

## Regulation of tree fern harvesting in Tasmania

Harvesting of tree ferns is regulated through Tasmania's forest practices system, guided by the *Forest Practices Act 1985*, the *Forest Practices Regulations 2017* and the *Tree fern management plan 2017*. The following information summarises guidelines for the harvesting of trunked tree ferns in Tasmania. The *Tasmanian tree fern management plan 2017*<sup>1</sup> has been approved by the Commonwealth Minister for the Environment to enable harvesting, trade and transport of *Dicksonia antarctica* (manfern or soft tree fern) in Tasmania in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

### What tree ferns can be harvested?

- Under the terms of the *Forest Practices Act 1985*, the only trunked tree fern that can be harvested or traded is *Dicksonia antarctica* (manfern or soft tree fern).
- Two of Tasmania's tree fern species (*Cyathea cunninghamii* and *Cyathea x marcescens*) are protected under the Tasmanian *Threatened Species Protection Act 1995*. These are not considered as tree ferns under the *Forest Practices Act* so a “permit to take” must be obtained from the Tasmania Department of Primary Industries, Parks, Water and Environment (DPIPWE).

### Where is tree fern harvesting permitted?

- Except where the Regulations provide an exemption, tree ferns can only be harvested from an area covered by a certified Forest Practices Plan (FPP).
- A certified FPP that includes tree fern harvesting must contain the following information:
  - The name of the person intending to harvest the tree ferns
  - The estimated number of tree ferns to be harvested
  - An estimate of the period during which the tree ferns are to be harvested.
- The FPP will provide prescriptions on the locations from which tree ferns are permitted to be harvested. There may be areas prescribed in the FPP where tree fern harvesting is not permitted including but not limited to streamside reserves and wildlife habitat clumps.
- A person responsible for the implementation of the FPP should make sure that all areas where tree fern harvesting is not permitted have been appropriately marked so that they are not subject to tree fern harvesting.
- Tree fern harvesters must understand and follow the requirements of the FPP, as it is a legal document. There are penalties for failure to adhere to prescriptions of a certified FPP.
- A compliance report must be signed by a Forest Practices Officer and lodged with the Forest Practices Authority within 30 days of completion tree fern harvesting.
- A final compliance report must be lodged with the FPA within 30 days of the expiry of the FPP and must contain the number of tree ferns that were harvested from the FPP area.

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<sup>1</sup> Tasmanian Tree Fern Management Plan 2017 is available at [www.fpa.tas.gov.au](http://www.fpa.tas.gov.au)

### Tree fern Tags:

- A Tasmanian *tree fern tag* must be attached to each tree fern harvested within the area specified under the FPP before the tree fern is removed. *Tree fern tags* are issued by the Forest Practices Authority.
- A *tree fern tag request form* needs to be obtained from the Forest Practices Authority or a Forest Practices Officer. The form is used to assist compliance with the *Forest Practices Act 1985* and *Tree fern management plan*. The completed form, along with the required payment must be submitted to the Forest Practices Authority for tags to be issued. The number of tree fern tags requested must not exceed the number of tree ferns specified in the FPP. If the FPP is varied to allow for additional harvesting of tree ferns a *tree fern tag request form* will be required so additional tags can be issued in accordance with the variation.
- Issued tags must only be attached to tree ferns harvested from the area covered by the FPP against which the tags were obtained. Any tags left over from a particular FPP area must either be transferred to another FPP via a *tree fern tag request form* or returned to the FPA for a refund.
- All harvested tree ferns must have a tree fern tag securely attached at the point of harvest, and before being removed from the area covered by the FPP. The attachment of tree fern tags to tree ferns is the sole responsibility of the harvester.
- Tree fern tags must not be removed, swapped or used more than once at any stage in the harvest, transport or trading process.

### Cost of a tree fern tag:

- For tree fern stem greater than 30 cm in length, one fee unit = \$1.65 in 2021–22
- For tree fern stem 30cm or less in length, one-half fee unit = \$0.82 in 2021–22

Check current fee unit cost at <https://www.treasury.tas.gov.au/economy/economic-policy-and-reform/fee-units>

### Distribution and sale of tree ferns:

- All tree ferns that are distributed and sold must be tagged with a Tasmanian tree fern tag issued by the Forest Practices Authority. Distributors and retailers should keep a record of the supplier of ferns, date supplied and tree fern tag numbers.
- The overseas export of harvested tree ferns and nursery raised tree ferns requires an export permit from the Commonwealth Department Agriculture, Water and Environment. This department must be contacted for information on exporting tree ferns.

