

VICTORIA GOVERNMENT

G A Z E T T E

No. S 81 Sunday 25 September 1988

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SPECIAL

Flora and Fauna Guarantee Act 1988

No. 47 of 1988

PROCLAMATION OF COMMENCEMENT

I, William Charles Crockett as Deputy for the Governor of Victoria, acting with the advice of the Executive Council and under section 2 (2) of the *Flora and Fauna Guarantee Act 1988*, fix 25 September 1988 as the date on which the remaining provisions of that Act come into operation.

Given under my hand and the seal of Victoria 20 September 1988

(L.S.) WILLIAM C. CROCKETT

By the Deputy Governor's Command

J. E. KIRNER

Minister for Conservation, Forests and Lands

Note—Sections 1, 2, 3, 4, 8, 11 and 69 came into operation on 24 May 1988.

Flora and Fauna Guarantee Act 1988

DECLARATION OF PROTECTED FLORA

The Deputy Governor in Council, under section 46 of the *Flora and Fauna Guarantee Act 1988* declares the flora which are members of the taxa listed in the Schedule hereunder, to be protected flora.

SCHEDULE

Protected Flora

Botanical Name—Common Name

Acacia Mill.—Wattles—all species except *A. dealbata* Link, *A. decurrens* (Wendl.) Willd., *A. implexa* Benth., *A. melanoxylon* R.Br., *A. paradoxa* DC

Aciphylla glacialis (F. Muell.) Benth.—Snow Aciphyll

Baeckea L.—Baekeas—all species

Bauera sessiliflora F. Muell.—Grampians *Bauera*

Boronia Sm.—Boronias—all species

Bossiaea walkeri F. Muell.—Cactus *Bossiaea*

Brunonia australis Smith ex R.Br.—Blue Pincushion

Calectasia intermedia Sonder—Blue Tinsel-lily

Calostemma purpureum R.Br.—Garland Lily

Calytrix Labill.—Fringe-myrtles—all species

Celmisia Cass.—Silver and Silky Daisies—all species

Cheiranthra cyanea Brongn.—Blue Finger-flower

Correa Andr.—Correas—all species

Crinum flaccidum Herbert—Murray Lily

Darwinia Rudge—Darwinias—all species

Dillwynia oreodoxa Blakely—Grampians Parrot-pea

Epacridaceae—Heaths—all species

Eremophila R.Br.—Emu-bushes—all species

Eriostemon Sm.—Wax-flowers—all species

Gaultheria appressa A. W. Hill—Wax-berry

Gompholobium Sm.—Wedge-peas—all species
Grevillea R.Br. ex Knight—Grevilleas—all species
Hardenbergia violacea (Schneev.) Stearn—Purple Coral-pea
Helichrysum Mill.—Everlastings—all species
Helipterum DC.—Sunrays—all species
Howittia trilocularis F. Muell.—Blue Howittia
Kunzea parvifolia Schauer—Violet Kunzea
Livistona australis (R.Br.) Martius—Cabbage Fan-palm
Melaleuca gibbosa Labill.—Slender Paperbark
Melaleuca squamea Labill.—Mealy Paperbark
Melaleuca squarrosa Donn ex Smith—Scented Paperbark
Melaleuca wilsonii F. Muell.—Violet Paperbark
Micromyrtus ciliata (Sm.) Druce—Heath-myrtle
Olearia frostii (F. Muell.) J. H. Willis—Bogong Daisy-bush
Orchidaceae—Orchids—all species
Oxalis magellanica G. Forster—Snowdrop Wood-sorrel
Prostanthera Labill.—Mint-bushes—all species
Pteridophyta—Clubmosses, ferns and fern allies—all species except Austral Bracken (*Pteridium esculentum* (G. Forster) Cockayne)
Pultenaea subalpina (F. Muell.) Druce—Rosy Bush-pea
Pultenaea weindorferi Reader—Swamp Bush-pea
Stylidium Schwartz—Trigger-plants—all species
Telopea oreades F. Muell.—Gippsland Waratah
Thryptomene Endl.—Thryptomenes—all species
Thysanotus R.Br.—Fringe lilies—all species
Dated 20 September 1988
Responsible Minister:
JOAN E. KIRNER
Minister for Conservation, Forests and Lands

LAWRENCE A. FISHER
Clerk of the Executive Council

Flora and Fauna Guarantee Act 1988

AUTHORISATION FOR THE TAKING, TRADING IN, KEEPING, MOVING OR
PROCESSING OF PROTECTED FLORA

The Deputy Governor in Council under section 48 of the *Flora and Fauna Guarantee Act 1988*, authorises until Thursday, 23 March 1989:

Authorisation to take all protected flora other than specified ferns

1. The taking from private land, for all purposes other than controlling, of all protected flora other than flora of the following taxa: *Cyathea*—Tree-ferns—all species, *Dicksonia antarctica*—Soft Tree-fern, *Todea barbara*—Austral King-fern.

