

Queensland



Nature Conservation Act 1992

NATURE CONSERVATION REGULATION 1994

**Reprinted as in force on 5 July 1996
(includes amendments up to SL No. 129 of 1996)**

Reprint No. 1

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Information about this reprint

This regulation is reprinted as at 5 July 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- reorder definitions and other provisions consistent with current drafting practice (ss 30 and 30A)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed citations and remade laws**
 - **table of corrected minor errors**
 - **table of renumbered provisions.**

Queensland



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REGULATION 1994**

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NATURE CONSERVATION REGULATION 1994

[as amended by all amendments that commenced on or before 5 July 1996]

CHAPTER 1—PRELIMINARY

PART 1—GENERAL

Short title

1. This regulation may be cited as the *Nature Conservation Regulation 1994*.

Commencement

2. This regulation commences on 19 December 1994.

Dictionary

3.(1) The dictionary¹ in schedule 14 defines particular words used in this regulation.

(2) Schedule 13 contains certain definitions in separate sections.

¹ In some regulations, definitions are contained in a dictionary that appears as the last schedule and forms part of the regulation—*Acts Interpretation Act 1954*, section 14 and *Statutory Instruments Act 1992*, section 14.

(3) Schedule 13 definitions² and definitions found elsewhere in the regulation are signposted³ in the dictionary.

PART 2—LICENCES

Applications

4.(1) An application for a licence or a renewal of a licence must be made in the approved form and be accompanied by the prescribed fee.

(2) An application for an Aboriginal tradition or Island custom authority for a particular activity may be made by a corporation representing a community or group of Aborigines or Torres Strait Islanders only if—

- (a) the corporation is satisfied the way the activity will be performed is consistent with Aboriginal tradition or Island custom applicable to the activity; and
- (b) the corporation has consulted with, and considered the views of, Aboriginal or Torres Strait Islander people particularly concerned with the land to which the application relates before making the application.

(3) An application for a licence (other than a camping permit, damage mitigation permit, movement permit or rescue permit) must be made at least 30 days before the applicant wants the proposed licence to take effect.

(4) An application for a renewal of a licence must be made at least 30 days before the licence ends.

(5) If the applicant is a corporation, the corporation—

- (a) must have a registered office in Queensland; and

² In some regulations, sectional definitions are contained in a schedule that appears just before the dictionary schedule and forms part of the regulation—*Acts Interpretation Act 1954*, section 14 and *Statutory Instruments Act 1992*, section 14.

³ The signpost definitions in the dictionary alert the reader to the terms defined elsewhere in the regulation and tell the reader where these definitions can be found.

- (b) must nominate someone as the person in charge of the place where the corporation is to conduct activities under the licence.

(6) Subsection (5) does not apply to an application for a permit under chapter 2.⁴

(7) Failure to comply with subsection (3) or (4) does not prevent the chief executive dealing with an application.

How chief executive may deal with applications for licence

5.(1) The chief executive must consider an application for a licence and either—

- (a) grant the licence; or
- (b) refuse to grant the licence.

(2) However, the chief executive must refuse to grant the licence—

- (a) if the applicant holds a licence and has accumulated 10 or more demerit points in the 3 years immediately before the day the application is refused; or
- (b) if—
 - (i) the applicant is a former licensee whose licence was cancelled because the person accumulated 10 or more demerit points; and
 - (ii) the application is made within 2 years after the person's licence was cancelled; and
 - (iii) the application is for the same kind of licence as the cancelled licence.

(3) If the chief executive decides to grant the licence, the chief executive must promptly give the applicant—

- (a) the licence; and
- (b) if a condition imposed by the chief executive is stated on the licence—

⁴ Chapter 2 relates to protected areas.

- (i) the reasons for the condition; and
- (ii) a written notice stating that the applicant may appeal against the imposition of the condition within 28 days to a Magistrates Court.

(4) If the chief executive decides not to grant the licence, the chief executive must promptly give the applicant a written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the applicant may appeal against the decision within 28 days to a Magistrates Court.

Compliance with conditions

6. If a condition imposed by the chief executive is stated on a licence, the licence holder must comply with the condition.

Maximum penalty—80 penalty units.

Licence not transferable

7. A licence is not transferable.

Grounds for suspension, cancellation or refusal to renew

8.(1) Each of the following is a ground for the suspension or cancellation of, or refusal to renew, a licence—

- (a) the licence was obtained on the basis of incorrect or misleading information;
- (b) the licensee has contravened a condition of the licence;
- (c) the licensee has committed an offence against the Act, the repealed Act, this regulation or a conservation plan;
- (d) the licensee has accumulated 10 or more demerit points in any period of 3 years;
- (e) the licensee, or someone else required to be an appropriate person for the grant of the licence, is not, or is no longer an appropriate

person;

- (f) someone whose licence has been cancelled has effective management or control of the licensee's operations under the licence;
- (g) if the licence relates to premises—the premises are unfit for use under the licence.

(2) The question whether a person is, or continues to be, an appropriate person is decided in the same way as the question whether the person would be an appropriate person for the grant of the licence.

Procedure for suspension, cancellation or refusal to renew

9.(1) If the chief executive considers there is a ground to suspend, cancel or refuse to renew a licence (the “**proposed action**”), the chief executive may give the licensee a written notice that—

- (a) states the proposed action; and
- (b) states the grounds for the proposed action; and
- (c) outlines the facts and circumstances forming the basis of the grounds; and
- (d) if the proposed action is suspension of the licence—states the proposed suspension period; and
- (e) invites the licensee to show cause within a stated time, of at least 28 days, why the proposed action should not be taken.

(2) If, after considering all written representations made within the stated time, the chief executive still considers there is a ground to take the proposed action, the chief executive may—

- (a) if the proposed action was to suspend the licence for a stated period—suspend the licence for not longer than the proposed suspension period; or
- (b) if the proposed action was to cancel the licence—either cancel the licence or suspend it for a period; or
- (c) if the show cause notice was a notice of intention not to renew the licence—refuse to renew the licence.

(3) The chief executive must inform the licensee of the decision by written notice.

(4) If the chief executive decides to suspend, cancel or refuse to renew the licence, the notice must state—

- (a) the reasons for the decision; and
- (b) that the licensee may appeal against the decision within 28 days to a Magistrates Court.

(5) The decision takes effect on the later of—

- (a) the day the notice is given to the licensee;
- (b) the day of effect stated in the notice.

(6) However, if the licence is suspended or cancelled because of the conviction of a person for an offence—

- (a) the suspension or cancellation does not take effect until—
 - (i) the end of the time to appeal against the conviction; and
 - (ii) if an appeal is made against the conviction—the appeal is finally decided; and
- (b) the suspension or cancellation has no effect if the conviction is quashed.

Procedure for urgent suspension or cancellation of licence

10.(1) This section applies if the chief executive is satisfied—

- (a) urgent action is necessary in the particular circumstances for the conservation of nature or in the interest of public safety; or
- (b) a protected area, native wildlife or members of the public may be harmed if urgent action to suspend or cancel a licence is not taken.

(2) The chief executive may suspend or cancel a licence without prior written notice to the licensee for a reason mentioned in subsection (1).

(3) However, the chief executive must immediately inform the licensee of the decision by written notice.

(4) The notice must state—

- (a) the reasons for the decision; and
 - (b) that the licensee may appeal against the decision within 28 days to a Magistrates Court.
- (5) The decision takes effect on the later of—
- (a) the day the notice is given to the licensee;
 - (b) the day of effect stated in the notice.
- (6) A suspension or cancellation may be for a particular protected area, particular protected wildlife, or both.

Return of licence

11.(1) The holder of a suspended licence, or former holder of a cancelled licence, must return the licence to the chief executive within 14 days after the suspension or cancellation takes effect, unless the person has a reasonable excuse for not returning it or not returning it within that time.

Maximum penalty—20 penalty units.

(2) If a suspended licence is returned to the chief executive, the chief executive must return it to the licensee at the end of the suspension period.

Replacement licences

12.(1) A licensee may apply to the chief executive for the replacement of a lost, stolen or destroyed licence.

- (2) The chief executive must consider each application and either—
- (a) replace the licence; or
 - (b) refuse to replace the licence.

(3) If the chief executive is satisfied the licence has been lost, stolen or destroyed, the chief executive must replace the licence.

(4) If the chief executive decides to refuse to replace the licence, the chief executive must give the applicant a written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and

- (c) that the applicant may appeal against the decision within 28 days to a Magistrates Court.

Amendment of licences on application

13.(1) A licensee may apply to the chief executive for an amendment of the licence.

(2) The application must be made at least 10 days before the licensee wants the amendment to take effect and be accompanied by the prescribed fee.

(3) However, failure to comply with subsection (2) does not prevent the chief executive dealing with the application.

(4) The chief executive must decide the application by—

- (a) amending the licence in the way sought; or
- (b) refusing to amend the licence.

(5) The chief executive may amend the licence only if the chief executive is satisfied on reasonable grounds the amendment is desirable in the interests of nature conservation or the effective administration of the Act.

Amendment of licences without application

14.(1) If the chief executive considers the conditions of a licence should be amended, the chief executive must give the licensee a written notice (the “**show cause notice**”) that—

- (a) states the reasons for the amendment; and
- (b) outlines the facts and circumstances that form the basis of the reasons; and
- (c) invite the licensee to show cause within a stated time, of at least 28 days, why the conditions should not be amended.

(2) The chief executive may amend the conditions if, after considering all representations made within the stated time, the chief executive still believes the conditions should be amended—

- (a) in the way mentioned in the show cause notice; or

(b) in another way, having regard to the representations.

(3) If the chief executive decides to amend the conditions, the chief executive must give the licensee a written notice stating—

- (a) the way in which the conditions have been amended; and
- (b) that the licensee may appeal against the decision within 28 days to a Magistrates Court.

(4) Subsections (1) to (3) do not apply if the conditions of a licence are to be amended only—

- (a) by omitting a condition; or
- (b) to correct an error; or
- (c) to make a change (other than a change of substance); or
- (d) in another way that does not adversely affect the licensee's interests.

(5) The chief executive may make an amendment of a type mentioned in subsection (4) by written notice given to the licensee.

Notice to return licence for alteration

15.(1) The chief executive may, by written notice, require the licensee to return the licence to the chief executive within a stated time, of at least 14 days, to enable the chief executive to amend the statement of conditions on the licence.

(2) After amending the statement of conditions, the chief executive must return the licence to the licensee.

(3) A licensee must comply with a notice under subsection (1), unless the person has a reasonable excuse not to comply with it.

Maximum penalty—20 penalty units.

(4) The amendment of the conditions of the licence does not depend on the statement of conditions being amended under this section.

Surrender of licence

16.(1) A licensee may surrender the licence by written notice given to the

chief executive.

(2) The licence must accompany the notice.

(3) A surrender of a licence takes effect—

- (a) on the day the notice is given; or
- (b) the day of effect stated in the notice.

PART 3—APPEALS

Decisions open to appeal

17.(1) An applicant for a licence may appeal against the chief executive's decision to refuse to grant the licence.

(2) A licensee may appeal against 1 of the following decisions of the chief executive—

- (a) a decision to impose a condition on a licence;
- (b) a decision to amend a condition of a licence;
- (c) a decision to refuse to amend a condition of a licence;
- (d) a decision to suspend or cancel a licence;
- (e) a decision to refuse to renew a licence;
- (f) a decision to refuse to replace a licence;
- (g) a decision to impose a condition on an approval given under this regulation;
- (h) a decision to refuse to give an approval under this regulation;
- (i) a decision requiring a person contravening a requirement of this regulation about the housing and care of protected animals—
 - (i) to make stated changes to the cage or enclosure housing a protected animal; or
 - (ii) to surrender the person's licence or permit, and the animal, to the chief executive within a stated time;

- (j) a decision to impose a condition on an approval given under a conservation plan specifying the decision is open to appeal under this part;
- (k) a decision to refuse to give an approval under a conservation plan specifying the decision is open to appeal under this part.

How to start an appeal

18.(1) An appeal is started by filing a written notice of appeal with the clerk of the court of the Magistrates Court nearest the place where the applicant or licensee lives, carries on, or proposes to carry on, business.

(2) The clerk of the court must give the chief executive a copy of the notice.

(3) The notice of appeal must be filed within 28 days after the appellant receives written notice of the decision appealed against.

(4) The Magistrates Court may at any time extend the period for filing the notice of appeal.

(5) The notice of appeal must state the grounds of the appeal.

Stay of operation of decisions

19.(1) The Magistrates Court may stay a decision appealed against to secure the effectiveness of the appeal.

(2) A stay—

- (a) may be given on the conditions the Magistrates Court considers appropriate; and
- (b) operates for the period specified by the Magistrates Court; and
- (c) may be revoked or amended by the Magistrates Court.

(3) The period of a stay specified by the Magistrates Court must not extend past the time when the Magistrates Court decides the appeal.

(4) The starting of an appeal against a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

Hearing procedures

20.(1) The procedure for an appeal to a Magistrates Court under this regulation is to be—

- (a) in accordance with the *Magistrates Courts Rules 1960*; or
- (b) in the absence of relevant rules, as directed by a magistrate.

(2) In deciding an appeal, the Magistrates Court—

- (a) is not bound by the rules of evidence; and
- (b) must observe natural justice; and
- (c) may hear the appeal in court or chambers.

Powers of court on appeal

21.(1) In deciding an appeal, the Magistrates Court may—

- (a) confirm the decision appealed against; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the matter to the chief executive with directions the Magistrates Court considers appropriate.

(2) In substituting another decision, the Magistrates Court has the same powers as the chief executive.

Example—

The court may decide an unsuccessful applicant for a licence be granted the licence either unconditionally or on particular conditions. In making the decision, the court must apply the management principles in part 4, division 1 (Protected areas) or part 5, division 1 (Protected wildlife) of the Act.

(3) If the Magistrates Court substitutes another decision, the substituted decision is taken, for this regulation (other than this part), to be the decision of the chief executive.

Appeal to District Court on questions of law only

22. A party dissatisfied by the decision of the Magistrates Court may appeal to a District Court, but only on a question of law.

CHAPTER 2—PROTECTED AREAS

PART 1—PRELIMINARY

Purpose of chapter

23. The purpose of this chapter is to manage the way people may use a protected area under the management principles for the area.⁵

Application of chapter—general

24. Subject to section 25 (Application of chapter—special), this chapter applies to all protected areas.⁶

Application of chapter—special

25.(1) In this section—

“private land” means land other than Crown land.

“protected area” means—

- (a) a nature refuge; or
- (b) a coordinated conservation area; or
- (c) a wilderness area; or
- (d) a world heritage management area; or
- (e) an international agreement area.

(2) This chapter applies to a national park (Aboriginal land) or national park (Torres Strait Islander land) unless a stated provision of this chapter is

⁵ The management principles are given in sections 16 to 26 of the Act.

⁶ The extent of the application of this chapter may be modified by regulation giving effect to a management plan for a protected area.

declared, by this regulation, not to apply to the area.⁷

(3) A provision of this chapter applies to a State forest or timber reserve under the *Forestry Act 1959* in a protected area only if, and to the extent, this regulation declares it to apply to a State forest or timber reserve.⁷

(4) A provision of this chapter applies to private land in a protected area only if, and to the extent, this regulation declares it to apply to the land.⁷

(5) This chapter does not apply to the following activities on land in a Resources Reserve—

- (a) an activity carried out under a licence, permit, claim or lease under the *Mineral Resources Act 1989* or the *Petroleum Act 1923* on land covered by the licence, permit, claim or lease;
- (b) fossicking or camping under the *Fossicking Act 1994*.

Trustees have some of chief executive's powers

26.(1) This section applies to the trustees of a conservation park or resources reserve specified in schedule 1.

(2) The trustees have the powers of the chief executive under the provisions of chapter 1, this chapter, and chapters 4 and 5 specified in schedule 1 for the area.

(3) However, the trustees' powers do not include power to charge a fee for entry to a conservation park or resources reserve.

(4) For the application of this regulation to trustees, a reference to the chief executive is a reference to the trustees.

(5) If trustees charge a fee for a service the trustees supply in a conservation park or resources reserve, the trustees must apply the fee towards satisfying the management principles for the conservation park or resources reserve.

⁷ This regulation may, for example, apply a particular provision of this chapter to a particular protected area to give effect to the declared management intent for the area or a conservation agreement or covenant.

National parks where fish may be taken

27.(1) A person may take fish in a national park mentioned in schedule 2 of the *Nature Conservation (Protected Areas) Regulation 1994* subject to the conditions stated in schedule 2 of this regulation.

(2) This section expires on 31 December 1999.⁸

PART 2—AUTHORITIES AND PERMITS*Division 1—Authorities***Chief executive may grant authorities**

28. The chief executive may grant the following kinds of authorities under this chapter—

- (a) Aboriginal tradition authority;
- (b) Island custom authority.

Authority may be for taking etc. of cultural or natural resource

29. The chief executive may, in an Aboriginal tradition or Island custom authority, authorise an individual to take, use, keep or interfere with a cultural or natural resource of a protected area under Aboriginal tradition or Island custom.

Authority must state protected area etc.

30. The chief executive must state in an Aboriginal tradition or Island custom authority the protected area, or part of the protected area, and the cultural or natural resource, to which the authority relates.

⁸ Section 27(2) is included for information only (see section 62(4) of the Act).

Who may obtain authorities

31. The chief executive may grant an Aboriginal tradition or Island custom authority for a protected area only to a corporation whose members represent a community or group of Aborigines or Torres Strait Islanders particularly concerned with land in the area.

Authorised individuals

32.(1) The chief executive may, in an Aboriginal tradition or Island custom authority, state the names of individuals who may take, use, keep or interfere with cultural or natural resources under the authority.

(2) The individuals must be individuals named by the corporation in the application for the authority.

When chief executive must not grant authorities

33.(1) The chief executive must not grant an Aboriginal tradition or Island custom authority—

- (a) for a natural resource of a national park (scientific); or
- (b) for rare or threatened wildlife; or
- (c) for wildlife (other than rare or threatened wildlife)—if the taking, use, keeping or interference with the wildlife will reduce its ability to maintain or recover its natural population levels in the area; or
- (d) if—
 - (i) the way the cultural or natural resource is to be taken, used, kept or interfered with involves the use of a weapon; or
 - (ii) in the chief executive's opinion, the way the cultural or natural resource is to be taken, used, kept or interfered with may endanger anyone visiting the protected area.

(2) Subsection (1)(b) does not apply to a seed or another part of a rare or vulnerable plant.

Other restrictions on grant of authorities

34.(1) The chief executive may grant an Aboriginal tradition or Island custom authority for a cultural or natural resource of a protected area only if the chief executive has had regard to—

- (a) any advice given by the corporation named in the application for the authority, on the significance, under Aboriginal tradition or Island custom applicable to the area, of the activity covered by the application; and
- (b) whether there is a reasonable alternative to taking, keeping, using or interfering with the cultural or natural resource; and
- (c) the extent to which the proposed activity will interfere with the public's use of the area.

(2) Also, the chief executive may grant an Aboriginal tradition or Island custom authority for a natural resource of a national park only if the chief executive is satisfied—

- (a) the purpose for which the resource is to be taken, used, kept or interfered with is of particular significance under Aboriginal tradition or Island custom according to the views of people regarded by the members of the group the corporation named in the application represents as having authority to state the traditional or customary significance of the resource; or
- (b) the Aborigines or Torres Strait Islanders involved in the application for the authority will be on the national park to prepare a claim or management plan for the national park under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*.

(3) Subsection (2)(a) does not apply to a seed or another part of a rare, vulnerable or common plant.

Duration of authorities

35.(1) An Aboriginal tradition or Island custom authority is in force for the period, of not more than 1 year, stated in the authority.

(2) The period for which the authority is in force starts on the day stated in the authority.

Way cultural or natural resource may be taken

36. The holder of an Aboriginal tradition or Island custom authority must ensure anyone acting under the authority takes, uses, keeps or interferes with a cultural or natural resource of a protected area in a way consistent with Aboriginal tradition or Island custom applicable to the area.

Maximum penalty—165 penalty units.

Division 2—Permits**Chief executive may grant permits**

37. The chief executive may grant the following kinds of permits under this chapter—

- (a) camping permit;
- (b) restricted access area permit;
- (c) permit to take, use, keep or interfere with cultural or natural resources;
- (d) stock grazing permit;
- (e) stock mustering permit;
- (f) travelling stock permit;
- (g) permit to enter a national park (scientific);
- (h) commercial activity permit;
- (i) permit to solicit donations or information;
- (j) group activity permit;
- (k) permit to use recreational craft;
- (l) special activities permit.

Permit must state protected area

38. The chief executive must state in a permit the protected area, or part of the protected area, to which the permit relates.

Duration of permits

39.(1) Each of the following permits is in force for not more than the period stated for the permit—

- (a) camping permit—22 days;
- (b) restricted access area permit—1 year;
- (c) permit to take, use, keep or interfere with cultural or natural resources—
 - (i) for the location of an apiary—3 years; or
 - (ii) for the taking of water—10 years; or
 - (iii) for a scientific purpose—3 years; or
 - (iv) for the taking of fish—3 years; or
 - (v) for another purpose—1 year;⁹
- (d) stock grazing permit—10 years;
- (e) stock mustering permit—60 days;
- (f) travelling stock permit—30 days;
- (g) permit to enter a national park (scientific)—1 year;
- (h) commercial activity permit—3 years;
- (i) permit to solicit donations or information—1 year;
- (j) group activity permit—30 days;
- (k) permit to use recreational craft—1 year;
- (l) special activities permit—1 year.

(2) The chief executive must specify in a permit how long the permit is in force.

(3) The period for which the permit is in force starts on the day stated in the permit.

⁹ Section 62 of the Act deals with the taking, using, keeping and interfering with cultural and natural resources of a protected area.

Permit may be taken to have been granted

39A.(1) This section applies if—

- (a) a person is the holder of a commercial activity permit; and
- (b) the person makes application for a renewal of the permit under section 4(4); and
- (c) the chief executive has not granted, or refused to grant, the renewal of the permit before it ends; and
- (d) the person has not withdrawn the application.

(2) The permit continues in force until the chief executive grants or refuses the application.

(3) However, if the chief executive has not granted, or refused to grant, the application within 3 months after the day on which, but for this section, the permit would have ended, the application is taken to have been refused.

PART 3—CAMPING IN PROTECTED AREAS

Permit needed to camp in protected area

40. A person must not camp in a protected area unless the person holds a camping permit.

Maximum penalty—20 penalty units.

Restrictions on camping

41. A person must not camp in a part of a protected area where camping is prohibited under this regulation, a regulatory notice or camping permit.

Maximum penalty—80 penalty units.

Camping conditions

42.(1) A holder of a camping permit must not allow more people to camp under the permit than the number stated in the permit.

- (2) A person camping under a camping permit must not—
- (a) use equipment of a kind stated in the permit contrary to a condition of the permit; or
 - (b) use a natural resource of the area for a campfire contrary to a restriction stated in the permit; or
 - (c) dispose of human wastes and litter or make noise other than in accordance with any restriction stated in the permit.

Maximum penalty—

- (a) subsections (1) and (2)(a)—10 penalty units;
- (b) subsection (2)(b)—15 penalty units;
- (c) subsection (2)(c)—20 penalty units.

Self-registration camping areas

43.(1) The chief executive may erect or display in, at or near the entrance to, a protected area, a notice (a “**self-registration camping notice**”) stating that, in a stated period, the area, or a stated part of the area, is a self-registration camping area.

(2) A self-registration camping notice must state, in general terms, the procedures to be followed by persons intending to camp in the area.

(3) A self-registration camping notice must also state—

- (a) how many people may camp in the area under a camping permit; and
- (b) how long anyone may camp in the area; and
- (c) how many people may camp on a camp site in the area; and
- (d) how many camping permits may apply to a camp site in the area; and
- (e) the camping fee payable for camping in the area; and
- (f) the penalty for camping in the area without a permit.

(4) The chief executive must make forms (“**camping forms**”) and a sealed, secure camping fee container available for use for camping in the area.

(5) The camping forms and camping fee container must be in an easily accessible and conspicuous position in the area.

(6) The camping form must—

- (a) state the procedures a person using the form must follow; and
- (b) include a detachable camping fee envelope and a form to be displayed at the person's camp site (a **“self-registration camping form”**); and
- (c) include, on the camping fee envelope, a section for use for credit card payment of camping fees.

(7) On completion of a camping form, the person must put the camping fee envelope in the camping fee container.

When permit is taken to have been granted

44.(1) This section applies if a person—

- (a) fills in a camping form for a self-registration camping area in the way stated on the form; and
- (b) either—
 - (i) places the camping fee in cash or a cheque in the camping fee envelope and seals the envelope; or
 - (ii) properly completes and signs the credit card payment section of the camping form; and
- (c) puts the envelope in the camping fee container.

(2) The person, and anyone else accompanying the person to camp in the area, is taken to have been granted a camping permit for the area and period stated in the form.

(3) The permit is not taken to have been granted—

- (a) for more people than the number stated on the camping form; or
- (b) for more people than the number stated on the self-registration camping notice; or
- (c) for a time when the area is not a self-registration camping area; or
- (d) for longer than the longest period for which anyone may camp in

the area; or

- (e) if the person paid the camping fee by cheque and the cheque is dishonoured; or
- (f) if the person completed the credit card payment section of the camping fee envelope and the person's financial institution does not authorise the payment.

(4) The permit is subject to any requirement of the self-registration camping notice for the area.

Display of self-registration forms and camping permits

45.(1) A person camping under a camping permit, including a person to whom a camping permit is taken to have been granted, must, as soon as possible after making camp, display the permit or self-registration form by attaching it, in a conspicuous position—

- (a) to the person's tent, caravan or other structure; or
- (b) if paragraph (a) does not apply—to the person's camping equipment.

(2) The person must take reasonable steps to ensure the permit or form remains displayed while the person camps under it.

Maximum penalty—2 penalty units.

Interference with camping forms

46. While a person camps under a camping permit granted, or taken to have been granted to the person, a person must not remove or interfere with a camping permit or self-registration form displayed on a person's tent, caravan or other structure or camping equipment.

Maximum penalty—20 penalty units.

PART 4—RESTRICTED ACCESS AREAS

Application of part

47.(1) This part applies to an area declared to be a restricted access area under a regulatory notice.

(2) An area may be declared to be a restricted access area, for example—

- (a) to protect significant natural or cultural resources; or
- (b) to enable the restoration or rehabilitation of the area; or
- (c) to protect a breeding area for native wildlife; or
- (d) to protect an area of major interest; or
- (e) to protect individuals from potential danger.

Permit needed to enter restricted access area

48.(1) A person must not enter or remain in a restricted access area unless the person holds a permit to enter the area.

Maximum penalty—80 penalty units.

(2) Subsection (1) does not apply to a person who enters a restricted access area under a commercial activity permit or with the chief executive's written approval.

Restriction on entry under permit

49. A holder of a restricted access area permit must not enter a restricted access area for a purpose other than the purpose stated in the permit.

Maximum penalty—80 penalty units.

PART 5—PERMITS TO TAKE, USE, KEEP OR INTERFERE WITH CULTURAL OR NATURAL RESOURCES

When permits may not be granted

50.(1) The chief executive must not grant a permit for the location of a beehive or the taking of fish in a protected area other than a conservation park or resources reserve.

(2) Subsection (1) does not apply to—

- (a) the location of beehives on particular land for a period stated in a lease, agreement, licence, permit or other authority granted, made issued or given to allow the continued use of the land for the stated period after its dedication as a national park;¹⁰ or
- (b) the taking of fish for an educational or scientific purpose.