### Tree ferns harvested without a FPP:

- The Regulations prescribe that a FPP is not required for the harvesting of tree ferns if the owner of the applicable land has consented and no more than six tree ferns are harvested on each area of applicable land during one year. If the tree ferns are for personal use no tag is required. If the tree ferns are to be traded then written approval from the FPA will be required. The FPA will not issue tags in the absence of a FPP.

**Penalties:**

- The Forest Practices Authority has powers under the Forest Practices Act to control tree fern harvesting and trade.
- Failure to comply with the Forest Practices Act can result in substantial penalties. For example, illegal trade in tree ferns may result in a fine of up to 150 penalty units and a conviction may be recorded. A penalty unit in 2019/20 is \$168.
- Failure to comply with tree fern harvesting and tag requirements of the Forest Practices Act, including the distribution or sale of untagged or incorrectly tagged tree ferns, should be reported to the Forest Practices Authority.

**Disclaimer:**

This document is for guidance only, for further information contact the Forest Practices Authority or a Forest Practices Officer.

**Table 1: Summary of regulatory system for tree fern harvesting in Tasmania**

Type of tree fern harvesting	Source of tree ferns	Forestry operation	Conditions for tree fern harvesting	FPP required	Tree-fern tags required	Compliance report required
Commercial	Native forest	Clearing and conversion to non-forest land use	As per harvesting prescriptions in FPP	Yes	Yes	Yes
Commercial	Native forest	Native forest to be regenerated	As per harvesting prescriptions in FPP	Yes	Yes	Yes
Commercial	Timber plantations	Harvesting	As per harvesting prescriptions in FPP	Yes	Yes	Yes
Commercial	Tree fern plantations	Harvesting of trees (tree ferns are defined as trees in the Act)	As per harvesting prescriptions in FPP (if required)	Yes or No if 6 or less tree ferns harvested *	Yes or written approval of the FPA for trade without a tag (if 6 or less ferns harvested)*	Yes if FPP No if 6 or less*
Non-commercial	Private native forest, plantation, garden or other private property	None	Six or less ferns harvested with landowner permission	No*	No Written approval of the FPA for trade without a tag, if tree ferns are traded to another party*	No

\*See Forest Practices Regulations 4(f) and section 18B(1) of Forest Practices Act

## Sections of the Forest Practices Act 1985 which refer to tree ferns

Note that the information below has been abbreviated for information only and should not be relied upon. The Forest Practices Act 1985 and Forest Practices Regulations can be viewed at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au)

### 3. Interpretation

(1) In this Act, unless the contrary intention appears –

**clearing of trees** means the removal of trees by –

- (a) clearing, cutting, pushing or otherwise removing; or
- (b) destroying the trees in any way;

**discrete operational phase**, of a forest practices plan, means a forest practice or a part of a forest practice that is specifically identified in the plan as constituting a discrete operational phase, stage or component of the plan;

**harvest**, used in relation to timber, means to cut and remove that timber from a forest; **timber** includes the trunk, branch and any other part of a tree or fallen tree, whether or not it is cut up, sawn, hewn, split or otherwise dealt with;

**timber processor** means a person who processes or harvests timber for the purpose of –

- (b) producing for sale any one or more of the following products:
  - (vii) tree ferns;

**tree fern** means a plant of the species *Dicksonia antarctica*;

**trees** means –

- (b) tree ferns;

### 17. Restrictions on harvesting timber, &c.

(5A) A person must not harvest tree ferns unless –

- (a) the tree ferns are harvested in accordance with a forest practices plan that enables the harvesting of tree ferns; and
- (b) each tree fern has a tag referred to in [section 18A](#) affixed to its stem before removal from the harvesting area as identified in the forest practices plan.

Penalty: Fine not exceeding 1 000 penalty units.

(6) [Subsections \(4\)](#), [\(5\)](#), [\(5A\)](#) and [\(5B\)](#) do not apply in prescribed circumstances.

