



Australian Government

Department of the Environment and Energy

ABN: 34 190 894 983

# Application Form and Guidelines for Approval of an Artificial Propagation Program

## Introduction

In Australia, Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) regulates the:

- import and export of specimens protected under the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES);
- export of Australian native specimens; and
- import of live specimens.

Permits to export Australian native plant specimens and/or CITES listed specimens overseas for commercial purposes can be obtained from the Department of the Environment and Energy (the Department). The specimens being exported must come from an approved program such as an approved Artificial Propagation Program.

Further information on wildlife trade, the EPBC Act and CITES is available at:  
<http://www.environment.gov.au/biodiversity/wildlife-trade>

## Who needs to apply for Artificial Propagation Approval?

- Plant growers who grow plant specimens listed on **Appendix I or II of CITES** under controlled conditions and intend to export these plant specimens overseas for commercial purposes and/or intend to sell these plant specimens to exporters who intend to export these plant specimens overseas for commercial purposes.
- Plant growers who grow **Australian native whole plants** under controlled conditions and intend to export these overseas for commercial purposes and/or intend to sell these plant specimens to exporters.
- Plant growers who harvest **plant parts (eg. cut flowers or fruits)** from specimens listed on Appendix I or II of CITES and/or Australian native specimens grown under controlled conditions and intend to export these plant parts overseas for commercial purposes and/or intend to sell these plant specimens to exporters.

### PLEASE NOTE:

- Plant growers who intend to export non-Australian plant specimens do not need to apply for an artificial propagation approval (unless the specimens are listed on CITES – see above).
- There are no Australian native species listed on Appendix I of CITES.

A list of species listed under **CITES** is at:

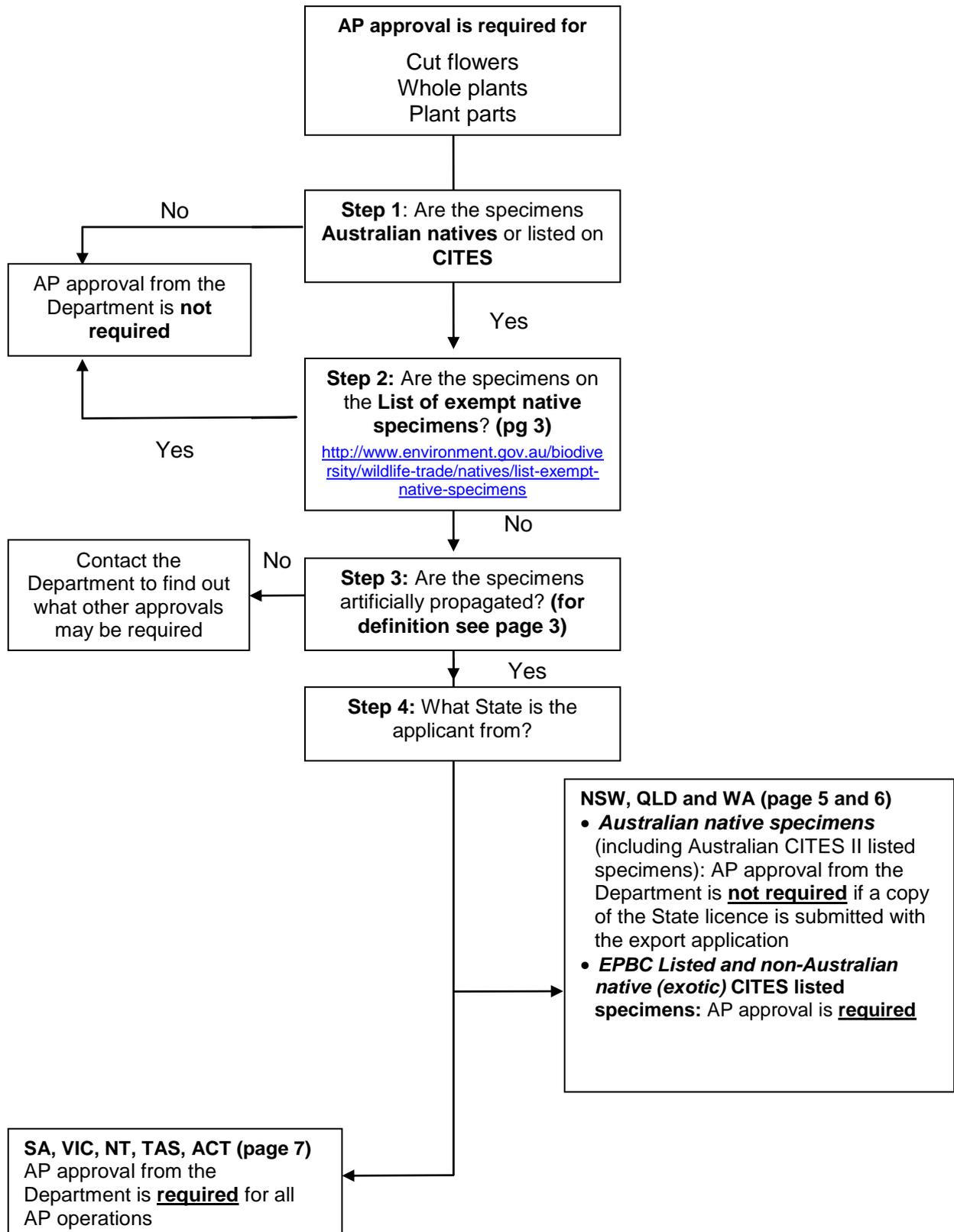
<http://www.environment.gov.au/biodiversity/wildlife-trade/cites/cites-species>