Restrictions on grant of permits for educational or scientific purposes

51.(1) The chief executive may grant a permit to take, use, keep or interfere with cultural or natural resources for educational purposes only if the chief executive is satisfied—

- (a) in relation to the purpose for which the permit is sought, the applicant—
 - (i) holds a tertiary qualification including studies the chief executive considers appropriate; or
 - (ii) has demonstrated appropriate experience and knowledge; or
 - (iii) has appropriate experience in the care and husbandry of wildlife; and
- (b) the taking, use, keeping or interference with the resource is ecologically sustainable; and
- (c) the educational purpose for which the resource is proposed to be

¹⁰ Under section 36 of the Act the chief executive may allow the continued use of land dedicated as a national park for a limited time after the land's dedication.

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taken, used, kept or interfered with is a genuine educational purpose; and

- (d) it is reasonably necessary for the educational purpose to be conducted on a protected area; and
- (e) if the resource is a cultural resource of significance to a community or group of Aboriginal people or Torres Strait Islanders particularly concerned with the land where the resource is to be taken—the proposed taking, use, keeping or interference with the resource has appropriate regard to the wishes of the community or group.

(2) The chief executive may grant a permit to take, use, keep or interfere with a cultural or natural resource for scientific purposes only if the chief executive is satisfied—

- (a) either—
 - (i) the applicant—
 - (A) is associated with a recognised scientific research institution or a professional organisation involved in scientific research; or
 - (B) is receiving, or has completed, postgraduate training in scientific research; or
 - (C) has achieved a satisfactory level of competence in scientific research; or
 - (ii) the applicant has an established reputation in the field of scientific research relating to the resource; and
- (b) the taking, use, keeping or interference with the resource is ecologically sustainable; and
- (c) the scientific purpose for which the resource is to be taken, used, kept or interfered with is a legitimate purpose; and
- (d) the way the scientific purpose is to be achieved fulfils the requirements of the institution or organisation with which the person is associated; and
- (e) it is reasonably necessary for the scientific purpose to be conducted on a protected area; and

- (f) the application is supported by the institution's or organisation's chief executive officer; and
- (g) if the resource is a cultural resource of significance to a community or group of Aboriginal people or Torres Strait Islanders particularly concerned with the land where the resource is to be taken—the proposed taking, use, keeping or interference with the resource has appropriate regard to the wishes of the community or group.

PART 6—STOCK IN PROTECTED AREAS

Division 1—Grazing

Permit needed to graze stock in protected area

52.(1) A person must not graze stock in a protected area unless the person holds a stock grazing permit.

(2) A person must not graze animals other than cattle, horses or sheep in a protected area.

Maximum penalty—165 penalty units.

When permit may not be granted

53. The chief executive must not grant a stock grazing permit for a protected area other than a conservation park or resources reserve.

Application of division to new national parks

54. This division does not prevent a person grazing stock on particular land for a period stated in a lease, agreement, licence, permit or other

authority granted, made, issued or given to allow the continued use of the land for the stated period after its dedication as a national park.¹¹

Division 2—Stock mustering permits

Permit needed to muster stock

55.(1) A person must not muster stock in a protected area unless the person holds a stock mustering permit.

Maximum penalty—120 penalty units.

(2) Subsection (1) does not prevent a person mustering stock on the part of a protected area on which the person may lawfully graze the stock.

Use of animals and vehicles

56.(1) The chief executive may authorise the use of a horse, a particular breed of dog, or a particular type of vehicle or aircraft, for mustering stock under a stock mustering permit.

(2) A person who brings an animal into a protected area under a stock mustering permit must restrain the animal when the person is not using the animal to muster stock.

Maximum penalty for subsection (2)—120 penalty units.

Division 3—Travelling stock permits

Permit needed to travel stock

57.(1) A person must not travel stock in a protected area unless the person holds a travelling stock permit.

(2) Subsection (1) does not prevent a person travelling stock to or from land in a protected area on which the person may lawfully graze the stock.

¹¹ Under section 36 of the Act the chief executive may allow the continued use of land dedicated as a national park for a limited time after the land's dedication.

(3) A person must not travel animals other than cattle, horses or sheep in a protected area.

Maximum penalty—120 penalty units.

When permit may not be granted

58. The chief executive must not grant a travelling stock permit for a national park (scientific).

Division 4—Impounding of stock

Stray stock

59. A person must not allow stock to stray onto a protected area.

Maximum penalty—165 penalty units.

Stray stock may be seized

60.(1) In this section—

“stray stock” means stock—

- (a) on a protected area but outside a part of the area on which someone may lawfully graze stock; or
- (b) that have strayed onto a protected area from land outside the area.

(2) If a conservation officer reasonably suspects stock found in a protected area are stray stock, the officer may seize the stock.

(3) Stock seized under this section may be dealt with under chapter 4 (Enforcement), part 1 (Dealing with seized property).

Division 5—General

General muster

61.(1) If the chief executive considers it necessary for the management of a protected area to muster stock on the area, the chief executive may conduct

a general muster of stock.

(2) The chief executive must give land-holders adjoining the protected area at least 7 days written notice of intention to conduct the muster.

(3) An adjoining land-holder may be present and take part in the muster.

(4) The chief executive may seize stock found on the protected area during the muster.

(5) Stock seized under this section may be dealt with under chapter 4 (Enforcement), part 1 (Dealing with seized property).

(6) In this section—

“**stock**” includes alpaca, camels, donkeys, farm deer, goats, llama, ostriches and peafowl.

PART 7—OTHER PERMITS

Permit needed to be in national park (scientific)

62. A person must not enter or remain in a national park (scientific) unless the person holds a permit to enter the park.

Maximum penalty—165 penalty units.

Permit needed to conduct commercial activities

63.(1) A person must not conduct a commercial activity in a protected area unless—

- (a) the person holds a commercial activity permit for the area; or
- (b) the activity is conducted in the area under an agreement.¹²

Maximum penalty—165 penalty units.

(2) The holder of a commercial activity permit must always carry the

¹² Schedule 13, section 1(3) specifies the circumstances in which an activity conducted under an agreement is a commercial activity.

permit, or a copy of the permit, while conducting the activity to which the permit relates.

(3) The holder of a commercial activity permit (other than a permit for filming or photography) must keep a record book that includes details of—

- (a) the activities conducted by the permit holder; and
- (b) the number of clients taking part in each activity.

Permit needed to solicit donations or information

64.(1) A person must not solicit donations or information in a protected area unless the person holds a permit to solicit donations or information in the area.

Maximum penalty—20 penalty units.

(2) The chief executive must not grant a permit to solicit donations or information unless the purpose for soliciting the donations or information is consistent with the management principles for the area.

(3) The holder of a permit to solicit donations or information must not solicit donations or information in a way that causes a disturbance to other persons in the area.

Maximum penalty for subsection (3)—20 penalty units.

Permit needed to conduct a group activity

65. A person must not conduct a group activity in a protected area unless the person holds a group activity permit.

Maximum penalty—50 penalty units.

Permit to use recreational craft

66. A person must not use a recreational craft in a protected area unless the person holds a permit to use recreational craft.

Maximum penalty—80 penalty units.

Special activities permit

67. If, under a regulatory notice for a protected area or conservation plan for an area identified under the plan as, or including, a critical habitat, an activity is designated as a special activity for the area, or part of the area, a person must not conduct the activity in the area or the part of the area, unless the person—

- (a) holds a special activities permit; or
- (b) holds a commercial activity permit for the activity for the area.

Maximum penalty—80 penalty units.

PART 8—CONDUCT ON PROTECTED AREAS*Division 1—Access to protected areas***Access to protected areas**

68.(1) A person must not enter a protected area when entry to the area is prohibited under a regulatory notice.

(2) A person who is not authorised under this regulation to enter a protected area when entry to the area is prohibited must not remain in the area.

Maximum penalty—120 penalty units.

*Division 2—Fires in protected areas***Fires**

69.(1) A person must not light a fire in a protected area when or where lighting a fire is prohibited under a regulatory notice or a permit.

- (2)** A person must not light, keep or use a fire in a place other than—
- (a) a barbecue or fireplace provided by the chief executive; or

(b) if a barbecue or fireplace is not provided—a place clear of flammable material for 2 m in every direction.

(3) If a person lights or assumes control of a fire, the person must put out the fire before the person leaves the fire.

(4) Subsection (3) does not apply if another person assumes control of the fire.

(5) A person must not throw, drop, place or leave any of the following within 2 m of flammable material or in a place other than a barbecue or fireplace provided by the chief executive—

- (a) a lit match, pipe, cigar, cigarette or tobacco;
- (b) hot ashes;
- (c) a burning or smouldering substance;
- (d) a substance or device that ignites on impact or by spontaneous combustion.

Maximum penalty—165 penalty units.

Conservation officers powers in relation to fires

70.(1) If a conservation officer believes, on reasonable grounds, a fire in a protected area is, or may become, a hazard to the area, a person or property, the conservation officer may—

- (a) give the person apparently in charge of the fire an oral or written direction to put the fire out or lower its intensity to a reasonable level; or
- (b) put out the fire.

(2) The person must comply with the direction.

Maximum penalty—165 penalty units.

Division 3—Unauthorised structures and works**Unauthorised structures and works**

71.(1) A person must not erect a structure (other than a camping structure under a camping permit) or carry out work in a protected area—

- (a) without the chief executive's written approval; or
- (b) in contravention of the terms of the chief executive's approval.

(2) If a person erects a structure or carries out work in a protected area in a way complying with the chief executive's written approval, the person must not allow the structure or work to remain in the area for longer than the time allowed under the approval.

Maximum penalty—165 penalty units.

Removal of unauthorised structures and works

72.(1) This section applies to a structure erected, or a work carried out, in a protected area (whether before or after the commencement of this regulation) without the chief executive's written approval.

(2) If the name of the person who erected the structure or work is known, a conservation officer may give the person a written direction to remove the structure or work, and anything in the structure, within a stated time.

(3) However, if the conservation officer cannot find out the person's name after making reasonable inquiries, the officer may seize the structure or work, and anything in the structure, and take the steps that are reasonable and necessary to remove it.

(4) If the person does not comply with a direction given to the person under subsection (2) within the stated time, the officer may seize the structure or work, and anything in the structure, and take the steps that are reasonable and necessary to remove it.

(5) A structure, work or thing seized under this section may be dealt with under chapter 4 (Enforcement), part 1 (Dealing with seized property).

Division 4—Vehicles, boats and recreational craft in protected areas**Traffic control**

73.(1) The chief executive may erect or mark, at a place in a protected area, a sign regulating driving, riding, parking or standing or use of a vehicle, boat or recreational craft at a place, including, for example—

- (a) a speed limit; or
- (b) a pedestrian crossing; or
- (c) where the driving, parking or standing of vehicles, or the driving, standing or mooring of boats and recreational craft, is prohibited, restricted or restricted to authorised persons, vehicles, boats or recreational craft.

(2) The sign may be an official traffic sign.

(3) A person in control of a vehicle, boat or recreational craft in the protected area must comply with the sign.

Maximum penalty—20 penalty units.

(4) An authorised person, or the driver of an authorised vehicle, boat or recreational craft, must comply with the authorisation.

Maximum penalty—20 penalty units.

(5) In this section—

“**authorised**” means authorised in writing by the chief executive.

Use of vehicles, boats and recreational craft

74.(1) A person must not, in a protected area—

- (a) drive or ride a vehicle or boat the person is not licensed to drive or ride under a law of a State that provides for the licensing of persons who may drive or ride vehicles or boats; or
- (b) drive or ride a vehicle or boat that is not registered under a law of a State that provides for the registration of vehicles or boats; or
- (c) carry on a motor cycle more than 1 passenger; or
- (d) drive or ride a vehicle or boat in a way that causes or may cause

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- the vehicle or boat to swerve, veer or turn violently; or
- (e) drive or ride a vehicle, boat or recreational craft at a speed or in a way that causes or may cause—
 - (i) danger to the person; or
 - (ii) danger or fear to someone else; or
 - (iii) damage to the area; or
 - (f) in relation to a moving motor vehicle—
 - (i) ride or travel outside the vehicle (other than a motorcycle), including on an external step, footboard, tray of the vehicle; or
 - (ii) ride or travel on something towed by the vehicle; or
 - (iii) ride or travel in or on a vehicle (other than a motor cycle) with a part of the person's body outside the vehicle; or
 - (g) use a vehicle, boat or recreational craft in a way that disrupts or may disrupt someone else's enjoyment of the area; or
 - (h) drive, ride or attempt to drive or ride a vehicle on a surface other than—
 - (i) a road; or
 - (ii) a surface authorised by a regulatory notice or a permit for use by vehicles; or
 - (i) park or stand a vehicle or moor a boat in a way or in a place that may—
 - (i) obstruct or prevent the free passage of a vehicle or boat; or
 - (ii) cause damage to or interfere with the area; or
 - (j) drive or ride in a vehicle fitted with seat belts that are not properly fastened around the person; or
 - (k) drive a vehicle fitted with seat belts or child restraints that are not properly fastened around a child in the vehicle; or
 - (l) ride a motor cycle or bicycle unless the person is wearing a helmet.

Maximum penalty—20 penalty units.

(2) Subsection (1)(h) does not apply to an act done under a permit.

Directions may be given

75.(1) If a conservation officer believes it is reasonably necessary, the officer may give the person in control of a vehicle, boat or recreational craft in a protected area an oral or written direction about the driving, riding, parking, mooring or use of the vehicle, boat or recreational craft in the area.

(2) A direction may also be given in a way that sufficiently shows the conservation officer's intention.

(3) The directions a conservation officer may give include directions—

- (a) for the protection of the area's natural and cultural resources; and
- (b) to secure the safety of a person or a person's property; and
- (c) to minimise disturbance to persons in a protected area.

(4) A person must comply with a direction given to the person, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—50 penalty units.

Seizure and removal of vehicles

76.(1) In this section—

“**vehicle**” includes—

- (a) a boat, recreational craft and aircraft; and
- (b) anything attached to or contained in a vehicle.

(2) A conservation officer may seize, remove and hold a vehicle the officer believes on reasonable grounds—

- (a) is parked or moored in a protected area in contravention of this regulation; or
- (b) is abandoned in a protected area.

(3) The vehicle must be held at a safe place.

(4) A conservation officer may exercise the powers given under

subsection (2)(a) only if—

- (a) the officer believes on reasonable grounds it is necessary or desirable to seize and remove the vehicle, having regard to the safety of people, traffic or wildlife in the protected area; and
- (b) the officer—
 - (i) cannot immediately locate the driver of the vehicle; or
 - (ii) believes on reasonable grounds the driver of the vehicle is not willing or able to immediately remove the vehicle.

(5) The vehicle, must be dealt with under chapter 4 (Enforcement), part 1 (Dealing with seized property).

Division 5—Other conduct

Appliances

77.(1) A person must not bring into, have in possession, or use, an appliance in a protected area without the chief executive's written approval or in a way that is not permitted under the terms of the approval.

Maximum penalty—120 penalty units

(2) Subsection (1) does not apply to a person if the person—

- (a) brings the appliance into a protected area securely stowed in a dismantled state in or on the vehicle or boat the person used to bring it into the area; and
- (b) keeps it dismantled and securely stowed in or on the vehicle or boat while it is in the area.

(3) Also, subsection (1) does not apply to an appliance brought into the area for use, and used solely, for camping or another domestic purpose or for a permitted activity.

(4) Without limiting subsection (2), an appliance is securely stowed in or on a vehicle or boat if it is kept in a place in or on the vehicle or boat where it is not easily accessible and is out of sight.

Plants not to be brought into protected area

78.(1) A person must not bring a plant into a protected area.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply to a plant brought into a protected area—

- (a) with the chief executive's written approval; or
- (b) for use by the person or someone else in the area as food; or
- (c) under a sign, regulatory notice or permit, for use by the person as firewood.

Certain other prohibited conduct

79.(1) A person in a protected area must not—

- (a) be disorderly or create a disturbance; or
- (b) cordon off a part of the area or a barbecue, table or other facility in the area; or
- (c) claim to have an exclusive right to use a part of the area or a barbecue, table or other facility in the area; or
- (d) defecate within 10 m, or a greater distance stated in a regulatory notice, of a lake, watercourse or walking track; or
- (e) bury human wastes within 10 m, or a greater distance stated in a regulatory notice, of—
 - (i) a lake or watercourse; or
 - (ii) an occupied or established campsite; or
 - (iii) a site designated by a regulatory notice as a campsite; or
 - (iv) a walking track or another public facility; or
- (f) leave human wastes unburied; or
- (g) destroy, damage, mark, deface or in any other way interfere with any sign, notice, fence, gate, building or structure erected or placed in the area.

Maximum penalty—50 penalty units.

(2) Subsections (1)(b) and (c) do not apply if, under a permit, the permit holder may cordon off part of the area or the facility.

(3) Subsections (1)(d) and (e) do not apply to a facility provided by the chief executive for use by visitors to the area.

Pollution and misuse of water

80.(1) A person must not pollute a lake or watercourse in a protected area, including, for example, by discharging waste from a boat, using soap, detergent or shampoo, or putting oil, grease or a harmful or dangerous substance, in the lake or watercourse.

(2) A person must not—

- (a) interfere with or damage a water supply or water storage facility; or
- (b) allow water from a tap to run to waste; or
- (c) wash a vehicle, clothing, cooking utensils or anything else in a lake or watercourse; or
- (d) allow an animal in the person's possession to be in a lake or watercourse.

Maximum penalty—50 penalty units.

Offensive and harmful substances

81.(1) A person must not bury or leave a noxious, offensive or harmful substance, offal or a carcass or skeleton in a protected area.

(2) A person must not use a herbicide or pesticide in a protected area without the chief executive's written approval.

Maximum penalty—120 penalty units.

Flying over and landing in protected areas

82.(1) A person must not fly over a protected area specified in schedule 3 at a height less than the height specified in schedule 3 for the area.

(2) A person must not land an aircraft or recreational craft in a protected

area (other than on a designated landing area) without the chief executive's written approval.

Maximum penalty—120 penalty units.

Litter

83.(1) A person must not, in a protected area—

- (a) deposit litter in a place other than a litter bin; or
- (b) if there is no litter bin in the area— deposit litter in the area; or
- (c) if there is a litter bin in the area but a regulatory notice prohibits the deposit of litter in the area—deposit litter in the area.

(2) A person must not deposit in a protected area litter brought into the area by the person or anyone else.

(3) A conservation officer may direct a person to remove the person's litter from a protected area even though there is a litter bin in the area.

Example—

All bins in the area may be full.

(4) The person must comply with the direction.

Maximum penalty—20 penalty units.

Boat and vehicle bodies and parts

84. A person must not dump, leave or abandon a boat or vehicle, or a part of a boat or vehicle, in a protected area.

Maximum penalty—120 penalty units.

Other waste materials

85. A person must not dump or leave used or waste materials, including for example, building materials, fencing materials, drums or vegetation, in a protected area.

Maximum penalty—120 penalty units.

Animals

86.(1) A person must not—

- (a) take a live animal into a protected area; or
- (b) have a live animal under the person's control in a protected area.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply—

- (a) to an animal brought into a protected area—
 - (i) under a stock grazing permit; or
 - (ii) for use in mustering stock under a stock mustering permit;
or
 - (iii) with the chief executive's written approval; or
- (b) if horse riding is permitted in a conservation park or resources reserve under a regulatory notice—to a horse brought into the conservation park or resources reserve for horse riding activities.
- (c) to a guide-dog.

Feeding native animals

87. A person in a protected area must not feed a native animal—

- (a) that is dangerous, venomous or capable of injuring a person; or
- (b) if a regulatory notice prohibits the feeding of the animal.

Maximum penalty—20 penalty units.

Noise control

88.(1) A person must not use a generator, compressor or other similar motor in a protected area—

- (a) unless its use is permitted under a regulatory notice or permit; or
- (b) in contravention of a regulatory notice or permit.

(2) A person must not use a radio, tape recorder or other sound or amplifier system in a way that may cause unreasonable disturbance to a

person or native animal in a protected area.

Maximum penalty—50 penalty units.

Direction to leave area

89.(1) A conservation officer may direct a person in a protected area to immediately leave the area, or a part of the area, if—

- (a) the officer finds the person committing, or attempting to commit, an offence against the Act or this regulation; or
- (b) the officer suspects on reasonable grounds the person has committed or attempted to commit an offence against the Act or this regulation; or
- (c) the person is in a restricted access area or a part of the area closed to the public.

(2) The person must not again enter the area or part of the area—

- (a) if the area is a national park (scientific) or restricted access area—unless the person holds a permit to enter the area; or
- (b) for another protected area—within 24 hours of leaving the area.

(3) If a conservation officer reasonably believes circumstances exist that are a danger to a person in a protected area, the conservation officer may direct the person to leave the area, or the part of area, where the danger exists.

(4) If a conservation officer reasonably believes the presence of a person in a protected area may interfere with an emergency or rescue activity, the conservation officer may direct the person to leave the area, or the part of area, where the activity is taking place.

(5) A person must comply with a direction given under this section.

(6) If the person fails to comply with the direction, a conservation officer may take the steps that appear to the officer to be reasonable and necessary to secure compliance with the direction, including, for example—

- (a) using reasonable force; and
- (b) removing the person's property to a place outside the protected

area or part of the area.

Maximum penalty—80 penalty units.

PART 9—GENERAL

Seizure of vehicles, boats, aircraft and appliances for the protection of cultural or natural resources

90.(1) A conservation officer may seize and remove a vehicle, boat, aircraft or appliance in a protected area if the officer believes on reasonable grounds—

- (a) the vehicle, boat, aircraft or appliance is on the protected area without lawful authority or for use to unlawfully interfere with a cultural or natural resource of the area; or
- (b) the seizure and removal is for the protection of a cultural or natural resource of a protected area.

(2) The vehicle, boat, aircraft or appliance must be dealt with under chapter 4 (Enforcement), part 1 (Dealing with seized property).

Chief executive's powers in relation to wildlife other than native wildlife

91. To remove any doubt, this regulation does not prevent the chief executive taking reasonable and necessary steps to control or eradicate (by killing or otherwise) wildlife in a protected area that is not native wildlife.

CHAPTER 3—WILDLIFE AND HABITAT CONSERVATION

PART 1—PRELIMINARY

Division 1—Application of chapter

Application of chapter

92. This chapter applies to wildlife (including protected wildlife) outside protected areas.

Division 2—Wildlife licences

Licences

93.(1) The chief executive may grant the following kinds of licences under this chapter—

- (a) commercial wildlife licence;
- (b) recreational wildlife licence;
- (c) recreational wildlife (specialist) licence;
- (d) international wildlife licence;
- (e) commercial wildlife harvesting licence;
- (f) recreational wildlife harvesting licence;
- (g) wildlife demonstrator licence;
- (h) wildlife exhibitor licence;
- (i) wildlife farming licence;
- (j) museum licence;
- (k) herbarium licence.

(2) The chief executive may grant a licence for living or dead wildlife or living and dead wildlife.

Who may obtain licence

94.(1) The chief executive may grant a licence to an individual or a corporation.

(2) However, the chief executive may only grant a recreational wildlife licence, recreational wildlife (specialist) licence or wildlife harvesting licence to an individual who is at least 13.

(3) The chief executive must not grant a licence (other than a recreational wildlife licence, recreational wildlife (specialist) licence or wildlife harvesting licence) to a child.

(4) If the chief executive grants a licence to a child, the chief executive must specify the name and address of the child's parent or guardian in the licence.

Restriction on grant of licences—general

95.(1) The chief executive may grant a licence under this chapter only if the chief executive is satisfied—

- (a) the proposed activity is not likely to adversely affect the ecological sustainability of the wildlife stated in the application for the licence, either generally or in a particular locality or ecological system; and
- (b) the wildlife is, or is to be, lawfully taken, kept or used.

(2) The chief executive must not grant a commercial wildlife licence for birds and a recreational wildlife licence for birds for the same place.

Restriction on grant of recreational wildlife licence for amphibians or reptiles

96. The chief executive must not grant a recreational wildlife licence for amphibians or reptiles to—

- (a) an individual who is under 13; or

- (b) an individual who is not affiliated with a recreational herpetological group or society approved by the chief executive; or
- (c) an individual whose application does not have the written support of at least 1 person who holds a recreational wildlife (specialist) licence for reptiles.

Restriction on grant of recreational wildlife (specialist) licence for restricted amphibians or reptiles

97. The chief executive must not grant a recreational wildlife (specialist) licence for restricted amphibians or reptiles—

- (a) to a child; or
- (b) to an individual—
 - (i) who is not affiliated with a recreational herpetological group or society approved by the chief executive; or
 - (ii) who does not demonstrate to the chief executive's satisfaction an ongoing contribution to Australian herpetological knowledge; or
 - (iii) whose application does not have the written support of at least 2 herpetologists of professional standing.

Restriction on grant of commercial wildlife licence for birds

98. The chief executive may grant a commercial wildlife licence for live birds only if the chief executive is satisfied the place where the birds are to be kept has permanent facilities for keeping the birds, including permanently roofed areas and cages.

Restriction on grant of recreational wildlife (specialist) licence for restricted birds

99. The chief executive may grant a recreational wildlife (specialist) licence for restricted birds only if the chief executive is satisfied—

- (a) the applicant possesses the knowledge, experience and facilities

necessary to keep the species of restricted bird mentioned in the person's application in the way stated in the code; and

- (b) the application has the written support of a recreational avicultural society approved by the chief executive.

Restrictions on grant of wildlife harvesting licence

100.(1) The chief executive must not grant a commercial or recreational wildlife harvesting licence for a species of rare or threatened wildlife to a person unless a conservation plan has been approved for the wildlife.

(2) The chief executive must not grant a commercial or recreational wildlife harvesting licence to an individual under 17 if a weapon is to be used to harvest wildlife under the licence.

(3) The chief executive must not grant a wildlife harvesting licence for the following species of protected plants—

- (a) family Aponogetonaceae—

- *Aponogeton* sp. (Innisfail live-bearing);

- (b) family Orchidaceae—

- *Dendrobium bigibbum* (Cooktown orchid)
- *Dendrobium falcorostrum* (beech orchid)
- *Dendrobium kingianum* (pink rock orchid)
- *Sarcochilus hartmannii*
- *Sarcochilus cecileae* (fairy bells)
- *Sarcochilus roseus* (rosy pink)
- *Sarcochilus fitzgeraldii* (ravine orchid)
- *Phalaenopsis rosenstromii* (moth orchid);

- (c) family Lycopodiaceae—

- *Huperzia dalhousieana* (blue tassel fern);

- (d) family Liliaceae—

- *Blandfordia grandiflora* (Christmas bells).

(4) However, the chief executive may grant a wildlife harvesting licence

for a plant mentioned in subsection (3)(b) if the chief executive is satisfied exceptional circumstances exist that justify the grant of the licence.

Examples of exceptional circumstances—

1. Flooding of land for a dam.
2. Road or railway construction.
3. Open-cut mining.

(4A) The chief executive must not grant a commercial wildlife harvesting licence to take a whole protected plant for commercial timber production.

(5) The chief executive may grant a wildlife harvesting licence to take a whole protected plant only if—

- (a) the applicant has the knowledge and experience to successfully transplant the plant and—
 - (i) the plant would otherwise have been lawfully destroyed; or
 - (ii) the taking is part of a conservation program, approved by the chief executive, to conserve the species in cultivation and reintroduce it into the wild; or
- (b) the applicant is a land-holder and the protected plant is a common plant growing on the land-holder's freehold land.

