|  |
| --- |
| Plant and Forest Products  Dja Dja Wurrung On Country Rights |

The Dhelkunya Dja Country Plan describes how hundreds of years ago, our Country was mostly covered in open forests, swamplands, springs, open grass plains and woodlands. This provided us with the plants and animals that we used for food, medicine, shelter and customary practices.

Today, though our Country is vastly changed, it still holds many important values. Yirrip (Ironbark) forests are important and mostly occur on Dja Dja Wurrung country. Important tucker and medicine species can still be found across our Country. We use local plants such as reeds (djarrk) and wattle (wai wai). Access to plants and forest produce keeps us connected to our ancestors and allows us to revive and develop our traditional culture.

Harley Dunolly – Thomas Dunolly descendant

This information sheet gives more detailed information about Dja Dja Wurrung rights to gather plants and other forest produce under the *Recognition and Settlement Agreement*. Please see the Introduction infosheet for important general information before you read this page, including how to get the Verification Card that you need to exercise these rights.

There are two Authorisation Orders that relate to plants: the Forest Produce Order, and the Protected Flora & Listed Fish Order.

Dja Dja Wurrung people can take certain plants and other forest produce that ordinary members of the public can’t take without a permit, either because they’re protected species or because of the general rules that apply in State Forests. This summary explains what you can and cannot do under these two Orders, together with some other relevant laws.

What can I take from a State Forest?

In a State Forest that’s within Dja Dja Wurrung Country you can:

* remove timber from the forest floor outside firewood collection areas, including timber for firewood that’s already fallen (but not timber with hollows, or with moss or fungi growing on it);
* take away any forest produce that is lying on the forest floor;
* take away native honey and beeswax;
* cut and take away eucalyptus leaves;
* cut and take away bark from trees (for traditional purposes only, not for sale);
* cut and take away seed and/or seed capsules from any trees or plants (but note the information below about protected species);
* cut and take away entire tea trees or component parts of them;
* dig and take away stone, gravel, limestone, lime, salt, sand, loam, clay or brick-earth.

State Forest areas within the Agreement Area are identified on the *Map ‘Dja Dja Wurrung Country Hunting and State Forest Areas’*.

You can also take certain forest produce listed below in the tables under ‘Protected plant species (in State Forests and other public land)’. Note the conditions associated with the take of these species. For information on protected plant species in the Agreement area go to

<http://www.depi.vic.gov.au/environment-and-wildlife/threatened-species-and-communities/flora-and-fauna-guarantee-act-1988/protected-flora-controls>.

Protected species:

Some species of plants have further protections under the *Flora and Fauna Guarantee Act*, not just the general rules that apply to all plants in State Forests. See below for further information about these protected species, including your Traditional Owner rights to take and use some of them.

Commercial purposes:

According to the *Recognition and Settlement Agreement*, you can “process” the plants or forest produce you take into an item or items for sale. That is, you can sell things that you make out of these plants and forest produce, such as baskets, wooden objects, etc. The only exception is bark, which can’t be sold in any form.

Reporting:

You need to report how much of the forest produce or protected flora you’ve taken each month to the Dja Dja Wurrung Clans Aboriginal Corporation, as explained on the Introduction page. We will report the total amounts and work with the government to ensure that the amounts taken each year are sustainable.

Firewood:

In State Forest within the Agreement Area you can remove timber from the forest floor for firewood (but not timber with hollows, or with moss or fungi growing on it).

You must check if you are in a Domestic Firewood Collection area (within State Forests) as they are set aside for all Victorians to collect domestic firewood during two statewide firewood seasons. If you are in a Domestic Firewood Collection area, you must follow the rules and limits for these areas. These areas are clearly marked by official signs and identifiable on the ground. The rules and limits apply to everyone where domestic collection is designated.

For detailed information about the locations, dates, and rules that apply to everyone for Domestic Firewood Collection area go to the DELWP website

<http://www.delwp.vic.gov.au/parks-forests-and-crown-land/firewood/domestic-firewood-collection-rules>.

You also need to stay outside the “safety zones” that extend around logging coupes (these will be signposted on all access roads in the coupe).

Protected Heritage:

If you are digging and taking away stone, gravel, limestone, lime, salt, sand, loam, clay or brick-earth, you need to know which places and objects are protected under the Heritage Act 1995. You can check the Victorian Heritage Register and Inventory which lists all known historical archaeological sites in Victoria. The web link to the Heritage Victoria Database is provided at the end of this information sheet.

