

Queensland



*Nature Conservation Act 1992*

# **NATURE CONSERVATION REGULATION 1994**

**Reprinted as in force on 2 February 2000  
(includes amendments up to SL No. 335 of 1999)**

**Warning—see last endnote for uncommenced amendments**

**Reprint No. 2B**

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

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

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REGULATION 1994**

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# NATURE CONSERVATION REGULATION 1994

[as amended by all amendments that commenced on or before 2 February 2000]

## 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 dictionary in schedule 14 defines particular words used in this regulation.

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

(3) Schedule 13 definitions and definitions found elsewhere in the regulation are signposted 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 licence fee.

**(2)** However, an application for a camping permit does not need to be made in an approved form.

**(3)** 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.

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

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

(a) must have an office in Queensland; and

(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.<sup>1</sup>

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

**(8)** The chief executive may, by written notice given to an applicant within 30 days after receiving an application, require the applicant to give the chief executive additional information about the application.

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<sup>1</sup> Chapter 2 relates to protected areas.

**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, with or without conditions; or
- (b) refuse to grant the licence.

**(1A)** The chief executive must make a decision under subsection (1)—

- (a) if the chief executive is satisfied on reasonable grounds the application is of an unusual nature and requires additional information or consultation—within 90 days after receiving the application; and
- (b) for any other application—within 60 days after receiving the application.

**(1B)** However, for an application for which additional information has been requested, the chief executive must make the decision within 60 days after receiving the additional information.

**(1C)** The chief executive may grant the licence only if the chief executive is satisfied the applicant is an appropriate person to hold the licence.

**(1D)** In deciding whether the applicant is an appropriate person to hold the licence, the chief executive must consider whether the applicant has the character, knowledge and ability relevant to the activities that may be carried out under the licence.<sup>2</sup>

**(1E)** However, subsections (1C) and (1D) do not apply to a permit or authority granted under chapter 2 other than the following—

- (a) a stock grazing permit;
- (b) stock mustering permit;
- (c) travelling stock permit;
- (d) commercial activity permit.

**(2)** The chief executive must refuse to grant the licence—

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<sup>2</sup> Under section 135 of the Act, the chief executive may obtain a report from the commissioner of the police service about the applicant's criminal history, including convictions mentioned in the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6.

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- (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; or
- (c) if the applicant has had an equivalent licence, permit or other authority (however described) in another State or country suspended or cancelled in the 3 years immediately before the day the application is made; or
- (d) if the applicant, or a person who has effective management or control of the applicant's operations for which the application is made, has, in the 3 years immediately before the application is made, been convicted of—
  - (i) an offence against the Act, this regulation or a conservation plan; or
  - (ii) an offence relating to cruelty to an animal in Queensland, another State or country; or
  - (iii) another offence relating to wildlife or a place equivalent to a protected area (however described) in another State or country; or
- (e) if—
  - (i) a former licensee whose licence has been cancelled has effective management or control of the applicant's operations for which the application is made; and
  - (ii) the application is made within 2 years after the cancellation; and



- (iii) the application is for the same kind of licence as the cancelled licence; or
  - (f) if the application relates to premises that are unfit for use under the 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—
    - (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—

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- (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.
- (h) the licensee has an equivalent licence, permit or other authority (however described) in another state or country suspended or cancelled;
- (i) the licensee has been convicted of—
  - (i) an offence relating to cruelty to an animal in Queensland, another state or country; or
  - (ii) another offence relating to wildlife or a place equivalent to a protected area (however described) in another state or country.

(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

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- (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.

**(5A)** Subsections (3) to (5) do not apply to the suspension of a licence if the suspension is necessary in the particular circumstances for—

- (a) the immediate protection of life or property; or
- (b) the immediate control of a fire or another natural disaster.

(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.

(5A) Subsections (3) to (5) do not apply to the suspension of a licence if the suspension is necessary in the particular circumstances for—

- (a) the immediate protection of life or property; or
- (b) the immediate control of a fire or another natural disaster.

(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 consider, amongst other things, the relevant management principles in part 4, division 1 or part 5, division 1 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 the 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.<sup>3</sup>

#### **Application of chapter—general**

**24.** Subject to section 25 (Application of chapter—special), this chapter applies to all protected areas.<sup>4</sup>

#### **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.

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<sup>3</sup> The management principles are given in sections 16 to 26 of the Act.

<sup>4</sup> The extent of the application of this chapter may be modified by regulation giving effect to a management plan for a protected 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 declared, by this regulation, not to apply to the area.<sup>5</sup>

(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.

(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.

(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.

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<sup>5</sup> 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.

**Areas where fish, invertebrate animals or mud crabs may be taken**

**27.(1)** This section applies to the following animals (“**permitted animals**”)—

- (a) fish;
- (b) invertebrate animals;
- (c) mud crabs (*Scylla serrata*).

**(2)** A person may take a permitted animal in a prescribed area subject to the conditions stated in schedule 2, part 2.

**(3)** However, an invertebrate animal may be taken only for use as bait to take fish.

**(4)** A person must not take a permitted animal in a prescribed area, or part of a prescribed area, if the taking of the animal is restricted or prohibited in the area, or the part of the area, under a regulatory notice.

Maximum penalty—165 penalty units.

**(5)** A person who, under this section, takes a permitted animal in a prescribed area must not remove a live permitted animal from the area.

Maximum penalty—165 penalty units.

**(6)** In this section—

“**prescribed area**” means—

- (a) an area within a national park in schedule 2, part 1, column 2 set out opposite the national park in schedule 2, part 1, column 1; and
- (b) an area within a national park (Aboriginal land) in schedule 2, part 1, column 2 set out opposite the national park (Aboriginal land) in schedule 2, part 1, column 1; and
- (c) an area within a national park (Torres Strait Islander land) in schedule 2, part 1, column 2 set out opposite the national park (Torres Strait Islander land) in schedule 2, part 1, column 1; and
- (d) a conservation park; and
- (e) a resources reserve.

**Permitted uses in national parks**

**27A.** For section 35<sup>6</sup> of the Act, a use stated in schedule 2A is a permitted use for the national park, or part of the national park, stated for the use.

**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.

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<sup>6</sup> Section 35 (Chief executive's powers about permitted uses in national parks) 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.** Subject to section 37A, 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.

**Restriction on grant of permits**

**37A.(1)** The chief executive must not grant a permit unless satisfied the applicant has adequate insurance cover for the activities to be conducted under the permit.

(2) However, subsection (1) does not apply if the chief executive is satisfied insurance cover is not required for the activities to be conducted under the permit having regard to the nature of the activities.

(3) In this section—

**“insurance cover”**, for activities to be conducted under a permit, means a policy of insurance that insures the applicant for the permit and the State against a claim for damage, injury or loss to a person, and damage to property, arising from the activities.

**“permit”** does not include a camping permit or a permit to solicit donations or information.

### **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
  - (v) for another purpose—1 year;<sup>7</sup>
- (d) stock grazing permit—10 years;
- (e) stock mustering permit—60 days;

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<sup>7</sup> Section 62 of the Act deals with the taking, using, keeping and interfering with cultural and natural resources of a protected area.

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- (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.

**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 tag**”); 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—

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- (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 camping tags 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 camping tag 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.

Maximum penalty—2 penalty units.

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

Maximum penalty—2 penalty units.

### **Interference with camping tags**

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 camping tag 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 in a protected area other than a conservation park or resources reserve.

(2) Subsection (1) does not apply to 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.<sup>8</sup>

### **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—

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<sup>8</sup> 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.



- (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 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.

Maximum penalty—165 penalty units.

**(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.<sup>9</sup>

***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.

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<sup>9</sup> 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.

***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.

Maximum penalty—120 penalty units.

**(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.

**(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.<sup>10</sup>

Maximum penalty—165 penalty units.

**(2)** The holder of a commercial activity permit must always carry the permit, or a copy of the permit, while conducting the activity to which the permit relates.

Maximum penalty—50 penalty units.

**(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.

Maximum penalty—50 penalty units.

**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.

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<sup>10</sup> Schedule 13, section 1(3) specifies the circumstances in which an activity conducted under an agreement is a commercial activity.

**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, or part of a protected area, when entry to the area, or the part of the area, is prohibited under a regulatory notice.

Maximum penalty—120 penalty units.

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

Maximum penalty—165 penalty units.

(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.

Maximum penalty—165 penalty units.

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

Maximum penalty—165 penalty units.

(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.

Maximum penalty—165 penalty units.

**(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—

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- (a) remove the structure or work, and anything in the structure, within a stated time; or
- (b) if the work cannot be removed—stabilise or rehabilitate the work.

*Example of subsection (2)(b)—*

A person who has, without the chief executive's approval, carried out work to construct a walking track in a protected area may be given a direction to rehabilitate the part of the area in which the track is constructed.

(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)(a) 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).

(6) A person must, unless the person has a reasonable excuse, comply with a direction given to the person under subsection (2)(b).

Maximum penalty—165 penalty units.

#### *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 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

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- (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.

Maximum penalty—50 penalty units.

(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.

Maximum penalty—120 penalty units.

(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.

Maximum penalty—120 penalty units.

(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.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

(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; or
- (c) to a guide-dog; or
- (d) to a live fish or mud crab that is, under this regulation, lawfully taken in a protected area or a place adjacent to a protected area; or
- (e) to an invertebrate animal that is taken at a place adjacent to a protected area and brought into the protected area for the purpose of taking fish at a place that is in the immediate vicinity of the place the animal was taken.

### **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.

Maximum penalty—50 penalty units.

(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.

Maximum penalty—80 penalty units.

(3) If a conservation officer reasonably believes circumstances exist that are a danger to a person, or the person's property, 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.

Maximum penalty—80 penalty units.

(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.

## **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).

### **Eradicating or controlling wildlife other than native wildlife**

**91.(1)** The chief executive may give written permission to a person to carry out a controlling activity in a protected area.

**(2)** The permission must state how, where and when the activity may be carried out.

**(3)** The permission may be given on terms the chief executive considers appropriate including, for example, terms about any of the following matters—

- (a) taking out public liability insurance for the activity;
- (b) dealing with wildlife taken under the permission;

(c) reporting to the chief executive.

(4) Also, to remove any doubt, this regulation does not prevent the chief executive carrying out a controlling activity in a protected area.

(5) In this section—

“**controlling activity**” means an activity the chief executive considers to be reasonable and necessary to significantly reduce the population of, or eradicate, (by killing or otherwise) wildlife 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 reptiles**

96. The chief executive must not grant a recreational wildlife licence for reptiles to an individual who is under 13 years.

### **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 who does not demonstrate to the chief executive's satisfaction an ongoing contribution to Australian herpetological knowledge.

### **Restriction on grant of commercial wildlife licence for birds**

98.(1) 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.

(2) However, subsection (1) does not apply if—

- (a) the commercial wildlife licence is granted to a recreational aviculture society; and
- (b) the licence does not allow for the sale of birds for more than 2 days in a year.

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

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

(2) Also, the chief executive must not grant a recreational wildlife (specialist) licence for a golden-shouldered parrot (*Psephotus chrysopterygius*) in the area of the local government of Aurukun, Burke, Carpentaria, Cook, Croydon, Etheridge, Herberton, Mareeba or Torres.

### **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) a conservation plan has been approved for the taking of the wildlife; or
- (b) the licence is for harvesting rare or vulnerable snakes for the purpose of extracting venom for use in antivenene production to promote human wellbeing.

(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)



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- *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 purposes under the *Nature Conservation (Protected Plants in Trade) Conservation Plan 1995*.

**(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 1994*, section 263.

**(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 commercial wildlife harvesting licence**

**100AA.** The chief executive must not grant a commercial wildlife harvesting licence for whales or dolphins if the purpose of harvesting the whales or dolphins is—

- (a) to demonstrate the whales or dolphins under a wildlife demonstrator licence; or
- (b) to display the whales or dolphins under a wildlife exhibitor licence.

### **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.

**Licence authorises certain persons to carry out activity**

**104A.** A licence granted under this chapter authorises only the following persons to carry out the activity stated in the licence unless this regulation provides otherwise—

- (a) if the licence is granted to an individual—
  - (i) the person stated in the licence to be the licensee; and
  - (ii) if the activity is carried out under the direction of the licensee—the licensee’s employees;
- (b) if the licence is granted to a corporation—
  - (i) the person stated in the licence to be in charge of the place named in the licence; and
  - (ii) if the activity is carried out under the direction of the person mentioned in subparagraph (i)—an executive officer, employee or agent of the corporation.

**Duration of licence**

**105.(1)** A licence (other than a 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 harvesting licence is in force for the period, of not more than 1 year, 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 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 (*Scaturinginichthys 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 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 a part of a protected animal or plant for genuine scientific research at a recognised scientific institution, or teaching for secondary or tertiary education, when taken from a protected animal or plant taken or kept under a licence or permit under this chapter.

