

7 November 2017

Plant Management Plan Consultation
National Parks and Wildlife Service
PO Box 1967
Hurstville NSW 1481

By email: wildlife.reforms@environment.nsw.gov.au

Dear Wildlife Team,

Cut-flower Sustainable Management Plan 2018–22 for protected and threatened plants in the cut-flower industry and the Whole Plant Sustainable Management Plan 2018–22 for the commercial harvest, salvage and propagation of whole protected plants

Thank you for the opportunity to comment on the *Cut-flower Sustainable Management Plan 2018–22 for protected and threatened plants in the cut-flower industry (Cut Flower Management Plan)* and the *Whole Plant Sustainable Management Plan 2018–22 for the commercial harvest, salvage and propagation of whole protected plants (collectively draft management plans)*.

We note that the draft management plans have been prepared by the Office of Environment and Heritage (OEH) to meet the licensing requirements under the *Biodiversity Conservation Act 2016 (NSW) (BC Act)* for the growing and harvesting of protected whole plants and cut flowers for commercial use; and the management plan requirements of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)*.

EDO NSW has made extensive comment on the implementation of the BC Act.¹ Our comments in relation to the draft management plans are limited to their proposed interaction with the EPBC Act, specifically the proposal under the Cut Flower Management Plan to discontinue picker licences and instead recognise forest products licences.² Page 10 of the Cut Flower Management Plan states:

This management plan is designed to meet the requirements of a WTMP [wildlife trade management plan] under section 303FO of the EPBC Act and applies to the commercial harvest and export of all native plants listed in Schedule 6 of the BC Act.

¹ All submissions to the NSW Government land management reform process are available at: http://www.edonsw.org.au/biodiversity_legislation_review.

² Summarised in the Foreword to the Cut Flower Management Plan (no page numbers provided).

In our view, the environmental assessment required for the issuing of forest products licences does not meet the standard of the EPBC Act. Under the EPBC Act (section 303FO), the Minister must not declare a plan to be an approved WTMP unless that plan meets requirements including: that the plan must be consistent with the objects of the relevant Part of the Act; there has been an assessment of the environmental impact of the activities covered by the plan; the plan includes management controls directed towards ensuring that the impacts of the activities are ecologically sustainable; and the activities covered by the plan will not be detrimental to the survival of a taxon, the conservation status of a taxon, or any relevant ecosystem. The relevant objects of the Part include:

- (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;*
- (b) to protect wildlife that may be adversely affected by trade;*
- (c) to promote the conservation of biodiversity in Australia and other countries;*
- (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way.*

In contrast, the objectives of the Forestry Corporation under the *Forestry Act 2012* (NSW) include (section 10):

- (a) to be a successful business and, to this end:
 - (i) to operate at least as efficiently as any comparable businesses, and*
 - (ii) to maximise the net worth of the State's investment in the Corporation,**
- (b) to have regard to the interests of the community in which it operates,*
- (c) where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6(2) of the Protection of the Environment Administration Act 1991,*
- (d) to contribute towards regional development and decentralisation,*
- (e) to be an efficient and environmentally sustainable supplier of timber from Crown-timber land and land owned by it or otherwise under its control or management.*

No specific environmental assessment appears to be required prior to the issue of a forest products licence.

We acknowledge that under the equivalent Cut Flower Management Plan for 2013-17, there have been limited requests for picker licences. Nonetheless, EDO NSW is strongly opposed to the weakening of Commonwealth environmental protection standards through delegation to less rigorous environmental assessment regimes at the state level.

In our view, the proposal to allow protected plant species to be harvested, potentially for export, solely under a forest products licence does not ensure adequate environmental assessment under the EPBC Act.

Before a plan can be made or adopted by the Environment Agency Head, they must be satisfied that current Forestry Corporation practices adequately consider, amongst other things:³

- The ecology of the species,
- The sustainability of the proposed management regime,
- Whether limits need to be placed on the number of biodiversity conservation licences that may be granted for a commercial activity if a licence is required for that activity, and whether it is necessary to monitor the commercial activity.

We therefore recommend that prior to approving the draft management plans, it must be demonstrated that forest product licences require adequate and equivalent consideration and assessment, and both management plans meet EPBC Act standards.

If there are any matters that you would like to discuss please do not hesitate to contact the writer on ph: 02 9262 6989 or e-mail rachel.walmsley@edonsw.org.au.

Yours sincerely,
EDO NSW



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³ *Biodiversity Conservation Regulation 2017*, Division 2.4, cl. 2.31(2).