General restrictions:

You can’t collect (cut, dig, remove or take away) forest produce within 20 meters of a river, stream or lake. You can’t winch or tow forest produce along the ground. You also cannot cut, dig, take away or remove any wood on the forest floor that has hollows or is growing moss or fungi.

Leased and licensed areas:

There are some areas of State Forests where private operators have a lease or licence for things like:

* apiary (bee keeping)
* grazing
* timber harvesting
* commercial firewood collection operations.

You must not cut, dig, take away or remove any forest produce if the land is leased or licensed and would create competition with the leasee or licensee in that area. To find out if a lease or licence applies to an area you want to collect from, call DELWP Customer Call Centre on **136 186**.

Protected plant species (in State Forests and other public land)

As mentioned above, there’s an additional set of rules that applies to protected species of native plants The lists below tell you which of these protected plants you can take, and how much. For all other protected plants, you’ll need to apply for a permit from DELWP.

In general, you can cut and take the forest produce and plants listed below from any public land within the agreement area, other than Nature Reserves and Nature Conservation Reserves. Further details on locations and names of Nature Reserves and Nature Conservation Reserves are available from the Parks Victoria website at:

<http://parkweb.vic.gov.au/explore/find-a-park>.

See below for the special rules regarding National Parks.

You can use these plants and forest produce (other than bark) to make an item or items for sale. You need to report to the Dja Dja Wurrung Clans Aboriginal Corporation how much you take of each species, and some species have limits or other rules that apply to them.

These plants can be taken up to the limit shown:

|  |  |
| --- | --- |
| Common Name | Limit |
| Common Sneezeweed | If you take whole plants, 10% of the population of that species per collection OR  if you take only parts of a plant, you you can only take 10% of the parts of any plant. |
| Pink Beard-heath |
| Twin-flower Beard-heath |
| Ruddy Beard-heath |
| Common Beard-heath |
| Common Nardoo | If you take whole plants, you can only take 10% of the population of that species per collection |

Protected plant communities

The following plants are protected in certain areas, known as “listed communities” of plants.

These protected ‘listed communities’ are described in the ‘*Protected Plant Communities’* infosheet and Map of Protected Plant Communities in Dja Dja Wurrung Country, to show you where they are. A web link is also provided at the end of this infosheet for more information on ‘listed communities’.

Outside those areas, the plants on these lists are not protected as species but if you want to take them outside these communities you may need a native vegetation permit under the Planning scheme.

Within listed communities, and also within any State Forest, you can take these plants up to the limit shown:

Limits & conditions for species from State Forests and protected plant communities

|  |  |
| --- | --- |
| Limit |  |
| If you take only parts of a plant, you can only take 10% of the parts of any plant  OR  If you take whole plants, 10% of the population of the species per hectare per collection | |
| Common Names |  |
| Box Mistletoe | River Mint |
| Fleshy Mistletoe | Dwarf Geebung |
| Wire-leaf Mistletoe | Hairy Geebung |
| Grey Mistletoe | Small-leaf Bramble |
| Sweet Apple-berry | Sweet Quandong |
| Inland Pigface | Narrawa Burr |
| Leafless Ballart | Quena |
| Spiny-headed Mat-rush | Oondoroo |

Limits & conditions on rushes and grasses from State Forests and protected plant communities

These rushes and grasses can also be taken from State Forests and certain ‘listed communities’

|  |  |
| --- | --- |
| Limit | |
| No limit, but you can only take component parts and in a way that doesn’t kill the plant. | |
| Common Species Names |  |
| Hollow Rush | Slender Tussock-grass |
| Gold Rush | Soft Tussock-grass |
| Pale Rush | Velvet Tussock-grass |
| Hoary Rush | Sword Tussock-grass |
| Finger Rush | Forde Poa |
| Noah's Ark | Kangaroo Grass |
| Grey Tussock-grass (*Poa sieberiana var. sieberiana*) | Grey Tussock-grass (*Poa sieberiana*) |
| Common Tussock-grass (*Poa labillardierei*) | Grey Tussock-grass (*Poa sieberiana var. hirtella*) |
| Common Tussock-grass  (*Poa labillardierei var. labillardierei*) | |

Plants from State Forest and protected plant communities with no limits & conditions