A list of species listed as threatened under the **EPBC Act** is at:

<http://www.environment.gov.au/biodiversity/threatened>

A list of Australian native plants is at: <http://www.ala.org.au/>

**Figure 1: Summary of when Artificial Propagation (AP) Approval is required from the Department**



## How to apply for Artificial Propagation Approval

### REFER TO FIGURE 1

Please contact the Department for assistance if you are unsure about the requirements.

### Step 1: Are the plant specimens Australian natives or CITES listed

Artificial propagation approval and export permits from the Department are only required for **Australian native plant** specimens or specimens listed on Appendix I and II of **CITES**.

### Step 2: Native Specimen Exemptions

A number of Australian native plant specimens **do not require** export permits from the Department and growers of these specimens do not need to apply for an Artificial Propagation Program. A full list of exempt native specimens is available at: <http://www.environment.gov.au/biodiversity/wildlife-trade/natives/list-exempt-native-specimens>

The 'List of exempt native specimens' also includes miscellaneous exemptions for some plant specimens, such as:

- Bark, wood, timber, woodchips;
- Seed from all native specimens except for 19 species (see list);
- Plants granted protection under the Plant Breeders Rights Act 1994 (<http://pbr.ipaustralia.plantbreeders.gov.au/>), except for species that are listed as threatened under the EPBC Act.
- Artificially propagated hybrids of one or more Australian native species where the parental plants do not naturally hybridise; and
- A commercial cultivar that does not occur in the wild.

### Step 3: What are Artificially Propagated Plants?

The term 'artificial propagation' is used as a general term and can include activities that may also be described as cultivation, growing etc. Under the EPBC Act, artificially propagated plants are plants that are:

- grown under **controlled conditions**; and
- grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that are exempt or have been derived from **cultivated parental stock**.

**Controlled conditions** refers to a non-natural environment that is intensively manipulated by human intervention for the purpose of plant production. General characteristics of controlled conditions may include fertilisation, weed and pest control, irrigation, or nursery operations such as potting, bedding or protection from weather.

**Cultivated parental stock** refers to a group of plants grown under *controlled conditions* that are used for reproduction, which must have been established in accordance with the provisions of CITES and relevant national laws and in a manner

not detrimental to the survival of the species in the wild, and maintained in sufficient quantities for propagation so as to minimise or eliminate the need for augmentation from the wild. A plant specimen collected from the wild and brought into a nursery is not considered artificially propagated.

**PLEASE NOTE:** For slow-maturing plants, that is, if a plant specimen takes a long time to reach reproductive age (eg some cycad species), an exemption may apply so that specimens grown from wild collected seeds or spores will be classified as artificially propagated. Please contact the Department for further information. Figure 2 illustrates what kind of plants the Department considers are ‘Artificially Propagated’.