Example of paragraph (a)(i)—

The land is being cleared under a tree clearing permit issued under the *Land Act 1962*, section 250.

(6) The chief executive may grant a recreational wildlife harvesting licence for a protected plant only if—

- (a) the applicant is a member of a recreational plant society; and
- (b) if the licence is to take *Aponogeton bullosus*, *Aponogeton elongatus* or *Aponogeton queenslandicus*—the chief executive is satisfied the applicant has the knowledge and experience to successfully cultivate and propagate the species.

(7) In this section—

“protected plant” means an endangered, vulnerable, rare or common plant in the wild.

Restriction on grant of recreational wildlife harvesting licence for ducks and quails

100A. The chief executive may grant a recreational wildlife harvesting licence for ducks and quails only if the applicant has passed a test approved by the chief executive—

- (a) for a licence for ducks—about identifying ducks; and
- (b) for a licence for quails—about identifying quails.

Restriction on grant of wildlife farming licence

101.(1) The chief executive may grant a wildlife farming licence to a research or educational institution only if the chief executive is satisfied security arrangements for the breeding of the farm wildlife, and handling and other facilities, are satisfactory.

(2) The chief executive may grant a wildlife farming licence to a research or educational institution without fee.

(3) The chief executive may grant a wildlife farming licence for a species of snake of the family Elapidae, Hydrophiidae or Laticaudidae only if the chief executive is satisfied a snake kept under the licence is to be kept for collecting venom to produce antivenene.

Licence to state species of wildlife

102. The chief executive must state in a licence the species of wildlife to which the licence relates.

Licence to be granted for 1 place only

103.(1) The chief executive must not grant a licence—

- (a) for more than 1 place of residence or business; or
- (b) that does not specify a place of residence or business.

(2) However, subsection (1) does not prevent the chief executive giving written approval for a holder of a commercial wildlife licence for dead macropods to store lawfully obtained macropods in cold storage for a stated period, of not more than 3 months, if the chief executive is satisfied it is

reasonably necessary because, for example, the licensee's business will be closed for all or part of the period.

Corporation licence must state who is manager

104.(1) If the chief executive grants a licence to a corporation, the chief executive must state in the licence the name of the person in charge of the place named in the licence.

(2) The corporation must give the chief executive written notice of the name of the person in charge of the place named in the licence whenever there is a change in the person in charge of the place.

Maximum penalty—20 penalty units.

(3) Notice must be given to the chief executive within 30 days of the change.

Duration of licence

105.(1) A licence (other than a wildlife demonstrator licence, wildlife harvesting licence, museum or herbarium licence) is in force for the period, of not more than 3 years, stated in the licence.

(2) A wildlife demonstrator licence is in force for the period, of not more than 1 year, stated in the licence.

(3) A wildlife harvesting licence is in force only for the harvest period for the species of wildlife stated in the licence.

(4) A museum or herbarium licence is in force for the period, of not more than 5 years, stated in the licence.

(5) The period for which a licence (other than a wildlife harvesting licence) is in force starts on the day stated in the licence.

When wildlife harvesting licence not needed

105A. A wildlife harvesting licence is not needed to take from the wild—

(a) the seed of—

(i) a grasstree (*Xanthorrhoea* spp.); or

- (ii) an orchid (family Orchidaceae); or
- (b) the spores of a fern (order Pteridophyta); or
- (c) the seeds or other propagating material of a vulnerable, rare or common plant, if the seeds or material are taken by a land-holder for use in a revegetation program, approved by the chief executive, on the land-holder's land.

Licence not needed for recreational use of protected fish

106.(1) A licence is not needed to keep and use the following species of protected fish—

- Elizabeth Springs goby (*Chlamdogobius* sp.)
- Edgbaston goby (*Chlamdogobius* sp.)
- red-finned blue-eye (*Scaturiginichthys vermeilipinnis*)
- oxleyan pygmy perch (*Nannocarpa oxleyana*)
- honey blue-eye (*Pseudomugil mellis*).

(2) However, a person who keeps a fish mentioned in subsection (1) must, if required by a conservation officer, produce evidence of the origin of the fish, unless the person has a reasonable excuse for not producing it.

Maximum penalty—165 penalty units.

Division 3—Permits

Permits

107. The chief executive may grant the following kinds of permits under this chapter—

- (a) damage mitigation permit;
- (b) educational purposes permit;
- (c) permit to keep protected, international or prohibited wildlife;
- (d) rescue permit;
- (e) scientific purposes permit;

- (f) wildlife movement permit;
- (g) commercial whale watching permit;
- (h) clearing permit.

When educational or scientific purposes permit is not needed

108. An educational or scientific purposes permit is not needed to use the following for genuine scientific research at a recognised scientific institution, or teaching for secondary or tertiary education, when taken from a protected animal taken or kept under an educational or scientific purposes permit, or kept in captivity under a licence or permit under this chapter—

- (a) whole blood and blood derivatives, including serum;
- (b) other body fluids, including semen;
- (c) viscera from cranial, thoracic and abdominal cavities and reproductive organs;
- (d) eyes and parts of eyes;
- (e) tissues that are not readily recognisable, for example, because of maceration;
- (f) feathers or fur, other than when attached to a substantially entire skin;
- (g) skin, other than a substantially entire skin.

When wildlife movement permit for protected wildlife is not needed

109. A wildlife movement permit is not needed to move protected wildlife—

- (a) on a person's land; or
- (b) under a licence, permit (other than a wildlife movement permit), or authority; or
- (c) if the person is moving to a new place of living within the State—to the new place of living; or
- (d) in circumstances specified in schedule 4.

When clearing permit is not needed

109A.(1) A person does not need a clearing permit to take a protected plant if—

- (a) the taking happens in the course of an activity under an authority made, issued or given—
 - (i) under another Act by—
 - (A) the Governor in Council; or
 - (B) someone else and the chief executive agrees to the taking in the course of the activity; or
 - (ii) by a local government under the *Local Government (Planning and Environment) Act 1990*; or
- (b) the person is a land-holder and the protected plant is a common plant growing on the land-holder's freehold land.

(2) A person must not use or keep for commercial or recreational purposes a common plant taken under subsection (1)(b).

Maximum penalty—165 penalty units.

Who may obtain permits

110.(1) The chief executive may grant a permit under this chapter to—

- (a) an individual who is at least 13; or
- (b) a corporation.

(2) If the chief executive grants a permit to a child, the chief executive must state the name and address of the child's parent or guardian in the permit.

Restriction on grant of permits to child

111. The chief executive must not grant to a child a damage mitigation permit, educational purposes permit or scientific purposes permit for an activity in which a weapon is to be used.

Restrictions on grant of damage mitigation permit

112.(1) The chief executive may grant a damage mitigation permit for protected wildlife only if the chief executive is satisfied—

- (a) the land-holder has unsuccessfully taken action to prevent damage or loss caused by the wildlife and action is necessary to minimise—
 - (i) damage to nature, crops, stock or other property; or
 - (ii) significant economic loss to individuals; or
- (b) the wildlife is a threat, or potential threat, to human wellbeing.

(2) The chief executive may grant a damage mitigation permit for damage caused, or likely to be caused, by protected wildlife only if the chief executive is satisfied—

- (a) common wildlife is causing, or may cause the damage; and
- (b) if the damage is unchecked—
 - (i) individuals may suffer significant economic loss; or
 - (ii) the ecological sustainability of nature is likely to be harmed; and
- (c) action under a permit will not detrimentally affect the survival in the wild of the wildlife; and
- (d) the taking of the wildlife is ecologically sustainable; and
- (e) the proposed way of taking the wildlife is humane and not likely to cause unnecessary suffering to the wildlife.

(3) The chief executive may grant a damage mitigation permit for a threat to human wellbeing only if the chief executive is satisfied—

- (a) there is, or may be, a threat to human wellbeing through personal harm caused by protected wildlife; and
- (b) action under a permit will not detrimentally affect the survival of the wildlife in the wild; and
- (c) the taking of the wildlife is ecologically sustainable; and
- (d) the proposed way of taking the wildlife is humane and not likely to cause unnecessary suffering to the wildlife; and

- (e) if the wildlife is a protected reptile—the reptile is to be released into the wild or may be kept under a conservation plan for the reptile.

Restrictions on grant of permits for educational or scientific purposes

113.(1) The chief executive may grant a permit under this chapter to take, use or keep protected wildlife for educational purposes only if the chief executive is satisfied—

- (a) in relation to the purpose for which the permit is sought, the applicant—
 - (i) holds a tertiary qualification including studies the chief executive considers appropriate; or
 - (ii) has demonstrated appropriate experience and knowledge; or
 - (iii) has appropriate experience in the care and husbandry of wildlife; and
- (b) the taking, use or keeping of the wildlife is ecologically sustainable; and
- (c) the educational purpose for which the wildlife is proposed to be taken, used or kept is a genuine educational purpose.

(2) The chief executive may grant a permit under this chapter to take, use or keep protected wildlife for scientific purposes only if the chief executive is satisfied—

- (a) either—
 - (i) the applicant is associated with—
 - (A) a recognised scientific research institution; or
 - (B) a professional organisation involved in scientific research; or
 - (C) a non-profit community organisation with a genuine interest in the conservation of wildlife; or
 - (ii) the applicant—
 - (A) is receiving, or has completed, postgraduate training in scientific research; or

- (B) has achieved a satisfactory level of competence in scientific research; and
- (b) the taking, use or keeping of the wildlife is ecologically sustainable; and
 - (c) the scientific purpose for which the protected wildlife is to be taken, used or kept is a genuine scientific purpose; and
 - (d) the way the scientific purpose is to be achieved fulfils the requirements of the scientific research institution or organisation with which the person is associated; and
 - (e) it is reasonably necessary for the scientific purpose to be conducted; and
 - (g) if a conservation plan applies to the wildlife—the plan does not prevent the issue of the permit.

Restrictions on granting of permit to keep protected and prohibited wildlife

114.(1) The chief executive may grant a permit to keep an injured protected animal taken under a rescue permit only if the chief executive is satisfied the animal cannot be returned to the wild because of the nature of the injury to the animal or for another reason.

(2) The chief executive may grant a permit to keep prohibited wildlife only if—

- (a) the applicant is a corporation; and
- (b) the chief executive is satisfied with the applicant's security housing for the prohibited wildlife.

Restrictions on grant of wildlife movement permit—protected wildlife

115.(1) In this section—

“**licence**” includes a licence, permit or other authority issued or given under the repealed Act.

(2) The chief executive may grant a wildlife movement permit for protected wildlife only if the chief executive is satisfied—

- (a) the wildlife was lawfully obtained and is lawfully kept; and
- (b) if the wildlife is to be moved to a place within, or outside, Queensland—the movement—
 - (i) is not prohibited under a conservation plan applicable to the wildlife; and
 - (ii) will not pose a risk to the health or safety of humans or livestock; and
 - (iii) will not harm the conservation of native wildlife in Queensland; and
 - (iv) will not adversely affect the population in the wild of the species of wildlife to be moved; and
- (c) if the wildlife is to be moved into Queensland—the movement is not prohibited under—
 - (i) a conservation plan applicable to the wildlife; or
 - (ii) the law of the place from which the wildlife is to be moved; and
- (d) if the approval of an entity in another State is needed before the wildlife can be moved into or out of Queensland—the approval has been or will be given; and
- (e) no licence of a person involved in the movement of the wildlife has been suspended or cancelled.

Restrictions on grant of wildlife movement permit—other wildlife

116.(1) In this section—

“**licence**” includes a licence, permit or other authority issued or given under the repealed Act.

(2) The chief executive may grant a wildlife movement permit for wildlife (other than protected wildlife) only if the chief executive is satisfied—

- (a) the wildlife was lawfully obtained and is lawfully kept; and
- (b) if the wildlife is to be moved to a place within, or outside, Queensland—the movement—

- (i) is not prohibited under a conservation plan applicable to the wildlife; and
 - (ii) will not pose a risk to the health or safety of humans or livestock; and
 - (iii) will not cause harm to the conservation of native wildlife in Queensland; and
 - (iv) will not adversely affect the population in the wild of the species of wildlife to be moved; and
- (c) if the wildlife is to be moved into Queensland—the movement—
- (i) is not prohibited under a conservation plan applicable to the wildlife; and
 - (ii) will not pose a risk to the health or safety of humans or livestock; and
 - (iii) will not cause harm to the conservation of native wildlife in Queensland; and
- (d) if the wildlife is international or prohibited wildlife—the movement will not adversely affect the population in the wild of the species of wildlife to be moved; and
- (e) if the approval of an entity in another State is needed before the wildlife can be moved into or out of Queensland—the approval has been or will be given; and
- (f) no licence of a person involved in the movement of the wildlife has been suspended or cancelled.

Restriction on grant of rescue permit

117. The chief executive must not grant a rescue permit to a person unless the chief executive is satisfied the person intends to rehabilitate a protected animal and return it to an appropriate natural habitat.

Restriction on grant of commercial whale watching permit

118. The chief executive must not grant a commercial whale watching permit unless the chief executive is satisfied—

- (a) the proposed whale watching area is suitable for whale watching, having regard to—
 - (i) any potential impact whale watching may have on whales, their behaviour, and migration patterns; and
 - (ii) the existing public use and enjoyment of the area; and
 - (iii) any proposed future public use and enjoyment of the area; and
- (b) any education program provided as part of the whale watching is of a suitable quality.

Restrictions on grant of clearing permit

118A.(1) The chief executive may grant a clearing permit to take a vulnerable or rare plant only if the chief executive is satisfied—

- (a) the applicant is the land-holder of the land on which the plant is growing; and
- (b) the land-holder intends to clear the land; and
- (c) the land-holder has tried, unsuccessfully, to find a commercial or recreational use for the plant; and
- (d) action under the permit will not adversely affect the survival in the wild of the species of plant.

(2) The chief executive may grant a clearing permit to take native wildlife (other than a plant mentioned in subsection (1)), in an area identified under a conservation plan as a critical habitat or an area of major interest, only if the chief executive is satisfied—

- (a) the applicant is the land-holder of the area; and
- (b) the land-holder intends to clear land in the area; and
- (c) the taking of the wildlife will not have a significant impact on a viable population of protected wildlife or a community of native wildlife in the area.

General restriction on grant of permits

119.(1) The chief executive may grant a permit under this chapter only if the chief executive is satisfied—

- (a) the proposed activity will not adversely affect the ecological sustainability of the wildlife stated in the application for the permit or other wildlife, either generally or in a particular locality or ecological system; and
- (b) the wildlife is, or is to be, lawfully taken, kept or used.

(2) The chief executive may grant a damage mitigation permit for vulnerable, rare or endangered wildlife only if a conservation plan applicable to the wildlife permits the taking of the wildlife.

(3) The chief executive must not grant a damage mitigation permit for presumed extinct wildlife.

Permit to state species of wildlife

120. The chief executive must state in a permit the species of wildlife to which the permit relates.

Duration of permit

121.(1) Each of the following permits is in force for not more than the period stated for the permit—

- (a) damage mitigation permit—6 months;
- (b) educational purposes permit—5 years;
- (c) permit to keep protected, international or prohibited wildlife—3 years;
- (d) scientific purposes permit—5 years;
- (e) wildlife movement permit—2 months
- (f) commercial whale watching permit—6 years;
- (g) clearing permit—6 months.

(2) A rescue permit is in force for the period the chief executive considers reasonably necessary to rehabilitate the animal to which the

permit relates and return it to an appropriate natural habitat.

(3) The period of a rescue permit must not be more than—

- (a) for an individual—6 months; or
- (b) for a corporation—3 years.

(4) The chief executive must state in a permit (other than a rescue permit) the period for which the permit is in force.

(5) The period for which the permit is in force starts on the day stated in the permit.

Permit may be for life of animal

122.(1) Despite section 121 (Duration of permits), the chief executive may grant a permit to keep protected wildlife for the life of the animal.

(2) The chief executive must grant the permit without fee.

(3) Subsection (2) does not apply to a fee for an electromagnetic implant used on the wildlife or taking a biological tissue sample of the wildlife.

Division 4—Aboriginal tradition and Island custom authorities

Application of division

123. This division applies only if, under a conservation plan, a person must hold an Aboriginal tradition or Island custom authority to take protected wildlife under Aboriginal tradition or Island custom.

Types of authorities

124. The chief executive may grant the following types of authorities under this division—

- (a) Aboriginal tradition authority;
- (b) Island custom authority.

Who may obtain Aboriginal tradition and Island custom authorities

125. The chief executive may grant an Aboriginal tradition or Island custom authority only to a corporation whose members represent a community or group of Aborigines or Torres Strait Islanders particularly concerned with the land on which the wildlife is to be taken.

Restriction on grant of Aboriginal tradition and Island custom authorities

126.(1) The chief executive may grant an Aboriginal tradition or Island custom authority for protected wildlife only if the chief executive—

- (a) has had regard to any advice given by the corporation named in the application on the significance, under Aboriginal tradition or Island custom, of the wildlife covered by the application; and
- (b) is satisfied the purpose for which the wildlife is to be taken is of particular significance under Aboriginal tradition or Island custom according to the views of the people regarded by the members of the group the applicant represents as having authority to state the traditional or customary significance of the wildlife.

(2) Also, the chief executive may grant an Aboriginal tradition or Island custom authority for a rare or vulnerable marine animal in relation to coastal waters of the State adjacent to the Great Barrier Reef Marine Park only if the chief executive is satisfied the application meets the requirements for the grant of a permit under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

Authorised individuals

127.(1) The chief executive may, in an Aboriginal tradition or Island custom authority, state the names of individuals who may take wildlife under the authority.

(2) The individuals must be individuals named by the corporation in the application for the authority.

Duration of Aboriginal tradition and Island custom authorities

128.(1) An Aboriginal tradition or Island custom authority is in force for the period, of not more than 1 year, stated in the authority.

(2) The period for which the authority is in force starts on the day stated in the authority.

Division 5—Collection authorities**Chief executive may issue collection authorities**

129. The chief executive may grant collection authorities under this division.

Duration of collection authorities

130.(1) A collection authority for dead protected wildlife is in force for the period, of not more than 5 years, stated in the authority.

(2) A collection authority for common wildlife is in force for the period, of not more than 6 months, stated in the authority.

(3) The period for which the authority is in force starts on the day stated in the authority.

Division 6—General provisions about wildlife**Housing and care of protected animals**

131.(1) A person who keeps a live protected animal must—

- (a) keep the animal in a secure cage or enclosure that prevents the animal's escape and protects it from predators; and
- (b) supply the animal with sufficient shelter, ventilation, water and food; and
- (c) provide the animal with opportunities for exercise; and
- (d) restrict access to the cage or enclosure by other persons or animals.

(1A) To remove any doubt, a person may keep another animal in the cage or enclosure with the protected animal.

(2) If the chief executive is satisfied the cage or enclosure does not comply with subsection (1), the chief executive may, by written notice, direct the person to—

- (a) make stated alterations to the cage or enclosure within a stated time; or
- (b) surrender the person's licence or permit, and the animal, to the chief executive within a stated time.

(3) The person must comply with the direction.

Maximum penalty—20 penalty units.

Transport of protected animals

132.(1) A person must not send or transport a live protected animal to someone else in a container that will not—

- (a) withstand transportation; or
- (b) prevent the animal's escape; or
- (c) protect the animal from predators; or
- (d) prevent interference with the animal; or
- (e) protect the animal from injury.

(2) The person must attach to the container a label clearly stating—

- (a) the name, address and licence or permit number (if any) of the person sending the animal; and
- (b) the name, address and licence or permit number (if any) of the person receiving the animal; and
- (c) the animal's common name; and
- (d) if there is more than 1 animal in the container—how many animals of each species are in the container; and
- (e) if the animal is dangerous or venomous—that the animal is dangerous or venomous.

(3) Subsection (2) does not apply to a sick, injured, abandoned or orphaned protected animal transported to or from a veterinary surgeon for treatment.

Maximum penalty—20 penalty units.

Protected animals that are not self-sufficient

133.(1) A person must not, without the chief executive's approval, buy, sell, send or transport a live protected animal that—

- (a) cannot feed itself; or
- (b) if it is a bird—is too young to fly; or
- (c) if it is a mammal—is not weaned; or
- (d) is obviously diseased or injured.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to—

- (a) a sick, injured or orphaned protected animal sent or transported to or from a veterinary surgeon for treatment; or
- (b) a protected animal sent or transported with its mother.

Division 7—Movement of wildlife other than protected wildlife

Purpose of division

134. The purpose of this division is to protect the biological diversity of native wildlife and its habitat by regulating the movement of species of wildlife that may become established and pose a threat to native wildlife or its habitat if it is released or escapes into the wild.

Movement of international and prohibited wildlife within Queensland

135.(1) A person who does not hold a wildlife movement permit must not move, or attempt to move, international or prohibited wildlife within Queensland.

Maximum penalty—165 penalty units.

(2) Subsection (1) does not apply to the movement of the wildlife on a person's land.

Movement of international and prohibited wildlife from Queensland

136. A person who does not hold a wildlife movement permit must not move, or attempt to move, international or prohibited wildlife to a place outside Queensland.

Maximum penalty—165 penalty units.

Movement of wildlife other than protected wildlife into Queensland

137.(1) A person who does not hold a wildlife movement permit must not move, or attempt to move, into Queensland—

- (a) international or prohibited wildlife; or
- (b) a live bird, mammal, reptile, amphibian or fish that is not a protected or domestic animal.

(2) A person who does not hold a wildlife movement permit must not send, or attempt to send, into Queensland—

- (a) international or prohibited wildlife; or
- (b) a live bird, mammal, reptile, amphibian or fish that is not a protected or domestic animal.

Maximum penalty—165 penalty units.

Division 8—Conservation value of wildlife

Conservation value for protected wildlife

138.(1) The conservation value for a protected wildlife is—

- (a) for presumed extinct wildlife—\$10 000; or
- (b) for endangered wildlife—\$8 000; or
- (c) for vulnerable wildlife—\$6 000; or

- (d) for rare wildlife—\$4 000; or
- (e) for common wildlife—\$1 000.

(2) However, subsection (1) does not apply if a conservation plan applicable to protected wildlife—

- (a) fixes a different conservation value for the wildlife; or
- (b) states that no conservation value is payable for the wildlife in stated circumstances.

Exemption from payment of conservation value

139. A person is exempt from payment of the conservation value for protected wildlife if the person—

- (a) takes the wildlife under a herbarium or museum licence or an educational or scientific purposes permit; or
- (b) takes and keeps a protected animal under a rescue permit; or
- (c) takes the wildlife at the direction, or with the approval, of the chief executive under this regulation, or a conservation plan applicable to the wildlife, in circumstances where the wildlife is likely to cause damage to property or harm to a person; or
- (d) takes the wildlife under a damage mitigation permit; or
- (e) accepts the care of the wildlife at the chief executive's request under a conservation plan applicable to the wildlife or another authority issued under this regulation.

PART 2—LICENCES FOR BIRDS

Division 1—Preliminary

Definitions

140. In this part—

“**licence**” means a licence for live birds.

“**use**”, for a species of bird stated in a licence, does not include—

- (a) process; and
- (b) for a commercial, international, prohibited, recreational or restricted bird—move; and
- (c) for a recreational, restricted or international bird—sell for trade or commerce.

Purpose of part

141. The purpose of this part is to control the taking, keeping and use of protected birds under a licensing system that—

- (a) helps conserve—
 - (i) viable populations of birds throughout their existing ranges; and
 - (ii) the genetic integrity of populations of birds in the wild; and
- (b) controls threatening processes, including, for example—
 - (i) unsustainable trapping of birds; and
 - (ii) the release of international and prohibited birds into the natural habitats of protected wildlife; and
- (c) recognises the keeping and breeding of birds in captivity as a legitimate recreational pursuit.

Licence not needed to keep certain birds

142.(1) A licence is not needed to keep and use the following species of captive-bred birds—

- bourke’s parrot (*Neophema bourkii*)
- budgerigar (*Melopsittacus undulatus*)
- cockatiel (quarrion) (*Leptolophus hollandicus*)
- star finch (*Neochmia ruficauda*), other than the eastern subspecies *Neochmia ruficauda ruficauda*

- zebra finch (*Taeniopygia guttata*)
- brown quail (*Coturnix australis*)
- king quail (*Coturnix chinensis*)
- stubble quail (*Coturnix spectoralis*)
- diamond dove (*Geopelia cuneata*)
- peaceful dove (*Geopelia placida*).

(2) Subsection (1) applies only if the breeding parents of the bird were lawfully taken.

(3) A person who keeps a bird mentioned in subsection (1) must, if asked by a conservation officer, produce evidence of the origin of the bird, unless the person has a reasonable excuse for not producing it.

Maximum penalty—165 penalty units.

Licence not needed to keep commonly kept birds

143.(1) A licence is not needed to keep a commonly kept bird.

(2) Subsection (1) applies to a person only if—

- (a) the bird was taken lawfully, is used lawfully and is kept for the person's private enjoyment; and
- (b) the person buys the bird from the holder of a commercial wildlife licence for live birds.

(3) This section is subject to sections 149 and 153.¹³

Restrictions on buying and selling commonly kept birds

144. A person who does not hold a licence must not—

- (a) buy more than 2 commonly kept birds in a month or 5 commonly kept birds in a year; or
- (b) sell more than 2 commonly kept birds in a month or 5 commonly

¹³ Sections 149 (Effect of licence) and 153 (Effect of licence)

kept birds in a year.

Maximum penalty—20 penalty units.

Movement by unlicensed person

145.(1) A person who does not hold a licence may—

- (a) move a commonly kept bird bought by the person from a commercial wildlife licensee, from the licensee's premises to the person's residence; or
- (b) move a commonly kept bird from the person's residence to the premises of a commercial wildlife licensee.

(2) The person must give the chief executive a movement advice for the bird.

Maximum penalty—20 penalty units.

Display of commonly kept birds

146. A person who keeps a commonly kept bird must not display the bird for trade or commerce.

Maximum penalty—50 penalty units.

Mutations

147. A person may breed a mutation of a protected bird that is not a restricted bird.¹⁴

¹⁴ See section 92 of the Act. It is an offence to knowingly breed a mutation of a protected animal other than under a regulation or an exemption under a regulation.

Division 2—Commercial wildlife licence for birds**Meaning of “licensee” in division**

148. In this division—

“licensee” means the holder of a commercial wildlife licence for birds.

Effect of licence

149.(1) A licensee may keep and use a commercial bird.

(2) A licensee must not keep a commonly kept bird that is also a commercial bird unless particulars of the bird are entered in the licensee’s record book.

Maximum penalty for subsection (2)—165 penalty units.

Changes in numbers of birds kept

150.(1) If there is a change in the number or species of birds kept by a licensee, the licensee must enter the following particulars in the licensee’s record book—

- (a) if the change happened—
 - (i) under a transaction—particulars of the transaction; or
 - (ii) by natural increase—particulars of the increase;
- (b) if a bird has escaped or died—particulars of the escape or death.

(2) The entry must be made on the day the change happens.

Maximum penalty—120 penalty units.

Returns of operations

151. A licensee must give the chief executive an annual return of operations within 14 days after 30 June in each year the licence is in force.

Maximum penalty—120 penalty units.

Division 3—Recreational wildlife licences for birds**Meaning of “licensee” in division**

152. In this division—

“licensee” means a person who holds a recreational wildlife licence for birds or a recreational wildlife (specialist) licence for birds.

Effect of licence

153.(1) A licensee may keep and use a recreational bird.

(2) The holder of a recreational wildlife (specialist) licence may also keep and use a restricted bird.