### **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; or
- (e) if the wildlife is a sick, injured or orphaned protected animal—from the place where the animal is taken to the place where the animal is to be cared for within 72 hours after the animal is taken.

### **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—



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- (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.

(3) The chief executive may grant a permit to take a whale or dolphin for scientific purposes only if the whale or dolphin is to be taken for scientific research that has been recommended by the scientific advisory committee or a person of professional standing in whale or dolphin research.

(4) In this section—

**“scientific advisory committee”** means the scientific advisory committee established under section 132 of the Act.

**“scientific research”** includes research involving any 1 or more of the following—

- (a) the temporary capture of a whale or dolphin;
- (b) attaching a tracking device to a whale or dolphin;
- (c) taking biological samples from a whale or dolphin;
- (d) the use of a dedicated platform;
- (e) bringing a boat, aircraft or helicopter, or moving a person, closer to the whale or dolphin than is otherwise permitted under the *Nature Conservation (Whales and Dolphins) Conservation Plan 1997*.

### **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.

(3) Also, the chief executive must not grant a wildlife movement permit for protected wildlife that allows for the movement of more than 1 consignment of protected wildlife under the permit.

### **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.

(3) Also, the chief executive must not grant a wildlife movement permit for wildlife (other than protected wildlife) that allows for the movement of more than 1 consignment of wildlife under the permit.

### **Restriction on grant of rescue permit**

**117.(1)** 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.

(2) In addition, the chief executive must not grant a rescue permit for protected wildlife to a voluntary wildlife care association unless—

- (a) the association does not engage in commercial activities, other than fund raising for the objects of the association; and
- (b) the chief executive is satisfied the officers of the association are appropriate persons to hold the permit.

(3) In this section—

“**officer**”, of the society, has the meaning given by the *Associations Incorporation Act 1981*.

### **Restrictions on grant of commercial whale watching permit**

**118.(1)** 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.
- (2) The chief executive must not grant a commercial whale watching permit for the following areas of special interest for whales<sup>11</sup>—
- (a) the part of the Whitsunday Management Area of the Townsville/Whitsunday Marine Park that is shown as an area of special interest for whales on the map of the Whitsunday Management Area included in the management program;
  - (b) Queensland waters between latitude 24°30' south (approximately 20 km north of Sandy Cape) and latitude 25°30' south (approximately 35 km north of Inskip Point) if there are 20 current permits for the area;
  - (c) Queensland waters between latitude 25°30' south (approximately 35 km north of Inskip Point) and latitude 27°05' south (approximately 6 km south of Cape Moreton) including all waters in Moreton Bay west of Moreton, North Stradbroke and South Stradbroke Islands if there are 3 current permits for the area;
  - (d) Queensland waters south of latitude 27°05' south (approximately 6 km south of Cape Moreton) excluding all waters in Moreton Bay west of Moreton, North Stradbroke and South Stradbroke Islands.
- (3) A reference in subsection (2) to a number of current permits is a reference to the number of any 1 or both of the following types of permits—
- (a) a permission under the *Marine Parks Act 1982*;
  - (b) a commercial whale watching permit under this regulation.

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<sup>11</sup> Maps showing the boundaries of the areas of special interest for whales are included in the Management Program for the Conservation and Management of Whales and Dolphins (Order Cetacea) in Queensland 1997–2001 approved by the Minister on 8 October 1997. A copy of the management program is available for inspection or purchase at the department's head office and regional offices.

**Restrictions on grant of clearing permit**

**118A.(1)** The chief executive may grant a clearing permit to take a protected 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 a native plant (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 plant 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 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 this regulation or 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.

Maximum penalty—20 penalty units.

**(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.

Maximum penalty—20 penalty units.

**(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.

Maximum penalty—20 penalty units.

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

**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; or
- (c) a captive bred bird or a bird's egg that is sent or transported, under a movement advice, from a person who holds a licence to keep the bird or egg to another person who holds a licence to keep the bird or egg, for—
  - (i) hand raising the bird; or
  - (ii) artificial incubation or foster parent incubation of the egg.

### *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.

Maximum penalty—165 penalty units.

**(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.(1)** 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.

(2) Also, a person is exempt from payment of the conservation value for protected wildlife if—

- (a) the wildlife is a protected animal that was taken and kept under a rescue permit; and
- (b) the person is the holder of a wildlife exhibitor licence and keeps the wildlife at the direction, or with the approval, of the chief executive.

***Division 9—Miscellaneous*****Taking, keeping and using sea turtle or dugong**

**139A.(1)** A person may take a sea turtle or dugong under Aboriginal tradition or Island custom if the sea turtle or dugong is taken under a permit granted under the *Marine Parks Act 1982*.

**(2)** A person who takes a sea turtle or dugong under Aboriginal tradition or Island custom under a permit granted under the *Marine Parks Act 1982* or the *Great Barrier Reef Marine Park Act 1975* (Cwlth) may keep and use the turtle or dugong.

**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 a species of captive-bred birds mentioned in schedule 4A.

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

**(3)** A person who keeps a bird mentioned in schedule 4A 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 a licensee or brings the bird into the State under a wildlife movement permit.

**(3)** This section is subject to sections 149 and 153.<sup>12</sup>

**(4)** In this section—

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<sup>12</sup> Sections 149 (Effect of licence) and 153 (Effect of licence)

**“licensee”** means—

- (a) a person who holds a commercial wildlife licence for birds; or
- (b) a person who holds a recreational wildlife licence for birds or a recreational wildlife (specialist) licence for birds.

### **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
- (b) buy more than 5 commonly kept birds in a year; or
- (c) sell more than 2 commonly kept birds in a month; or
- (d) sell more than 5 commonly 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 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 licensee under this part; or
- (c) with the chief executive’s prior written approval, move a commonly kept bird to another person who does not hold a licence.

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

Maximum penalty—20 penalty units.

**(3)** In this section—

**“licensee”** means a person who holds—

- (a) a commercial wildlife licence for birds; or

- (b) a recreational wildlife licence for birds; or
- (c) a recreational wildlife (specialist) licence for birds.

### **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.<sup>13</sup>

## *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—165 penalty units.

**(3)** A licensee must not sell a commercial bird, other than a commonly kept bird or a bird mentioned in schedule 4A, to a person other than a person who holds—

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<sup>13</sup> 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.

- (a) a commercial wildlife licence for birds; or
- (b) a recreational wildlife licence for birds; or
- (c) a recreational wildlife (specialist) licence for birds.

Maximum penalty—120 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.

Maximum penalty—120 penalty units.

**(2)** The licensee must make the entry—

- (a) if the change happens under a transaction—on the day the change happens; or
- (b) if the change happens by a natural increase—
  - (i) if the progeny is raised by its parents—the day the bird fledges; or
  - (ii) if the eggs are removed for artificial incubation or foster parent incubation—the day the eggs are removed; or
  - (iii) if the progeny is not independent and is removed for hand raising—the day the progeny is removed; or
- (c) if the bird escapes or dies—the day of the escape or death.

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.

**(2A)** However, the holder of a recreational wildlife licence, may keep and use no more than a total of 2 restricted birds during the period the licensee’s licence is in force.

**(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 30 June and 31 December in each year the licence is in force; and

- (e) give the chief executive written notice of the presence of eggs or the fledging of progeny within 30 days after the licensee becomes aware of the presence of eggs or the fledging occurs; 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.

Maximum penalty—120 penalty units.

**(2)** The licensee must make the entry—

- (a) if the change happens under a transaction—on the day the change happens; or
- (b) if the change happens by a natural increase—
  - (i) if the progeny is raised by its parents—the day the bird fledges; or

- (ii) if the eggs are removed for artificial incubation or foster parent incubation—the day the eggs are removed; or
  - (iii) if the progeny is not independent and is removed for hand raising—the day the progeny is removed; or
- (c) if the bird escapes or dies—the day of the escape or death.

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 person who holds a recreational wildlife licence for birds must,

by 14 January in each year, give the chief executive a return of operations under the licence for the previous year.

Maximum penalty—120 penalty units.

### **Birds to be kept for period**

**158.** A licensee must not, without the chief executive's written approval, dispose of a bird within 6 months of acquiring it unless—

- (a) the bird was acquired as a result of breeding of birds carried out by the licensee; or
- (b) 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.

**Change in number of birds 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.

Maximum penalty—120 penalty units.

**(2)** The licensee must make the entry—

- (a) if the change happens under a transaction—on the day the change happens; or
- (b) if the change happens by a natural increase—
  - (i) if the progeny is raised by its parents—the day the bird fledges; or
  - (ii) if the eggs are removed for artificial incubation or foster parent incubation—the day the eggs are removed; or
  - (iii) if the progeny is not independent and is removed for hand raising—the day the progeny is removed; or
- (c) if the bird escapes or dies—the day of the escape or death.

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.<sup>14</sup>

“**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.

“**use**” does not include—

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<sup>14</sup> A copy of the code may be obtained from the department's head office and the Queensland Nursery Industry Association.

- (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, other than the holder of a herbarium licence, must not use any of the following plants—

- (a) family Aponogetonaceae—
  - *Aponogeton bullosus*
  - *Aponogeton queenslandicus*
  - *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 93<sup>15</sup> of the Act, a person must not take 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).

Maximum penalty—165 penalty units.

**(3A)** This section does not apply to a plant taken as a log for commercial timber production—

- (a) under the *Forestry Act 1959* on State land; or
- (b) on freehold land.

**(4)** In this section—

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

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

**Restriction on using common plants**

**167B.(1)** Subject to section 93 of the Act, a person must not use a common plant that is a restricted plant other than under a licence under this regulation.

Maximum penalty—165 penalty units.

**(2)** This section does not apply to a plant taken under section 167A(3A) and used as a log for commercial timber production.

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<sup>15</sup> Section 93 (Aborigines' and Torres Strait Islanders' rights to take etc. protected wildlife) of the Act

**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
- (b) if the plant is—
  - (i) an orchid seedling (family Orchidaceae) not more than 100 mm long—in pots or mounted; or
  - (ii) a restricted plant, other than a blue tassel fern (*Huperzia dalhousieana*) or a plant of the family Aponogetonaceae or Orchidaceae—with a propagator’s tag on the plant.

**(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.

**(4)** In this section—

“**propagator’s tag**”, for a protected plant, means a tag supplied by the propagator and approved by the chief executive for attaching to the plant.

**Licence not needed to use protected plants registered under Plant Breeder’s Rights Act 1994 (Cwlth)**

**168AA.(1)** A licence is not needed to use a threatened, rare or common plant for which a plant breeder’s right has been granted under the *Plant Breeder’s Rights Act 1994* (Cwlth) (the “**Commonwealth Act**”).

**(2)** However, a person who uses a plant mentioned in subsection (1) must, if asked by a conservation officer, produce evidence of the grant of a

plant breeder's right for the plant under the Commonwealth Act, unless the person has a reasonable excuse for not producing it.

Maximum penalty—165 penalty units.

### **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
- (b) more than 20 plants in a year; or

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

Maximum penalty—80 penalty units.

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

Maximum penalty—80 penalty units.

(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*

#### **Definition for div 3**

**170A.** In this division—

“**licensee**” means a person who holds a commercial wildlife licence 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 only 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

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- (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
- (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—
- (a) to an ungerminated seed; or
  - (b) 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.

Maximum penalty—120 penalty units.

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

Maximum penalty—120 penalty units.

## **PART 3A—PROTECTED PLANTS IN TRADE**

### *Division 1—Preliminary*

#### **Definitions for pt 3A**

**174A.** 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.<sup>16</sup>

**“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.

**“propagator’s tag”**, for a protected plant, means a tag supplied by the propagator and approved by the chief executive for attaching to the plant.

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

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<sup>16</sup> A copy of the code may be obtained during office hours on business days at the department’s head office at 160 Ann Street, Brisbane.

**Purpose of part**

**174B.** The purpose of this part is—

- (a) to promote the continued existence in the wild of biologically viable populations of all taxa of protected plants; and
- (b) to allow ecologically sustainable harvesting of protected plants from the wild.

**Application of part**

**174C.** For the plants mentioned in schedule 8A, this part applies only to the plant parts cut for trade.<sup>17</sup>

*Division 2—Taking, using and keeping protected plants***Harvest period for protected plants**

**174D.(1)** A harvest period for protected plants commences on 1 January 2000 and ends on 31 December 2000.

**(2)** Despite subsection (1), a person may take an endangered plant only if the person holds a recreational wildlife harvesting licence.

**Restriction on taking under Aboriginal tradition or Island custom**

**174E.(1)** Taking a whole endangered plant under Aboriginal tradition or Island custom is prohibited.

**(2)** Taking part of an endangered plant under Aboriginal tradition or Island custom is prohibited other than under an Aboriginal tradition or Island custom authority granted under this regulation.<sup>18</sup>

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<sup>17</sup> This part is administered in conjunction with the Management Program for the Management of Protected Plants in Trade in Queensland 1995–1998. The management program is published by the department and a copy is available for inspection at the department’s central office and regional offices.

