

REPORT ON ADMINISTRATION OF FLORA PROVISIONS OF WILDLIFE
CONSERVATION ACT

Amendments to the Wildlife Conservation Act incorporating protection of flora, came into operation on 28 April 1980.

Three types of licenses were issued :

- (i) The Commercial Purposes License which authorises the taking of protected flora for sale from Crown land, the fee being \$5.00,
- (ii) The Commercial Producers License which authorises the taking of protected flora for sale from private property owned or occupied by the license holder, and
- (iii) The Scientific or Prescribed Purposes License which authorises the holder to take protected flora from Crown land for personal enjoyment or study (where no sale is intended). The fee is \$2.00.

The number of licenses issued to date are -

Commercial Purposes	685
Commercial Producers	260
Scientific or Prescribed Purposes	892

Of the 892 Scientific licenses issued, 430 were issued with the fee waived by the Minister for Fisheries and Wildlife.

Fees were waived for the following classes of people -

- (i) Staff and employees of Government Departments and Institutions who are required as part of their duties to take protected flora, and
- (ii) Students and lecturers of Tertiary Institutions who are required as part of recognised study courses to take protected flora.

Each license issued contains a set of conditions which the license holder must comply with.

In the case of Crown land, each license sets out the types and parts of flora that may be taken, the area from which flora may be taken, the months during which the license holder may operate and the manner in which flora may be taken. In addition, there are general conditions prohibiting :-

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- (i) the taking of protected flora from road verges,
- (ii) the taking of whole plants or roots of plants, and
- (iii) the taking of protected flora from Crown land reserves without the written permission of the Department or Authority controlling the land.

In the case of private property, less stringent conditions apply. Sandalwood may not be taken and the written permission of the Minister for Fisheries and Wildlife is required before rare plants may be taken or destroyed.

Commercial pickers are required to submit monthly returns of flora taken and the Department is currently investigating the effectiveness of the system.

Two major problems have been encountered since taking over the conservation of flora.

The first concerned the expiry dates of licenses. The initial legislation failed to define a period during which licenses were current. This meant that a license, once issued, would run forever unless revoked by the Minister. Subsequent amendments to the Act remedied this situation by fixing the maximum period a license could run: 12 months.

The second problem related to who could hold a Commercial Producer's License.

Traditionally pickers have been able to operate on both Crown land and private property - the Forest Department issued Forest Produce Licenses covering Crown land and a picker merely obtained the written permission of the owner to operate on private property.

When the Department of Fisheries and Wildlife commenced issuing flora licenses in 1980, a similar system was adopted. A picker who wished to operate on both Crown land and private property was issued both licenses. The Commercial Producers License carried a condition preventing the license holder from picking on private property unless he or she had the written permission of the owner of that land. However, following a recent ruling from the Crown Law Department the situation has changed. According to the strict wording of Section 23D of the Act, only the owner or occupier of private property may be issued a Commercial Producer's License to take protected flora for sale. This in effect means that unless the picker is the owner or occupier, he cannot be issued a license.

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The system now operating requires the owner or occupier of the land to hold a license. A picker who wishes to take flora from that land may do so provided he has the written permission of the owner or occupier and keeps a record of the quantity and description of the flora taken, the date and the name and address of the person from whom the flora was taken. It is assumed that a charge is made for the flora taken and thus a purchase has taken place.

Licenses issued prior to the Crown Law ruling will not be renewed unless the license holder can demonstrate that he is the owner or occupier of the private land.