### 18. Application for certification of forest practices plan

(2) A forest practices plan is to–

(ba) contain, in the case of the harvesting of tree ferns, the following specifications:

- (i) the name of the person intending to harvest the tree ferns;
- (ii) the estimated number of tree ferns to be harvested;
- (iii) an estimate of the period during which tree ferns are to be harvested;

(d) specify, if applicable, the name of the **timber processor** by whom the **timber** harvested under the plan is intended or expected to be processed.

**18A. Tags to be attached to tree ferns**

The Authority is to issue a tag to a person in a form approved by the Authority –

- (a) if satisfied that a forest practices plan exists enabling that person to harvest tree ferns; and
- (b) on payment of the prescribed fee.

**18B. Trading in tree ferns**

(1) A person must not, without the written approval of the Authority, trade in tree ferns unless a tag issued by the Authority is affixed to the stem of each tree fern.

Penalty: Fine not exceeding 150 penalty units.

(2) A forest practices officer may, on production of his or her warrant of authorization, require a person who appears to the forest practices officer to be trading in tree ferns contrary to [subsection \(1\)](#) to state all or any of the following:

- (a) the person's name and address;
- (b) when, where and how the person obtained the untagged tree ferns;
- (c) whether the untagged tree ferns were obtained from another person and, if so, the name and address of that other person;
- (d) whether the tree ferns were tagged or untagged when the person obtained them.

(3) A person must comply with a requirement under subsection (2) .

Penalty: Fine not exceeding 10 penalty units.

(4) In this section –

**sell** means sell by wholesale or retail;

**trade in tree ferns** means to do one or more of the following:

- (a) collect, acquire or buy tree ferns;
- (b) barter or exchange tree ferns;
- (c) sell or agree to sell tree ferns;
- (d) offer, display or expose tree ferns for sale;
- (e) supply, send, forward, transport or deliver tree ferns for sale;
- (f) store or hold tree ferns;
- (g) authorise, direct, cause or permit a person to do a thing referred to in [paragraph \(a\)](#) , [\(b\)](#) , [\(c\)](#) , [\(d\)](#) , [\(e\)](#) or [\(f\)](#) .

**21. Contravention, &c., of certified forest practices plan**

(1) Where a forest practices plan has been certified by the Authority in respect of forest practices on any land and is in force under this Act–

- (b) any **timber processor** who causes forest practices on that land or any operations associated with forest practices on that land to be carried out in contravention of the provisions of the plan; or
- (ba) any person who harvests tree ferns under the plan without affixing a tag in accordance with [section 17\(5A\)\(b\)](#) ;

## 25A. Forest practices plan compliance reports

- (1) The responsible person for a certified forest practices plan must lodge an interim compliance report with the Authority, in an approved form, within 30 days after the completion of each discrete operational phase of the forest practices authorised to be carried out under the plan stating –
- a) whether or not the plan has been complied with in respect of that discrete operational phase; and
  - b) such other particulars regarding that discrete operational phase as the Authority considers appropriate.

Penalty: Fine not exceeding 10 penalty units.

- (2) The responsible person for a certified forest practices plan must lodge a final compliance report with the Authority, in an approved form, within 30 days after the expiration of the period during which forest practices are authorised to be carried out under the plan stating –
- a) whether or not the plan has been complied with; and
  - b) if the plan enables tree ferns to be harvested, the number of tree ferns harvested; and
  - c) such other particulars as the Authority considers appropriate.

Penalty: Fine not exceeding 10 penalty units.

- (3) In this section –
- approved form** means a form approved by the Authority;
- responsible person**, for a certified forest practices plan, means the person who applied for the certification of the plan under section 18(1)(b) or who is a person to whom the applicant's responsibilities under this Division have been assigned in accordance with section 25D .

## Section of the Forest Practices Regulations 2017 which refers to tree ferns

### 4. Circumstances in which forest practices plan, &c., not required

For the purposes of section 17(6) of the Act, the following circumstances are prescribed exemptions in section 4(f) of the Regulations:

- (f) the harvesting of tree ferns -
- (i) with the consent of the owner of the applicable land; and
  - (ii) if no more than 6 tree ferns are harvested on each area of applicable land during one year.