These plants have no limits on the amount you can take from State Forests and listed communities, which are described in the *“Protected Plant Communities’* infosheet

|  |  |
| --- | --- |
| Limit | |
| No limit. You may cut and take entire plants. | |
| Common Species Names |  |
| Cherry Ballart | Common Reed |
| Drooping Sheoak |  |
| Common Wattle species such as: | Gold Dust Wattle |
| Juniper Wattle | Whirrakee Wattle |
| Golden Wattle | Drooping Wattle |

Common Wattle species can also be taken without specific limits except for: those species of:

(1) Wattle listed as threatened under section 10 of the *Flora and Fauna Guarantee Act 1988*, and

(2) Wattle protected on the DEPI Advisory list and protected by an Order in Council under the *Flora and Fauna Guarantee Act 1988* published in the Government Gazette

Refer below for web links to the DEPI Threatened Species Advisory List and the Flora and Fauna Guarantee Act.

Grass Trees special rules

Grass trees have their own special rules:

|  |  |
| --- | --- |
| Common Names |  |
| Grass trees  (except forGrey Grass Trees- *Xanthorrhoea glauca* subsp. *angustifolia)* | |
| Limit |  |
| You may take away the entire plant, but you are limited to:  Fronds: 200 handful-sized bundles of fronds per year for all Dja Dja Wurrung members together.  Whole plants: 30 per year for all Dja Dja Wurrung members together.  In order to sell grass trees or their fronds you need to apply for and attach tags showing that they were properly taken.  See the Application for Tags and contact DELWP for further assistance. A web link is provided below. | |

National Parks and State Parks

Dja Dja Wurrrung people have the right to take plants from National Parks when “carrying out an Aboriginal tradition.” The limits shown for particular plants in the tables above still apply.

In time, we hope to publish pictures to help you identify all these plants. In the meantime, you can find

descriptions and photos on the internet. It’s best to use the scientific names for searching, to get the most accurate information. All the scientific names for these plants can be found in the Authorisation Orders. A web link is provided below.

Web links and more information

Domestic firewood collection season and rules

<http://delwp.vic.gov.au/parks-forests-and-crown-land/firewood>

<http://www.delwp.vic.gov.au/parks-forests-and-crown-land/firewood/domestic-firewood-collection-rules>

Heritage Victoria Database

<http://vhd.heritagecouncil.vic.gov.au/>

P: 9280 3333 Heritage Victoria Archaeological Team

Nature Reserve and Nature Conservation Reserve locations

<http://parkweb.vic.gov.au/explore/find-a-park>

Protected and listed communities

<http://www.depi.vic.gov.au/environment-and-wildlife/threatened-species-and-communities/flora-and-fauna-guarantee-act-1988/ffg-listed-taxa-communities-and-potentially-threatening-processes>

Flora and Fauna Guarantee Act 1988 Threatened Species Advisory list

<http://www.depi.vic.gov.au/environment-and-wildlife/threatened-species-and-communities/threatened-species-advisory-lists>

|  |  |
| --- | --- |
| © The State of Victoria Department of Environment, Land, Water and  Planning 2015  byThis work is licensed under a [Creative Commons Attribution 4.0 International licence](http://creativecommons.org/licenses/by/4.0/). You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>  **ISBN 978-1-74146-774-1 (pdf)**  **Disclaimer** This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication. | **Accessibility**  If you would like to receive this publication in an alternative format, please telephone DELWP Customer Service Centre 136 186, email [customer.service@delwp.vic.gov.au](mailto:customer.service@delwp.vic.gov.au), via the National Relay Service on 133 677 [www.relayservice.com.au](http://www.relayservice.com.au). This document is also available on the internet at [www.delwp.vic.gov.au](http://www.delwp.vic.gov.au) |

Application for Tags

<http://www.depi.vic.gov.au/__data/assets/pdf_file/0009/205569/Application-for-Tags-to-be-Fixed-to-Imported-or-Cultivated-Tree-Ferns-or-Grasstrees.pdf>

Dja Dja Wurrung Recognition and Settlement Agreement (2013)

<http://www.justice.vic.gov.au/home/your+rights/native+title/dja+dja+wurrung+settlement+commences>

Authorisation Orders

http://www.gazette.vic.gov.au/gazette/Gazettes2014/GG2014S354.pdf

Map of Settlement Area

<http://www.djadjawurrung.com.au/maps>

Dja Dja Wurrung Clans Aboriginal Corporation Contact Details

<http://www.djadjawurrung.com.au/contact-us>

P: 5444 2888