(3) A licensee must not keep a commonly kept bird that is also a recreational bird unless particulars of the bird are entered in the licensee’s record book.

Maximum penalty for subsection (3)—165 penalty units.

Conditions of recreational wildlife (specialist) licence

154. The holder of a recreational wildlife (specialist) licence must—

- (a) ensure a biological tissue sample of the bird (and its progeny) is held and registered with a scientific institution approved by the Minister; and
- (b) implant into the bird (and its progeny) an electromagnetic implant approved by the Minister; and
- (c) register the implant’s identification code with the chief executive; and
- (d) give the chief executive a 6 monthly return of operations within 14 days after 31 March and 30 September in each year the licence is in force; and
- (e) give the chief executive written notice of the fledging of progeny of the bird within 30 days after the fledging; and
- (f) allow access to the bird by a conservation officer at any

- reasonable time to allow the officer to inspect the bird; and
- (g) give the officer the help necessary to enable the officer to—
 - (i) obtain or check the bird's biological tissue sample; or
 - (ii) find out the bird's identification code; or
 - (iii) insert an electromagnetic implant into the bird; or
 - (iv) photograph a bird.

Maximum penalty—

- (a) paragraphs (a), (b), (c), (f) and (g)—165 penalty units;
- (b) paragraphs (d) and (e)—120 penalty units.

Change in numbers of birds kept

155.(1) If there is a change in the number or species of birds kept by a licensee, the licensee must enter the following particulars in the licensee's record book—

- (a) if the change happened—
 - (i) under a transaction—particulars of the transaction; or
 - (ii) by natural increase—particulars of the increase;
- (b) if a bird has escaped or died—particulars of the escape or death.

(2) The entry must be made on the day the change happens.

Maximum penalty—120 penalty units.

Delivery of dead birds

156.(1) A licensee who keeps a restricted bird must, if the bird dies—

- (a) give the bird to a veterinary surgeon for autopsy within 8 hours after its death; or
- (b) freeze the bird as soon as possible after its death and give it to the chief executive in a frozen state within 14 days after its death.

Maximum penalty—120 penalty units.

(2) If subsection (1)(a) applies, the licensee must give to the chief

executive within 7 days after the bird's death—

- (a) a biological tissue sample from the bird; and
- (b) if the bird is fitted with an electromagnetic implant—the electromagnetic implant.

Maximum penalty—120 penalty units.

(3) If the electromagnetic implant is not in working order, the licensee must give the chief executive a written report of the reason for the implant's failure.

Maximum penalty—120 penalty units.

(4) The veterinary surgeon who conducted the autopsy must prepare the written report.

Return of operations

157. A licensee (other than the holder of a recreational wildlife (specialist) licence) must give the chief executive an annual return of operations within 14 days after the end of each year the licence is in force.

Maximum penalty—120 penalty units.

Birds to be kept for period

158. The holder of a recreational wildlife licence or a recreational wildlife (specialist) licence for birds must not, without the chief executive's written approval, dispose of a bird within 6 months of acquiring it unless the bird dies or escapes.

Maximum penalty—80 penalty units.

Display of birds

159. A person who holds a recreational wildlife licence or a recreational wildlife (specialist) licence must not display, for trade or commerce—

- (a) a commercial bird; or
- (b) a commonly kept bird; or
- (c) an international bird; or

- (d) a permitted mutation of a bird; or
- (e) a prohibited bird; or
- (f) a recreational bird; or
- (e) a restricted bird.

Maximum penalty—50 penalty units.

Division 4—International birds licence

Meaning of “licensee” in division

160. In this division—

“**licensee**” means a person who holds an international wildlife licence for birds.

Effect of licence

161. A licensee may keep and use an international bird.

Conditions of international birds licence

162. The holder of an international wildlife licence for birds must—

- (a) ensure a biological tissue sample of the bird (and its progeny) is held and registered with a scientific institution approved by the Minister; and
- (b) implant into the bird (and its progeny) an electromagnetic implant approved by the Minister; and
- (c) register the implant’s identification code with the chief executive; and
- (d) give the chief executive a 6 monthly return of operations within 14 days after 30 June and 31 December in each year the licence is in force; and
- (e) give the chief executive written notice of the fledging of progeny of a bird within 30 days after the fledging; and

- (f) allow access to the bird by a conservation officer at any reasonable time to allow the officer to inspect the bird; and
- (g) give the officer the help necessary to enable the officer to—
 - (i) obtain or check the biological tissue sample of a bird; or
 - (ii) find out the bird's identification code; or
 - (iii) insert an electromagnetic implant into a bird; or
 - (iv) photograph a bird.

Maximum penalty—

- (a) paragraphs (a), (b), (c), (f) and (g)—165 penalty units;
- (b) paragraphs (d) and (e)—120 penalty units.

Changes in numbers kept

163.(1) If there is a change in the number or species of birds kept by a licensee, the licensee must enter particulars of the following in the licensee's record book—

- (a) if the change happened—
 - (i) under a transaction—particulars of the transaction; or
 - (ii) by natural increase—particulars of the increase;
- (b) if a bird has escaped or died—particulars of the escape or death.

(2) The entry must be made on the day the change happens.

Maximum penalty—120 penalty units.

Delivery of dead birds

164.(1) A licensee who keeps an international bird must, if the bird dies—

- (a) give the bird to a veterinary surgeon for autopsy within 8 hours after its death; or
- (b) freeze the bird as soon as possible after its death and give it to the chief executive in a frozen state within 14 days after its death.

Maximum penalty—120 penalty units.

(2) If subsection (1)(a) applies, the licensee must give to the chief executive within 7 days after the bird's death—

- (a) a biological tissue sample from the bird; and
- (b) if the bird is fitted with an electromagnetic implant—the electromagnetic implant.

Maximum penalty—120 penalty units.

(3) If the electromagnetic implant is not in working order, the licensee must give the chief executive a written report of the reason for the implant's failure.

Maximum penalty—120 penalty units.

(4) The report must be prepared by the veterinary surgeon who conducted the autopsy.

PART 3—LICENCES FOR PROTECTED PLANTS

Division 1—Preliminary

Definitions

165. In this part—

“**code**” means the Code of Practice for the Taking and Use of Protected Plants, approved by the Minister and published by the department.¹⁵

“**official tag**” has the meaning given by the *Nature Conservation*

¹⁵ A copy of the code may be obtained from the department's head office and the Queensland Nursery Industry Association.

*(Protected Plants in Trade) Conservation Plan 1995.*¹⁶

“use” does not include—

- (a) process; and
- (b) for a protected plant used for a recreational purpose—move; and
- (c) for a protected plant kept for a recreational purpose—sell for trade or commerce; and
- (d) for a protected plant used for a commercial purpose—move into or out of Queensland.

Purpose of part

166. The purpose of this part is to ensure the keeping and use of protected plants is controlled through a licensing system that—

- (a) helps ensure viable populations of protected plants are conserved throughout their existing ranges; and
- (b) controls threatening processes, including for example, the ecologically unsustainable taking of protected plants; and
- (c) recognises the keeping, use and propagation of protected plants in cultivation as a legitimate commercial and recreational pursuit.

Certain protected plants not to be used

167. A person must not use any of the following plants—

- (a) family Aponogetonaceae—
 - *Aponogeton bullosus*
 - *Aponogeton queenslandicus*

¹⁶ The *Nature Conservation (Protected Plants in Trade) Conservation Plan 1995*, section 3 defines “official tag” as follows—

“official tag” for a protected plant means—

- (a) a tag supplied by the chief executive for attaching to the plant; or
- (b) a tag complying with the requirements of a conservation authority of another State for attaching to the plant.’.

- *Aponogeton* sp. (Innisfail livebearer);
- (b) family Lycopodiaceae—
 - Blue tassel fern (*Huperzia dalhousieana*).

Maximum penalty—165 penalty units.

Restriction on taking or using common plants

167A.(1) Subject to section 93¹⁷ of the Act, a person must not take or use a common plant other than under a licence under this regulation.

Maximum penalty—165 penalty units.

(2) It is a defence to a charge of taking a common plant in contravention of subsection (1) to prove that—

- (a) the taking happened in the course of a lawful activity that was not directed towards the taking; and
- (b) the taking could not have been reasonably avoided.

(3) A person must not use or keep a common plant that has been taken in contravention of subsection (1).

(4) In this section—

“**common plant**” means a common plant that—

- (a) is a restricted plant; and
- (b) is in the wild.

When licence is not needed to use protected plants

168.(1) A licence is not needed to use a protected plant, other than a foxtail palm (*Wodyetia bifurcata*), propagated from lawfully obtained reproductive material under controlled conditions by a person approved by the chief executive and sold and moved—

- (a) in an unopened sterile flask; or

¹⁷ Section 93 (Aborigines’ and Torres Strait Islanders’ rights to take etc. protected wildlife)

(b) if the plant is—

- (i) an orchid seedling (family Orchidaceae) not more than 100 mm long—in pots or mounted; or
- (ii) another plant stated under a conservation plan as a plant for which a licence is not needed—in the way stated in the plan.

(2) However, the person must, if asked by a conservation officer, produce evidence of the source of the reproductive material, unless the person has a reasonable excuse for not producing it.

Maximum penalty—165 penalty units.

(3) For subsection (1)(a), a protected plant is propagated under controlled conditions if its reproduction and growth is intensively manipulated, including by weed control, irrigation, tillage, fertilising, potting, bedding and protection from the weather, to produce the plant for sale.

Sale of certain protected plants

168A.(1) A person must not keep foxtail palms (*Wodyetia bifurcata*) in pots for sale unless each palm is tagged with an official tag.

Maximum penalty—165 penalty units.

(2) A person is taken to keep foxtail palms for sale if the person has 50 or more foxtail palms in pots in the person's possession.

(3) In this section—

“**pot**” includes a root guard or other similar device used around a plant for the purpose of containing the spread of roots.

Division 2—Recreational use of protected plants

When recreational wildlife licence is not needed

169.(1) A recreational wildlife licence is not needed to use a lawfully taken protected plant for a recreational purpose.

(2) Subsection (1) applies only to a person who—

- (a) lawfully takes and keeps the protected plant; and
- (b) uses the plant for the person's personal enjoyment.

Sale of restricted plants kept for recreational purposes

170.(1) Despite section 169(2)(b) (When recreational wildlife licence is not needed), a person may sell a restricted plant or a seed of a restricted plant.

(2) The person must not sell—

- (a) more than 5 plants in a month or 20 plants in a year; or
- (b) if the seed of the plant is—
 - (i) larger than 1 cm in any dimension—more than 20 seeds in a month or 100 seeds in a year; or
 - (ii) larger than 2 mm but not larger than 1 cm in any dimension—more than 50 seeds in a month or 250 seeds in a year; or
 - (iii) 2 mm or less in any dimension—more than 10 g in a month or 100 g in a year.

(3) The person must not sell a restricted plant unless the person completes a movement advice for the plant.

(4) A person who moves a restricted plant under a movement advice must tag the plant in the way the chief executive requires with a tag bearing an identification code registered with the chief executive.

Maximum penalty—80 penalty units.

Division 3—Commercial wildlife licences for protected plants

When commercial wildlife licence is not needed

171.(1) A commercial wildlife licence for plants is not needed—

- (a) to use a lawfully taken protected plant (other than a restricted plant) for a commercial purpose; or
- (b) to sell, by retail, a restricted plant—

- (i) obtained from a holder of a commercial wildlife licence for the plant; and
- (ii) tagged with an official tag; or
- (c) by a land-holder to sell, to the holder of a commercial wildlife licence, seeds taken from a foxtail palm (*Wodyetia bifurcata*) growing on the land-holder's land.

(2) Despite subsection (1)(c), a commercial wildlife licence is needed if—

- (a) 10 or more palms are grown; or
- (b) the palms are grown for a commercial purpose.

Effect of licence

172. The holder of a commercial wildlife licence for plants may use a restricted plant for a commercial purpose.

Conditions of licence

173.(1) The holder of a commercial wildlife licence for a restricted plant must—

- (a) comply with the provisions of the code stating the way a protected plant may be used; and
- (b) if—
 - (i) the plant is a restricted plant and the licensee sells restricted plants by wholesale—
 - (A) have in the licensee's possession an official tag for each plant; and
 - (B) tag, with an official tag, each plant before it is moved to another wholesaler or a person who sells restricted plants by retail; or
 - (ii) the plant is a restricted plant and the licensee sells restricted plants by wholesale and retail—tag each plant that is in the licensee's possession and available for sale by retail with an official tag; or

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- (iii) the plant is not a restricted plant—tag the plant in the way stated in the code; and
- (c) register each tag's identification code with the chief executive; and
- (d) ensure the plant is correctly identified on the licensee's label; and
- (e) give the chief executive a 6 monthly return of operations within 14 days after 31 March and 30 September of each year the licence is in force; and
- (f) allow access to each plant by a conservation officer at any reasonable time to allow the officer to inspect the plant; and
- (g) give a conservation officer any help necessary to enable the officer to obtain or check the records kept by the licensee.

Maximum penalty—

- (a) paragraphs (a), (d), (e) and (g)—165 penalty units;
- (b) paragraphs (b), (c) and (f)—120 penalty units.

(2) Subsection (1)(b) does not apply if, under a conservation plan, a particular protected plant does not have to be tagged.

Changes in numbers of plants kept

174.(1) If there is a change in the number or species of restricted plants kept by a licensee, the licensee must enter in the licensee's record book—

- (a) if the change happened under a transaction—particulars of the transaction; or
- (b) if the change happened by natural increase or artificial propagation—an estimate of the number of plants propagated by natural increase or artificially; or
- (c) if the plant has died—particulars of the plant's death; or
- (d) if the plant has died—particulars that identify the tag used on the plant.

(2) The entry must be made by the close of business on the day the change happens.

Maximum penalty—120 penalty units.

PART 4—LICENCES FOR AMPHIBIANS AND REPTILES

Definitions

175. In this part—

“**code**” means the Captive Reptile and Amphibian Husbandry Code of Practice, approved by the Minister and published by the department.¹⁸

“**licensee**” means a person who holds a recreational wildlife licence or a recreational wildlife (specialist) licence for amphibians or reptiles.

“**take**” means catch.

“**use**” does not include—

- (a) process; or
- (b) for a recreational or restricted amphibian or reptile—move; or
- (c) for a common amphibian or recreational or restricted amphibian or reptile—sell for trade or commerce.

Purpose of part

176. The purpose of this part is to ensure the taking, use and keeping of protected amphibians and reptiles is controlled through a system of licensing that—

- (a) recognises keeping and breeding of amphibians and reptiles as a legitimate recreational pursuit; and
- (b) fosters a responsible and professional approach to keeping and breeding amphibians and reptiles; and
- (c) helps conserve viable populations of amphibians and reptiles throughout their existing geographical ranges; and
- (d) helps conserve the genetic integrity of populations of amphibians and reptiles throughout their geographic ranges; and

¹⁸ A copy of the code is available for inspection or purchase at the department’s central office.

- (e) helps control threatening processes, including, for example, the ecologically unsustainable taking of amphibians and reptiles.

When licence not needed

177.(1) A licence is not needed to take and keep a common amphibian¹⁹ or a commonly kept reptile if the person who takes the amphibian or reptile—

- (a) keeps not more than 2 amphibians (other than eggs or tadpoles) or reptiles of a particular species; and
- (b) keeps not more than 8 amphibians or reptiles; and
- (c) keeps the amphibians or reptiles for the person's personal enjoyment.

(2) However, the person—

- (a) must take and keep the amphibian or reptile in the way stated in the code; and
- (b) must not sell the amphibian or reptile; and
- (c) must only take and keep the amphibian or reptile within the area of the species' known geographic range and within the limits fixed under the code; and
- (d) must release into the wild, in the way stated in the code, the progeny of—
 - (i) the amphibian—within 7 days after the progeny's metamorphosis; or
 - (ii) the reptile—within 14 days after the hatching or birth of the progeny.

Maximum penalty—80 penalty units.

¹⁹ Common amphibians are declared under the *Nature Conservation (Wildlife) Regulation 1994*.

Effect of recreational wildlife licence for amphibians and reptiles

178.(1) The holder of a recreational wildlife licence for amphibians or reptiles may keep and use—

- (a) more than 2 amphibians of a particular species of common amphibians; or
- (b) more than 2 reptiles of a particular species of commonly kept or recreational reptiles; or
- (c) more than 8 common amphibians or commonly kept or recreational reptiles.

(2) The holder of a recreational wildlife (specialist) licence for amphibians or reptiles may keep and use—

- (a) more than 2 amphibians of a particular species of common amphibian; or
- (b) more than 2 reptiles of a particular species of commonly kept reptile; or
- (c) more than 8 common amphibians or commonly kept or recreational reptiles; or
- (d) a restricted amphibian or reptile; or
- (e) another protected amphibian or reptile.

(3) Subsections (1) and (2) apply only if the person—

- (a) keeps lawfully taken amphibians or reptiles; and
- (b) keeps the amphibians or reptiles in the way stated in the code; and
- (c) keeps the amphibians or reptiles for the licensee's own personal enjoyment; and
- (d) releases some of the progeny of the amphibians or reptiles into the wild in accordance with the code.

Conditions for keeping amphibians and reptiles

179. The holder of a recreational wildlife licence or recreational wildlife (specialist) licence for amphibians or reptiles must—

- (a) if required by the chief executive, ensure a biological tissue

sample of the amphibian or reptile (and its progeny) is held and registered with a scientific institution approved by the Minister; and

- (b) if required by the chief executive, implant into the amphibian or reptile (and its progeny) an electromagnetic implant approved by the Minister; and
- (c) register the implant's identification code with the chief executive; and
- (d) give the chief executive written notice of the hatching or live birth of a restricted amphibian or reptile within 30 days after the hatching or birth; and
- (e) allow access to the amphibian or reptile by a conservation officer at any reasonable time to allow the officer to inspect the amphibian or reptile; and
- (f) give the officer the help necessary to enable the officer to—
 - (i) obtain a biological tissue sample of an amphibian or reptile; or
 - (ii) find out the identification code of an amphibian or reptile; or
 - (iii) photograph an amphibian or reptile.

Maximum penalty—

- (a) paragraphs (a), (b), (c), (e) and (f)—165 penalty units;
- (b) paragraph (d)—120 penalty units.

Delivery of dead amphibians and reptiles

180.(1) A licensee who keeps and uses a restricted amphibian must, if the amphibian dies—

- (a) refrigerate the amphibian, or preserve it in an appropriate way (other than by freezing), as soon as possible after its death; and
- (b) give the amphibian to the chief executive or the Queensland Museum within 14 days after its death.

(2) A licensee who keeps and uses a restricted reptile must, if the reptile dies—

- (a) freeze the reptile, or preserve it in an appropriate way, as soon as possible after death; and
- (b) give the reptile to the chief executive or the Queensland Museum as soon as practicable after its death.

Maximum penalty—20 penalty units.

Display of amphibians and reptiles

181. A person other than the holder of a wildlife demonstrator licence, wildlife exhibitor licence or wildlife farming licence must not display an amphibian or a reptile for trade or commerce.

Maximum penalty—50 penalty units.

Taking of certain reptiles

182.(1) A licensee may take the following species of common reptiles—

- *Carlia pectoralis*
- *Carlia vivax*
- *Cryptoblepharus carnabyi*
- *Cryptoblepharus virgatus*
- *Ctenotus robustus*
- *Lampropholis delicata*
- *Morethia boulengeri*.

(2) The reptile must only be taken to ensure the wellbeing and maintenance of a reptile kept under the licence.

Changes in numbers kept

183.(1) If there is a change in the number or species of amphibians or reptiles kept by a licensee, the licensee must enter particulars of the following in the licensee's record book—

- (a) if the change happened—
 - (i) under a transaction—particulars of the transaction; or

- (ii) by natural increase—particulars of the increase;
- (b) if an amphibian or reptile has escaped or died—particulars of the escape or death.

(2) The entry must be made on the day the change happens.

Maximum penalty—120 penalty units.

Return of operations

184. A licensee must, within 14 days after the end of March and September of each year the licence is in force, give the chief executive a return, for the 6 months ending 31 March or 30 September, of—

- (a) amphibians and reptiles kept by the licensee; and
- (b) particulars of changes in the numbers of amphibians and reptiles kept.

Maximum penalty—120 penalty units.

PART 4A—COMMERCIAL WILDLIFE LICENCES

Application of part

184A. This part applies to a commercial wildlife licence for dead protected wildlife.

Meaning of “licensee” in part

184B. In this part—

“licensee” means the holder of a commercial wildlife licence for dead protected wildlife.

Effect of licence

184C. A licensee may keep and use a dead protected animal stated in the licensee’s licence.

Changes in numbers of animals kept

184D.(1) If there is a change in the number or species of dead animals kept by the licensee, the licensee must enter particulars of the transaction in the licensee's record book.

(2) The entry must be made on the day the change happens.

Maximum penalty—120 penalty units.

Returns of operations

184E. A licensee must give the chief executive an annual return of operations within 14 days after 30 June in each year the licence is in force.

Maximum penalty—120 penalty units.

Animal to be identified

184F. A licensee must identify a dead protected animal under a commercial wildlife licence in the way the chief executive decides.

PART 5—WILDLIFE HARVESTING LICENCES**Purpose of part**

185. The purpose of this part is to ensure the taking, use and keeping of protected wildlife is controlled and monitored through a licensing system that—

- (a) helps conserve—
 - (i) viable populations of protected wildlife throughout their existing ranges; and
 - (ii) the genetic integrity of existing populations of protected wildlife throughout their natural habitats; and
- (b) controls threatening processes, for example, the taking of protected wildlife that is not ecologically sustainable; and

- (c) recognises ecologically sustainable taking, use and keeping of some protected wildlife as a legitimate commercial or recreational activity.

Chief executive may issue commercial or recreational wildlife harvesting licence

185A. The chief executive may issue a commercial or recreational wildlife harvesting licence for a species of rare or threatened wildlife to a person only if a conservation plan has been approved for the wildlife.

Chief executive to supply tags for use by licensee

186.(1) The chief executive may supply tags for use by the holder of a commercial or recreational wildlife harvesting licence.

(2) The tags are the property of the State and are not transferable without the chief executive's written approval.

Chief executive may recall tags

187.(1) The chief executive may, by written notice given to a person who has possession of tags supplied by the chief executive under this part, recall the tags.

(2) The notice must state the place of delivery and the time by which delivery must be made.

(3) The person must comply with the notice.

Maximum penalty for subsection (3)—50 penalty units.

Offences about use of tags

188.(1) A person other than the holder of a wildlife harvesting licence must not, without the chief executive's written approval, be in possession of a tag or attach a tag to wildlife.

(2) A person must not attach a tag to—

- (a) wildlife after the end of the harvest period for which the tag is supplied; or

- (b) a species of wildlife other than the species for which the tag is supplied.

Maximum penalty—165 penalty units.

Removal etc. of tags

189. A person must not, without the chief executive's written approval, remove, interfere with, deface or obliterate a tag other than under a conservation plan.

Maximum penalty—80 penalty units.

Compliance with harvest period notice conditions

189A.(1) A person who takes protected wildlife under a notice declaring a harvest period under a conservation plan must comply with any conditions for the wildlife stated in the notice.

Maximum penalty—120 penalty units.

(2) However, subsection (1) does not apply to the taking of a protected plant under the *Nature Conservation (Protected Plants in Trade) Conservation Plan 1995*.

(3) This section expires on 31 October 1996.

PART 6—WILDLIFE DEMONSTRATOR LICENCES

Definitions

190. In this part—

“**demonstrate**” includes display.

“**licensee**” means the holder of a wildlife demonstrator licence.

“**use**” does not include move or process.

“**wildlife**” means protected or international animals.

Purpose of part

191. The purpose of this part is to promote an understanding of the ecology and conservation of wildlife under a licensing system that enables persons to—

- (a) publicly demonstrate wildlife in travelling or temporary displays; or
- (b) keep and use wildlife for a film or television production.

Conditions for wildlife demonstrator licence

192. The holder of a wildlife demonstrator licence must—

- (a) if required by the chief executive, ensure a biological tissue sample of the wildlife (and its progeny) is held and registered with a scientific institution approved by the Minister; and
- (b) if required by the chief executive, implant into the wildlife (and its progeny) an electromagnetic implant approved by the Minister; and
- (c) register the implant's identification code with the chief executive; and
- (d) allow access to the wildlife by a conservation officer at any reasonable time to allow the officer to inspect the wildlife; and
- (e) give the officer the help necessary to enable the officer to—
 - (i) obtain or check the wildlife's biological tissue sample; or
 - (ii) find out the identification code of the wildlife; or
 - (iii) photograph the wildlife.

Maximum penalty—165 penalty units.

Obtaining and disposal of live wildlife

193. A licensee—

- (a) must not keep more than 20 self-sufficient animals of a particular species; and
- (b) must not sell or dispose of more than 50 animals in a 6 month

period ending on 31 March or 30 September; and

- (c) must not, without the chief executive's written approval—
 - (i) buy wildlife from a person who does not have a licence for the wildlife; or
 - (ii) accept wildlife as a gift from a person who does not have a licence for the wildlife; or
 - (iii) sell wildlife to a person other than the holder of a wildlife demonstrator or exhibitor licence for the wildlife.

Maximum penalty—165 penalty units.

Disposal of dead wildlife

194. If wildlife dies while in the licensee's possession, the licensee must only—

- (a) sell the wildlife to the holder of a commercial wildlife licence for dead wildlife; or
- (b) dispose of the wildlife by incineration or burial, including by a commercial waste disposal organisation; or
- (c) give the wildlife to the Queensland Museum.

Maximum penalty—50 penalty units.

Demonstration of wildlife

195.(1) A person who holds a wildlife demonstrator licence may display wildlife stated in the licence in a way that—

- (a) gives the public information about the ecological role of the wildlife; and
- (b) promotes education about, and the conservation of, wildlife; and
- (c) promotes an understanding of ecology and the conservation of wildlife.

(2) A licensee must demonstrate wildlife in a way that minimises—

- (a) the chance of the wildlife's escape; and

(b) the risk of injury to a person; and

(c) the risk of injury or ill-health to the wildlife.

(3) A licensee must ensure that wildlife is always kept under direct supervision while it is being demonstrated to the public.

(4) A licensee must not demonstrate wildlife at the licensee's residence.

(5) A licensee must not, without the chief executive's written approval—

(a) require wildlife to perform an activity beyond the wildlife's normal range of behaviour in the wild; or

(b) demonstrate obviously sick or injured wildlife.

(6) If the licence is granted for more than 3 months, the licensee must demonstrate the wildlife at least once each month.

(7) The licensee must, for each period of 3 months that the licence is in force, give the chief executive—

(a) a written itinerary of proposed dates and locations of demonstrations, and the species involved in the demonstrations, for the next 3 months, at least 2 days before the first of the proposed demonstrations; and

(b) at least 2 days written notice of a proposed change in the itinerary.

Maximum penalty—80 penalty units.

Handling of wildlife

196. A licensee must not allow a person other than the licensee or the licensee's trained employees to handle dangerous or venomous wildlife.

Maximum penalty—80 penalty units.

Change in number of wildlife kept

197.(1) If there is a change in the number or species of wildlife kept by a licensee, the licensee must enter particulars of the following in the licensee's record book—

(a) if the change happened—

(i) under a transaction—particulars of the transaction; or

- (ii) by natural increase—particulars of the increase;
 - (b) if wildlife has escaped or died—particulars of the escape or death.
- (2) The entry must be made on the day the change happens.

Maximum penalty—120 penalty units.

Return of operations

198. A licensee must, within 14 days after 31 March in each year the licence is in force, give the chief executive a return of operations for the year ended 31 March.