<sup>18</sup> Chapter 3 (Wildlife and Habitat), part 1 (Preliminary), division 4 (Aboriginal tradition and Island custom authorities)

**Condition of licence**

**174EA.(1)** The holder of a commercial or recreational wildlife harvesting licence for protected plants may take a plant under the licence only in a way that—

- (a) minimises damage to soil or other wildlife; and
- (b) ensures the taking is ecologically sustainable.

Maximum penalty—80 penalty units.

**(2)** The holder takes the plant in compliance with subsection (1) if the holder complies with the code to the extent it is relevant to the way in which a protected plant should be taken.

**Restrictions on holder of commercial wildlife harvesting licence**

**174F.** A person who takes a protected plant under a commercial wildlife harvesting licence must not sell the plant other than to the holder of a commercial wildlife licence.

Maximum penalty—120 penalty units.

**Restrictions on holder of recreational wildlife harvesting licence**

**174G.(1)** The holder of a recreational wildlife harvesting licence must not take more than—

- (a) if the holder is a recreational plant society—20 protected plants in a month; or
- (b) if the holder is an individual—50 protected plants in a year.

Maximum penalty—80 penalty units.

**(2)** Despite subsection (1), the holder of a recreational wildlife harvesting licence must not take more than 10 plants of each species of the genus *Aponogeton*.

Maximum penalty—80 penalty units.

**(3)** Subsection (1)(a) does not apply to the taking of a protected plant that would otherwise have been lawfully destroyed.

**Harvested restricted plants to be tagged**

**174H.** A person who takes a whole restricted plant under a wildlife harvesting licence must, before moving it from the land where it was taken, attach to it—

- (a) a label stating the particulars mentioned in section 8.5 of the Code of Practice for the Taking and Use of Protected Plants, approved by the Minister and published by the department;<sup>19</sup> or
- (b) an official tag.

Maximum penalty—120 penalty units.

**Restricted plants offered for sale to be tagged**

**174I.(1)** This section applies to a whole restricted plant that is large enough to tag.

**(2)** A person must not sell the plant unless it is tagged—

- (a) if the plant was taken from the wild or raised from seed or other propagating material taken from the wild—with an official tag; or
- (b) if the plant was raised from cultivated stock—with a propagator's tag.

Maximum penalty—120 penalty units.

**(3)** Subsection (2)(b) does not apply to—

- (a) a cycad (family *Cycadaceae*) if its caudex diameter is smaller than 10 cm; or
- (b) a grasstree (family *Xanthorrhoeaceae*) if its caudex diameter is smaller than 10 cm; or
- (c) a bird's nest fern (*Asplenium nidus* and *Asplenium australasicum*) if its longest leaf is less than 40 cm long; or
- (d) a staghorn (*Platynerium superbum*) if its diameter is smaller than 10 cm; or
- (e) a tassel fern (family *Lycopodiaceae*, other than a blue tassel fern

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<sup>19</sup> A copy of the code may be obtained from the department's head office and the Queensland Nursery Industry Association.

(*Huperzia dalhousieana*)) if its longest stem is less than 15 cm long.

(4) For this section, a whole restricted plant is large enough to tag if an official tag can be attached to it without reducing its present or future commercial value.

### **Prohibition on sale if not in pot etc.**

**174J.(1)** A person must not sell a whole protected plant taken from the wild unless the plant is in a pot or mounted on a slab or board.

Maximum penalty—80 penalty units.

(2) Subsection (1) does not apply to—

- (a) Epiphytic orchids (family *Orchidaceae*) if the sale is by post, air, rail or road; or
- (b) plants that would otherwise have been lawfully destroyed but have been salvaged by a recreational plant society.

## ***Division 3—Records and Returns***

### **Records to be kept**

**174K.** A person who holds a commercial wildlife harvesting licence must keep a record book.<sup>20</sup>

### **Returns**

**174L.(1)** A person who holds a commercial or recreational wildlife harvesting licence must give the chief executive a return of operations under the licence.

(2) The licensee must give the chief executive the return—

- (a) for each month during the harvest period—within 14 days after the end of the month; and

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<sup>20</sup> Section 258(1) and (3) (Records to be kept) deal with the making of entries and the period with which an entry is to be made.

- (b) for the harvest period—within 14 days after the end of the harvest period.

(3) A person who attaches an official tag to a restricted plant must, within 14 days after the end of each month, give the chief executive a return stating the number of each tag attached during the month and the name of the species of plant to which it was attached.

Maximum penalty for subsection (3)—120 penalty units.

### *Division 4—Miscellaneous*

#### **Conservation value**

**174M.** No conservation value is payable for a protected plant taken under this part.

## **PART 4—LICENCES FOR AMPHIBIANS AND REPTILES**

### *Division 1—Preliminary*

#### **Definitions for pt 4**

**175.** In this part—

“**code**” means the Captive Reptile and Amphibian Husbandry Code of Practice, approved by the Minister and published by the department.<sup>21</sup>

“**take**” means catch.

“**use**” does not include—

- (a) process; or

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<sup>21</sup> A copy of the code is available for inspection or purchase at the department’s central office.



- (b) for a recreational or restricted amphibian or reptile, or a commonly kept 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
- (e) helps control threatening processes, including, for example—
  - (i) the ecologically unsustainable taking of amphibians and reptiles; and
  - (ii) the release of international and prohibited reptiles into the habitat of protected wildlife.

### **When licence not needed**

**177.(1)** A licence is not needed to take and keep a common amphibian<sup>22</sup> 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

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<sup>22</sup> Common amphibians are declared under the *Nature Conservation (Wildlife) Regulation 1994*.

- (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.

### *Division 2—International wildlife licence for reptiles*

#### **Definition for div 2**

**177A.** In this division—

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

#### **Effect of licence**

**177B.** A licensee may keep and use an international reptile.

#### **Conditions of licence**

**177C.** A licensee must—

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- (a) ensure a biological tissue sample of the reptile and its progeny is held and registered with a scientific institution approved by the Minister; and
- (b) implant into the 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 progeny of the reptile within 30 days after the hatching or birth; and
- (e) allow access to the reptile by a conservation officer at any reasonable time to allow the officer to inspect the reptile; and
- (f) give the officer the help necessary to enable the officer to—
  - (i) obtain or check the biological tissue sample of the reptile; or
  - (ii) find out the reptile's identification code; or
  - (iii) insert an electromagnetic implant into the reptile; or
  - (iv) photograph the reptile.

Maximum penalty—

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

**Change in number or species of reptiles**

**177D.(1)** If there is a change in the number or species of reptiles kept by a licensee, the licensee must enter particulars of the following in the licensee's record book—

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

Maximum penalty—120 penalty units.

(2) The licensee must make the entry—

- (a) if the change happens under a transaction—on the day the change happens; or
- (b) if the change happens by a natural increase—
  - (i) if the progeny is raised by its parents—the day the reptile hatches or is born; or
  - (ii) if the eggs are removed for artificial incubation or foster parent incubation—the day the eggs are removed; or
  - (iii) if the progeny is not independent and is removed for hand raising—the day the progeny is removed; or
- (c) if the reptile escapes or dies—the day of the escape or death.

Maximum penalty—120 penalty units.

### **Delivery of dead reptiles**

**177E.(1)** A licensee who keeps an international reptile must, if the reptile dies—

- (a) give the reptile to a veterinary surgeon for autopsy within 8 hours after its death; or
- (b) freeze the reptile as soon as practicable 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 the chief executive within 7 days after the reptile's death—

- (a) a biological tissue sample from the reptile; and
- (b) if the reptile is fitted with an electromagnetic implant—the implant; and
- (c) if the implant is not in working order—a written report of the reason for the implant's failure.

Maximum penalty—120 penalty units.

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

**Return of operations**

**177F.** A licensee must, within 14 days after 30 June and 31 December of each year the licence is in force, give the chief executive a return, for the 6 months ending 30 June or 31 December, of—

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

Maximum penalty—120 penalty units.

***Division 3—Recreational wildlife and recreational wildlife (specialist)  
licences for amphibians and reptiles***

**Definition for div 3**

**177G.** In this division—

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

**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; or
- (d) no more than 2 restricted reptiles, other than reptiles of the family Elapidae, Hydrophiidae or Laticaudidae.

**(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.

Maximum penalty—20 penalty units.

**(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.

Maximum penalty—120 penalty units.

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

**Return of operations**

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

### **Definition for pt 4A**

**184B.** In this part—

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

### **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.

Maximum penalty—120 penalty units.

**(2)** The licensee must make the entry on the day the change happens.

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.

**Commercial wildlife harvesting licence for protected plants**

**185B.(1)** This section applies if the chief executive grants a commercial wildlife harvesting licence for protected plants to a person (the “**licensee**”).

**(2)** An employee of the licensee may, under the licensee’s direction—

- (a) take a protected plant under the licence; and
- (b) move the plant to the licensee’s address stated on the licence.

**(3)** The employee must, when taking, keeping or using a plant under the licence—

- (a) carry a copy of the licence endorsed by the licensee with the employee's name and residential address; and
- (b) carry a form of identification that displays a colour photograph of the employee.

Maximum penalty—120 penalty units.

## **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.** A licensee must—

- (a) if required by the chief executive, ensure a biological tissue sample of the wildlife (and its progeny) kept by the licensee under the licence 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 museum licence or 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 licensee may display wildlife stated in the licensee's 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.

Maximum penalty—80 penalty units.

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

Maximum penalty—80 penalty units.

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

Maximum penalty—80 penalty units.

**(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.

Maximum penalty—80 penalty units.

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

Maximum penalty—80 penalty units.

(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.

### **Demonstration of wildlife by employees**

**195A.** An employee of a licensee must, when demonstrating wildlife under a licence—

- (a) carry a copy of the licence endorsed by the licensee with the employee's name and residential address; and
- (b) carry a form of identification that shows a recent colour photograph of the employee.

Maximum penalty—120 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.

Maximum penalty—120 penalty units.

**(2)** The licensee must make the entry—

- (a) if the change happens under a transaction—on the day the change happens; or
- (b) if the change happens by a natural increase—
  - (i) if the progeny is raised by its parents—the day the wildlife becomes independent; or
  - (ii) if the wildlife is not independent and is removed for hand raising—the day the wildlife is removed; or
  - (iii) if the eggs are removed for artificial incubation or foster parent incubation—the day the eggs are removed; or
- (c) if the wildlife escapes or dies—the day of the escape or death.

Maximum penalty—120 penalty units.

**Return of operations**

**198.** A licensee must, by 14 January in each year, give the chief executive a return of operations under the licence for the previous year.

Maximum penalty—120 penalty units.

## **PART 7—WILDLIFE EXHIBITOR LICENCES**

### **Definitions for pt 7**

**199.** In this part—

“**code**” means the Code of Practice of the Queensland Wildlife Parks Association, Minimum standards for exhibiting wildlife in Queensland approved by the Minister and published by the association.<sup>23</sup>

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

“**use**” includes exhibit and demonstrate but 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 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.

### **Effect of licence**

**201.(1)** A licensee may keep and use wildlife.

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<sup>23</sup> A copy of the code may be obtained during office hours on business days at the department’s head office at 160 Ann Street, Brisbane.



(2) However, the licensee may keep and use a live prohibited animal only if the chief executive is satisfied with the licensee's security arrangements for keeping the animal.

### **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 museum licence or 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; or
- (d) give the wildlife to a person who holds a commercial wildlife licence for dead wildlife for the person to process for the licensee.

Maximum penalty—50 penalty units.

(2) If the licensee gives the wildlife to a person under subsection (1)(d), the licensee must give a completed movement advice to the chief executive.

Maximum penalty—120 penalty units.

**Display of wildlife**

**204.(1)** A licensee 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 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.

Maximum penalty—80 penalty units.

**(3)** A licensee displays wildlife in compliance with subsection (2) if the licensee complies with the code to the extent it is relevant to the way in which wildlife should be displayed.

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

Maximum penalty—80 penalty units.

**(5)** 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) display obviously sick or injured wildlife.

Maximum penalty—80 penalty units.

**(6)** 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.

### **Display of wildlife by employees**

**204A.** A licensee's employee must, when displaying wildlife under the licence—

- (a) carry a copy of the licence endorsed by the licensee with the employee's name and residential address; and
- (b) carry a form of identification that shows a recent colour photograph of the employee.

Maximum penalty—120 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.** A licensee must—

- (a) if required by the chief executive, ensure a biological tissue sample of the wildlife (and its progeny kept by the licensee under the licence) 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.

Maximum penalty—120 penalty units.

**(2)** The licensee must make the entry—

- (a) if the change happens under a transaction—on the day the change happens; or
- (b) if the change happens by a natural increase—
  - (i) if the wildlife is raised by its parents—the day the wildlife becomes independent; or
  - (ii) if the wildlife is not independent and is removed for hand raising—the day the wildlife is removed; or
  - (iii) if the eggs are removed for artificial incubation or foster parent incubation—the day the eggs are removed; or
- (c) if the wildlife escapes or dies—the day of the escape or death.