**Figure 2: Plants that are ‘Artificially Propagated’**

 <p>Seed, spore, pollen, cutting, tissue culture or flanked seedling culture etc of CITES II specimens or all Australian native specimens</p>	 <p><b>Artificially Propagated Plant</b></p> <p>The plant is grown under ‘controlled conditions’ from seed, spore, pollen etc. This plant is classified as <i>artificially propagated</i> and you must apply for an AP program to export these specimens overseas.</p>
 <p><b>Plant growing in the wild</b></p>	 <p><b>Artificially Propagated Plant</b></p> <p>A cutting taken from a plant growing in the wild and grown under ‘controlled conditions’ is <i>artificially propagated</i> and you must apply for an AP program to export these specimens overseas.</p>
	 <p><b><u>Not Artificially Propagated</u></b></p> <p>A whole plant removed from the wild and re-planted under ‘controlled conditions’ is <i>not artificially propagated</i>. If you wish to export these plants overseas you must apply for a <b>Wildlife Trade Operation (WTO)</b> from the Department.</p>
 <p><b>CITES I seed/whole plants imported into Australia</b></p> <p>There are no Australian native CITES I listed specimens. All CITES I listed whole/part plant specimens must already <i>be artificially propagated</i> when they are imported into Australia. All seeds of CITES I specimens must be derived from a plant that is artificially propagated and not taken from the wild.</p>	 <p><b>Artificially Propagated Plant</b></p> <p>A plant grown from imported CITES I seed etc and grown under ‘controlled conditions’. This plant <i>is artificially propagated</i> and you must apply for an AP program to export these specimens overseas.</p>

## Step 4: State Wildlife Trade Management Plans

All exports of plant specimens for commercial purposes require an export permit from the Department. However, it may not be necessary for individual plant growers to have their artificial propagation program approved by the Department if the State or Territory in which they operate has had its artificial propagation licensing regime included in a Wildlife Trade Management Plan approved under the EPBC Act. Where this is the case, the exporter must provide copies of the relevant State or Territory licence when applying for an export permit. Below is an outline of the artificial propagation approval requirements for each State.

### Queensland

- The propagation/cultivation in QLD of non-Australian native (exotic) specimens listed on Appendix I and II of CITES **do require** approval from the Department as an artificial propagation program.
- The propagation/cultivation in QLD of EPBC listed threatened species also **requires** approval from the Department as an artificial propagation program.
- Artificial propagation approval is **not required** from the Department for the propagation/cultivation of non-threatened Australian native specimens (including Australian CITES II listed specimens) provided the operation has a relevant QLD State licence if needed (licences are required for plants categorised in Queensland as threatened or special least concern. Further information on the plan can be found here: <http://www.environment.gov.au/biodiversity/wildlife-trade/publications/management-plan-protected-plants-queensland-2014-19>).

This licence is the 'Protected Plant growing licence' issued by the Queensland Government and must be provided with export permit applications. The Department will recognise these documents as evidence of artificial propagation of Australian native specimens.

Please contact the **Department of Environment and Heritage Protection** for information on QLD State licences:

GPO Box 2454 Brisbane QLD 4001 Phone: 1300 130 372  
<https://www.ehp.qld.gov.au/>

### Western Australia

- The propagation/cultivation of Australian native specimens that are listed as threatened under the EPBC Act, or non-Australian native (exotic) specimens listed on Appendix I and II of CITES **do require** approval from the Department as an artificial propagation program.
- Artificial propagation approval is **not required** for the propagation/cultivation of Australian native specimens and Australian CITES II listed specimens in WA (except for EPBC-listed threatened species and non-Australian native (exotic) CITES listed specimens), provided the operation has a relevant WA State licence.

In WA, the relevant licences are the 'Commercial Producer's/ Nurseryman's Licence' issued by the WA Department Biodiversity Conservation and Attractions (DBCA). A copy of a relevant WA State licence needs to be

provided with export permit applications. The Department will recognise these documents as evidence of artificial propagation of Australian native specimens.