Maximum penalty—120 penalty units.

PART 7—WILDLIFE EXHIBITOR LICENCES

Definitions

199. In this part—

“**code**” means the Code of Practice of the Queensland Wildlife Parks Association approved by the Minister and published by the Association.²⁰

“**licensee**” means the holder of a wildlife exhibitor licence.

“**use**” does not include move or process.

“**wildlife**” means protected, international or prohibited animals.

Purpose of part

200. The purpose of this part is to promote an understanding of the ecology and conservation of wildlife by a system of licensing that enables persons to—

- (a) exhibit wildlife at premises stated in the licence in permanent

²⁰ A copy of the code may be obtained from the department’s head office.

enclosures in a way that—

- (i) gives the public information about the ecological role of the wildlife; and
 - (ii) promotes education about, and the conservation of, wildlife; and
- (b) keep and use wildlife for a film or television production that promotes an understanding of the ecology and conservation of wildlife.

Licensee may demonstrate wildlife

201. A licensee does not need a wildlife demonstrator licence to demonstrate wildlife.

Obtaining and disposal of wildlife

202. A licensee must not, without the chief executive's written approval—

- (a) buy wildlife from a person who does not have a licence for the wildlife; or
- (b) accept wildlife as a gift from a person who does not have a licence for the wildlife; or
- (c) sell wildlife to a person other than the holder of a wildlife exhibitor or wildlife demonstrator licence for the wildlife.

Maximum penalty—165 penalty units.

Disposal of dead wildlife

203. If wildlife dies while in the licensee's possession, the licensee must—

- (a) sell the wildlife to the holder of a commercial wildlife licence for dead wildlife; or
- (b) dispose of the wildlife by incineration or burial, including by a commercial waste disposal organisation; or

- (c) give the wildlife to the Queensland Museum.

Maximum penalty—50 penalty units.

Display of wildlife

204.(1) A person who holds a wildlife exhibitor licence may display wildlife at the premises stated in the licence, in permanent enclosures forming an integral part of the display, in a way that—

- (a) gives the public information about the ecological role of the wildlife; and
- (b) promotes education about, and the conservation of, wildlife; and
- (c) promotes an understanding of ecology and the conservation of wildlife.

(2) A licensee must display wildlife—

- (a) in a way that minimises—
 - (i) the chance of the wildlife's escape; and
 - (ii) the risk of injury to a person; and
 - (iii) the risk of injury or ill-health to the wildlife; and
- (b) in the way stated in the code.

(3) A licensee must ensure wildlife is always kept under supervision while it is being displayed to the public.

(4) A licensee must not, without the chief executive's written approval—

- (a) require the wildlife to perform an activity beyond the wildlife's normal range of behaviour in the wild; or
- (b) exhibit obviously sick or injured wildlife.

(5) If a licensee intends to demonstrate wildlife at a place other than the place stated in the licence, the licensee must, for each 3 months that the licence is in force, give the chief executive—

- (a) a written itinerary of proposed dates and locations of demonstrations, and the species involved in the demonstrations, for the next 3 months, at least 2 days before the first of the proposed demonstrations; and

- (b) at least 2 days written notice of a proposed change in the itinerary.

Maximum penalty—80 penalty units.

Handling of wildlife

205. A licensee must not allow a person other than the licensee's trained employees to handle dangerous or venomous wildlife.

Maximum penalty—80 penalty units.

Conditions of wildlife exhibitor licence

206. The holder of a wildlife exhibitor licence must—

- (a) if required by the chief executive, ensure a biological tissue sample of the wildlife (and its progeny) is held and registered with a scientific institution approved by the Minister; and
- (b) if required by the chief executive, implant into the wildlife (and its progeny) an electromagnetic implant approved by the Minister; and
- (c) register the implant's identification code with the chief executive; and
- (d) allow access to the wildlife by a conservation officer at any reasonable time to allow the officer to inspect the wildlife; and
- (g) give the officer the help necessary to enable the officer to—
 - (i) obtain or check the wildlife's biological tissue sample; or
 - (ii) find out the implant's or tag's identification code; or
 - (iii) insert an electromagnetic implant into, or tag, the wildlife; or
 - (iv) photograph the wildlife.

Maximum penalty—165 penalty units.

Change in number of wildlife kept

207.(1) If there is a change in the number or species of wildlife kept by a licensee, the licensee must enter the following particulars in the licensee's

record book—

- (a) if the change happened—
 - (i) under a transaction—particulars of the transaction; or
 - (ii) by natural increase—particulars of the increase;
 - (b) if wildlife has escaped or died—particulars of the escape or death.
- (2) The entry must be made on the day the change happens.

Maximum penalty—120 penalty units.

Return of operations

208. A licensee must give the chief executive an annual return of operations within 14 days after the end of each year the licence is in force.

Maximum penalty—120 penalty units.

PART 8—WILDLIFE FARMING LICENCES

Division 1—Preliminary

Definitions

209. In this part—

“code” means—

- (a) for emus—the Code of Practice for Emu Farming, approved by the Minister and published by the department; or
- (b) for crocodiles—the Code of Practice for Crocodile Farming, approved by the Minister and published by the department.²¹

²¹ Each code is available for inspection or purchase at the department’s central office.

“**licensee**” means the holder of a wildlife farming licence.

“**use**” does not include move.

Purpose of part

210. The purpose of this part is to ensure the breeding, use and keeping of protected wildlife for commercial farming is controlled under a licensing system that—

- (a) helps conserve viable populations of the wildlife throughout their existing ranges; and
- (b) controls threatening processes, including for example, the taking of the wildlife in a way that is not ecologically sustainable; and
- (c) recognises the farming and use of some protected wildlife as a legitimate industry.

Division 2—Wildlife farming licences

Effect of licence

211. A licensee may keep and use farm wildlife for a commercial purpose.

Conditions of wildlife farming licence

211A. A licensee who, under the licence, keeps a snake of the family Elapidae, Hydrophiidae or Laticaudidae must—

- (a) ensure a biological tissue sample of the snake (and its progeny) is held and registered with a scientific institution approved by the Minister; and
- (b) implant into the snake (and its progeny) an electromagnetic implant approved by the Minister; and
- (c) register the implant’s identification code with the chief executive.

Maximum penalty—165 penalty units.

Compliance with code

212. A licensee must comply with the provisions of the code for the wildlife.

Maximum penalty—80 penalty units.

Display of farm wildlife

213.(1) A licensee may display farm wildlife at the premises stated in the licence, in permanent enclosures forming an integral part of the display.

(2) The licensee must display the wildlife in a way that—

- (a) gives the public information about the ecological role of the wildlife; and
- (b) promotes education about, and the conservation of, wildlife; and
- (c) promotes an understanding of ecology and the conservation of wildlife; and
- (d) minimises—
 - (i) the chance of the wildlife's escape; and
 - (ii) the risk of injury to a person; and
 - (iii) the risk of injury or ill-health to the wildlife.

(3) A licensee must ensure that wildlife is always kept under supervision while it is displayed to the public.

(4) If the wildlife is an animal, a licensee must not, without the chief executive's written approval—

- (a) require the animal to perform an activity beyond the animal's normal range of behaviour in the wild; or
- (b) display an obviously sick or injured animal.

(5) If a licensee intends to demonstrate wildlife at a place other than the place stated in the licence, the licensee must, for each 3 months that the licence is in force, give the chief executive—

- (a) a written itinerary of proposed dates and locations of demonstrations, and the species involved in the demonstrations, for the next 3 months, at least 2 days before the first of the

proposed demonstrations; and

- (b) at least 7 days written notice of a proposed change in the itinerary.

Maximum penalty—80 penalty units.

Change in numbers kept

214.(1) A licensee must enter in the licensee's record book particulars of—

- (a) the acquisition of protected animals for use as farm wildlife; and
- (b) the breeding or propagation history of the wildlife; and
- (c) the disposal of the wildlife or farm wildlife products; and
- (d) if the wildlife has died or escaped—the death or escape of the wildlife.

- (2) The entry must be made on the day the change happens.

Maximum penalty—120 penalty units.

Handling of wildlife

214A. A licensee must not allow a person other than the licensee or the licensee's trained employees to handle dangerous or venomous farm wildlife.

Maximum penalty—80 penalty units.

Autopsy or delivery of snake if it is dead farm wildlife

214B.(1) A licensee who keeps a snake that is farm wildlife must, if the snake dies—

- (a) give the snake to a veterinary surgeon for autopsy within 8 hours after its death; or
- (b) freeze the snake as soon as possible after its death and give it to the chief executive in a frozen state within 14 days after its death.

Maximum penalty—120 penalty units.

- (2) If a veterinary surgeon performs an autopsy on a snake, the licensee

must give to the chief executive within 7 days after the snake's death—

- (a) a biological tissue sample from the snake; and
- (b) if the snake is fitted with an electromagnetic implant—the electromagnetic implant.

Maximum penalty—120 penalty units.

(3) If the electromagnetic implant is not in working order when it is removed, the licensee must also give the chief executive, within 7 days of the snake's death, a report about the implant's failure—

- (a) prepared by the veterinary surgeon who conducted the autopsy; and
- (b) if practicable—stating the reasons for the implant's failure.

Maximum penalty—120 penalty units.

Return of operations

215. A licensee must give the chief executive a monthly return of operations under the licence within 14 days after the end of each month the licence is in force.

Maximum penalty—120 penalty units.

Wild taken animal to be identified

216. A licensee must identify a wild taken animal in the way the chief executive decides.

Maximum penalty—80 penalty units.

PART 9—PERMITS

Division 1—Damage mitigation permits

Protected wildlife taken under damage mitigation permit not to be used in trade or commerce

217. A person must not use protected wildlife taken under a damage mitigation permit in trade or commerce, unless a conservation plan applicable to the wildlife allows the use of the wildlife in trade or commerce.

Maximum penalty—80 penalty units.

Division 2—Permits to keep protected, international or prohibited wildlife

Permit not needed

218. A person does not need a permit to keep protected wildlife if the person keeps the wildlife under a licence or a rescue permit.

Conditions of permit

220. A holder of a permit to keep protected wildlife, international wildlife (other than birds) or prohibited wildlife must—

- (a) if required by the chief executive, ensure a biological tissue sample of the wildlife (and its progeny) is held and registered with a scientific institution approved by the Minister; and
- (b) if required by the chief executive, implant into the wildlife (and its progeny) an electromagnetic implant approved by the Minister or tag the wildlife; and
- (c) register the implant's or tag's identification code with the chief executive; and
- (d) allow access to the wildlife by a conservation officer at any reasonable time to allow the officer to inspect the wildlife; and

- (e) give the officer the help necessary to enable the officer to—
 - (i) obtain or check the wildlife's biological tissue sample; or
 - (ii) find out the implant's or tag's identification code; or
 - (iii) insert an electromagnetic implant into, or tag, the wildlife; or
 - (iv) photograph the wildlife.

Maximum penalty—165 penalty units.

Changes in numbers kept

221.(1) This section applies to a person who keeps protected or international wildlife (other than birds) or prohibited wildlife under a permit to keep the wildlife.

(2) However, this section applies only if the wildlife are capable of breeding.

(3) If there is a change in the number or species of wildlife kept by a person, the person must enter particulars of the following in the person's record book—

- (a) if the change happened—
 - (i) under a transaction—particulars of the transaction; or
 - (ii) by natural increase—particulars of the increase;
- (b) if a wildlife has escaped or died—particulars of the escape or death.

(4) The entry must be made on the day the change happens.

Maximum penalty—120 penalty units.

Return of operations

222.(1) A person who keeps protected or international wildlife (other than birds) or prohibited wildlife under a permit to keep the wildlife must give the chief executive a return of operations under the permit.

(2) The permit holder must—

- (a) if the permit holder is required to keep a record book for the

wildlife—give the chief executive the return for the year ended 30 September of each year the permit is in force within 14 days after the end of September; or

- (b) if the permit holder is not required to keep a record book for the wildlife and the wildlife escapes or dies—give the chief executive the return within 14 days after the wildlife’s escape or death.

Maximum penalty—120 penalty units.

Division 3—Rescue permits

Purpose of division

223. The purpose of this division is to provide a way of caring for, rehabilitating and returning to the wild—

- (a) a sick, injured or orphaned protected animal; or
- (b) a protected animal whose habitat has been destroyed by human activity or a natural disaster.

Definitions

224. In this part—

“**code**” means the Code of Practice for the Care of Orphaned, Sick or Injured Protected Animals by Wildlife Care Volunteers, approved by the Minister and published by the department.²²

“**use**” does not include process, buy or sell.

Effect of permit

225.(1) The holder of a rescue permit may take, keep or use a sick, injured or orphaned protected animal.

- (2) The holder must keep the animal in a way that complies with the

²² The code is available for inspection or purchase at the department’s central office.

code.

Maximum penalty for subsection (2)—80 penalty units.

Dealing with rescued animal without permit

226.(1) A person in possession of a sick, injured or orphaned protected animal may keep the animal for up to 72 hours without a rescue permit.

(2) The person must give a conservation officer who is an officer of the department oral or written notice that the person is in possession of the animal and, at the officer's direction, either—

- (a) get a permit; or
- (b) release the animal; or
- (c) otherwise deal with the animal in the way the officer directs.

(3) If the conservation officer is satisfied the animal is not sick, injured or orphaned, the officer may direct the person to immediately release the animal into the wild or give it to the officer.

(4) The person must comply with the direction.

Maximum penalty—20 penalty units.

Animal kept under rescue permit to be returned to natural habitat

227.(1) A person who keeps a protected animal under a rescue permit must return the animal to an appropriate natural habitat when the animal is able to again live in the habitat.

(2) Subsection (1) does not apply if—

- (a) the animal dies; or
- (b) the animal escapes; or
- (c) the animal is euthanised by a veterinary surgeon; or
- (d) the chief executive directs that the animal should not be released.

Maximum penalty—80 penalty units.

Animal not to be displayed

228.(1) A person must not display a protected animal kept under a rescue permit.

Maximum penalty—80 penalty units.

(2) However, the chief executive may give the permit holder written approval to display the wildlife if the chief executive is satisfied the purpose of the display is—

- (a) to promote—
 - (i) the conservation of the wildlife and its habitat; or
 - (ii) public awareness of the need to protect the species; or
- (b) to raise funds for use in achieving the purpose of this division.

(3) A permit holder given approval to display wildlife under subsection (2), must not display the wildlife more than 2 days in a month or 5 days in a year.

Maximum penalty—80 penalty units.

PART 10—AUTHORITIES**Collection authorities**

229.(1) The chief executive may grant to an entity a collection authority—

- (a) to keep a collection of dead protected wildlife; or
- (b) to take and keep common wildlife.

(2) The chief executive may grant an authority to take and keep common wildlife only if the chief executive is satisfied the wildlife is to be taken and kept under Military Standing Orders²³ for use as food during survival exercises held to train Australia's defence force.

²³ A copy of this document may be inspected at the department's head office.

Return of operations

230.(1) The holder of a collection authority to take and keep common wildlife must give the chief executive a return of—

- (a) the species of common wildlife taken under the permit; and
- (b) the numbers of each species of common wildlife taken under the permit.

(2) The return must be given to the chief executive—

- (a) within 30 days after the end of each 3 months the permit is in force; and
- (b) within 14 days after the permit ends.

Maximum penalty—120 penalty units.

PART 11—PROCESSED PRODUCTS

Purpose of part

231. The purpose of this part is—

- (a) to ensure the taking, use and keeping of products made of or derived from protected wildlife is monitored and controlled in the production stage; and
- (b) to ensure products made of or derived from protected wildlife are made of or derived from protected wildlife taken, used or kept in the way required under the Act; and
- (c) to ensure the export, under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* (Cwlth), of products made of or derived from protected wildlife is not jeopardised; and
- (d) to recognise industries involved in the use of products made of or derived from protected wildlife as legitimate commercial operations.

Processed products

232. Products specified in schedule 5, made of or derived from lawfully taken, kept and used protected wildlife, are processed products for the Act, section 7, definitions “**protected animal**” and “**protected plant**”, paragraph (b).

Conservation officer may ask for evidence of source of material used

233. A person must, if asked by a conservation officer, produce evidence of the source of material from which a stated processed product is made, unless the person has a reasonable excuse for not producing it.

Maximum penalty—165 penalty units.

PART 12—OFFENCES**Interference with nests etc.**

234.(1) A person must not damage, destroy, mark, move, dig up or otherwise interfere with a nest, bower, burrow, cave, hollow or other structure used by a protected animal to incubate or rear the animal’s progeny.

(2) It is a defence to a charge of a contravention of subsection (1) to prove that—

- (a) the contravention happened in the course of a lawful activity that was not directed towards the contravention; and
- (b) the contravention could not have been reasonably avoided.

Maximum penalty—165 penalty units.

Poisons not to be used to take wildlife

235.(1) A person must not use or attempt to use, or allow a person to use or attempt to use, a schedule 7 poison to take protected wildlife.

Maximum penalty—165 penalty units.

(2) In subsection (1)—
“**schedule 7 poison**” has the meaning given by the *Poisons Regulation 1973*.

Birdlime etc. not to be used

236.(1) A person must not use or attempt to use, or allow a person to use or attempt to use, birdlime or a viscid or adhesive substance to take a protected animal.

(2) A person must not use, or allow a person to use, birdlime or a viscid or adhesive substance in a way that may result in the taking of protected wildlife.

Maximum penalty—165 penalty units.

Feeding native animals

237. A person must not feed a native animal in the wild that is dangerous, venomous or capable of injuring a person.

Maximum penalty—20 penalty units.

Release of native animal outside wildlife’s natural area

238.(1) A person must not release a native animal into the wild in an area where the animal is not naturally found.

Maximum penalty—165 penalty units.

(2) Subsection (1) does not apply if the animal is released under a licence, permit or authority or with the chief executive’s approval.

Use of dogs etc. to take protected animals

239. A person must not use a dog or other animal to take a protected animal other than under a conservation plan applicable to the animal.

Maximum penalty—120 penalty units.

Licence must be carried or displayed

240.(1) A person must always—

- (a) carry the person's licence or a copy of the licence while taking or moving wildlife under the licence; or
- (b) display the person's licence or a copy of the licence while demonstrating wildlife under the licence.

(2) A person who carries or displays a copy of the licence must produce the original of the licence within 24 hours of a conservation officer requesting the person to produce it, unless the person has a reasonable excuse for not producing it.

Maximum penalty—50 penalty units.

Production etc. of movement advice

241. A person who completes a movement advice—

- (a) must make the advice available for inspection by a conservation officer, unless the person has a reasonable excuse for not making it available for inspection; and
- (b) must not—
 - (i) remove, or allow another person to remove, a part of an advice; or
 - (ii) deface, erase or obliterate an entry in an advice; or
 - (iii) allow a person to deface, erase or obliterate an entry in an advice.

Maximum penalty—50 penalty units.

PART 13—GENERAL

Seizure of vehicles, boats, aircraft and appliances for the protection of native wildlife

242.(1) A conservation officer may seize and remove a vehicle, boat, aircraft or appliance on land other than a protected area if the officer believes on reasonable grounds—

- (a) the vehicle, boat, aircraft or appliance is on the land without the land-holder's consent, or is abandoned; and
- (b) the seizure and removal is for the protection of native wildlife.

(2) Property in an appliance seized under subsection (1) passes to the State.

(3) The vehicle, boat, aircraft or appliance must be dealt with under chapter 4 (Enforcement), part 1 (Dealing with seized property).

Proof of identity to be given

243.(1) A licensee who sells protected, international or prohibited wildlife must, before the person parts with possession of the wildlife—

- (a) obtain from the buyer evidence of the buyer's identity and licence or permit number (if any); and
- (b) keep a record of the source of the identification, including, for example, particulars of the type of document produced, the identifying number of the document and the name and address of the person named in the document.

(2) A licensee who buys protected, international or prohibited wildlife must, on receipt of the wildlife, obtain from the seller—

- (a) evidence of the seller's identity; and
- (b) the seller's licence or permit number (if any); and
- (c) keep a record of the source of the identification, including, for example, particulars of the type of document produced, the identifying number of the document and the name and address of

the person named in the document.

Maximum penalty—80 penalty units.

Stolen wildlife

244. If wildlife kept by a person under this regulation is stolen, the person must—

- (a) immediately report the stealing to a police officer and a conservation officer who is an employee of the department; and
- (b) record particulars of the stealing in a record book kept by the person; and
- (c) if the person is given a copy of the police report—keep the copy; and
- (d) produce the police report for inspection if asked by a conservation officer who is an employee of the department.

Maximum penalty—20 penalty units.

Chief executive to supply tags for use by holder of licence

245.(1) The chief executive may supply tags for use by the holder of a licence under this chapter (other than part 5).

(2) The tags—

- (a) are the property of the State; and
- (b) are not transferable without the chief executive's written approval.

Chief executive may recall tags

246.(1) The chief executive may, by written notice given to a person who has possession of tags supplied to the person under this chapter, recall the tags.

(2) The notice must state the place of delivery and the time by which delivery is to be made.

(3) The person must comply with the notice.

Maximum penalty for subsection (3)—50 penalty units.

Tags not to be used by unlicensed person

247.(1) A person who is not authorised under this chapter or a conservation plan to be in possession of a tag or attach a tag to wildlife must not be in possession of a tag, or attach a tag to wildlife, without the chief executive's written approval.

(2) A person must not attach a tag to a species of wildlife other than the species for which the tag is supplied.

Maximum penalty—165 penalty units.

Removal etc. of tags

248. A person must not, without the chief executive's written approval, remove, interfere with, deface or obliterate a tag other than under a conservation plan.

Maximum penalty—80 penalty units.

CHAPTER 4—ENFORCEMENT

PART 1—DEALING WITH SEIZED PROPERTY

Application of part

249.(1) This part applies to property seized under the following sections—

- section 60 (Stray stock may be seized)
- section 61 (General muster)

- section 72 (Removal of unauthorised structures and works)
- section 90 (Seizure of vehicles, boats, aircraft and appliances for the protection of cultural or natural resources)
- section 242 (Seizure of vehicles, boats, aircraft and appliances for the protection of native wildlife).

(2) However, the chief executive must destroy the property if it is—

- (a) an explosive within the meaning of the *Explosives Act 1952*; or
- (b) a trap, snare, net or birdlime; or
- (c) a decoy; or
- (d) poison.

Definition

250. In this part—

“**property**” includes—

- (a) stock; and
- (b) a structure or work; and
- (c) a vehicle, boat or aircraft; and
- (d) anything in a vehicle, boat or aircraft; and
- (e) an appliance.

Notice of seizure to be given

251.(1) This section applies to seized property that the chief executive reasonably believes has a market value of more than \$300.

(2) The chief executive must give the owner of the property written notice of its seizure.

(3) If the owner’s name is not known, notice—

- (a) must be given in a newspaper circulating generally in the State; and
- (b) may be given by displaying it in a prominent position on a

permanent feature as close as possible to the place where the property was found.

(4) The notice must—

- (a) state the time within which the owner may claim the property; and
- (b) inform the owner that the property may be disposed of if not claimed within the specified time.

What happens if property is not claimed?

252.(1) This section applies if—

- (a) the owner of seized property does not recover the property within 2 months after notice is given to the owner of the property's seizure; or
- (b) section 251 does not apply to seized property.

(2) After publishing a notice in a newspaper circulating generally in the State, the chief executive may sell the property by auction.

(3) The notice must—

- (a) identify the property; and
- (b) state that the property is to be sold by auction; and
- (c) state the time and place of the auction.

(4) If the property is not sold by auction, the chief executive may also decide to dispose of the property in the way the chief executive considers appropriate.

(5) Compensation is not payable for a sale or disposal under this section.

Application of proceeds of sale

253.(1) If the chief executive sells property, the proceeds of the sale must be applied in the following order—

- (a) in payment of the reasonable expenses of the chief executive incurred in the sale;
- (b) in payment of the reasonable cost of—

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- (i) seizing, removing and holding the property; and
 - (ii) giving notice of the seizure;
 - (c) if the property is a structure or work—in payment of the reasonable cost of work necessary to restore the site from which the property is removed as nearly as practicable to its former state;
 - (d) in payment of any balance to the owner of the property.
- (2) Compensation is not payable for a payment under this section.

Release of property

254. If a person claims the property, the chief executive may release the property to the person only if the person—

- (a) satisfies the chief executive the person has a right to the property; and
- (b) pays the chief executive's reasonable costs of—
 - (i) seizing, removing and holding the property; and
 - (ii) giving notice of the seizure; and
 - (iii) if notice is given of the property's sale—giving the notice.

PART 2—REGULATORY AND INFORMATION NOTICES

Regulatory notices

255.(1) If a provision of this regulation specifies a regulatory notice as a way in which a particular requirement may be specified for a protected area, the chief executive may erect or display a regulatory notice in, or at or near the entrance to, the area or the part of the area to which the notice relates.

(2) The notice must specify the limits of the area to which the notice applies.

(3) The notice may expressly state that a contravention of a requirement of the notice is an offence against the Act and the penalty for the offence.

(4) A regulatory notice erected under this section must be easily visible to passers-by.

(5) Evidence that a regulatory notice was erected or displayed at a place mentioned in subsection (1) is evidence the notice was erected or displayed by the chief executive.

Information notices

256.(1) This section applies if a regulatory notice does not expressly state that a contravention of a requirement of the notice is an offence against the Act and the penalty for the offence.

(2) The chief executive must erect or display in, at or near any entrance to the protected area, or the part of the protected area to which the regulatory notice relates, and other places the chief executive considers appropriate, information notices expressly stating that a contravention of a requirement of a regulatory notice is an offence and the penalty for the offence.

(3) An information notice erected under this section must be easily visible to passers-by.

(4) An information notice may contain other information about the protected area the chief executive considers appropriate.

PART 3—DEMERIT POINTS FOR OFFENCES

Demerit points

257.(1) This section applies to a person who—

- (a) is given an infringement notice under the *Justices Act 1886* for an infringement notice offence against the Act, this regulation or a conservation plan, and pays the infringement notice penalty for the offence; or
- (b) is convicted of an offence against the Act, this regulation or a

conservation plan, for which an infringement notice may be issued under the *Justices Act 1886*.

(2) The person accumulates demerit points for the offence.

(3) The number of demerit points the person accumulates is, if the maximum penalty specified for the offence is—

- (a) 20 penalty units—1 demerit point; or
- (b) over 20 but not over 50 penalty units—2 demerit points; or
- (c) over 50 but not over 80 penalty units—3 demerit points; or
- (d) over 80 but not over 120 penalty units—4 demerit points; or
- (e) over 120 but not over 165 penalty units—5 demerit points.²⁴

CHAPTER 5—GENERAL

PART 1—RECORDS AND RETURNS

Records to be kept

258.(1) If a licensee is required under this regulation or a conservation plan to keep a record book, the licensee must keep a record book supplied by the chief executive.

(2) The record book is the property of the State.

(3) The licensee must—

- (a) make complete, accurate, up-to-date and legible entries in the book, in ink; and
- (b) if—

²⁴ Under chapter 1 (Preliminary), part 2 (Licences), accumulation of 10 or more demerit points in any period of 3 years may result in cancellation or suspension of a licence.