Maximum penalty—120 penalty units.

**Return of operations**

**208.** A licensee must, by 14 January in each year, give the chief executive a return of operations under the licence for the previous year.

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.<sup>24</sup>

“**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

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<sup>24</sup> Each code is available for inspection or purchase at the department’s central office.

- (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—

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- (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.

Maximum penalty—80 penalty units.

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

Maximum penalty—80 penalty units.

**(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.

Maximum penalty—80 penalty units.

**(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.

**(6)** If a licensee demonstrates wildlife at a place other than the place

stated in the licence, the licensee must demonstrate the wildlife in a travelling or temporary display.

Maximum penalty—80 penalty units.

### **Change in numbers of farm wildlife**

**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.

Maximum penalty—120 penalty units.

**(2)** The licensee must make the entry 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 8A—MUSEUM AND HERBARIUM LICENCES***Division 1—Preliminary***Definitions for pt 8A**

**216A.** In this part—

“**bioprospecting activity**” means an activity conducted for commercial purposes using biological material, or a derivative of the material, obtained from protected or international wildlife taken in the State.

“**use**” does not include—

- (a) move; or
- (b) for prohibited wildlife—breed.

**Purpose of pt 8A**

**216B.** The purpose of this part is to ensure the taking, keeping and use of protected, international and prohibited wildlife by a museum or herbarium is controlled under a system of licensing that—

- (a) recognises museums and herbariums contribute to the taxonomic and ecological knowledge of the State’s wildlife; and
- (b) promotes education about, and the conservation of, wildlife.

*Division 2—Museum licences***Definitions for div 2**

**216C.** In this division—

“**code**” means the Code of Practice of the Queensland Wildlife Parks

Association, Minimum standards for exhibiting wildlife in Queensland approved by the Minister and published by the association.<sup>25</sup>

“**licensee**” means the holder of a museum licence.

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

### **Effect of licence**

**216D.(1)** A licensee may, unless the taking, keeping or use relates to a bioprospecting activity—

- (a) take, keep or use protected or international wildlife; and
- (b) keep or use dead prohibited wildlife.

**(2)** However, a licensee must not take a protected animal for display as a live animal.

### **Display of live wildlife**

**216E.(1)** A licensee may display live 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, the wildlife; and
- (c) promotes an understanding of ecology and the conservation of wildlife.

**(2)** A licensee must display 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.

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<sup>25</sup> A copy of the code may be obtained during office hours on business days at the department’s head office at 160 Ann Street, Brisbane.

Maximum penalty—80 penalty units.

(3) A licensee displays wildlife in compliance with subsection (2) if the licensee complies with the code to the extent it is relevant to the way in which the wildlife should be displayed.

(4) A licensee must ensure wildlife is kept under supervision while it is displayed.

Maximum penalty—80 penalty units.

(5) 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) display obviously sick or injured wildlife.

Maximum penalty—80 penalty units.

(6) 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 for subsection (6)—80 penalty units.

### **Display of wildlife by employees**

**216F.** A licensee's employee must, when displaying wildlife under the licence—

- (a) carry a copy of the licence endorsed by the licensee with the employee's name and residential address; and
- (b) carry a form of identification that shows a recent colour photograph of the employee.

Maximum penalty—120 penalty units.

**Taking of wildlife by person other than licensee**

**216G.(1)** A person may, under the licensee's direction, take wildlife under the licence.

**(2)** The person must, when taking the wildlife—

- (a) carry a copy of the licence endorsed by the licensee with the person's name and residential address; and
- (b) carry a form of identification that shows a recent colour photograph of the person.

Maximum penalty—120 penalty units.

**Handling wildlife**

**216H.** 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.

**Disposal of dead wildlife**

**216I.(1)** A licensee may dispose of dead wildlife in the licensee's possession by—

- (a) incineration or burial, including by a commercial waste disposal organisation; or
- (b) giving the wildlife to another licensee or a museum in another State or country.

**(2)** If a licensee gives the wildlife to a person under subsection (1)(b), the licensee must give a completed movement advice for the wildlife to the chief executive.

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

**Conditions of museum licence**

**216J.** A licensee must—

- (a) if required by the chief executive, ensure a biological tissue sample of live wildlife and its progeny kept by the licensee under

- the licence 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 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 or species of live wildlife**

**216K.(1)** If there is a change in the number or species of live wildlife kept by a licensee, the licensee must enter the following particulars in the licensee's record book—

- (a) if the change happens—
  - (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.

Maximum penalty—120 penalty units.

**(2)** The licensee must make the entry—

- (a) if the change happens under a transaction—on the day the change happens; or
- (b) if the change happens by a natural increase—

- (i) if the wildlife is raised by its parents—the day the wildlife becomes independent; or
  - (ii) if the wildlife is not independent and is removed for hand raising—the day the wildlife is removed; or
  - (iii) if the eggs are removed for artificial incubation or foster parent incubation—the day the eggs are removed; or
- (c) if the wildlife escapes or dies—the day of the escape or death.

Maximum penalty—120 penalty units.

### **Return of operations**

**216L.** A licensee must, by 14 January in each year, give the chief executive a return of operations for live wildlife used for display under the licence in the previous year.

Maximum penalty—120 penalty units.

### **Dealing with wildlife without approval**

**216M.** A licensee must not, without the chief executive's written approval—

- (a) buy wildlife from someone who does not hold a licence for the wildlife; or
- (b) sell wildlife to someone who does not hold a wildlife exhibitor or wildlife demonstrator licence for the wildlife; or
- (c) receive live protected or international wildlife for display from someone who does not hold a licence for the wildlife; or
- (d) receive dead protected wildlife from a person unless the person—
  - (i) holds a licence for the wildlife; or
  - (ii) has the chief executive's approval to give the wildlife to the licensee.

Maximum penalty—165 penalty units.

***Division 3—Herbarium licences*****Definition for div 3**

**216N.** In this division—

“**licensee**” means the holder of a herbarium licence.

**Effect of licence**

**216O.** A licensee may take, keep or use a protected plant unless the taking, keeping or use relates to a bioprospecting activity.

**Taking, keeping and use of protected plants by person other than licensee**

**216P.(1)** A person may, under the licensee’s direction, take a protected plant under the licence.

**(2)** The person must, when taking the plant—

- (a) carry a copy of the licence endorsed by the licensee with the person’s name and residential address; and
- (b) carry a form of identification that shows a recent colour photograph of the person.

Maximum penalty—120 penalty units.

**(3)** A person may, with the chief executive’s written approval, keep and use a protected plant under the licence at a place other than the place stated in the licence to obtain flowers or propagating material from the plant.

**Dealing with protected plants without approval**

**216Q.** A licensee must not, without the chief executive’s written approval—

- (a) buy a rare or threatened plant from someone who does not hold a licence for the plant; or



- (b) sell a protected plant to someone who does not hold a commercial wildlife licence or commercial wildlife harvesting licence for plants.

Maximum penalty—165 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.

#### **Taking of protected wildlife under damage mitigation permit**

**217A.(1)** This section applies if the chief executive grants a damage mitigation permit for protected wildlife to a person (the “**permit holder**”).

**(2)** An employee of the permit holder may, under the permit holder’s direction, take protected wildlife under the permit.

**(3)** The employee must, when taking wildlife under the permit—

- (a) carry a copy of the permit endorsed by the permit holder with the name and residential address of the employee; and
- (b) carry a form of identification that displays a colour photograph of the employee.

Maximum penalty—120 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.(1)** A holder of a permit to keep protected wildlife 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.

**(2)** Also, the holder of a permit to keep protected wildlife or prohibited wildlife (other than birds) must not, without the chief executive's written approval, allow the wildlife kept under the permit to breed.

Maximum penalty—165 penalty units.

**Movement of protected animal**

**220A.** This section applies if—

- (a) a person keeps protected wildlife under a permit to keep the wildlife; and
- (b) the person is no longer able to keep the wildlife.

(2) The person may, with the written approval of the chief executive, move the wildlife to a place where another person who holds a permit to keep the wildlife is to care for the wildlife.

**Change in numbers of wildlife kept**

**221.(1)** This section applies to a person who keeps protected wildlife 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.

Maximum penalty—120 penalty units.

(4) The licensee must make the entry—

- (a) if the change happens under a transaction—on the day the change happens; or
- (b) if the change happens by a natural increase—
  - (i) if the wildlife is raised by its parents—the day the wildlife becomes independent; or
  - (ii) if the wildlife is not independent and is removed for hand raising—the day the wildlife is removed; or

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- (iii) if the eggs are removed for artificial incubation or foster parent incubation—the day the eggs are removed; or
- (c) if the wildlife escapes or dies—the day of the escape or death.

Maximum penalty—120 penalty units.

**Return of operations**

**222.(1)** A person who keeps protected wildlife 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—by 14 January in each year, give the chief executive a return of operations under the permit for the previous year; 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.<sup>26</sup>

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

### **Effect of permit**

**225.(1)** The holder of a rescue permit may—

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

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

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

### **Taking, keeping and using protected animals under rescue permit**

**225A.(1)** This section applies if the chief executive grants a rescue permit for protected animals to an association.

(2) A member of the association may, at the direction of the association, take, keep or use a protected animal under the permit.

(3) The member must, when taking, keeping or using an animal under the permit—

- (a) carry a copy of the permit endorsed by the association’s secretary with the member’s name and residential address; and
- (b) carry a form of identification that displays a colour photograph of the member.

Maximum penalty—120 penalty units.

(4) In this section—

“**association**” means an incorporated association under the *Associations Incorporation Act 1981*.

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<sup>26</sup> The code is available for inspection or purchase at the department’s central office.

**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.

Maximum penalty—20 penalty units.

**(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.

Maximum penalty—80 penalty units.

**(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.

**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 a voluntary wildlife care association written approval to display the wildlife if the chief executive is satisfied—

- (a) the wildlife is not visibly sick, injured or distressed; and
- (b) the purpose of the display is—
  - (i) to promote the conservation of the wildlife and its habitat; or
  - (ii) to promote public awareness of the need to protect the species of wildlife; or
  - (iii) to raise funds for use in achieving the purpose of this division.

#### *Division 4—Permits for educational or scientific purposes*

### **Taking protected wildlife under a permit for educational or scientific purposes**

**228A.(1)** This section applies if the chief executive grants a permit to take protected wildlife for scientific or educational purposes to a person (the “**permit holder**”).

(2) A person other than the permit holder may, under the direction of the permit holder, take protected wildlife under the permit.

- (3) The person must, when taking protected wildlife under the permit—
- (a) carry a copy of the permit endorsed by the permit holder with the person’s name and residential address; and
  - (b) carry a form of identification that displays a colour photograph of the person.

Maximum penalty—120 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 Orders<sup>27</sup> for use as food during survival exercises held to train Australia's defence force.

### **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 authority; and
- (b) the numbers of each species of common wildlife taken under the authority.

Maximum penalty—120 penalty units.

**(2)** The holder of the authority must give the return to the chief executive—

- (a) for the quarters ended 31 March, 30 June, 30 September and 31 December—within 30 days after the end of each quarter the authority is in force; and
- (b) within 14 days after the authority ends.

Maximum penalty—120 penalty units.

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<sup>27</sup> A copy of this document may be inspected at the department's head office.



## 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.

Maximum penalty—165 penalty units.

**(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.

### **Poisons not to be used to take protected wildlife**

**235.(1)** A person must not use or attempt to use, or allow a person to use or attempt to use, a poison to take protected wildlife other than as permitted under the *Health (Drugs and Poisons) Regulation 1996*.

Maximum penalty—165 penalty units.

**(2)** In this section—

**“poison”** has the meaning given by the *Health (Drugs and Poisons) Regulation 1996*.

### **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.

Maximum penalty—165 penalty units.

**(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**

**238.(1)** A person must not release a native animal into the wild—

- (a) if the animal was bred or kept in captivity; or
- (b) in an area where the animal is not naturally found.

Maximum penalty—165 penalty units.

**(2)** However, subsection (1)(a) does not apply to a native animal kept under a rescue permit.

**(3)** Also, subsection (1) does not apply if the animal is released under a licence, permit or authority or with the chief executive's written 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.

Maximum penalty—50 penalty units.

(2) If the licence or copy of the licence is displayed while demonstrating wildlife, the licence or copy does not need to show the person's residential address.

(3) 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—

- (a) before parting with possession of the wildlife, obtain from the buyer—
  - (i) evidence of the buyer's identity; and
  - (ii) the buyer's 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.

Maximum penalty—80 penalty units.

(2) A licensee who buys protected, international or prohibited wildlife must—

- (a) on receipt of the wildlife, obtain from the seller—
  - (i) evidence of the seller's identity; and
  - (ii) the seller's 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.