Please contact the **Department of Biodiversity, Conservation and Attractions** for information on WA State licences:

Locked Bag 104 Bentley Delivery Centre WA 6983

Phone 08 9219 9000 <https://www.dpaw.wa.gov.au/>

### **New South Wales**

- Artificial propagation approval is **not required** for operations that cultivate non threatened Australian native specimens and Australian CITES II listed specimens in NSW for the cut flower industry and the whole plant industry provided they can supply a copy of the 'Grower Licence' issued by the NSW Office of Environment and Heritage with their export permit application.
- The propagation/cultivation in NSW of non-Australian native (exotic) specimens listed on Appendix I and II of CITES **do require** approval from the Department as an artificial propagation program.
- The propagation/cultivation in NSW of EPBC listed threatened species also **requires** approval from the Department as an artificial propagation program.

Please contact the **NSW Office of Environment and Heritage** for information on NSW State licences:

PO Box A290 Sydney South NSW 1232 Phone: 02 9995 5000

<http://www.environment.nsw.gov.au/wildlifelicences/CommercialUseOfNativePlants.htm>

### **SA, VIC, NT, ACT, Tasmania**

- All propagation/cultivation operations of Australian native specimens including specimens listed as threatened under the EPBC Act, or specimens listed on Appendix I and II of CITES **do require** approval from the Department as an artificial propagation program.

## **Step 5: Completing the Application Form**

The 'Application Form' starts on page 9. Please complete the application form, detach it from the guidelines and submit it to the Department.

- Attach all supporting documentation to your application as requests for additional information will result in delays.
- Sign the form as unsigned applications will not be accepted.
- There are severe penalties for knowingly making false or misleading statements in this application.
- A reference to 'AP' in the application form means Artificial Propagation.

## Assessment of the application

When the Department receives your artificial propagation application, it will be assessed to ensure it meets the requirements of the EPBC Act. The assessment and approval process usually takes 4-6 weeks from receipt of the application, provided that your application is satisfactory and contains all supporting documentation. If all supporting documentation is not submitted, delays will occur. Please contact the Department to confirm that your application has been received.

Assessment will include a consideration of the following matters contained in regulations 9A.18 and 9A.25 of the Environment Protection and Biodiversity Conservation Regulations 2000:

- Whether the program can reliably produce new plants or, in the case of plant part operations (eg. cut flowers), whether the plant parts or flowers are produced without requiring new stock from the wild.
- Whether the operation has been established and is maintained in a manner not detrimental to the survival of the species in the wild.
- Whether the parental stock is managed in a manner designed to maintain the propagation stock indefinitely.

Applicants will need to attach evidence that they can satisfy these requirements. Once a decision has been made, the applicant will be notified of the outcome. If the decision is to approve the operation, the approval will generally be for a period of 5 years, with renewal subject to a review to establish whether the program is still operational and continues to meet the requirements of the Act.

**PLEASE NOTE:** Any changes to the operation, including addition of new species, will require approval. Approval may be withdrawn if it is determined that the operation no longer meets the requirements for artificial propagation.

## Export Permits

Once your artificial propagation operation has been approved, you or your clients must obtain permits from the Department before any specimens are exported from Australia. Contact Wildlife Trade Regulation at the address below for more information on obtaining permits or visit the Department's website at:

<http://www.environment.gov.au/biodiversity/wildlife-trade/permits> Controls under the EPBC Act are in addition to those exercised under the *Biosecurity Act 2015*. For information about quarantine, contact Biosecurity – on 1800 900 090.

### For further information on Wildlife Programs and Permits please contact:

Wildlife Trade  
Department of the Environment  
and Energy  
GPO BOX 787  
CANBERRA  
ACT 2601

Telephone: (02) 6274 1900 (Option 2) – for programs  
(02) 6274 1900 (Option 1) – for permits  
Email: [wta@environment.gov.au](mailto:wta@environment.gov.au) – for programs  
[wildlifetrade@environment.gov.au](mailto:wildlifetrade@environment.gov.au) – for permits  
Website: <http://www.environment.gov.au/biodiversity/wildlife-trade>



# Application Form for Approval of an Artificial Propagation Program

## Applicant Details

**1. Name**

Mr, Ms, Mrs, etc      First (given) name

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Family name (Surname)

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**2. Organisation/trading name (if appropriate)**