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- (i) a conservation plan applies to wildlife to which the licence relates—make each entry within the time stated under the plan for the wildlife; or
 - (ii) subparagraph (i) does not apply, and an event must be entered in the book—make each entry on the day the event happens; and
- (c) if the licence is—
- (i) a commercial or recreational wildlife licence—keep the book at the premises stated in the licence; or
 - (ii) a wildlife demonstrator licence—keep the book in the licensee’s possession; and
 - (iii) a commercial activity permit (other than a permit for filming or photography)—keep the book in the vehicle or vessel used for the activity when required by the permit; and
- (d) produce the book for inspection if asked by a conservation officer; and
- (e) surrender the book to the chief executive on the chief executive’s written request; and
- (f) keep the book in a secure place at the premises stated in the licence or in another place stated in a conservation plan for the wildlife to which the licence relates; and
- (g) give the chief executive written notice immediately the licensee becomes aware of the loss or destruction of, or damage to, the book.
- (4)** The licensee must not—
- (a) remove, or allow a person to remove, a page from the record book; or
 - (b) deface, erase or obliterate an entry in the record book; or
 - (c) allow a person to deface, erase or obliterate an entry in the record book.

Maximum penalty—120 penalty units.

Return of operations

259.(1) This section applies to a licensee required under this regulation or a conservation plan to give the chief executive a return of operations under the licence.

(2) The licensee must—

- (a) use a return form supplied by the chief executive; and
- (b) ensure the form is completed clearly, accurately and legibly, in ink, and sign and date the form; and
- (c) keep a copy of the return in a secure place at the premises stated in the licence; and
- (d) give the chief executive written notice immediately the licensee becomes aware of the loss or destruction of, or damage to, the return form; and
- (e) produce a copy of a return for inspection if asked by a conservation officer; and
- (f) keep all return forms in the book of return forms supplied by the chief executive.

(3) The return must be completed and sent to the chief executive even if there have been no events of the kind that must be mentioned in the return in the period to which the return relates.

(4) The return form remains the property of the State.

(5) The licensee must not—

- (a) remove, or allow a person to remove, a return form from the book of return forms kept by the licensee; or
- (b) deface, erase or obliterate an entry on a return or a copy of a return; or
- (c) allow a person to deface, erase or obliterate an entry on a return or a copy of a return.

Maximum penalty—120 penalty units.

When certain returns must be given to chief executive

260.(1) This section applies to licensees under the following licences—

- (a) commercial wildlife licences (other than commercial wildlife licences for birds or plants);
- (b) educational and scientific purposes permits, damage mitigation permits and rescue permits;
- (c) Aboriginal tradition or Island custom authorities;
- (d) commercial activity permits (other than for filming or photography).

(2) However, this section does not apply if a provision of a conservation plan expressly provides for a return to be given to the chief executive under the conservation plan within a stated period.

(3) The holder of a licence mentioned in subsection (1)(a) must, within 14 days after 30 September of each year the licence is in force, give the chief executive a return of operations under the licence for the year ended 30 September.

(4) The holder of an educational or scientific purposes permit or rescue permit—

- (a) must, within 14 days after 30 September in each year the permit is in force, give the chief executive a return of operations under the permit for the year ended 30 September; or
- (b) must give the chief executive a return of operations under the permit within 28 days after the permit ceases to have effect.

(5) The holder of a damage mitigation permit—

- (a) must, within 14 days after the end of March, June, September and December in each year the permit is in force, give the chief executive a return of operations under the permit for the quarter ended 31 March, 30 June, 30 September or 31 December; or
- (b) must give the chief executive a return of operations under the permit within 28 days after the permit ceases to have effect.

(6) The holder of an Aboriginal tradition or Island custom authority must give the chief executive a return of operations under the authority within 30 days after the authority ends.

(7) The holder of a commercial activity permit (other than for filming or photography) must, within 30 days of the end of each month, give the chief executive—

- (a) a return of operations for the month; and
- (b) any outstanding fees owed to the chief executive for the month.

Maximum penalty—120 penalty units.

PART 2—OTHER MATTERS

Identity cards

261. The Minister does not have to issue an identity card under the Act to a conservation officer—

- (a) who is a police officer; or
- (b) who is an officer of another State government department and holds an identity card issued by that department stating the person is a conservation officer.²⁵

Fees

262. The fees payable under the Act are fixed by schedule 6.

Forms

263. The chief executive may approve forms for use under this regulation.

²⁵ See section 130 (Identity cards) of the Act.

PART 3—TRANSITIONAL

Records under repealed Act to be kept

264.(1) This section applies to a licensee under a licence under a repealed Act.

(2) The licensee must keep the records the licensee was required to keep under the repealed Act until the chief executive approves the disposal of the records.

Maximum penalty—120 penalty units.

Expiry of part

265. This part expires 5 years after it commences.

SCHEDULE 1**POWERS OF TRUSTEES OF CONSERVATION
PARKS AND RESOURCES RESERVES**

section 26

Trustees of Lake Broadwater Conservation Park

1.(1) The trustees have the powers of the chief executive under chapters 1 (Preliminary) and 2 (Protected areas).

(2) However, the trustees do not have power—

- (a) to grant Aboriginal tradition or Island custom authorities; or
- (b) to grant permits to take, use, keep or interfere with cultural or natural resources, stock grazing permits and travelling stock permits; or
- (c) to approve the use of a herbicide or pesticide; or
- (d) to approve landing an aircraft or recreational craft; or
- (e) to grant commercial activity permits other than under subsection (3).

(3) The trustees may grant commercial activity permits—

- (a) to vendors of food and beverages temporarily within the conservation park for an event approved by the trustees; and
- (b) for commercial activities associated with the conduct of power boat activities.

SCHEDULE 2**CONDITIONS FOR TAKING FISH IN NATIONAL
PARKS**

section 27

1. A person must not—

- (a) take a fish smaller or larger than the size (if any) prescribed for the species of fish under the *Fisheries Act 1994*; or
- (b) take more fish than the number of fish (if any) prescribed for the species under the *Fisheries Act 1994*; or
- (c) take fish in a way prohibited under the *Fisheries Act 1994*; or
- (d) take a species of fish when the taking of fish of the species is prohibited under the *Fisheries Act 1994*; or
- (e) take fish of a species the taking of which is prohibited under the *Fisheries Act 1994*.

SCHEDULE 3**MINIMUM FLYING HEIGHT OVER NATIONAL
PARKS**

section 82

**CAPRICORNIA CAYS NATIONAL PARK
(SCIENTIFIC)**

The minimum height for flying over the following islands is 500 ft above sea level—

- East Fairfax Island
- East Hoskyn Island
- West Fairfax Island
- West Hoskyn Island
- Wreck Island.

CAPRICORNIA CAYS NATIONAL PARK

The minimum height for flying over the following islands is 500 ft above sea level—

- Erskine Island
- Heron Island
- Lady Musgrave Island
- Masthead Island
- North West Island

SCHEDULE 3 (continued)

- Tryon Island
- Wilson Island

SCHEDULE 4**WHEN WILDLIFE PERMIT IS NOT NEEDED TO
MOVE WILDLIFE**

section 109

Definition

1. In this schedule—

“**meat**” includes the flesh and offal of a protected animal.

“**wholesaler**” means a person who uses—

- (a) a carcass, with the skin removed, or meat of a protected animal;
or
- (b) any part of a plant.

Application of schedule

2. This schedule does not apply to wildlife if—

- (a) a conservation plan for wildlife states the circumstances in which the wildlife may be moved; and
- (b) the conservation plan expressly provides that this regulation does not apply to the movement of the wildlife.

Museums and herbariums

3. The holder of a museum or herbarium licence does not need a wildlife movement permit to move wildlife taken under the licence from the place of taking the wildlife to the premises stated in the licence.

Commercial wildlife licence

4. The holder of a commercial wildlife licence for a protected animal does not need a wildlife movement permit to move the animal—

SCHEDULE 4 (continued)

- (a) from the premises stated in the licence to a veterinary surgeon to treat or care for the animal; or
- (b) from the premises of a veterinary surgeon who treated or cared for the animal to the premises stated in the licence; or
- (c) from the premises stated in the licence to the licensee's residence to care for the animal when the premises stated in the licence are unattended; or
- (d) from the licensee's residence to the premises stated in the licence; or
- (e) with the chief executive's approval, to or from a show or display not conducted for trade or commerce and lasting for not more than 5 days.

Recreational wildlife licence

5. The holder of a recreational wildlife licence for—

- (a) a protected animal—does not need a wildlife movement permit to move the animal—
 - (i) from the premises stated in the licence to a veterinary surgeon to treat or care for the animal; or
 - (ii) from the premises of a veterinary surgeon who treated or cared for the animal to the premises stated in the licence; or
- (b) a recreational bird—does not need a wildlife movement permit to move the bird to or from a show or display not conducted for trade or commerce and lasting for not more than 7 days, with the chief executive's approval.

Wildlife demonstrator licence

6. The holder of a wildlife demonstrator licence for a protected or international animal does not need a wildlife movement permit to move the animal—

- (a) from the premises stated in the licence to a veterinary surgeon to

SCHEDULE 4 (continued)

treat or care for the animal; or

- (b) from the premises of a veterinary surgeon who treated or cared for the animal to the premises stated in the licence; or
- (c) from the premises stated in the licence to a place included in an itinerary prepared under section 195(7); or
- (d) from a place included in an itinerary prepared under section 195(7) to the premises stated in the licence.

Wildlife exhibitor licence

7. The holder of a wildlife exhibitor licence for a protected, international or prohibited animal does not need a wildlife movement permit to move the animal—

- (a) from the premises stated in the licence to a veterinary surgeon to treat or care for the animal; or
- (b) from the premises of a veterinary surgeon who treated or cared for the animal to the premises stated in the licence; or
- (c) with the chief executive's approval, to or from a show or display not conducted for trade or commerce and lasting for not more than 5 days.

Wildlife farming licence

8. The holder of a wildlife farming licence for a protected animal does not need a wildlife movement permit to move the animal—

- (a) from the premises stated in the licence to a veterinary surgeon to treat or care for the animal; or
- (b) from the premises of a veterinary surgeon who treated or cared for the animal to the premises stated in the licence; or
- (c) with the chief executive's approval, to or from a show or display not conducted for trade or commerce and lasting for not more than 5 days.

SCHEDULE 4 (continued)

Movement of live birds

9.(1) The holder of a commercial wildlife licence for live commercial birds does not need a wildlife movement permit to move a live commercial bird within, into, or out of Queensland if the licensee complies with section 16.

(2) The holder of a recreational wildlife (specialist) licence for live restricted birds does not need a wildlife movement permit to move a live restricted bird within Queensland if the licensee complies with section 16.

(3) A person who lawfully keeps a commonly kept bird does not need a wildlife movement permit to move the bird to or from premises stated in a commercial wildlife licence for commercial birds if the person complies with section 16.

(4) A person who keeps—

- (a) 1 commonly kept bird; or
- (b) under a permit to keep wildlife, 1 bird, suffering from the psychological disorder known as human imprinting;

does not need a movement permit to move the bird within Queensland.

(5) The holder of a recreational wildlife licence for live birds does not need a wildlife permit to move a live bird—

- (a) within Queensland to—
 - (i) the holder of a recreational wildlife licence for live birds; or
 - (ii) the holder of a commercial wildlife licence for live birds if the licensee complies with section 16; or
- (b) into or out of Queensland if the licensee complies with section 16.

Movement of live protected plants

10.(1) A person does not need a wildlife movement permit to move a live protected plant lawfully kept for a recreational purpose (not for trade or commerce) within Queensland if the licensee complies with section 16.

(2) A member of a recreational plant association approved by the chief

 SCHEDULE 4 (continued)

executive does not need a movement permit to move a protected plant to and from a show or display not conducted for trade or commerce and lasting not more than 14 days.

(3) The holder of a commercial wildlife licence for live protected plants does not need a wildlife permit to move a live protected plant into or out of Queensland if the licensee complies with section 16.

(3A) A person who sells, by retail, live restricted plants (the “**retailer**”) does not need a wildlife movement permit to move a restricted plant if—

- (a) the retailer has obtained the plant from the holder of a commercial wildlife licence (the “**wholesaler**”); and
- (b) the plant has been tagged with an official tag; and
- (c) the plant is moved from the wholesaler’s premises to the retailer’s premises.

(4) A person does not need a wildlife movement permit to move a restricted plant from retail premises to the place where the plant is to be planted or kept.

(4A) A person does not need a wildlife movement permit to move a protected plant if, under section 168,²⁶ a licence is not needed to use the plant.

(5) In this section—

“**official tag**” has the meaning given by the *Nature Conservation (Protected Plants in Trade) Conservation Plan 1995*.

Movement of live amphibians

11.(1) The holder of a recreational wildlife (specialist) licence for live restricted amphibians does not need a wildlife movement permit to move a live restricted amphibian within Queensland if the licensee complies with section 16.

(2) The holder of a recreational wildlife licence for live amphibians does

²⁶ Section 168 (When licence is not needed to use protected plants)

SCHEDULE 4 (continued)

not need a wildlife movement permit to move a live amphibian—

- (a) within Queensland to the holder of a recreational wildlife licence for live amphibians; or
- (b) into or out of Queensland if the licensee complies with section 16.

Movement of live reptiles

12.(1) The holder of a recreational wildlife (specialist) licence for live restricted reptiles does not need a wildlife movement permit to move a live restricted reptile within Queensland if the licensee complies with section 16.

(2) The holder of a recreational wildlife licence for live reptiles does not need a wildlife movement permit to move a live reptile—

- (a) within Queensland to the holder of a recreational wildlife licence for live reptiles; or
- (b) into or out of Queensland if the licensee complies with section 16.

Movement of dead macropods

13.(1) The holder of a commercial wildlife harvesting licence for macropods does not need a wildlife movement permit to move a dead macropod taken under the licence if—

- (a) the licensee complies with section 16; and
- (b) the licensee engages a person to move the macropod's skin and carcass to premises stated in a commercial wildlife licence for dead macropods; and
- (c) the movement is for the sale of the skin or carcass.

(2) The holder of a recreational wildlife harvesting licence for macropods does not need a wildlife movement permit to move a dead macropod taken under the licence if—

- (a) the licensee complies with section 16; and
- (b) the licensee engages someone else to move the macropod's skin to premises stated in a commercial wildlife licence for dead

SCHEDULE 4 (continued)

macropods; and

- (c) the movement is for the processing of the skins; and
- (d) the processing is not for gain.

(3) The holder of a commercial wildlife licence for dead macropods does not need a wildlife movement permit to move a dead macropod taken under a licence if—

- (a) the licensee complies with section 16; and
- (b) the licensee moves, or engages someone else to move, the macropod's skin, carcass or meat in, into, or out of, Queensland for a lawful purpose.

Movement of other wildlife

14.(1) The holder of a wildlife farming licence does not need a wildlife movement permit to move farm wildlife stated in the licence if—

- (a) the licensee complies with section 16; and
- (b) the licensee moves, or engages someone else to move—
 - (i) farm wildlife to a person in Queensland; or
 - (ii) product derived from farm wildlife to a person in or outside Queensland; and
- (c) the movement is for a lawful purpose.

(2) The holder of a commercial wildlife licence for the skin, carcass or meat of protected wildlife does not need a wildlife movement permit for the wildlife if—

- (a) the licensee complies with section 16; and
- (b) the licensee moves, or engages someone else to move, the skin, carcass or meat of the protected wildlife to a person in or outside Queensland; and
- (c) the movement is for a lawful purpose.

SCHEDULE 4 (continued)

Movement of wildlife by wholesalers

15.(1) This section only applies to dead protected wildlife (other than crocodile, emu and macropods) lawfully taken and being introduced into Queensland by a wholesaler.

(2) If the wholesaler gives the chief executive a movement advice, the wholesaler does not need a movement permit to move—

- (a) a carcass (with the skin removed) obtained by wholesale from a place outside Queensland, if—
 - (i) the way in which the carcass is packed complies with the requirements of the conservation authority for the place; and
 - (ii) the movement of the carcass from the place is authorised by the conservation authority for the place; or
- (b) meat obtained by wholesale from a place outside Queensland, if—
 - (i) the way the meat is packed complies with the requirements of the conservation authority for the place; and
 - (ii) the movement of the meat from the place is authorised by the conservation authority for the place.

(3) If the wholesaler complies with section 16, the wholesaler does not need a movement permit to move a cut flower or another part of a plant obtained from a place outside Queensland, if—

- (a) the flower or other part of the plant is tagged or packed in a way that complies with the requirements of the conservation authority for the place; and
- (b) the movement of the flower or other part of the plant from the place is authorised by the conservation authority for the place.

Movement advice to be given

16.(1) A person who moves, or engages someone else to move, wildlife within, into or out of Queensland under this schedule must—

- (a) legibly complete a movement advice before moving the wildlife;

SCHEDULE 4 (continued)

and

- (b) give the advice to the chief executive not more than 7 days after moving the wildlife.
- (2) The movement advice must be in the approved form and state—
- (a) the date of movement of the wildlife; and
 - (b) the number and species of the wildlife moved; and
 - (c) the name and address of the person from whom the wildlife was obtained or to whom the wildlife was sold; and
 - (d) the identification number of a tag or implant, and reference number of a biological tissue sample; and
 - (e) if the animal is a reptile—the animal's nose to vent length.

SCHEDULE 5**PROCESSED PRODUCTS**

section 232

Definitions

1. In this schedule—

“bird” means a dead recreational or restricted bird.

“butterfly” means a dead butterfly that—

- (a) is farm wildlife; or
- (b) comes from a place outside Queensland and is taken, kept and used in a way approved by the conservation authority for the place.

“convention label” means an export permit (manufactured crocodile products) issued by the Australian Nature Conservation Agency under CITES.

“crocodile” means a dead crocodile that—

- (a) is farm wildlife; or
- (b) comes from a place outside Queensland and is taken, kept and used in a way approved by the conservation authority for the place.

“emu” means a dead emu that—

- (a) is farm wildlife; or
- (b) comes from a place outside Queensland and is taken, kept and used in a way approved by the conservation authority for the place.

“macropod” means a dead animal of the family Macropodidae that—

- (a) is taken under the Act; or
- (b) comes from a place outside Queensland and is taken, kept and

SCHEDULE 5 (continued)

used in a way approved by the conservation authority for the place.

“**meat**” includes the flesh and offal of a protected animal.

“**plant**” means a restricted plant.

Birds

2. A dried, freeze-dried, skinned, or chemically treated bird is a processed product if the bird has been—

- (a) mounted and tagged by the holder of a commercial wildlife licence; or
- (b) moved into Queensland under a wildlife movement permit or schedule 4.

Butterflies

3. A butterfly is a processed product if the butterfly has been—

- (a) fully mounted by the holder of a commercial wildlife licence or a wildlife farming licence; or
- (b) moved into Queensland under a wildlife movement permit or schedule 4.

Crocodiles

4. The following products are processed products—

- (a) a crocodile carcass (with the skin removed) obtained from a place outside Queensland, if—
 - (i) the way the carcass is packed complies with the requirements of the conservation authority for the place; and
 - (ii) the movement of the carcass from the place is authorised by the conservation authority for the place; and
 - (iii) the movement of the carcass into Queensland is authorised

SCHEDULE 5 (continued)

- under a wildlife movement permit or schedule 4;
- (b) a crocodile carcass (with the skin removed) obtained from a person who holds a commercial wildlife licence or a wildlife farming licence, if—
 - (i) the way the carcass is packed is approved under the *Meat Industry Act 1993*; and
 - (ii) the movement of the carcass from the place stated in the licence to the buyer is authorised under a wildlife movement permit or schedule 4;
 - (c) crocodile meat obtained from a place outside Queensland, if—
 - (i) the way the meat is packed complies with the requirements of the conservation authority for the place; and
 - (ii) the movement of the meat from the place is authorised by the conservation authority for the place; and
 - (iii) the movement of the meat into Queensland is authorised under a wildlife movement permit or schedule 4;
 - (d) crocodile meat obtained from a person who holds a commercial wildlife licence or a wildlife farming licence, if—
 - (i) the way in which the meat is packed is approved under the *Meat Industry Act 1993*; and
 - (ii) the movement of the meat from the place stated in the licence to the buyer is authorised under a wildlife movement permit or schedule 4;
 - (e) a fully tanned crocodile skin bearing a convention label if the skin is for personal use;
 - (f) a fully tanned crocodile skin, bearing a tag, and divided into 2 or more major parts;
 - (g) a crocodile egg with the contents removed and marked with a convention label;
 - (h) the whole skin of a crocodile, mounted in a facsimile of the whole animal, by a taxidermist who holds a commercial wildlife licence

SCHEDULE 5 (continued)

or someone else outside Queensland who is lawfully entitled to mount the skin, if the skin bears a convention label;

- (i) the skull of a crocodile, prepared or mounted by a person who holds a commercial wildlife licence or someone else outside Queensland who is lawfully entitled to prepare or mount the skull, if the skull bears a convention label;
- (j) another crocodile product bearing a convention label or packed in a transparent container bearing a convention label.

Emus

5. The following products are processed products—

- (a) an emu carcass (with the skin removed) obtained from a place outside Queensland, if—
 - (i) the way the carcass is packed complies with the requirements of the conservation authority for the place; and
 - (ii) the movement of the carcass from the place is authorised by the conservation authority for the place; and
 - (iii) the movement of the carcass into Queensland is authorised under a wildlife movement permit or schedule 4;
- (b) an emu carcass (with the skin removed) obtained from a person who holds a commercial wildlife licence or a wildlife farming licence, if—
 - (i) the way the carcass is packed is approved under the *Meat Industry Act 1993*; and
 - (ii) the movement of the carcass from the place stated in the licence to the buyer is authorised under the Act;
- (c) emu meat obtained from a place outside Queensland, if—
 - (i) the way the meat is packed complies with the requirements of the conservation authority for the place; and
 - (ii) the movement of the meat from the place is authorised by the conservation authority for the place; and

SCHEDULE 5 (continued)

- (iii) the movement of the meat into Queensland is authorised under a wildlife movement permit or schedule 4;
- (d) emu meat obtained from a person who holds a commercial wildlife licence or a wildlife farming licence, if—
 - (i) the way the meat is packed is approved under the *Meat Industry Act 1993*; and
 - (ii) the movement of the meat from the place stated in the licence to the buyer is authorised under a wildlife movement permit or schedule 4;
- (e) a fully tanned emu body skin bearing a tag;
- (f) an emu leg skin fleshed at a commercial tannery;
- (b) a marked emu egg with the contents removed;
- (h) an emu feather from a farm emu;
- (i) oil or fat derived from a farm emu;
- (j) beaks, feet or bones of a farm emu in a sealed and labelled container.

Macropods**6.** The following products are processed products—

- (a) a macropod carcass (with the skin removed) obtained from a place outside Queensland, if—
 - (i) the way the carcass is packed complies with the requirements of the conservation authority for the place; and
 - (ii) the movement of the carcass from the place is authorised by the conservation authority for the place; and
 - (iii) the movement of the carcass into Queensland is authorised under a wildlife movement permit or schedule 4;
- (b) a macropod carcass (with the skin removed) obtained from a person who holds a commercial wildlife licence, if—
 - (i) the way the carcass is packed is approved under the *Meat*

SCHEDULE 5 (continued)

Industry Act 1993; and

- (ii) the movement of the carcass from the place stated in the licence to the buyer is authorised under a wildlife movement permit or schedule 4;
- (c) macropod meat obtained from a place outside Queensland, if—
 - (i) the way the meat is packed complies with the requirements of the conservation authority for the place; and
 - (ii) the movement of the meat from the place is authorised by the conservation authority for the place; and
 - (iii) the movement of the meat into Queensland is authorised under a wildlife movement permit or schedule 4;
- (d) macropod meat obtained from a person who holds a commercial wildlife licence, if—
 - (i) the way the meat is packed is approved under the *Meat Industry Act 1993*; and
 - (ii) the movement of the meat from the place stated in the licence to the buyer is authorised under the Act;
- (e) meat of a macropod taken under a conservation plan for personal use only by a person who holds a recreational wildlife harvesting licence;
- (f) meat of a macropod taken under a conservation plan by a person who holds a commercial wildlife harvesting licence and processed at premises—
 - (i) stated in a commercial wildlife licence for dead macropods; and
 - (ii) registered under the *Meat Industry Act 1993* to process dead macropods;
- (g) a lawfully taken and moved macropod skin fleshed at a commercial tannery in another State;
- (h) a skin of a macropod taken under a conservation plan and fleshed at a commercial tannery stated in a commercial wildlife licence

SCHEDULE 5 (continued)

for dead macropods;

- (i) a part of the carcass of a macropod (other than the skin and meat) taken under a conservation plan by a person who holds a commercial wildlife harvesting licence and processed—
 - (i) at premises of a commercial tannery stated in the licence; or
 - (ii) at premises registered under the *Meat Industry Act 1993* to process dead macropods;
- (j) paws, claws, bones, scrotums, tendons and ligaments of a macropod in a sealed and labelled container.

Plants

7. The following plant products are processed products—

- (a) a dried, freeze-dried or chemically treated plant that has been—
 - (i) used by the holder of a commercial wildlife licence; or
 - (ii) moved into Queensland under a wildlife movement permit or schedule 4;
- (b) a cut flower or another part of a plant obtained from a place outside Queensland, if—
 - (i) the way the flower or the part of the plant is packed complies with the requirements of the conservation authority for the place; and
 - (ii) the movement of the flower or the part of the plant from the place is authorised by the conservation authority for the place; and
 - (iii) the movement of the flower or the part of the plant into Queensland is authorised under a wildlife movement permit or schedule 4;
- (c) a cut flower or another part of a plant obtained from a person who holds a commercial wildlife licence if the movement of the flower or the part of the plant from the place stated in the licence to the buyer is authorised under a wildlife movement permit or

SCHEDULE 5 (continued)

schedule 4;

- (d) a dead plant bearing a tag.

Other protected animals

8. The following products of a dead protected animal (other than a bird, butterfly, crocodile, emu or macropod) are processed products—

- (a) a carcass (with the skin removed) or meat obtained from a person who holds a commercial wildlife licence, if—
- (i) the way the carcass or meat is packed is approved under the *Meat Industry Act 1993*; and
 - (ii) the movement of the carcass or meat from the place stated in the licence to the buyer is authorised under a wildlife movement permit or schedule 4;
- (b) a carcass (with the skin removed) or meat obtained from a place outside Queensland, if—
- (i) the way the carcass or meat is packed complies with the requirements of the conservation authority for the place; and
 - (ii) the movement of the carcass or meat from the place is authorised by the conservation authority for the place; and
 - (iii) the movement of the carcass or meat into Queensland is authorised under a wildlife movement permit or schedule 4;
- (c) a fully tanned skin of the animal;
- (d) a dead animal bearing a tag;
- (e) the dehydrated and crystallised venom of a snake that is farm wildlife.