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 may supply tags for use by holder of licence**

**245.(1)** The chief executive may supply tags for use by a person who holds a licence under this chapter.

**(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 unless the person has a reasonable excuse for not complying with it.

Maximum penalty—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.

Maximum penalty—165 penalty units.

**(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; 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 inform the owner that—



- (a) the property must be claimed within 2 months after the notice is given to the owner; and
- (b) the property may be disposed of if it is not claimed within 2 months.

### **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) the property has a market value of \$300 or less.

**(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.** 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—
  - (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.

### **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 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.

(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.<sup>28</sup>

## 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 comply with the requirement.

Maximum penalty—120 penalty units.

**(1A)** 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—
  - (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—

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<sup>28</sup> 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 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; or
- (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.

Maximum penalty—120 penalty units.

**(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

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- (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.

Maximum penalty—120 penalty units.

(3) The licensee must complete the return and send it 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.

Maximum penalty—120 penalty units.

(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 plants);

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- (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 31 December of each year the licence is in force, give the chief executive a return of operations under the licence for the year ended 31 December.

Maximum penalty—120 penalty units.

(4) The holder of an educational or scientific purposes permit or rescue permit—

- (a) must, within 30 days after 31 December in each year the permit is in force, give the chief executive a return of operations under the permit for the year; and
- (b) must give the chief executive a return of operations under the permit within 28 days after the permit ceases to have effect.

Maximum penalty—120 penalty units.

(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; and
- (b) must give the chief executive a return of operations under the permit within 28 days after the permit ceases to have effect.

Maximum penalty—120 penalty units.

(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.

Maximum penalty—120 penalty units.

(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.<sup>29</sup>

### **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.

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<sup>29</sup> See section 130 (Identity cards) of the Act.



## **SCHEDULE 1**

### **POWERS OF TRUSTEES OF CONSERVATION PARKS AND RESOURCES RESERVES**

section 26

#### **PART 1—CONSERVATION PARKS**

##### **Anderson Street and Kamerunga Conservation Parks**

**1.(1)** This section applies to the trustees of each of the following conservation parks—

- Anderson Street Conservation Park
- Kamerunga Conservation Park.

**(2)** The trustees have the powers of the chief executive under chapters 1 and 2<sup>30</sup> for the conservation park for which they are trustees.

**(3)** However, the trustees do not have power to grant any of the following—

- (a) an Aboriginal tradition or Island custom authority;
- (b) a permit to take, use, keep or interfere with cultural or natural resources;
- (c) a commercial activity or special activities permit.

##### **Beachmere, Buckleys Hole, Byron Creek, Neurum, Sheep Station Creek and Wararba Creek Conservation Parks**

**2.(1)** This section applies to the trustees of each of the following conservation parks—

- Beachmere Conservation Park

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<sup>30</sup> Chapters 1 (Preliminary) and 2 (Protected areas)

## SCHEDULE 1 (continued)

- Buckleys Hole Conservation Park
- Byron Creek Conservation Park
- Neurum Conservation Park
- Sheep Station Creek Conservation Park
- Wararba Creek Conservation Park.

(2) The trustees have the powers of the chief executive under chapters 1 and 2 for the conservation park for which they are trustees.

(3) However, the trustees do not have power—

(a) to grant any of the following—

- (i) an Aboriginal tradition or Island custom authority;
  - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
  - (iii) a commercial activity or special activities permit;
  - (iv) a stock grazing, stock mustering or travelling stock permit;
- or

(b) to approve the use of a herbicide or pesticide.

**Denmark Hill, Flinders Peak, Ipswich Pteropus, Mount Beau Brummel, White Rock and White Rock (Limited Depth) Conservation Parks**

3.(1) This section applies to the trustees of each of the following conservation parks—

- Denmark Hill Conservation Park
- Flinders Peak Conservation Park
- Ipswich Pteropus Conservation Park
- Mount Beau Brummel Conservation Park
- White Rock Conservation Park
- White Rock (Limited Depth) Conservation Park.

## SCHEDULE 1 (continued)

(2) The trustees have the powers of the chief executive under chapters 1 and 2 for the conservation park for which they are trustees.

(3) However, the trustees do not have power—

(a) to grant any of the following—

- (i) an Aboriginal tradition or Island custom authority;
  - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
  - (iii) a commercial activity or special activities permit;
  - (iv) a stock grazing, stock mustering or travelling stock permit;
- or

(b) to approve the use of a herbicide or pesticide.

**Lake Broadwater Conservation Park**

4.(1) The trustees of Lake Broadwater Conservation Park have the powers of the chief executive under chapters 1 and 2 for the conservation park.

(2) However, the trustees do not have power—

(a) to grant any of the following—

- (i) an Aboriginal tradition or Island custom authority;
  - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
  - (iii) a stock grazing or travelling stock permit;
  - (iv) a commercial activity permit other than under subsection (3);
- or

(b) to approve—

- (i) the use of a herbicide or pesticide; or
- (ii) the landing of an aircraft or recreational craft.

(3) The trustees may grant a commercial activity permit—

## SCHEDULE 1 (continued)

- (a) to a vendor of food and beverages temporarily within the conservation park for an event approved by the trustees; or
- (b) for a commercial activity associated with the conduct of power boat activities.

**Mount Whitfield Conservation Park**

**5.(1)** The trustees of Mount Whitfield Conservation Park have the powers of the chief executive under chapters 1 and 2 for the conservation park.

**(2)** However, the trustees do not have power to grant any of the following—

- (a) an Aboriginal tradition or Island custom authority;
- (b) a permit to take, use, keep or interfere with cultural or natural resources;
- (c) a commercial activity or special activities permit other than under subsection (3).

**(3)** The trustees may grant—

- (a) a commercial activity permit for a commercial activity associated with the conduct of rock climbing at the Aeroglen quarry; and
- (b) a special activities permit for a special activity associated with the conduct of rock climbing at the Aeroglen quarry.

**Springwood Conservation Park**

**6.(1)** The trustees of Springwood Conservation Park have the powers of the chief executive under chapters 1 and 2 for the conservation park.

**(2)** However, the trustees do not have power—

- (a) to grant any of the following—
  - (i) an Aboriginal tradition or Island custom authority;
  - (ii) a permit to take, use, keep or interfere with cultural or natural resources;

## SCHEDULE 1 (continued)

- (iii) a commercial activity or special activities permit;
- (iv) a stock grazing, stock mustering or travelling stock permit;  
or
- (b) to approve the use of a herbicide or pesticide.

**PART 2—RESOURCES RESERVES****Blackbraes, Cudmore, Flat Top Range, Moonstone Hill and Stones Country Resources Reserves**

**7.(1)** This section applies to the trustees of each of the following resources reserves—

- Blackbraes Resources Reserve
- Cudmore Resources Reserve
- Flat Top Range Resources Reserve
- Moonstone Hill Resources Reserve
- Stones Country Resources Reserve.

**(2)** The trustees have the powers of the chief executive under chapters 1 and 2 for the resources reserve for which they are trustees.

**(3)** However, the trustees do not have power—

- (a) to grant any of the following—
  - (i) an Aboriginal tradition or Island custom authority;
  - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
  - (iii) a commercial activity or special activities permit;
  - (iv) a stock grazing, stock mustering or travelling stock permit;  
or
- (b) to approve the use of a herbicide or pesticide.

**SCHEDULE 2****TAKING FISH, INVERTEBRATE ANIMALS FOR USE  
AS BAIT AND MUD CRABS IN NATIONAL PARKS**

section 27

**PART 1—NATIONAL PARKS WHERE FISH,  
INVERTEBRATE ANIMALS AND MUD CRABS MAY  
BE TAKEN**

| <b>National park</b>            | <b>Areas within national park<br/>where fish, mud crabs and<br/>invertebrate animals may be<br/>taken</b>   |
|---------------------------------|---|
| Bladensburg National Park       | all areas   |
| Brampton Islands National Park  | all tidal areas   |
| Bowling Green Bay National Park | all areas other than the Mt Elliot<br>area, inland of the Bruce Highway   |
| Bushy Island National Park      | all tidal areas   |
| Cape Palmerston National Park   | all tidal areas   |
| Cape Upstart National Park      | all tidal areas and Station Creek   |
| Cape Melville National Park     | all areas   |
| Cedar Bay National Park         | all areas   |
| Conway National Park            | (a) all tidal areas other than in<br>Repulse Creek; and<br><br>(b) Repulse Creek, from its mouth<br>upstream to a line between the<br>western bank of Boulder<br>Creek at its junction with |

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 SCHEDULE 2 (continued)

|                                   |   |
|-----------------------------------|---|
|                                   | Repulse Creek and a regulatory notice on the northern bank of Repulse Creek, 4.2 km upstream from Repulse Bay at latitude 20°25.5'S and longitude 148°45.6'E.             |
| Currawinya National Park          | all areas   |
| Daintree National Park            | all tidal areas south of Cape Tribulation, other than Coopers Creek and Mossman Gorge   |
| Davies Creek National Park        | all areas   |
| Diamantina National Park          | all areas   |
| Dryander National Park            | all tidal areas   |
| Edmund Kennedy National Park      | all areas   |
| Ella Bay National Park            | all areas   |
| Endeavour River National Park     | all areas   |
| Eurimbula National Park           | Eurimbula Creek estuary   |
| Gloucester Islands National Park  | all tidal areas   |
| Great Sandy National Park         | all areas within the park on the mainland (formerly known as Cooloola National Park) and the tidal areas of Fraser Island north of a line from Eli Creek to Tenimby Creek |
| Grey Peaks National Park          | all areas   |
| Hinchinbrook Island National Park | all tidal areas other than Channel 9  |
| Homevale National Park            | all areas   |
| Japoon National Park              | all areas   |

## SCHEDULE 2 (continued)

|                                      |  |
|--------------------------------------|--|
| Jardine River National Park          | all areas other than—<br>(a) the Jardine River and tributaries above a point 5 km upstream of the intersection of the Jardine River and the Old Peninsula Development Road; and<br>(b) Eliot Creek |
| Kurrimine Beach National Park        | all areas  |
| Lakefield National Park              | all areas  |
| Lawn Hill National Park              | Gregory River  |
| Lindeman Islands National Park       | all tidal areas  |
| Lochern National Park                | all areas  |
| Lumholtz National Park               | all areas  |
| Maria Creek National Park            | all areas  |
| Millstream Falls National Park       | all areas  |
| Mitchell-Alice Rivers National Park  | all areas  |
| Molle Islands National Park          | all tidal areas  |
| Mungkan-Kandju National Park         | all areas other than Peach Creek   |
| Newry Islands National Park          | all tidal areas and Rabbit Creek   |
| North East Island National Park      | all tidal areas  |
| Northumberland Islands National Park | all tidal areas  |
| Paluma Range National Park           | Crystal Creek  |
| Poona National Park                  | Kalah Creek  |
| Reliance Creek National Park         | all areas  |
| Repulse Islands National Park        | all tidal areas  |
| Russell River National Park          | all areas  |



## SCHEDULE 2 (continued)

|  |  |
|--|--|
| Smith Islands National Park            | all tidal areas  |
| South Island National Park             | all tidal areas  |
| South Cumberland Islands National Park | all tidal areas  |
| Starcke National Park                  | all areas  |
| Sundown National Park                  | all areas  |
| Swain Reefs National Park              | all tidal areas  |
| Tully Gorge National Park              | Tully River and Koolomon Creek below Elizabeth Grant Falls |
| Welford National Park                  | all areas  |
| West Hill National Park                | Bone Creek   |
| Whitsunday Islands National Park       | all tidal areas  |
| Wild Duck Island National Park         | all tidal areas  |
| Wooroonooran National Park             | all areas other than Beatrice River Falls and Behana Creek |

**PART 2—CONDITIONS FOR TAKING FISH,  
INVERTEBRATE ANIMALS AND MUD CRABS IN  
PROTECTED AREAS**

**1.** A person must not—

- (a) take a fish, invertebrate animal or mud crab (*Scylla serrata*) smaller or larger than the size (if any) prescribed under the *Fisheries Act 1994*; or
- (b) take more fish, invertebrate animals or mud crabs than the number (if any) prescribed under the *Fisheries Act 1994*; or

## SCHEDULE 2 (continued)

- (c) take fish, invertebrate animals or mud crabs in a way prohibited under the *Fisheries Act 1994*; or
- (d) take a species of fish or invertebrate animal or mud crabs when or where the taking is prohibited under the *Fisheries Act 1994*; or
- (e) take fish or invertebrate animal of a species the taking of which is prohibited under the *Fisheries Act 1994*; or
- (f) take any species of the genus *Euastacus* (freshwater spiny crays) for use as bait.

**SCHEDULE 2A****PERMITTED USES IN NATIONAL PARKS**

section 27A

**Green Island National Park**

**1.(1)** The construction and use of support structures for an extension of the Commonwealth tower, to allow the operation of a ship reporting system radar device, are permitted uses for Green Island National Park.