Registered name and ABN


**3. Street address**

b

Town/suburb	
State	Postcode

**4. Postal address**

If same as street address, tick here

Town/suburb	
State	Postcode

**5. Contact details (include area code)**

Telephone number – work / home / mobile

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Fax number

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Email

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## Program Details

**6. Is this a renewal of, or an amendment to, an existing approved AP program?**

No

Yes

**7. Is the artificial propagation program for:**

Whole Plants

Plant Parts (eg. Cut Flowers)

**8. Date of establishment of the operation.**

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**9. Do you agree to have your company name and AP details on the Department's website:**

No

Yes

**10. Complete the attached List of Species (page 11 of the application form) including details of the source of the parental stock/original plants eg nursery, grown from cuttings, grown from wild collected seeds.**

**11. Are any of these species listed on Appendix I of CITES or EPBC listed threatened species:**

No  **Go to next question**

Yes  Attach evidence of the legal acquisition of parental stock

For all CITES I or EPBC listed species, evidence of the legal acquisition of parental stock eg purchase orders, receipts etc must be supplied. Include copies of import/export permits if relevant.

If this information is not available then a Statutory Declaration needs to be submitted.

**CITES I specimens:** the Statutory Declaration needs to state that the parental stock was obtained legally from overseas and that the specimens were already artificially propagated when imported into Australia.

**EPBC listed species:** the Statutory Declaration needs to state that the parental stock was obtained legally. If the original parental stock was obtained from the wild, copies of *State/Territory permits* need to be provided.

Please contact the Department for further information on the requirements for a Statutory Declaration.

**12.** Complete the attached:

- ‘**Details of Propagation Operation**’ (page 12 of the application form); or
- ‘**Details of Plant Part/Cut-flower Operation**’ (page 13 of the application form).

**13.** Tick the items for which you have attached evidence:

- List of species (page 11 of the application form)
- Copies of evidence for legal acquisition of stock (CITES I and EPBC listed species)
- Details of operation (including photographs and diagrams)

**14. Declaration by Applicant**

I declare that:

- the particulars provided by me in this application (including attachments) are true and correct in every detail.
- I have not been convicted of an offence in the last 10 years and am not subject to any court proceedings for an offence relating to the protection, conservation or management of native species or ecological communities.

Name of applicant or authorised person (if applicant is an organisation)

Signature of applicant or authorised person

Date signed by applicant

**Detach this application form from the guidelines and fax, mail or email it with all supporting documents to the following address:**

**Postal address:**

The Director  
Wildlife Trade Assessments  
Department of the Environment and Energy  
GPO Box 787  
CANBERRA ACT 2601

**Phone:** (02) 6274 1900 (Option 2)

**E-mail:** [wta@environment.gov.au](mailto:wta@environment.gov.au)

**15. Small Businesses**

Please provide an estimate of time taken to complete this form:

Hours  Minutes

**Include:**

- the time actually spent reading the instructions, working on the questions and obtaining the information; and
- the time spent by your employees in collecting and providing this information.



## 17. Details of Propagation Operation

**Please answer the questions below. Written answers can be inserted in the spaces provided or if more convenient the applicant may attach information in a different format but must include all required information.**

**PLEASE PRINT**

1. Provide a description of the *methods and procedures* used to propagate the plants (eg whether the plants have been grown from seed, division, backbulbs, aerial growths, monopodial cuttings, softcane propagation, flower stems propagation or transplantation).

2. Provide a description of the operation and the nursery facilities. Include details that will demonstrate that the plants are grown under 'controlled conditions'. 'Controlled conditions' means an artificial environment that is intensively managed by human intervention eg tillage, fertilisation, weed control, irrigation. Attach **photographs** of the nursery facilities including greenhouses/glasshouses, propagating room, plants in various stages of growth, drying racks, packing rooms, and plants from which parts are harvested (if applicable) etc.

3. Provide details on whether additional plants and/or seeds will be needed to supplement the nursery population. Give reasons why additional plants/seeds will be required and detail how many and how often additional plants / seeds will be required. Provide information on where additional plants and/or seeds will be obtained from (if another nursery, provide name; if collected from wild, provide a specific location).