Authorisation of intermediate traders to trade in protected flora

2. (1) The trading in protected flora by any person other than a person who sells or offers or exposes for sale by retail such flora, provided that the flora has been taken and obtained—

(a) in Victoria in accordance with the *Flora and Fauna Guarantee Act 1988* or a licence or permit issued or Order made under that Act; or

(b) lawfully outside Victoria and brought into Victoria—
and has not been sold, offered or exposed for sale by retail.

(2) The terms and conditions which apply with respect to this trading in protected flora are that the person so authorised by this section must ensure that—

(a) any flora of the taxa *Cyathea*—Tree-ferns—all species, *Dicksonia antarctica*—Soft Tree-fern, *Todea barbara*—Austral King-fern which is handled for the purposes of trading is marked with a tag supplied by the Department of Conservation, Forests and Lands—

- (i) to the taker of that flora in accordance with the conditions of the licence or permit for taking (as the case may be) if it was taken within Victoria;
- (ii) or to the person who brought it into the State where the taking took place outside the State; and
- (b) while the flora is in the possession or control of that person that tag remains attached to the flora;
- (c) where the taking took place outside the State, that person must—
 - (i) apply to the Department of Conservation, Forests and Lands for a tag using the form supplied by that Department; and
 - (ii) provide the information required on that form with respect to the identity of the person and any agents to be used for the handling of that flora; and
 - (iii) have a copy of the delivery docket issued by the Department of Conservation, Forests and Lands with the tag available for inspection by an authorised officer.

Authorisation of retailers to trade in all protected flora other than specified ferns

3. The trading in protected flora other than flora of the taxa *Cyathea*—Tree-ferns—all species, *Dicksonia antarctica*—Soft Tree-fern, *Todea barbara*—Austral King-fern by any person who sells or offers or exposes for sale by retail such flora, provided that the flora has been taken and obtained—

- (a) in Victoria in accordance with the *Flora and Fauna Guarantee Act 1988* or a licence or permit issued or Order made under that Act; or
- (b) lawfully outside Victoria and brought into Victoria.

Authorisation for persons to buy protected flora from a retailer

4. The buying by any person of protected flora from any person who sells or offers or exposes for sale by retail such flora, provided that the flora has been taken and obtained—

- (a) in Victoria in accordance with the *Flora and Fauna Guarantee Act 1988* or a licence or permit issued or Order made under that Act; or
- (b) lawfully outside Victoria and brought into Victoria.

Authorisation to keep, move or process all protected flora

5. The keeping, moving or processing of protected flora, provided that the flora has been taken and obtained—

- (a) in Victoria in accordance with the *Flora and Fauna Guarantee Act 1988* or a licence or permit issued or Order made under that Act; or
- (b) lawfully outside Victoria and brought into Victoria.

“Buying” in section 4 of this Order has the same meaning as part (a) of the definition of trade in section 3 of the *Flora and Fauna Guarantee Act 1988*.

“Sell” in this Order has the same meaning as part (b) of the definition of trade in section 3 of the *Flora and Fauna Guarantee Act 1988*.

Note:

A person can be authorised by a licence or permit under the *Flora and Fauna Guarantee Act 1988* to—

- (a) take protected plants from land that is not private land; or
- (b) take from private land for the purposes of sale protected flora of the taxa *Cyathea*—Tree-ferns—all species, *Dicksonia antarctica*—Soft Tree-fern, *Todea barbara*—Austral King-fern; or
- (c) take from private land—
 - (i) for the purposes of controlling any protected flora; and
 - (ii) for any purpose, flora of the taxa *Cyathea*—Tree-ferns—all species, *Dicksonia antarctica*—Soft Tree-fern, *Todea barbara*—Austral King-fern—
 - where the person has not obtained the permission of the owner or leaseholder of the land but has the right to take without permission under another Act; or
- (d) trade in, for the purposes of sale by retail, protected flora of the taxa *Cyathea*—Tree-ferns—all species, *Dicksonia antarctica*—Soft Tree-fern, *Todea barbara*—Austral King-fern.

Dated 20 September 1988

Responsible Minister:

JOAN E. KIRNER
Minister for Conservation, Forests and Lands

LAWRENCE A. FISHER
Clerk of the Executive Council

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