**(2)** In this section—

**“Commonwealth land”** means the land held by the Commonwealth under special lease 9/36573, situated in the county of Nares, parish of Trinity, containing an area of about 0.0405 ha.

**“Commonwealth tower”** means the tower that, at the commencement of this section, was situated on the Commonwealth land.

**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—

- (a) from the place of taking the wildlife to the premises stated in the licence; or
- (b) from the premises stated in the licence to a veterinary surgeon to treat or care for an animal; or

## SCHEDULE 4 (continued)

- (c) from the premises of a veterinary surgeon who treated or cared for the animal to the premises stated in the licence; or
- (d) with the chief executive's approval—to or from a show or display not conducted for trade or commerce and lasting for no more than 11 days.

**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—

- (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 11 days.

**Recreational wildlife, recreational wildlife (specialist) and international wildlife licences**

5.(1) This section applies to the holder of a recreational wildlife, recreational wildlife (specialist) or international wildlife licence for a protected amphibian, bird or reptile or a recreational amphibian, bird or reptile.

(2) The holder does not need a wildlife movement permit to move a protected amphibian, bird or reptile—

## 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.

(3) The holder does not need a wildlife movement permit to move a recreational amphibian, bird or reptile if the holder has the chief executive's written approval to move the amphibian, bird or reptile to or from a show or display that—

- (a) is not conducted for trade or commerce; and
- (b) lasts for no more than 11 days.

**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 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



## SCHEDULE 4 (continued)

- (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 11 days; or
- (d) from the premises stated in the licence to the premises stated in a permit to keep wildlife held by the person; or
- (e) from the premises stated in a permit to keep wildlife held by the person to the premises stated in the licence; or
- (f) from the premises stated in the licence (the "**first licence**") to premises stated in another wildlife exhibitor licence (the "**second licence**") held by the person; or
- (g) from the premises stated in the second licence held by the person to the premises stated in the first licence.

**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 11 days.

**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.

## SCHEDULE 4 (continued)

(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, recreational wildlife licence or recreational wildlife (specialist) licence for live 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 behavioural 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 if the licensee complies with section 16; 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.

(6) A person who lawfully keeps a commonly kept bird does not need a wildlife movement permit to move the bird—

- (a) from the premises where the bird is kept to a veterinary surgeon to treat or care for the bird; or
- (b) from the premises of a veterinary surgeon who treated or cared for the bird to the premises where the bird is kept; or
- (c) with the chief executive's written approval, to or from a show or display not conducted for trade or commerce and lasting for not more than 11 days.

## SCHEDULE 4 (continued)

**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 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,<sup>31</sup> 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*.

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<sup>31</sup> Section 168 (When licence is not needed to use protected plants)

## SCHEDULE 4 (continued)

**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 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.

## SCHEDULE 4 (continued)

(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 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

## SCHEDULE 4 (continued)

- (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.

(3) The holder of a recreational wildlife licence for birds (the “**licensee**”) does not need a wildlife movement permit to move a dead bird to the holder of a commercial wildlife licence for dead protected wildlife for processing if the licensee complies with section 16.

(4) The holder of a recreational wildlife licence for reptiles (the “**licensee**”) does not need a wildlife movement permit to move a dead reptile to the holder of a commercial wildlife licence for dead protected wildlife for processing if the licensee complies with section 16.

**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.

## SCHEDULE 4 (continued)

(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; 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.

(3) The movement advice must not be used to move more than 1 consignment of wildlife.

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**SCHEDULE 4A**
**EXEMPT CAPTIVE-BRED BIRDS**

section 142(1)

**Scientific names**

1. Unless otherwise stated, scientific names used for birds in this schedule follow Simpson & Day, *Field Guide to the Birds of Australia*, (5th Edition 1996), Penguin Books Australia Ltd., Victoria, Australia.

**Birds**

2. The following birds are exempt captive-bred birds—

| <b>Scientific name</b>   | <b>Common name</b>                               |
|--|--|
| <i>Coturnix chinensis</i>  | king quail                                       |
| <i>Coturnix pectoralis</i>                                       | stubble quail                                    |
| <i>Coturnix ypsilophora</i>                                      | brown quail                                      |
| <i>Erythrura gouldiae</i>  | Gouldian finch                                   |
| <i>Geopelia cuneata</i>  | diamond dove                                     |
| <i>Geopelia striata</i>  | peaceful dove                                    |
| <i>Lonchura castaneothorax</i>                                   | chestnut-breasted mannikin                       |
| <i>Melopsittacus undulatus</i>                                   | budgerigar                                       |
| <i>Neochmia ruficauda</i> , other than<br><i>N. r. ruficauda</i> | star finch, other than the eastern<br>subspecies |
| <i>Neophema bourkii</i>  | Bourke's parrot                                  |
| <i>Neophema elegans</i>  | elegant parrot                                   |
| <i>Nymphicus hollandicus</i>                                     | cockatiel or quarrion                            |
| <i>Psephotus haematonotus</i>                                    | red-rumped parrot                                |



## SCHEDULE 4A (continued)

*Taeniopygia bichenovii*

double-barred finch

*Taeniopygia guttata*

zebra finch

**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

## SCHEDULE 5 (continued)

- (iii) the movement of the carcass into Queensland is authorised 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

## SCHEDULE 5 (continued)

animal, by a taxidermist who holds a commercial wildlife licence 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

## SCHEDULE 5 (continued)

- (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) 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) the whole skin of an emu fleshed at a commercial tannery stated in a wildlife farming licence or commercial wildlife licence for emus;
- (f) the skin from the leg of an emu fleshed at a commercial tannery stated in a wildlife farming licence or commercial wildlife licence for emus;
- (g) 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.
- (k) the whole skin of an emu, mounted in a facsimile of the whole animal, by a taxidermist who holds a commercial wildlife licence or someone else outside Queensland who is lawfully entitled to mount the skin.

**Macropods**

6. The following products are processed products—

- (a) a macropod carcass (with the skin removed) obtained from a place outside Queensland, if—

## SCHEDULE 5 (continued)

- (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 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, other than tail 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, other than tail 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;

## SCHEDULE 5 (continued)

- (f) meat of a macropod, other than tail meat, 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, other than tail skin, taken under a conservation plan and fleshed at a commercial tannery stated in a commercial wildlife licence 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) bones, claws, ligaments, paws, scrotums, tail meat, tail skin or tendons 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



## SCHEDULE 5 (continued)

- 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 dead plant bearing a tag.

**Other protected animals**

8. The following products of a dead protected animal 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;

## SCHEDULE 5 (continued)

- (e) the dehydrated and crystallised venom of a snake that is farm wildlife.

## SCHEDULE 6

### FEES

section 262

#### PART 1—LICENCES

|  | \$       |
|--|----------|
| <b>1. Commercial wildlife licence—</b>   |          |
| (a) pet shop (commercial birds)—   |          |
| 1 month or less . . . . .  | 80.00    |
| more than 1 month but not more than 1 year . . . . .   | 400.00   |
| more than 1 year but not more than 3 years . . . . .   | 1 140.00 |
| (b) nursery (restricted plants)—   |          |
| 1 month or less . . . . .  | 80.00    |
| more than 1 month but not more than 1 year . . . . .   | 400.00   |
| more than 1 year but not more than 3 years . . . . .   | 1 140.00 |
| (c) dead macropods—  |          |
| 1 year or less . . . . .   | 420.00   |
| more than 1 year but not more than 3 years . . . . .   | 1 187.00 |
| (d) other protected wildlife—  |          |
| 1 month or less . . . . .  | 80.00    |
| more than 1 month but not more than 1 year . . . . .   | 400.00   |
| more than 1 year but not more than 3 years . . . . .   | 1 140.00 |
| (e) if granted to the following persons for wildlife on a<br>land-holder's land—half the fee mentioned in<br>paragraph (b) or (c)—   |          |
| (i) the land-holder or a member of the<br>land-holder's immediate family actually living<br>on the land where the wildlife is taken; |          |
| (ii) a corporation under the control of a land-holder<br>actually living on the land where the wildlife is<br>taken.                 |          |

## SCHEDULE 6 (continued)

|    |  |        |
|----|--|--------|
| 2. | Recreational wildlife licence (birds, reptiles and amphibians)—  |        |
|    | 1 year or less . . . . .   | 35.00  |
|    | more than 1 year but not more than 3 years . . . . .   | 100.00 |
| 3. | Recreational wildlife (specialist) licence (birds, reptiles and amphibians)—   |        |
|    | 1 year or less . . . . .   | 160.00 |
|    | more than 1 year but not more than 3 years . . . . .   | 455.00 |
| 4. | International wildlife licence (birds)—  |        |
|    | 1 year or less . . . . .   | 35.00  |
|    | more than 1 year but not more than 3 years . . . . .   | 100.00 |
| 5. | Commercial wildlife harvesting licence (1 year or less)—   |        |
|    | (a) macropods (carcasses and skins) . . . . .  | 95.00  |
|    | (b) protected plants . . . . .   | 200.00 |
|    | (c) if granted to the following persons for wildlife on a land-holder's land—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 where the wildlife is taken;   |        |
|    | (ii) a corporation under the control of a land-holder actually living on the land where the wildlife is taken;   |        |
|    | (d) if granted to a person for the taking of protected plants for which a royalty is payable under a permit under the <i>Forestry Act 1959</i> , section 56—half the fee mentioned for paragraph (b);                      |        |
|    | (e) other wildlife . . . . .   | 200.00 |
| 6. | Recreational wildlife harvesting licence (1 year or less)—   |        |
|    | (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 reintroduce it into the wild . . . . . | nil    |

## SCHEDULE 6 (continued)

|           |   |          |
|-----------|---|----------|
|           | (iii) to take the seed or other propagating material 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) ..   | 45.00    |
|           | (c) macropods .....   | 45.00    |
|           | (d) ducks and quails .....  | 45.00    |
|           | (e) if granted to the secretary of the committee of the Cunnamulla-Eulo Festival of Opals for the taking, using and keeping of lizards under the <i>Nature Conservation (Eulo Lizard Races) Conservation Plan 1995</i> , section 5(1) ..... | nil      |
|           | (f) other wildlife .....  | 45.00    |
| <b>7.</b> | <b>Wildlife demonstrator licence (travelling display of protected animals)—</b>   |          |
|           | 1 month or less .....   | 105.00   |
|           | more than 1 month but not more than 1 year .....  | 515.00   |
|           | more than 1 year but not more than 3 years .....  | 1 465.00 |
| <b>8.</b> | <b>Wildlife exhibitor licence (display of protected animals)—</b>   |          |
|           | 1 month or less .....   | 155.00   |
|           | more than 1 month but not more than 1 year .....  | 780.00   |
|           | more than 1 year but not more than 3 years .....  | 2 225.00 |
| <b>9.</b> | <b>Wildlife farming licence (commercial breeding and use of protected animals)—</b>   |          |
|           | (a) for butterflies—  |          |
|           | 1 year or less .....  | 105.00   |
|           | more than 1 year but not more than 3 years .....  | 300.00   |
|           | (b) for crocodiles—   |          |
|           | 1 year or less .....  | 825.00   |
|           | more than 1 year but not more than 3 years .....  | 2 350.00 |
|           | (c) for emus—   |          |
|           | 1 year or less .....  | 310.00   |
|           | more than 1 year but not more than 3 years .....  | 885.00   |
|           | (d) for snakes of the family Elapidae, Hydrophiidae or Laticaudidae—  |          |
|           | 1 year or less .....  | 210.00   |
|           | more than 1 year but not more than 3 years .....  | 600.00   |

## SCHEDULE 6 (continued)

**PART 2—PERMITS**

|            |   |               |
|------------|---|---------------|
| <b>10.</b> | Camping permit (other than if a commercial activity permit is required)—  |               |
| (a)        | each night—each person 5 years or older taking part in an approved educational tour or camp . . . . .   | 2.00          |
| (b)        | each night—<br>anyone else 5 years or older . . . . .<br>maximum for a family . . . . .   | 3.50<br>14.00 |
| (c)        | for a person in a national park to prepare a claim to, or management plan for, the national park under the <i>Aboriginal Land Act 1991</i> or <i>Torres Strait Islander Land Act 1991</i> . . . . . | nil           |
| <b>11.</b> | Commercial activity permit for filming or photography—no structures involved—   |               |
| (a)        | 1 or 2 people involved—   |               |
| (i)        | application fee . . . . .   | nil           |
| (ii)       | daily site fee . . . . .  | 21.00         |
| (b)        | 3 to 5 people involved—   |               |
| (i)        | application fee . . . . .   | 105.00        |
| (ii)       | daily site fee . . . . .  | 52.00         |
| (c)        | 6 or more people involved—  |               |
| (i)        | application fee . . . . .   | 210.00        |
| (ii)       | daily site fee . . . . .  | 105.00        |
| <b>12.</b> | Commercial activity permit for filming or photography—any kind of structure involved—   |               |
| (a)        | 1 to 5 people involved—   |               |
| (i)        | application fee . . . . .   | 105.00        |
| (ii)       | daily site fee . . . . .  | 105.00        |
| (b)        | 6 to 25 people involved—  |               |
| (i)        | application fee . . . . .   | 525.00        |
| (ii)       | daily site fee . . . . .  | 525.00        |
| (c)        | 26 to 50 people involved—   |               |
| (i)        | application fee . . . . .   | 1 050.00      |
| (ii)       | daily site fee . . . . .  | 1 050.00      |