SCHEDULE 6**FEEES**

section 262

PART 1—LICENCES

1. Commercial wildlife licence
 - (a) pet shop (commercial birds)—

3 years	1 050.00
1 year	350.00
1 month	70.00
 - (b) nursery (restricted plants)—

3 years	750.00
1 year	250.00
1 month	50.00
 - (c) dead macropods—

3 years	1 250.00
1 year	420.00
 - (d) any other protected wildlife—

3 years	1 050.00
1 year	350.00
1 month	70.00
 - (e) if granted to the following persons for wildlife on a land-holder's land—half the fee mentioned in paragraph (b) or (c)—
 - (i) the land-holder or a member of the land-holder's immediate family actually living in the locality where the wildlife is taken;
 - (ii) a corporation under the control of a land-holder actually living in the locality where the wildlife is taken.
2. Recreational wildlife licence (birds, reptiles and

SCHEDULE 6 (continued)

amphibians)—		
	3 years	90.00
	1 year	30.00
3.	Recreational wildlife (specialist) licence (birds, reptiles and amphibians)—	
	3 years	450.00
	1 year	150.00
4.	International wildlife licence (birds)—	
	3 years	90.00
	1 year	30.00
5.	Commercial wildlife harvesting licence—	
	(a) macropods (carcasses and skins)—each harvest period	95.00
	(b) protected plants—each harvest period	150.00
	(c) if granted to the following persons—half the fee mentioned for paragraph (a) or (b)—	
	(i) a land-holder or a member of the land-holder's immediate family actually living on the land-holder's land;	
	(ii) the manager of land held by a corporation or a member of the manager's immediate family actually living on the land;	
	(d) sea snakes—each harvest period	150.00
	(e) other wildlife	150.00
6.	Recreational wildlife harvesting licence—	
	(a) if granted to a member of a recreational plant society—	
	(i) to take a protected plant that would otherwise have been lawfully destroyed	nil
	(ii) to take seed or other propagating material of a protected plant for use in a conservation program, approved by the chief executive, to conserve the species in cultivation and re-introduce it into the wild	nil
	(iii) to take the seed or other propagating material	

SCHEDULE 6 (continued)

	of a vulnerable, rare or common plant for use in a revegetation program approved by the chief executive	nil
	(b) protected plants (if paragraph (a) does not apply)—each harvest period	40.00
	(c) macropods—each harvest period	40.00
	(d) duck and quail	40.00
	(e) issued to the committee of the Cunnamulla-Eulo Festival of Opals	nil
	(e) for other wildlife	40.00
7.	Wildlife demonstrator licence (travelling display of protected animals)—	
	1 year	500.00
	1 month	100.00
8.	Wildlife exhibitor licence (display of protected animals)—	
	3 years	2250.00
	1 year	750.00
9.	Wildlife farming licence (commercial breeding and use of protected animals)—	
	(a) for butterflies—	
	3 years	300.00
	1 year	100.00
	(b) for crocodiles—	
	3 years	3 000.00
	1 year	1 000.00
	(c) for emus—	
	3 years	900.00
	1 year	300.00
	(d) for snakes of the family Elapidae, Hydrophiidae or Laticaudidae—	
	1 year	200.00

SCHEDULE 6 (continued)

PART 2—PERMITS

10.	Camping permit—	
(a)	each night—each person 5 years or older taking part in an approved educational tour or camp	1.50
(b)	each night—anyone else 5 years or older	3.00
	—maximum for a family	12.00
(c)	for an Aborigine or Torres Strait Islander on a national park, declared to be claimable land under the <i>Aboriginal Land Act 1991</i> or <i>Torres Strait Islander Land Act 1991</i> , for the purposes of preparing a claim to, or management plan for, the land	nil
11.	Commercial activity permit for filming or photography—no structures involved—	
(a)	1 or 2 people involved—each day	20.00
(b)	3 to 5 people involved—	
(i)	application fee	100.00
(ii)	daily site fee	50.00
(c)	6 or more people involved—	
(i)	application fee	200.00
(ii)	daily site fee	100.00
12.	Commercial activity permit for filming or photography—any kind of structure involved—	
(a)	1 to 5 people involved—	
(i)	application fee	100.00
(ii)	daily site fee	100.00
(b)	6 to 25 people involved—	
(i)	application fee	500.00
(ii)	daily site fee	500.00
(c)	26 to 50 people involved—	1 000.00
(i)	application fee	
(ii)	daily site fee	1 000.00
(d)	51 or more people involved—	

SCHEDULE 6 (continued)

	(i) application fee	2 000.00
	(ii) daily site fee	2 000.00
13.	Commercial activity permit (other than filming or photography)—	
	(a) application fee	100.00
	(b) permit fee—each 3 months or part of 3 months ..	25.00
	(c) permit fee—1 year	100.00
	(d) additional daily fee for each client of the permit holder taking part in the activity—	
	(i) activity lasting less than 3 hours—	1.15
	(ii) activity lasting 3 hours or more	2.30
14.	Group activity permit—	
	(a) application fee	20.00
	(b) additional daily fee if special access is to be allowed, special supervision is needed, or an area reserved for use for—	
	(i) a vehicle based activity—each vehicle	2.00
	(ii) a people based activity—each person	1.00
15.	Permit to take, use, keep or interfere with cultural or natural resources for an apiary for up to 150 hives—	
	(a) up to 6 months	41.00
	(b) 1 year	61.00
	(c) 2 years	110.00
	(d) 3 years	156.00
16.	Commercial whale watching permit—	
	(a) boat length less than 15 m	500.00
	(b) boat length 15 to 20 m	800.00
	(c) boat length over 20 m	1 500.00
	(d) daily fee—each passenger—	
	(i) under 5 years	nil
	(ii) 5 to 15 years	1.00
	(iii) over 15 years	2.00
17.	Permit to keep wildlife—	
	(a) 3 years	90.00
	(b) 1 year	30.00

SCHEDULE 6 (continued)

18. Wildlife movement permit	10.00
19. Wildlife movement advice	5.00

PART 3—AUTHORITIES

20. Collection authority (dead protected wildlife) for a person other than the Queensland Ambulance Service or a school, college, university, university college or registered non-profit organisation—	
(a) 1 year	30.00
(b) 3 years	90.00
21. Collection authority to take and keep common wildlife for 6 months under Military Standing Orders	55.00

PART 4—OTHER FEES

22. A tag for a macropod skin or carcass	0.55
23. A tag for a restricted plant	0.20
24. A tag for a harvested sea snake	0.80
25. A tag for a farm crocodile skin	0.80
26. A tag for a farm emu skin	0.80
27. An electromagnetic implant	10.00
28. An approved mark of the department—	
(a) if issued to the committee of the Cunnamulla-Eulo Festival of Opals	nil
(b) if issued to any other person	5.00
29. Consumables used to obtain a biological tissue sample (including storage charges as example)	20.00
30. An amendment to a licence (other than a licence for which	

SCHEDULE 6 (continued)

no fee is charged) at the licensee's request—each amendment	10.00
31. Register and return book (macropods)	20.00
32. Other register book—	
20 forms	5.00
50 forms	12.00
33. Commercial harvesting (macropods) record book	5.00

SCHEDULE 7

COMMERCIAL BIRDS

section 3, schedule 14

Scientific names

1. The scientific names used for birds in this schedule follow Simpson and Day, *Field Guide to the Birds of Australia*, (4th edition 1993) Penguin Books Australia Ltd, Victoria, Australia.

Birds

2. The following birds are commercial birds—

Family Columbidae

Common name	Scientific name
bar shouldered dove	<i>Geopelia humeralis</i>
brush bronzewing	<i>Phaps elegans</i>
common bronzewing	<i>Phaps chalcoptera</i>
crested pigeon	<i>Geophaps lophotes</i>
squatter pigeon	<i>Geophaps scripta</i>

Family Ploceidae

Common name	Scientific name
black-throated finch	<i>Peophila cincta</i>
blue-faced finch	<i>Erythrura trichroa</i>
chestnut-breasted manikin	<i>Lonchura castaneothorax</i>
crimson finch (blood finch)	<i>Neochmia phaeton</i>
diamond firetail	<i>Stagonopleura guttata</i>

SCHEDULE 7 (continued)

double-barred finch	<i>Taeniopygia bichenovii</i>
gouldian finch	<i>Erythrura gouldiae</i>
long-tailed finch	<i>Poephila acuticauda</i>
masked finch	<i>Poephila personata</i>
painted firetail	<i>Emblema pictum</i>
plum-headed finch	<i>Neochmia modesta</i>
pictorella manikin	<i>Herteromunia pectoralis</i>
red-browed firetail	<i>Neochmia temporalis</i>
yellow-rumped manikin	<i>Lonchura flaviprymna</i>

Family Psittacidae

Common name	Scientific name
blue-winged parrot	<i>Neophema chrysostoma</i>
blue bonnet parrot (other than the race <i>Narethae</i>)	<i>Psephotus haematogaster</i>
crimson rosella	<i>Platycercus elegans</i>
including the races—	
yellow rosella	<i>Platycercus elegans flaveolus</i>
Adelaide rosella	<i>Platycercus elegans adelaide</i>
eastern rosella	<i>Platycercus eximius</i>
elegant parrot	<i>Neophema elegans</i>
galah (rose-breasted cockatoo)	<i>Cacatua roseicapilla</i>
king parrot	<i>Alisterus scapularis</i>
little corella	<i>Cacatua pastinator</i>
long-billed corella	<i>Cacatua tenuirostris</i>
little lorikeet	<i>Glossopsitta pusilla</i>

SCHEDULE 7 (continued)

mulga parrot	<i>Psephotus varius</i>
musk lorikeet	<i>Glossopsitta concinna</i>
pale-headed rosella	<i>Platycercus adscitus</i>
including the race—	
blue-cheeked rosella	<i>Platycercus adscitus palliceps</i>
princess parrot (Alexandra's parrot)	<i>Polytelis alexandrae</i>
purple-crowned lorikeet	<i>Glossopsitta porphyrocephala</i>
rainbow lorikeet	<i>Trichoglossus haematodus</i>
red-capped parrot	<i>Purpureicephalus spurius</i>
red-collared lorikeet	<i>Trichoglossus rubritorquis</i>
red-rumped parrot	<i>Psephotus haematonotus</i>
red-winged parrot	<i>Aprosmictus erythropterus</i>
regent parrot	<i>Polytelis anthopeplus</i>
ringneck parrots—the races—	
mallee ringneck	<i>Barnardius barnardi</i>
Port Lincoln ringneck	<i>Barnardius zonarius</i>
twenty-eight ringneck	<i>Barnardius zonarius semitorquatus</i>
scaly-breasted lorikeet	<i>Trichoglossus chlorolepidotus</i>
scarlet-chested parrot	<i>Neophema splendida</i>
sulphur-crested cockatoo	<i>Cacatua galerita</i>
turquoise parrot	<i>Neophema pulchella</i>
varied lorikeet	<i>Psitteuteles versicolor</i>
western rosella	<i>Platycercus icterotis</i>

SCHEDULE 7 (continued)

Family Turnicidae

Common name	Scientific name
little button-quail	<i>Turnix velox</i>
painted button-quail	<i>Turnix varia</i>
red-backed button-quail	<i>Turnix maculosa</i>
red-chested button-quail	<i>Turnix pyrrhothorax</i>

SCHEDULE 8

COMMONLY KEPT WILDLIFE

section 3, schedule 14

PART 1—BIRDS

Scientific names

1. The scientific names used for birds in this part follow Simpson and Day, *Field Guide to the Birds of Australia*, (4th edition 1993) Penguin Books Australia Ltd, Victoria, Australia.

Birds

2. The following birds are commonly kept birds—

Family Columbidae

Common name	Scientific name
bar-shouldered dove	<i>Geopelia humeralis</i>
brush bronzewing	<i>Phaps elegans</i>
common bronzewing	<i>Phaps chalcoptera</i>
crested pigeon	<i>Geophaps lophotes</i>

Family Ploceidae

Common name	Scientific name
chestnut-breasted manikin	<i>Lonchura castaneothorax</i>
double-barred finch	<i>Taeniopygia bichenovii</i>
plum-headed finch	<i>Neochmia modesta</i>
yellow-rumped manikin	<i>Lonchura flaviprymna</i>

SCHEDULE 8 (continued)

Family Psittacidae

Common name	Scientific name
crimson rosella	<i>Platycercus elegans</i>
including the races—	
yellow rosella	<i>Platycercus elegans flaveolus</i>
Adelaide rosella	<i>Platycercus elegans adelaide</i>
galah (rose-breasted cockatoo)	<i>Cacatua roseicapilla</i>
little corella	<i>Cacatua pastinator</i>
long-billed corella	<i>Cacatua tenuirostris</i>
red-capped parrot	<i>Purpureicephalus spurius</i>
red-collared lorikeet	<i>Trichoglossus rubritorquis</i>
red-rumped parrot	<i>Psephotus haematonotus</i>
ringneck parrots—the races—	
mallee ringneck	<i>Barnardius barnardi</i>
Port Lincoln ringneck	<i>Barnardius zonarius</i>
twenty-eight ringneck	<i>Barnardius zonarius semitorquatus</i>
scarlet-chested parrot	<i>Neophema splendida</i>
sulphur-crested cockatoo	<i>Cacatua galerita</i>
western rosella	<i>Platycercus icterotis</i>

PART 2—REPTILES**Scientific names**

3. The scientific names used in this part for reptiles follow Cogger, H.G., *Reptiles and Amphibians of Australia*, (5th edition, 1992), Reed Books, Chatswood, NSW, Australia.

SCHEDULE 8 (continued)

Reptiles

4. The following reptiles are commonly kept reptiles—

Family Agamidae

Common names	Scientific names
central netted dragon	<i>Ctenophorus nuchalis</i>
eastern water dragon	<i>Physignathus lesuerii</i>
dragon	<i>Pogona vitticeps</i>
bearded dragon (Jew lizard)	<i>Pogona barbatus</i>

Family Chelidae

Common name	Scientific name
eastern snake-necked turtle	<i>Chelodina longicollis</i>
saw-shelled turtle	<i>Elseya latisternum</i>
Kreffft's river turtle	<i>Emydura kreffti</i>

Family Gekkonidae

Common name	Scientific name
gecko	<i>Gehyra dubia</i>
tree dtella	<i>Gehyra variegata</i>

Family Scincidae

Common name	Scientific name
shingle back	<i>Trachydosaurus rugosus</i>
eastern blue-tongued lizard	<i>Tiliqua scincoides</i>
pink-tongued lizard	<i>Hemisphaeriodon gerrardii</i>

SCHEDULE 9**DOMESTIC ANIMALS**

section 3, schedule 14

1. Alpaca, banteng cattle (*Bos banteng*), cattle (*Bos taurus* or *Bos indicus*), deer, llama or sheep.
2. A camel, cat (*Felis catus*), dog (*Canis familiaris*), donkey, goat, guinea pig, horse, mule or pig.
3. An apiary bee (other than an indigenous bee).
4. An ostrich, a peafowl or pheasant of the family Phasianidae (other than quail indigenous to Australia)
5. A pigeon (*Columba livia*) or poultry.
6. An aquarium fish under the *Fisheries Act 1976*.
7. The captive-bred domestic form of the house mouse (*Mus musculus*) and brown rat (*Rattus norvegicus*)
8. The following species of captive-bred protected birds—
 - Bourke's parrot (*Neophema bourkii*)
 - budgerigar (*Melopsittacus undulatus*)
 - cockatiel (quarrion) (*Leptolophus hollandicus*)
 - star finch (*Neochmia ruficauda*) other than the eastern subspecies *Neochmia ruficauda ruficauda*
 - zebra finch (*Taeniopygia guttata*)
 - brown quail (*Coturnix australis*)
 - king quail (*Coturnix chinensis*)
 - stubble quail (*Coturnix spectoralis*)
 - diamond dove (*Geopelia cuneata*)
 - peaceful dove (*Geopelia placida*).

SCHEDULE 9 (continued)

9. The following species of bird—

Bob White quail	<i>Colinus virginianus</i>
California quail	<i>Lophortyx californicus</i>
Japanese quail	<i>Coturnix coturnix</i> (Japanese spp.)
chuckai partridge	<i>Alectoris graeca</i>
pekin robin	<i>Leiothrix lutea</i>
shama	<i>Copsychus malabaricus</i>
canary	<i>Serinus canarius</i>
red strawberry finch	<i>Amandava amandava punicea</i>
black-headed siskin	<i>Cardeulis atriceps</i>
European goldfinch	<i>Cardeulis cardeulis cardeulis</i>
green singing finch	<i>Serinus mozambicus</i>
grey singing finch	<i>Serinus leucopygius</i>
siskin	<i>Carduelis spinus</i>
hooded siskin	<i>Carduelis cucullata</i>
saffron finch	<i>Siscula flaveola</i>
green cardinal	<i>Gubernatrix cristata</i>
red-crested cardinal	<i>Paroaria coronata</i>
red-headed cardinal	<i>Paroaria capitata</i>
jacarina finch	<i>Volatinia jacarini</i>
Cuban finch	<i>Tiaria canora</i>
greenfinch	<i>Carduelis chloris</i>
cordon bleus	<i>Uraeginthus</i> spp.
orange-cheeked waxbill	<i>Estrilda melpoda</i>
black-rumped waxbill	<i>Estrilda troglodytes</i>
St Helena waxbill	<i>Estrilda astrild</i>

SCHEDULE 9 (continued)

strawberry finch	<i>Amandava amandava</i>
green avadavat	<i>Amandava formosa</i>
black-headed manikin	<i>Lonchura malacca</i>
white-headed manikin (silver nun)	<i>Lonchura maja</i>
tri-coloured (black-headed) nun	<i>Lonchura malacca malacca</i>
African silverbill	<i>Lonchura cantans</i>
India silverbill	<i>Lonchura malabarica</i>
bronze manikin	<i>Lonchura cucullata</i>
spice finch (nutmeg manikin)	<i>Lonchura punctulata</i>
rufous-backed manikin	<i>Lonchura bicolor</i>
magpie manikin	<i>Lonchura fringilloides</i>
Bengalese finch	<i>Lonchura striata</i>
Burmese finch	<i>Lonchura caniceps</i>
Melba or crimson-faced waxbill	<i>Pytilia melba</i>
Aberdeen finch	<i>Amadina erythrocaphela</i>
cut-throat finch	<i>Amadina fuscata</i>
ruddy or African firefinch	<i>Lagonosticta senegala</i>
Comoro weaver	<i>Foudia eminentissima</i>
Napolean weaver	<i>Euplectes afra</i>
Madagascar weaver	<i>Foudia madagascariensis</i>
aurora or red-winged waxbill	<i>Pytilia phoenicoptera</i>
lavender waxbill	<i>Estrilda caerulescens</i>
orange-breasted waxbill	<i>Amandava subflava</i>
Java sparrow	<i>Padda oryzivora</i>
doves, including ruddy turtle, senegal laughing, harlequin and pink-headed	<i>Streptopelia</i> spp.

SCHEDULE 9 (continued)

masked or namaqua dove	<i>Oena capensis</i>
Joby Island dove	<i>Gallicolumba jobiensis</i>
talpacoti dove	<i>Columbigallina talacoti</i>
bleeding heart pigeon	<i>Gallicolumba luzonica</i>
Nicobar pigeon	<i>Caleonus nicobarica</i>
Malabar parakeet	<i>Psittacula columboides</i>
moustached parakeet	<i>Psittacula alexandri alexandri</i>
red-fronted parakeet	<i>Cyanoramphus novaezelandiae</i>
slaty-headed parakeet	<i>Psittacula himalayana</i>
yellow-faced parakeet	<i>Cyanoramphus auriceps</i>
love birds	<i>Agapornis</i> spp.
Indian ringneck parrot	<i>Psittacula krameri</i>
African grey parrot	<i>Psittacus erithacus</i>
monk parrot (quaker conure)	<i>Myiopsitta monachus</i>
alexandrine parakeet	<i>Psittacula eupatria</i>
derbyan parakeet	<i>Psittacula derbiana</i>
plum-headed parakeet	<i>Psittacula cyanocephala</i>
scarlet macaw	<i>Ara macao</i>
blue and yellow macaw	<i>Ara ararauna</i>
red and green macaw	<i>Ara chloroptera</i>
peach-fronted conure	<i>Aratinga aurea</i>
nanday conure	<i>Nandayus nenday</i>
jendaya conure	<i>Aratinga jendaya</i>
sun conure	<i>Aratinga solstitialis</i>
Mandarin duck	<i>Aix galericulata</i>
Carolina duck	<i>Aix sponsa</i>

SCHEDULE 9 (continued)

Egyptian goose	<i>Alopochen aegyptiacus</i>
Chinese goose	<i>Anser cygnoides</i>
New Zealand black scaup	<i>Aythya novaeseelandiae</i>
Canada goose	<i>Branta canadensis</i>
mute swan	<i>Cygnus olor</i>
ruddy shelduck	<i>Tadorna ferruginea</i>
paradise shelduck	<i>Tadorna variegata</i>

SCHEDULE 10**FARM WILDLIFE**

section 3 and schedule 14

1. Emu (*Dromaius novaehollandia*).
2. Saltwater crocodile (*Crocodylus porosus*).
3. Freshwater crocodile (*Crocodylus johnstoni*).
4. Birdwing butterfly (*Ornithoptera* sp.).
5. Ulysses butterfly (*Papilio ulysses*).
6. All species of snakes of the family Elapidae, Hydrophiidae or Laticaudidae.

SCHEDULE 11
RECREATIONAL WILDLIFE

section 3, schedule 14

PART 1—BIRDS**Scientific names**

1. The scientific names used in this part for birds follow Simpson and Day, *Field Guide to the Birds of Australia*, (4th edition 1993) Penguin Books Australia Ltd, Victoria, Australia.

Birds

2. The following birds are recreational birds—

Family Anatidae

Common name	Scientific name
Australian shelduck	<i>Tadorna tardornoides</i>
Australasian shoveler	<i>Anas rhynchos</i>
black duck	<i>Anas superciliosa</i>
black swan	<i>Cygnus atratus</i>
blue-billed duck	<i>Oxyura australis</i>
Cape Barren goose	<i>Cereopsis novaehollandiae</i>
chestnut teal	<i>Anas castanea</i>
grey teal	<i>Anas gibberifrons</i>
hardhead	<i>Aythya australis</i>
maned goose (wood duck)	<i>Chenonetta jubata</i>
piebald goose	<i>Anseranas semipalmata</i>

SCHEDULE 11 (continued)

pink-eared duck	<i>Malacorhynchus membranaceus</i>
plumed whistling-duck	<i>Dendrocygna eytoni</i>
radjah shelduck (Burdekin duck)	<i>Tadorna radjah</i>
wandering whistling-duck	<i>Dendrocygna arcuata</i>

Family Columbidae

Common name	Scientific name
bar-shouldered dove	<i>Geopelia humeralis</i>
brown cuckoo-dove	<i>Macropygia amboinensis</i>
brush bronzewing	<i>Phaps elegans</i>
common bronzewing	<i>Phaps chalcoptera</i>
crested pigeon	<i>Geophaps lophotes</i>
emerald dove	<i>Chalcophaps indica</i>
flock bronzewing	<i>Phaps histrionica</i>
partridge pigeon	<i>Geophaps smithii</i>
spinifex pigeon	<i>Geophaps plumifera</i>
squatter pigeon	<i>Geophaps scripta</i>
white-headed pigeon	<i>Columba leucomela</i>
wonga pigeon	<i>Leucosarcia melanoleuca</i>

Family Ploceidae

Common name	Scientific name
beautiful firetail	<i>Emblema bellum</i>
black-throated finch	<i>Peophila cincta</i>
blue-faced finch	<i>Erythrura trichroa</i>
chestnut-breasted manikin	<i>Lonchura castaneothorax</i>

SCHEDULE 11 (continued)

crimson finch (blood finch)	<i>Neochmia phaeton</i>
diamond firetail	<i>Stagonopleura guttata</i>
double-barred finch	<i>Taeniopygia bichenovii</i>
Gouldian finch	<i>Erythrura gouldiae</i>
long-tailed finch	<i>Poephila acuticauda</i>
masked finch	<i>Poephila personata</i>
painted firetail	<i>Emblema pictum</i>
plum-headed finch	<i>Neochmia modesta</i>
pictorella manikin	<i>Herteromunia pectoralis</i>
red-browed firetail	<i>Neochmia temporalis</i>
red-eared firetail	<i>Emblema oculatum</i>
yellow-rumped manikin	<i>Lonchura flaviprymna</i>

Family Psittacidae

Common name	Scientific name
blue bonnet parrot (other than the race, <i>Narethae</i>)	<i>Northiella haematogaster</i>
blue-winged parrot	<i>Neophema chrysostoma</i>
crimson rosella	<i>Platycercus elegans</i>
including the races—	
yellow rosella	<i>Platycercus elegans flaveolus</i>
Adelaide rosella	<i>Platycercus elegans adelaide</i>
eastern rosella	<i>Platycercus eximius</i>
green rosella	<i>Platycercus caledonicus</i>
northern rosella	<i>Platycercus venustus</i>
pale-headed rosella	<i>Platycercus adscitus</i>

SCHEDULE 11 (continued)

including the race—blue-cheeked	
rosella	<i>Platycercus adscitus palliceps</i>
elegant parrot	<i>Neophema elegans</i>
galah (rose-breasted cockatoo)	<i>Cacatua roseicapilla</i>
hooded parrot	<i>Psephotus dissimilis</i>
king parrot	<i>Alisterus scapularis</i>
little corella	<i>Cacatua pastinator</i>
long-billed corella	<i>Cacatua tenuirostris</i>
little lorikeet	<i>Glossopsitta pusilla</i>
mulga parrot	<i>Psephotus varius</i>
musk lorikeet	<i>Glossopsitta concinna</i>
princess parrot (Alexandra's parrot)	<i>Polytelis alexandrae</i>
purple-crowned lorikeet	<i>Glossopsitta porphyrocephala</i>
rainbow lorikeet	<i>Trichoglossus haematodus</i>
red-capped parrot	<i>Purpureicephalus spurius</i>
red-collared lorikeet	<i>Trichoglossus rubritorquis</i>
red-rumped parrot	<i>Psephotus haematonotus</i>
red-winged parrot	<i>Aprosmictus erythropterus</i>
regent parrot	<i>Polytelis anthopeplus</i>
ringneck parrots—the races—	
mallee ringneck	<i>Barnardius barnardi</i>
Port Lincoln ringneck	<i>Barnardius zonarius</i>
twenty-eight ringneck	<i>Barnardius zonarius semitorquatus</i>
rock parrot	<i>Neophema petrophila</i>
scaly-breasted lorikeet	<i>Trichoglossus chlorolepidotus</i>
scarlet-chested parrot	<i>Neophema splendida</i>

SCHEDULE 11 (continued)

sulphur-crested cockatoo	<i>Cacatua galerita</i>
superb parrot	<i>Polytelis swainsonii</i>
swift parrot	<i>Lathamus discolor</i>
turquoise parrot	<i>Neophema pulchella</i>
varied lorikeet	<i>Psitteuteles versicolor</i>
western rosella	<i>Platycercus icterotis</i>

Family Turnicidae

Common name	Scientific name
little button-quail	<i>Turnix velox</i>
painted button-quail	<i>Turnix varia</i>
red-backed button-quail	<i>Turnix maculosa</i>
red-chested button-quail	<i>Turnix pyrrhothorax</i>

PART 2—REPTILES**Reptiles**

3. A reptile that is common wildlife (other than a restricted reptile) is a recreational reptile.

SCHEDULE 12

RESTRICTED WILDLIFE

section 3, schedule 14

PART 1—AMPHIBIANS

Amphibians

1. A rare or threatened amphibian is a restricted amphibian.

PART 2—BIRDS

Scientific names

2. The scientific names used in this part for birds follow Simpson and Day, *Field Guide to the Birds of Australia*, (4th edition 1993) Penguin Books Australia Ltd., Victoria, Australia.

