hookeriana* is in accordance with the *B. hookeriana* Management Program. Special licence conditions (endorsements) enabling the taking of *Banksia hookeriana* will only be issued on a seasonal basis for the following periods:

- (i) 1 May to 30 September for flowering stems; and
- (ii) 1 October to 31 December for seed.

An overall quota for the taking of *B. hookeriana* will be determined each year, with specific quotas set for individual pickers by Wildlife Branch.

Pickers will pay a proportion of the royalty payable on taking up a quota/endorsement, and the balance at the end of the season.

***Eucalyptus* species harvested for didgeridoos (cf item 11, Schedule 1)**

Special conditions applying to the taking of eucalypts for didgeridoos are:

1. Woody product taken for didgeridoos must be cut cleanly with a saw (either hand or chain), and not with an axe, machete or other similar implement.
2. No product shall be taken in such a manner which damages or jeopardises the survival of the plant.
3. Any plant from which a stem is harvested must have at least three (3) stems greater than one metre in length. No more than one stem may be taken from any one mallee plant.
4. Potential mallee stems to be taken for didgeridoo must be hand drilled to test the amount of hollow before they are cut. No stems which are unsuitable for didgeridoos may be taken. All stems felled must be removed from the approved area.
5. Woody product may only be taken from defined area/s as approved by the Department of Conservation and Land Management District office.
6. Endorsements are to be issued for a specified number of blanks, with royalty payable at the time of endorsement issue.

Dated 1 February 2000