## SCHEDULE 6 (continued)

|            |   |          |
|------------|---|----------|
|            | (d) 51 or more people involved—   |          |
|            | (i) application fee . . . . .   | 2 100.00 |
|            | (ii) daily site fee . . . . .   | 2 100.00 |
| <b>13.</b> | Commercial activity permit (other than filming or photography)—   |          |
|            | (a) application fee . . . . .   | 200.00   |
|            | (b) application fee for renewal of permit . . . . .   | 100.00   |
|            | (c) permit fee—3 months or less . . . . .   | 40.00    |
|            | (d) permit fee—more than 3 months but not more than 1 year . . . . .  | 160.00   |
|            | (e) permit fee—more than 1 year but not more than 2 years . . . . .   | 320.00   |
|            | (f) permit fee—more than 2 years but not more than 3 years . . . . .  | 456.00   |
|            | (g) 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     |
|            | (h) camping fee for each client of the permit holder taking part in the activity . . . . .                                    | 3.50     |
| <b>14.</b> | 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 . . . . .   | 3.00     |
|            | (ii) a people based activity—each person . . . . .  | 1.50     |
| <b>15.</b> | Permit to take, use, keep or interfere with cultural or natural resources for an apiary for not more than 150 hives—          |          |
|            | (a) 6 months or less . . . . .  | 44.00    |
|            | (b) more than 6 months but not more than 1 year . . . . .   | 65.00    |
|            | (c) more than 1 year but not more than 2 years . . . . .  | 116.00   |
|            | (d) more than 2 years but not more than 3 years . . . . .   | 165.00   |
| <b>16.</b> | Commercial whale watching permit—   |          |
|            | (a) boat length 15 m or less . . . . .  | 500.00   |
|            | (b) boat length more than 15 m but not more than 20 m . . . . .   | 800.00   |

## SCHEDULE 6 (continued)

|            |  |          |
|------------|--|----------|
| (c)        | boat length more than 20 m . . . . .   | 1 500.00 |
| (d)        | daily fee—each passenger—  |          |
|            | (i) less than 5 years . . . . .  | nil      |
|            | (ii) 5 years or more but less than 15 years . . . . .  | 1.15     |
|            | (iii) 15 years or more . . . . .   | 2.30     |
| <b>17.</b> | Permit to keep wildlife—   |          |
|            | (a) 1 year or less . . . . .   | 35.00    |
|            | (b) more than 1 year but not more than 3 years . . . . .   | 100.00   |
| <b>18.</b> | Wildlife movement permit . . . . .   | 10.00    |
| <b>19.</b> | Wildlife movement advice, if granted to—   |          |
|            | (a) the holder of a recreational wildlife licence or<br>recreational wildlife (specialist) licence . . . . . | 1.00     |
|            | (b) another person . . . . .   | 5.50     |

**PART 3—AUTHORITIES**

|            |  |        |
|------------|--|--------|
| <b>20.</b> | Collection authority (dead protected wildlife) for a person<br>other than the Queensland Ambulance Service or a<br>school, college, university, university college or registered<br>non-profit organisation— |        |
|            | (a) 1 year or less . . . . .   | 30.00  |
|            | (b) more than 1 year but not more than 3 years . . . . .   | 85.00  |
|            | (c) more than 3 years but not more than 5 years . . . . .  | 140.00 |
| <b>21.</b> | Collection authority to take and keep common wildlife for<br>6 months or less under military standing orders . . . . .   | 60.00  |



## SCHEDULE 6 (continued)

**PART 4—OTHER FEES**

|            |  |        |
|------------|--|--------|
| <b>22.</b> | Tags for a macropod skin or carcass—   |        |
|            | (a) for a commercial wildlife harvesting licence for macropods (lot of 500 tags) . . . . .   | 285.00 |
|            | (b) for a recreational wildlife harvesting licence for macropods (each tag) . . . . .  | 0.57   |
| <b>23.</b> | A tag for a restricted plant . . . . .   | 0.25   |
| <b>24.</b> | A tag for a farm crocodile skin . . . . .  | 1.20   |
| <b>25.</b> | A tag for a farm emu skin . . . . .  | 0.85   |
| <b>26.</b> | An electromagnetic implant . . . . .   | 10.50  |
| <b>27.</b> | An approved mark of the department—  |        |
|            | (a) if issued to the secretary of the committee of the Cunnamulla-Eulo Festival of Opals . . . . .   | nil    |
|            | (b) if issued to another person . . . . .  | 5.20   |
| <b>28.</b> | Consumables used to obtain, and storage charge to hold, a biological tissue sample of wildlife for holding and registering with a scientific institution . . . . . | 20.50  |
| <b>29.</b> | An amendment of a permit, licence or authority for which a fee is charged, at the licensee's request (other than a change of address)—each amendment . . . . .     | 10.50  |
| <b>30.</b> | Record and return books for commercial wildlife (macropods) licensees . . . . .  | 20.50  |
| <b>31.</b> | Record and return books for commercial wildlife harvesting (protected plants) licensees . . . . .  | 10.20  |
| <b>32.</b> | Record and return books for commercial wildlife harvesting (macropods) licensees . . . . .   | 5.20   |
| <b>33.</b> | Other record books—  |        |
|            | 20 forms . . . . .   | 5.20   |
|            | 50 forms . . . . .   | 12.50  |

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## SCHEDULE 7

### COMMERCIAL BIRDS

schedule 14, definition “**commercial bird**”

#### Scientific names

1. Unless otherwise stated, scientific names used for birds in this part follow Simpson and Day, *Field Guide to the Birds of Australia*, (5th Edition 1996), Penguin Books Australia Ltd., Victoria, Australia.

#### Birds

2. The following birds are commercial birds—

| Scientific name                          | Common name                                |
|--|--|
| <i>Alisterus scapularis</i>              | king parrot                                |
| <i>Aprosmictus erythropterus</i>         | red-winged parrot                          |
| <i>Barnardius zonarius barnardi</i>      | Mallee ringneck                            |
| <i>Barnardius zonarius zonarius</i>      | Port Lincoln ringneck                      |
| <i>Barnardius zonarius semitorquatus</i> | Australian ringneck or twenty-eight parrot |
| <i>Cacatua galerita</i>                  | sulphur-crested cockatoo                   |
| <i>Cacatua sanguinea</i>                 | little corella                             |
| <i>Cacatua pastinator</i>                | western corella                            |
| <i>Cacatua roseicapilla</i>              | galah                                      |
| <i>Cacatua tenuirostris</i>              | long-billed corella                        |
| <i>Chalcophaps indica</i>                | emerald dove                               |
| <i>Columba leucomela</i>                 | white-headed pigeon                        |
| <i>Ducula bicolor</i>                    | pie imperial-pigeon                        |

## SCHEDULE 7 (continued)

|   |   |
|---|---|
| <i>Emblema pictum</i>   | painted finch                                   |
| <i>Erythrura trichroa</i>   | blue-faced finch                                |
| <i>Geopelia humeralis</i>   | bar-shouldered dove                             |
| <i>Geophaps plumifera</i>   | spinifex pigeon                                 |
| <i>Geophaps scripta</i>   | squatter pigeon                                 |
| <i>Glossopsitta concinna</i>                                      | musk lorikeet                                   |
| <i>Glossopsitta porphyrocephala</i>                               | purple-crowned lorikeet                         |
| <i>Glossopsitta pusilla</i>                                       | little lorikeet                                 |
| <i>Heteromunia pectoralis</i>                                     | pictorella mannikin                             |
| <i>Leucosarcia melanoleuca</i>                                    | wonga pigeon                                    |
| <i>Lonchura flaviprymna</i>                                       | yellow-rumped mannikin                          |
| <i>Macropygia amboinensis</i>                                     | brown cuckoo-dove                               |
| <i>Neochmia modesta</i>   | plum-headed finch                               |
| <i>Neochmia phaeton</i>   | crimson finch                                   |
| <i>Neochmia temporalis</i>  | red-browed finch                                |
| <i>Neophema chrysostoma</i>                                       | blue-winged parrot                              |
| <i>Neophema petrophila</i>  | rock parrot                                     |
| <i>Neophema pulchella</i>   | turquoise parrot                                |
| <i>Neophema splendida</i>   | scarlet-chested parrot                          |
| <i>Northiella haematogaster</i> , other than <i>N.h. narethae</i> | blue bonnet, other than the narethae subspecies |
| <i>Ocyphaps (Geophaps) lophotes</i>                               | crested pigeon                                  |
| <i>Petrophassa albipennis</i>                                     | white-quilled rock-pigeon                       |
| <i>Petrophassa rufipennis</i>                                     | chestnut quilled rock-pigeon                    |
| <i>Phaps chalcoptera</i>  | common bronzewing                               |
| <i>Phaps elegans</i>  | brush bronzewing                                |

## SCHEDULE 7 (continued)

|  |  |
|--|--|
| <i>Phaps histrionica</i>                           | flock bronzewing                         |
| <i>Platycercus adscitus</i>                        | pale-headed rosella                      |
| <i>Platycercus elegans adelaide</i>                | Adelaide rosella                         |
| <i>Platycercus elegans</i>                         | crimson rosella                          |
| <i>Platycercus elegans flaveolus</i>               | yellow rosella                           |
| <i>Platycercus eximius</i>                         | eastern rosella                          |
| <i>Platycercus icterotis</i>                       | western rosella                          |
| <i>Platycercus venustus</i>                        | northern rosella                         |
| <i>Poephila acuticauda</i>                         | long-tailed finch                        |
| <i>Poephila cincta</i>                             | black-throated finch                     |
| <i>Poephila personata</i>                          | masked finch                             |
| <i>Polytelis alexandrae</i>                        | princess parrot or Alexandra's<br>parrot |
| <i>Polytelis anthopeplus</i>                       | regent parrot                            |
| <i>Polytelis swainsonii</i>                        | superb parrot                            |
| <i>Psephotus dissimilis</i>                        | hooded parrot                            |
| <i>Psephotus varius</i>                            | mulga parrot                             |
| <i>Psitteuteles versicolor</i>                     | varied lorikeet                          |
| <i>Purpuricephalus spurius</i>                     | red-capped parrot                        |
| <i>Stagonopleura bellum</i>                        | beautiful firetail                       |
| <i>Stagonopleura guttata</i>                       | diamond firetail                         |
| <i>Trichoglossus chlorolepidotus</i>               | scaly-breasted lorikeet                  |
| <i>Trichoglossus haematodus</i>                    | rainbow lorikeet                         |
| <i>Trichoglossus haematodus<br/>rubritorquatus</i> | rainbow (red-collared) lorikeet          |
| <i>Turnix maculosa</i>                             | red-backed button-quail                  |
| <i>Turnix melanogaster</i>                         | black-breasted button-quail              |

## SCHEDULE 7 (continued)

|                            |                          |
|----------------------------|--------------------------|
| <i>Turnix pyrrhothorax</i> | red-chested button-quail |
| <i>Turnix varia</i>        | painted button-quail     |
| <i>Turnix velox</i>        | little button-quail      |

## SCHEDULE 8

### COMMONLY KEPT WILDLIFE

schedule 14, definitions “commonly kept bird” and “commonly kept reptile”

#### PART 1—BIRDS

##### Scientific names

1. Unless otherwise stated, scientific names used for birds in this part follow Simpson and Day, *Field Guide to the Birds of Australia*, (5th Edition 1996), Penguin Books Australia Ltd., Victoria, Australia.