Birds

3. The following birds are restricted birds—

Family Columbidae

Common name	Scientific name
rose-crowned pigeon	<i>Ptilinopus regina</i>
superb fruit dove	<i>Ptilinopus superbus</i>
torresian imperial-pigeon	<i>Ducula bicolor</i>
topknot pigeon	<i>Lopholaimus antarcticus</i>
wompoo pigeon	<i>Ptilinopus magnificus</i>

SCHEDULE 12 (continued)

Family Psittacidae

Common name	Scientific name
white tail black cockatoo	
(Carnaby's black cockatoo)	<i>Calyptorhynchus latirostris</i>
gang gang cockatoo	<i>Callocephalon fimbriatum</i>
glossy black cockatoo	<i>Calyptorhynchus lathami</i>
long-billed black cockatoo	
(Baudin's cockatoo)	<i>Calyptorhynchus baudinii</i>
pink cockatoo (Major Mitchell)	<i>Cacatua leadbeateri</i>
red-tailed black cockatoo	<i>Calyptorhynchus banksii</i>
yellow-tailed black cockatoo	<i>Calyptorhynchus funereus</i>
ringneck parrot (the race cloncurry parrot)	<i>Barnardius barnardi macgillivrayi</i>
eclectus parrot	<i>Eclectus roratus macgillivrayi</i>
narethae blue bonnet	<i>Northiella haematogaster narethae</i>

PART 3—PLANTS**Scientific names**

4. The scientific names used in this part for plants follow Queensland Herbarium (1994), *Queensland Vascular Plants Names and Distribution*, Queensland Department of Environment and Heritage, Brisbane, Australia.

Restricted plants

5. The following plants are restricted plants—

 SCHEDULE 12 (continued)

Family Aponogetonaceae

All species and naturally occurring hybrids of the genus *Aponogeton*.²⁷

Family Arecaceae

Common name	Scientific name
foxtail palm	<i>Wodyetia bifurcata</i>

Family Aspleniaceae

Common name	Scientific name
crow's nest or bird's nest fern	<i>Asplenium australasicum</i>
no common name	<i>Asplenium harmanii</i>
Johnson River maidenhair	<i>Asplenium laserpitifolium</i>
no common name	<i>Asplenium nidus</i>
no common name	<i>Asplenium simplicifrons</i>

Family Asteraceae

Common name	Scientific name
no common name	<i>Cassinia laevis</i>

Family Celastraceae

Common name	Scientific name
no common name	<i>Maytenus bilocularis</i>

²⁷ Known as water plants.

 SCHEDULE 12 (continued)

Family Cupressaceae

Common name	Scientific name
Bribie Island Cypress	<i>Callitris columellaris</i>
white cypress	<i>Callitris glaucophylla</i>
black cypress	<i>Callitris endlicheri</i>

Family Cyatheaceae

Common name	Scientific name
no common name	<i>Cyathea exilis</i>

Family Cycadaceae

Common name	Scientific name
no common name	<i>Cycas angulata</i>
no common name	<i>Cycas brunnea</i>
no common name	<i>Cycas cairnsiana</i>
no common name	<i>Cycas couttsiana</i>
no common name	<i>Cycas media</i>
no common name	<i>Cycas megacarpa</i>
no common name	<i>Cycas ophiolitica</i>
no common name	<i>Cycas platyphylla</i>
no common name	<i>Cycas silvestris</i>

Family Cyperaceae

Common name	Scientific name
koala fern	<i>Caustis blakei</i>
no common name	<i>Caustis flexuosa</i>

SCHEDULE 12 (continued)

no common name	<i>Caustis recurvata</i>
sword grass	<i>Ghania sieberiana</i>
no common name	<i>Lepironia articulata</i>

Family Davalliaceae

Common name	Scientific name
no common name	<i>Davallia denticulata</i>
hare's foot fern	<i>Davallia pyxidata</i>
no common name	<i>Davallia solida</i>

Family Dicksoniaceae

Common name	Scientific name
soft or woolly tree fern	<i>Dicksonia antarctica</i>
no common name	<i>Dicksonia herbertii</i>
bristly tree fern	<i>Dicksonia youngiae</i>

Family Droseraceae

Common name	Scientific name
no common name	<i>Drosera prolifera</i>
no common name	<i>Drosera schizandra</i>
no common name	<i>Drosera adela</i>

Family Fabaceae

Common name	Scientific name
no common name	<i>Pultenaea villosa</i>

 SCHEDULE 12 (continued)

Family Gesneriaceae

Common name	Scientific name
no common name	<i>Didymocarpus kinnearii</i>

Family Gleicheniaceae

Common name	Scientific name
no common name	<i>Dicranopteris linearis</i>
pouched coral or tangle fern	<i>Gleichenia dicarpa</i>
no common name	<i>Gleichenia mendellii</i>
no common name	<i>Gleichenia rupestris</i>
shiny fan fern	<i>Sticherus flabellatus</i>
spreading fan fern	<i>Sticherus lobatus</i>

Family Hydrocharitaceae

Common name	Scientific name
no common name	<i>Vallisneria gracilis</i>

Family Liliaceae

Common name	Scientific name
Christmas bell	<i>Blandfordia grandiflora</i>

Family Lycopodiaceae

Common name	Scientific name
McIlwraith Range (keeled tassel fern)	<i>Huperzia carinata</i>
rat's tail tassel fern	<i>Huperzia filiformis</i>
no common name	<i>Huperzia lockyeri</i>
no common name	<i>Huperzia marsupiiiformis</i>

SCHEDULE 12 (continued)

common tassel fern	<i>Huperzia phlegmaria</i>
layered tassel fern	<i>Huperzia phlegmarioides</i>
square tassel fern	<i>Huperzia prolifera</i>
rock tassel fern	<i>Huperzia squarrosa</i>
no common name	<i>Huperzia varia</i>

Family Mimosaceae

Common name	Scientific name
no common name	<i>Acacia porcata</i>

Family Myrtaceae

Common name	Scientific name
no common name	<i>Leptospermum brachyandrum</i>
no common name	<i>Leptospermum laevigatum</i>
no common name	<i>Leptospermum polygalifolium</i>

Family Orchidaceae

Common name	Scientific name
no common name	<i>Acriopsis javanica</i>
jewel orchid	<i>Anoectochilus yatesiae</i>
no common name	<i>Bromheadia finlaysoniana</i>
no common name	<i>Appendicula australiensis</i>
Christmas orchid	<i>Calanthe triplicata</i>
no common name	<i>Chiloschista phyllorhiza</i>
no common name	<i>Corymborkis veratrifolia</i>
no common name	<i>Dipodium ensifolium</i>

SCHEDULE 12 (continued)

giant climbing orchid	<i>Dipodium pictum</i>
no common name	<i>Drymoanthus minutus</i>
no common name	<i>Habenaria macraithii</i>
no common name	<i>Luisia teretifolia</i>
no common name	<i>Micropera fasciculata</i>
no common name	<i>Mobilabium hamatum</i>
no common name	<i>Octarrhena pusilla</i>
no common name	<i>Papillilabium beckleri</i>
no common name	<i>Peristeranthus hillii</i>
moth orchid	<i>Phalaenopsis rosenstromii</i>
rattlesnake orchid	<i>Pholidota imbricata</i>
no common name	<i>Phreatia crassiuscula</i>
no common name	<i>Rhynchophretia micrantha</i>
no common name	<i>Thelasis carinata</i>
no common name	<i>Trichoglottis australiensis</i>
no common name	<i>Vanda hindsii</i>
no common name	<i>Vrydagzynea paludosa</i>
no common name	<i>Zeuxine polygonoides</i>

All species and naturally occurring hybrids of the following genera—

- *Bulbophyllum*
- *Cadetia*
- *Cymbidium*²⁸
- *Dendrobium*
- *Diplocaulobium*

²⁸ Known as the black orchid or native cymbidium.

SCHEDULE 12 (continued)

- *Eria*
- *Flickingeria*
- *Goodyera*
- *Liparis*
- *Malaxis*
- *Oberonia*
- *Phaius*²⁹
- *Plectorrhiza*³⁰
- *Pomatocalpa*
- *Rhinerrhiza*³¹
- *Robiquetia*
- *Saccolabiopsis*
- *Sarcochilus*³²
- *Schoenorchis*
- *Spathoglottis*
- *Taeniophyllum*
- *Trachoma*

Family Polypodiaceae

All species and naturally occurring hybrids of the genus *Platycerium*.

²⁹ Kn as the swamp orchid.

³⁰ Known as the tangle orchid.

³¹ Known as the raspy root orchid.

³² Known as the butterfly orchid.

 SCHEDULE 12 (continued)

Family Proteaceae

Common name	Scientific name
wallum banksia	<i>Banksia aemula</i>
banksia	<i>Banksia carinata</i> var. <i>conferta</i>
banksia	<i>Banksia dentata</i>
coastal banksia	<i>Banksia integrifolia</i>
dwarf banksia	<i>Banksia oblongifolia</i>
broad-leaved banksia	<i>Banksia robur</i>
red honeysuckle banksia	<i>Banksia serrata</i>
banksia	<i>Banksia spinulosa</i>
no common name	<i>Persoonia virgata</i>
no common name	<i>Petrophile canescens</i>
no common name	<i>Triunia robusta</i>

Family Restionaceae

Common name	Scientific name
no common name	<i>Restio pallens</i>
no common name	<i>Restio tetraphyllus</i>

Family Rubiaceae

Common name	Scientific name
ant plant	<i>Hydnophytum moseleyanum</i>
ant plant	<i>Hydnophytum papuanum</i>
ant plant	<i>Myrmecodia beccarii</i>
ant plant	<i>Myrmecodia platytyrea</i>
ant plant	<i>Myrmecodia tuberosa</i>

SCHEDULE 12 (continued)

Family Rutaceae

Common name	Scientific name
scented acronychia	<i>Acronychia littoralis</i>

Family Santalaceae

Common name	Scientific name
no common name	<i>Exocarpus cupressiformis</i>

Family Sapindaceae

Common name	Scientific name
no common name	<i>Alectryon ramiflorus</i>
small-leaved tamarind	<i>Diploglottis campbellii</i>
orange tamarind	<i>Toechima pterocarpum</i>

Family Xanthorrhoeaceae

All species and naturally occurring hybrids of the genus *Xanthorrhoea*.

Family Zamiaceae

Common name	Scientific name
no common name	<i>Bowenia serrulata</i>
no common name	<i>Bowenia spectabilis</i>
no common name	<i>Lepidozamia peroffskyana</i>
no common name	<i>Lepidozamia hopei</i>

All species and naturally occurring hybrids of the genus *Macrozamia*.

SCHEDULE 12 (continued)

PART 4—REPTILES**Scientific names**

6. The scientific names used in this part for reptiles follow Cogger, H.G., *Reptiles and Amphibians of Australia*, (5th edition, 1992), Reed Books, Chatswood, NSW, Australia.

Restricted reptiles

7. The following reptiles are restricted reptiles—

Family Elapidae

Common name	Scientific name
death adders	<i>Acanthopis</i> spp
copperheads	<i>Austrelaps</i> spp
broad-headed snakes	<i>Hoplocephalus</i> spp
taipans	<i>Oxyuranus</i> spp
tiger snakes	<i>Notechis</i> spp
black snakes	<i>Pseudechis</i> spp
brown snakes	<i>Pseudonaja</i> spp
Collett's snake	<i>Pseudechis colleti</i>
eastern small-eyed snake	<i>Rhinoplocephalus nigriscens</i>
rough scaled snake	<i>Tropidechis carinatus</i>

Family Hydrophiidae

all species

Family Laticaudidae

all species

SCHEDULE 12 (continued)

Other reptiles

All rare or threatened reptiles (other than estuarine and freshwater crocodile).

SCHEDULE 13

SECTIONAL DEFINITIONS

section 3, schedule 14

Meaning of “commercial activity”

1.(1) A “**commercial activity**” is an activity conducted for gain.

(2) A “**commercial activity**” may involve any of the following—

- (a) selling an article, material or thing;
- (b) supplying a facility or service;
- (c) commercial photography;
- (d) conducting a tour, safari, scenic flight, cruise or excursion;
- (e) advertising or promoting the use of a protected area as part of a tour, safari, scenic flight, cruise or excursion;
- (f) advertising or promoting the use of a protected area as a feature associated with a resort or tourist facility on land adjoining the area.

(3) “**Commercial activity**” includes an activity conducted for gain under an agreement between the State and a person authorising the person to conduct a stated activity on a stated protected area for a stated time and on payment of a stated amount.

Meaning of “group activity”

2.(1) A “**group activity**” is an organised use of a part of a protected area in a way that may interfere with general public use of the area.

Examples—

1. A concert, rally or public meeting.
2. A religious activity.
3. A wedding.

SCHEDULE 13 (continued)

4. An organised sporting activity.

(2) A “**group activity**” does not include a traditional activity of a community or group of Aboriginal people or Torres Strait Islanders having traditional, customary or historical links with a protected area under Aboriginal tradition or Island custom relating to the area.

General meaning of “licence”

3. In the following provisions of the regulation, “**licence**” includes permit and authority—

- chapter 1 (Preliminary)
- section 115 (Restrictions on grant of wildlife movement permit—protected wildlife)
- section 116 (Restrictions on grant of wildlife movement permit—other wildlife)
- section 240 (Licence must be carried or displayed)
- section 245 (Chief executive to supply tags for use by licensee)
- chapter 3 (Wildlife and habitat conservation), part 13 (General)
- chapter 4 (Enforcement), part 3 (Demerit points for offences)
- chapter 5 (General), part 1 (Records and returns)
- schedule 6, part 4 (Other fees).

Meaning of “special activity”

4.(1) A “**special activity**” is an activity that—

- (a) may have an unusual or significant impact on cultural or natural resources; or
- (b) needs special training or supervision before a person can safely engage in the activity; or
- (c) may involve risk to the public.

SCHEDULE 13 (continued)

(2) A “**special activity**” includes hang-gliding, hot-air ballooning, rock climbing and whitewater rafting.

SCHEDULE 14**DICTIONARY**

section 3

“Aborigine particularly concerned with the land” has the meaning given by the *Aboriginal Land Act 1991*, section 4.

“bird” see schedule 5, section 1.

“brand” means a brand or earmark included in a directory under the *Brands Act 1915*.

“butterfly” see schedule 5, section 1.

“camp” includes—

- (a) pitch, place or erect a tent, caravan or camping structure; and
- (b) place other camping equipment in position; and
- (c) stay overnight.

“camping fee envelope” means a part of a camping form for use for the payment of camping fees.

“camping form” means a form made available by the chief executive for use for a self-registration camping area.

“code” means—

- (a) for birds—the Code of Practice—Aviculture, approved by the Minister and published by the department;³³
- (b) for protected plants—see section 165;
- (c) for amphibians and reptiles—see section 175;
- (d) for wildlife exhibitor licences—see section 199;
- (e) for wildlife farming licences—see section 209;

³³ A copy of the code is available for inspection or purchase at the department’s central office.

SCHEDULE 14 (continued)

(f) for rescue permits—see section 224.

“commercial activity” see schedule 13, section 1.

“commercial bird” means a species of bird specified in schedule 7.

“commonly kept bird” means a species of bird specified in schedule 8.

“commonly kept reptile” means a species of reptile specified in schedule 8.

“conservation authority”, of a place outside Queensland, means the government agency for the place that deals with matters under the law of the place relating to the conservation of native wildlife.

“convention label” see schedule 5, section 1.

“crocodile” see schedule 5, section 1.

“demerit points” means demerit points under section 257.

“demonstrate” see section 190.

“deposit” includes drop, leave, place or throw.

“domestic animal” means an animal kept by a person for trade and commerce or pleasure, including, for example, an animal specified in schedule 9 but does not include a protected animal (other than a protected animal specified in schedule 9).

“emu” see schedule 5, section 1.

“entrance”, of a protected area, means the part of the area—

- (a) developed by the chief executive for use as a vehicular or walking entrance to the area; and
- (b) commonly used by people to drive, ride or walk into the area.

“farm” includes artificially propagate and breed in captivity.

“farm deer” has the meaning given by the *Deer Farming Act 1985*.

“farm wildlife” means protected wildlife of a species specified in schedule 10 that—

- (a) is a wild taken animal or plant; or
- (b) is farmed; or

SCHEDULE 14 (continued)

(c) has been, or is being, lawfully moved into Queensland for use for farming.

“farm wildlife product” means a product derived from farm wildlife.

“group activity” see schedule 13, section 2.

“harvest period”, for wildlife, means a period declared under a conservation plan as a period when a person may take the wildlife.

“herbarium” means a non-profit institution—

- (a) owned or administered by the Commonwealth or a State, local government, university or university college; and
- (b) having, as its major function, the preservation of information in any branch of the natural sciences about plants.

“information notice” means a notice erected or displayed in a protected area.³⁴

“lake” includes lagoon, swamp, marsh and any other natural collection of water.

“licence” see—

- (a) schedule 13, section 3;
- (b) for wildlife movement permits for protected wildlife—section 115;
- (c) for wildlife movement permits for other wildlife—section 116;
- (d) for birds—section 140.

“licensee” see—

- for commercial wildlife licences for birds—section 148
- for recreational wildlife licences for birds—section 152
- for international wildlife licences for birds—section 160
- for licences for amphibians and frogs—section 175
- for wildlife demonstrator licences—section 190

³⁴ Information notices are erected under section 255.

SCHEDULE 14 (continued)

- for wildlife exhibitor licences—section 199
- for wildlife farming licences—section 209.

“litter” includes broken glass.

“litter bin” means a receptacle for litter provided by the chief executive.

“macropod” see—

- schedule 4, section 1
- schedule 5, section 1.

“meat” see—

- schedule 4, section 1
- schedule 5, section 1.

“movement advice” means a movement advice under schedule 4, section 16.

“museum” means a non-profit institution—

- (a) owned or administered by the Commonwealth or a State; and
- (b) having, as a function, the preservation of information in any branch of the natural sciences about animals.

“notice” means a notice, sign, pictograph or other device, of any material, erected or displayed in or near a protected area by the chief executive.

“official traffic sign” has the meaning given by the *Traffic Act 1949*.

“private land” see section 25.

“property” see section 250.

“protected area” see section 25.

“recreational amphibian” means a species of protected amphibian (other than a restricted amphibian).

“recreational bird” means a species of bird specified in schedule 11.

“recreational craft” includes a hot-air balloon, hang-glider, paraglider and an ultralight aircraft.

“recreational keeper”, of amphibians, birds, plants or reptiles, means a

 SCHEDULE 14 (continued)

person who keeps and breeds an amphibian, bird, plant or reptile for personal enjoyment, recreational or hobby purposes.

“recreational plant society” means a recreational plant society approved by the chief executive.

“recreational reptile” means a species of protected reptile (other than a restricted reptile).

“regulatory notice” means a notice erected or displayed, but does not include an official traffic sign.³⁵

“repealed Act” means—

(a) for a protected area—the *National Parks and Wildlife Act 1975*;
or

(b) for a protected animal—the *Fauna Conservation Act 1974*.

“requirement”, of a regulatory notice or self-registration camping notice, includes a direction, instruction, indication, condition and other provision of the notice.

“restricted access area” means a protected area, or a part of a protected area, declared to be a restricted access area under this regulation or specified in a regulatory notice as a restricted access area.

“restricted bird” means a species of protected bird specified in schedule 12.

“restricted plant” means a species of protected plant specified in schedule 12.

“restricted reptile” means a species of protected reptile specified in schedule 12.

“schedule 7 poison” see section 235.

“scientific purpose” includes an archaeological, anthropological or sociological purpose.

“self-registration camping area” means a protected area, or part of a protected area, to which a self-registration camping notice relates.

³⁵ Regulatory notices are erected under section 254.

SCHEDULE 14 (continued)

“self-registration camping notice” means a notice under section 43.

“sick”, in relation to a protected animal, includes suffering from the psychological disorder in animals known as human imprinting.

“special activity” see schedule 13, section 4.

“stock” means—

- (a) cattle, horses or sheep; or
- (b) for a general muster—see section 61.

“stray stock” see section 60.

“tag” includes a band, ring, implant, label or other thing issued, or approved for use, by the chief executive and used to identify wildlife taken or kept under the Act.

“take” see section 175.

“Torres Strait Islander particularly concerned with the land” has the meaning given by the *Torres Strait Islander Land Act 1991*, section 4.

“trade or commerce” includes—

- (a) a business activity; and
- (b) anything else done for gain or reward.

“use” see—

- for birds—section 140
- for protected plants—section 165
- for amphibians and reptiles—section 175
- for wildlife demonstrator licences—section 190
- for wildlife exhibitor licences—section 199
- for rescue permits—section 224.

“vehicle” see section 76.

“watercourse” means a river, creek or stream in which water flows permanently or intermittently.

“weapon” has the meaning given by the *Weapons Act 1990*.

SCHEDULE 14 (continued)

“wholesaler” see schedule 4, section 1.

“wild taken animal” means a protected animal that—

- (a) is wild by nature; and
- (b) is taken from the wild under—
 - (i) a conservation plan for the animal authorising the taking and use of the animal for wildlife farming; or
 - (ii) a permit under this regulation.

“wild taken plant” means a protected plant taken from the wild under—

- (a) a conservation plan for the plant authorising the taking and use of the plant for wildlife farming; or
- (b) a permit under this regulation or the *Forestry Act 1959*.

“wildlife” for—

- (a) wildlife demonstrator licences—see section 190;
- (b) wildlife exhibitor licences—see section 199.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 5 July 1996. Future amendments of the Nature Conservation Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Nature Conservation Regulation 1994 SL No. 473

notfd gaz 16 December 1994 pp 1792–7

ss 1–2 commenced on date of notification

remaining provisions commenced 19 December 1994 (see s 2)

as amended by—

Nature Conservation Legislation Amendment Regulation 1995 SL No. 352 pts 1–2

notfd gaz 8 December 1995 pp 1449–53

commenced on date of notification

Nature Conservation Legislation Amendment Regulation (No. 2) 1995 SL No. 406 pts 1–2

notfd gaz 22 December 1995 pp 1672–6

commenced on date of notification

Nature Conservation Amendment Regulation (No. 1) 1995 SL No. 408

notfd gaz 22 December 1995 pp 1672–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 1996 (see s 2)

Nature Conservation Amendment Regulation (No. 1) 1996 SL No. 72

notfd gaz 19 April 1996 pp 1681–2

commenced on date of notification

Nature Conservation Amendment Regulation (No. 2) 1996 SL No. 129

notfd gaz 14 June 1996 pp 987–9

commenced on date of notification

5 List of annotations

Applications

s 4 amd 1995 SL No. 352 s 3

Trustees have some of chief executive's powers

s 26 amd 1995 SL No. 352 s 4

National parks where fish may be taken

s 27 exp 31 December 1998 (see s 27(2))

Permit may be taken to have been granted

s 39A ins 1995 SL No. 352 s 5

Restrictions on grant of permits for educational or scientific purposes

s 51 amd 1995 SL No. 352 s 6

Application of division to new national parks

s 54 amd 1995 SL No. 352 s 7

Permit needed to conduct commercial activities

s 63 amd 1995 SL No. 352 s 8

Permit to use recreational craft

prov hdg sub 1995 SL No. 352 s 9(1)

s 66 amd 1995 SL No. 352 s 9(2)

Special activities permit

s 67 sub 1995 SL No. 352 s 10

Fires

s 69 amd 1995 SL No. 352 s 11

Unauthorised structures and works

s 71 amd 1995 SL No. 352 s 12

Traffic control

s 73 sub 1995 SL No. 352 s 13

Use of vehicles, boats and recreational craft

s 74 amd 1995 SL No. 352 s 14

Appliances

s 77 amd 1995 SL No. 352 s 15

Plants not to be brought into protected area

s 78 amd 1995 SL No. 352 s 16

Certain other prohibited conduct

s 79 amd 1995 SL No. 352 s 17

Pollution and misuse of water

s 80 amd 1995 SL No. 352 s 18

Boat and vehicle bodies and parts

s 84 amd 1995 SL No. 352 s 19

Application of chapter

s 92 sub 1995 SL No. 406 s 3

Who may obtain licence

s 94 amd 1995 SL No. 352 s 20

Restriction on grant of licences—general

s 95 amd 1995 SL No. 352 s 21

Restriction on grant of recreational wildlife licence for amphibians or reptiles

s 96 amd 1995 SL No. 352 s 22

Restriction on grant of recreational wildlife (specialist) licence for restricted amphibians or reptiles

s 97 amd 1995 SL No. 352 s 23

Restrictions on grant of wildlife harvesting licence

prov hdg sub 1995 SL No. 406 s 4(1)

s 100 amd 1995 SL No. 352 s 24; 1995 SL No. 406 s 4(2)–(3); 1996 SL No. 72

Restriction on grant of recreational wildlife harvesting licence for ducks and quails

s 100A amd 1995 SL No. 352 s 25

Restriction on grant of wildlife farming licence

s 101 amd 1995 SL No. 352 s 26; 1996 SL No. 72 s 4

When wildlife harvesting licence not needed

s 105A ins 1995 SL No. 406 s 5

Licence not needed for recreational use of protected fish

s 106 amd 1995 SL No. 352 s 27

Permits

s 107 amd 1995 SL No. 406 s 6

When educational or scientific purposes permit is not needed

s 108 amd 1995 SL No. 352 s 28

When clearing permit is not needed

s 109A ins 1995 SL No. 406 s 7

Restrictions on grant of permits for educational or scientific purposes

s 113 amd 1995 SL No. 352 s 29

Restrictions on granting of permit to keep protected and prohibited wildlife

s 114 amd 1995 SL No. 352 s 30

Restriction on grant of rescue permit

s 117 amd 1995 SL No. 352 s 31

Restrictions on grant of clearing permit

s 118A ins 1995 SL No. 406 s 8

General restriction on grant of permits

s 119 amd 1995 SL No. 352 s 32

Permit to state species of wildlife

s 120 amd 1995 SL No. 352 s 33

Duration of permit

s 121 amd 1995 SL No. 352 s 34; 1995 SL No. 406 s 9

Housing and care of protected animals

s 131 amd 1995 SL No. 352 s 35; 1996 SL No. 129 s 3

Transport of protected animals

s 132 amd 1995 SL No. 352 s 36

Definitions

s 140 def “use” amd 1995 SL No. 352 s 37

Licence not needed to keep commonly kept birds

s 143 amd 1996 SL No. 72 s 5

Meaning of “licensee” in division

s 148 amd 1995 SL No. 352 s 38

Effect of licence

s 149 amd 1996 SL No. 72 s 6

Meaning of “licensee” in division

s 152 amd 1995 SL No. 352 s 39

Effect of licence

s 153 amd 1996 SL No. 72 s 7

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s 160 amd 1995 SL No. 352 s 43

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s 165 def “official tag” ins 1996 SL No. 72 s 8

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s 168A ins 1996 SL No. 72 s 10

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s 170 amd 1995 SL No. 352 s 48

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s 175 def “code” sub 1996 SL No. 72 s 13

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s 185A ins 1995 SL No. 352 s 56

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s 209 def “code” sub 1996 SL No. 72 s 14

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s 224 def “code” sub 1996 SL No. 72 s 18

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s 226 amd 1995 SL No. 352 s 67

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CHAPTER 5—GENERAL**PART 3—TRANSITIONAL**

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s 1 def “**macropod**” om 1995 SL No. 352 s 84(2)

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s 7 amd 1995 SL No. 352 s 84(8)

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SCHEDULE 13—SECTIONAL DEFINITIONS**General meaning of “licence”**

s 3 amd 1995 SL No. 352 s 91

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def “**camp**” amd 1995 SL No. 352 s 92(1)

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6 Table of changed citations and remade lawsTABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Fishing Industry Organisation and Marketing Act 1982	Fisheries Act 1994	Fisheries Act 1994 s 226

7 Table of corrected minor errorsTABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 s 44

Provision	Description
156(1)(b)	om 'it's' ins 'its'
258(3)(c)(ii)	om 'and' ins 'or'
sch 7, s 1	om 'part' ins 'schedule'

8 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS
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Previous	Renumbered as
100(4), 2nd mention	100(4A)
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10(3), 2nd mention	10(3A)