##### Birds

2. The following birds are commonly kept birds—

| Scientific name                          | Common name                                |
|--|--|
| <i>Barnardius zonarius zonarius</i>      | Port Lincoln ringneck                      |
| <i>Barnardius zonarius semitorquatus</i> | Australian ringneck or twenty-eight parrot |
| <i>Cacatua galerita</i>                  | sulphur-crested cockatoo                   |
| <i>Cacatua pastinator</i>                | western corella                            |
| <i>Cacatua roseicapilla</i>              | galah                                      |
| <i>Cacatua sanguinea</i>                 | little corella                             |
| <i>Cacatua tenuirostris</i>              | long-billed corella                        |
| <i>Chalcophaps indica</i>                | emerald dove                               |
| <i>Geopelia humeralis</i>                | bar-shouldered dove                        |
| <i>Neophema pulchella</i>                | turquoise parrot                           |
| <i>Neophema splendida</i>                | scarlet-chested parrot                     |

## SCHEDULE 8 (continued)

|  |  |
|--|--|
| <i>Ocyphaps (Geophaps) lophotes</i>                | crested pigeon                           |
| <i>Phaps chalcoptera</i>                           | common bronzewing                        |
| <i>Platycercus adscitus</i>                        | pale-headed rosella                      |
| <i>Platycercus elegans adelaidae</i>               | Adelaide rosella                         |
| <i>Platycercus elegans elegans</i>                 | crimson rosella                          |
| <i>Platycercus elegans flaveolus</i>               | yellow rosella                           |
| <i>Platycercus eximius</i>                         | eastern rosella                          |
| <i>Platycercus icterotis</i>                       | western rosella                          |
| <i>Poephila acuticauda</i>                         | long-tailed finch                        |
| <i>Poephila cincta</i>                             | black-throated finch                     |
| <i>Poephila personata</i>                          | masked finch                             |
| <i>Polytelis alexandrae</i>                        | princess parrot or Alexandra's<br>parrot |
| <i>Psephotus dissimilis</i>                        | hooded parrot                            |
| <i>Stagonopleura guttata</i>                       | diamond firetail                         |
| <i>Trichoglossus chlorolepidotus</i>               | scaly-breasted lorikeet                  |
| <i>Trichoglossus haematodus<br/>rubritorquatus</i> | rainbow (red-collared) lorikeet          |
| <i>Turnix varia</i>                                | painted button-quail                     |
| <i>Turnix velox</i>                                | little button-quail                      |

**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>    |
| Krefft's river turtle       | <i>Emydura krefftii</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 8A****PLANTS FOR TRADE**

section 174C

| <b>Scientific name</b>       | <b>Common name</b>                |
|------------------------------|-----------------------------------|
| <i>Acacia betchei</i>        |                                   |
| <i>Acacia fimbriata</i>      | fringed/Brisbane wattle           |
| <i>Acacia floribunda</i>     | white sally/catkin wattle         |
| <i>Acacia gnidium</i>        |                                   |
| <i>Acacia implexa</i>        | lightwood                         |
| <i>Acacia irrorata</i>       | green wattle                      |
| <i>Acacia leucoclada</i>     |                                   |
| <i>Acacia macradenia</i>     | zig-zag wattle                    |
| <i>Acacia neriifolia</i>     | oleander/Pechey wattle            |
| <i>Acacia penninervis</i>    | veined wattle or mountain hickory |
| <i>Acacia podalyriifolia</i> | silver wattle                     |
| <i>Acacia rubida</i>         |                                   |
| <i>Acacia stricta</i>        | hop wattle                        |
| <i>Acacia triptera</i>       |                                   |
| <i>Acacia ulicifolia</i>     | prickly moses                     |
| <i>Acacia uncinata</i>       |                                   |
| <i>Acacia venulosa</i>       | veined wattle                     |
| <i>Acacia viscidula</i>      | sticky wattle                     |
| <i>Acrostichum speciosum</i> | mangrove fern                     |
| <i>Actinotus helianthi</i>   | flannel flower                    |

## SCHEDULE 8A (continued)

|   |                               |
|---|-------------------------------|
| <i>Allocasuarina littoralis</i>   | black sheoak                  |
| <i>Allocasuarina rigida</i>   |                               |
| <i>Aotus subglauca</i>  |                               |
| <i>Babingtonia densifolia</i>   |                               |
| <i>Babingtonia jucunda</i>  |                               |
| <i>Babingtonia virgata</i>  | twiggy myrtle, wild may       |
| <i>Baeckea frutescens</i>   |                               |
| <i>Baeckea stenophylla</i>  |                               |
| <i>Banksia</i> , all species and naturally occurring hybrids and intergrades (other than a species classified as a threatened or rare plant) of the genus |                               |
| <i>Blechnum cartilagineum</i>   | gristle fern                  |
| <i>Blechnum indicum</i>   |                               |
| <i>Bossiaea rhombifolia</i>   |                               |
| <i>Brachyloma daphnoides</i>  | daphne heath                  |
| <i>Bursaria spinosa</i>   | prickly pine, blackthorn      |
| <i>Callistemon linearis</i>   | stiff bottlebrush             |
| <i>Callistemon pachyphyllus</i>   | wallum/red/green bottlebrush  |
| <i>Callistemon pallidus</i>   | lemon bottlebrush             |
| <i>Callistemon pityoides</i>  | alpine bottlebrush            |
| <i>Callistemon salignus</i>   | white bottlebrush             |
| <i>Callistemon viminalis</i>  | red/river/weeping bottlebrush |
| <i>Callitris columellaris</i>   | Bribie Island pine            |
| <i>Callitris endlicheri</i>   | black cypress                 |
| <i>Callitris glaucophylla</i>   | white cypress                 |

## SCHEDULE 8A (continued)

|   |                                |
|---|--------------------------------|
| <i>Callitris rhomboidea</i>                                   | Port Jackson/dune cypress      |
| <i>Calochlaena dubia</i>                                      | false/mountain/rainbow bracken |
| <i>Calytrix tetragona</i>                                     | fringe myrtle                  |
| <i>Cassinia laevis</i>  | cough bush                     |
| <i>Cassinia quinquefaria</i>                                  |                                |
| <i>Caustis blakei</i>   | koala fern, foxtails           |
| <i>Caustis flexuosa</i>                                       | curly wig                      |
| <i>Caustis recurvata</i>                                      | curly wig                      |
| <i>Caustis</i> sp. (Robinson Gorge<br>P.I.Forster + PIF11256) |                                |
| <i>Cheiranthra cyanea</i>                                     | finger flower                  |
| <i>Choretrum candollei</i>                                    | white broom, sour bush         |
| <i>Comesperma sylvestre</i>                                   |                                |
| <i>Conospermum taxifolium</i>                                 | devils rice                    |
| <i>Cordyline petiolaris</i>                                   | palm lily, cordyline           |
| <i>Cordyline rubra</i>  | palm lily, cordyline           |
| <i>Cryptandra amara</i>                                       |                                |
| <i>Dampiera adpressa</i>                                      | fan flower                     |
| <i>Daviesia acicularis</i>                                    |                                |
| <i>Daviesia elliptica</i>                                     |                                |
| <i>Daviesia mimosoides</i>                                    | small-leaved bitter pea        |
| <i>Dicranopteris linearis</i>                                 | umbrella fern                  |
| <i>Dillwynia sericea</i>                                      | silky parrot pea               |
| <i>Dillwynia sieberi</i>                                      | heathy parrot pea              |
| <i>Dodonaea viscosa</i>                                       | sticky hop bush                |
| <i>Elaeocarpus reticulatus</i>                                | blueberry ash, ash quandong    |

## SCHEDULE 8A (continued)

|                                 |                                      |
|---------------------------------|--------------------------------------|
| <i>Epacris microphylla</i>      | coral heath                          |
| <i>Eriostemon myoporoides</i>   | wax flower                           |
| <i>Eucalyptus microcorys</i>    | tallow wood                          |
| <i>Eucalyptus pilularis</i>     | blackbutt                            |
| <i>Eucalyptus propinqua</i>     | grey gum, small-fruited grey gum     |
| <i>Exocarpos cupressiformis</i> | cherry ballart or native cherry      |
| <i>Exocarpos latifolius</i>     | native/scrub cherry, sandalwood      |
| <i>Gahnia sieberiana</i>        | sword grass                          |
| <i>Gleichenia dicarpa</i>       | pouched coral/tangle fern            |
| <i>Gleichenia mendellii</i>     | coral fern                           |
| <i>Gleichenia rupestris</i>     | coral fern                           |
| <i>Haemodorum planifolium</i>   | bloodroot                            |
| <i>Hakea actites</i>            |                                      |
| <i>Hakea microcarpa</i>         |                                      |
| <i>Hakea sericea</i>            |                                      |
| <i>Hardenbergia violacea</i>    | purple coral pea, false sarsaparilla |
| <i>Hibbertia cistoidea</i>      | guinea flower                        |
| <i>Homoranthus thomasi</i>      |                                      |
| <i>Hovea lanceolata</i>         |                                      |
| <i>Hovea pannosa</i>            | rusty bush pea                       |
| <i>Indigofera australis</i>     | Australian indigo                    |
| <i>Isotoma anethifolia</i>      |                                      |
| <i>Jacksonia scoparia</i>       | broom, dogwood                       |
| <i>Kunzea obovata</i>           |                                      |
| <i>Lepironia articulata</i>     |                                      |
| <i>Leptospermum arachnoides</i> |                                      |

## SCHEDULE 8A (continued)

|                                    |                                   |
|------------------------------------|-----------------------------------|
| <i>Leptospermum brachyandrum</i>   | weeping tea tree                  |
| <i>Leptospermum brevipes</i>       |                                   |
| <i>Leptospermum liversidgei</i>    | wild may                          |
| <i>Leptospermum microcarpum</i>    | small-leaved tea tree             |
| <i>Leptospermum petersonii</i>     | wild may, lemon-scented tea tree  |
| <i>Leptospermum polygalifolium</i> | wild may, yellow tea tree         |
| <i>Leucopogon melaleuroides</i>    | snow bush                         |
| <i>Leucopogon microphyllus</i>     |                                   |
| <i>Leucopogon muticus</i>          | beard heath                       |
| <i>Leucopogon neoanglicus</i>      | prickly heath                     |
| <i>Lomandra multiflora</i>         |                                   |
| <i>Lomatia silaifolia</i>          | crinkle bush, fern-leaved lomatia |
| <i>Lycopodiella cernua</i>         | coral fern                        |
| <i>Lythrum salicaria</i>           | purple loosestrife                |
| <i>Maytenus bilocularis</i>        | orangebark                        |
| <i>Maytenus silvestris</i>         | narrow-leaved orangebark          |
| <i>Melaleuca decora</i>            | paperbark                         |
| <i>Melaleuca linariifolia</i>      | snow-in-summer                    |
| <i>Melaleuca quinquenervia</i>     | swamp paperbark                   |
| <i>Melaleuca sieberi</i>           | paperbark                         |
| <i>Melaleuca thymifolia</i>        | thyme honey myrtle                |
| <i>Micromyrtus sessilis</i>        |                                   |
| <i>Mirbelia speciosa</i>           | showy mirbelia                    |
| <i>Notelaea linearis</i>           | native olive                      |
| <i>Olearia elliptica</i>           |                                   |
| <i>Olearia microphylla</i>         |                                   |

## SCHEDULE 8A (continued)

|                                 |                                    |
|---------------------------------|------------------------------------|
| <i>Olearia ramosissima</i>      |                                    |
| <i>Ozothamnus diosmifolius</i>  | devils rice, sago flower           |
| <i>Ozothamnus obcordatus</i>    | sago flower                        |
| <i>Patersonia sericea</i>       | native iris                        |
| <i>Persoonia cornifolia</i>     | broad-leaved geebung               |
| <i>Persoonia stradbokensis</i>  | geebung                            |
| <i>Persoonia virgata</i>        | geebung                            |
| <i>Petrophile canescens</i>     | conesticks                         |
| <i>Petrophile shirleyae</i>     |                                    |
| <i>Pimelea linifolia</i>        | rice flower, Queen of the bush     |
| <i>Pimelea neoanglica</i>       | poison pimelea, scanty rice flower |
| <i>Platysace lanceolata</i>     |                                    |
| <i>Podolepis jaceoides</i>      |                                    |
| <i>Pomaderris queenslandica</i> |                                    |
| <i>Poranthera corymbosa</i>     |                                    |
| <i>Prostanthera nivea</i>       | white mintbush                     |
| <i>Prostanthera saxicola</i>    |                                    |
| <i>Pteridium esculentum</i>     | bracken fern, common bracken       |
| <i>Pultenaea hartmannii</i>     |                                    |
| <i>Pultenaea villosa</i>        | kerosene bush, hairy bush pea      |
| <i>Pycnosorus chrysanthes</i>   | golden billy buttons               |
| <i>Pycnosorus pleiocephalus</i> |                                    |
| <i>Restio pallens</i>           | cord rush                          |
| <i>Restio stenocoleus</i>       |                                    |
| <i>Restio tetraphyllus</i>      | feather plant                      |
| <i>Santalum lanceolatum</i>     | sandalwood                         |

## SCHEDULE 8A (continued)

*Solanum elegans*

*Sowerbaea juncea*

rush lily, vanilla plant

*Sticherus*, all species and naturally occurring hybrids and intergrades (other than a threatened or rare species) of the genus

*Stylidium graminifolium*

grass-leaved trigger flower

*Stypandra glauca*

nodding blue lily

*Styphelia triflora*

*Styphelia viridis*

*Thryptomene parviflora*

*Thysanotus tuberosus*

fringed lily

*Zieria aspalathoides*

*Zieria compacta*

**SCHEDULE 9****DOMESTIC ANIMALS**schedule 14, definition “**domestic animal**”

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,<br>senegal laughing, harlequin and<br>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**schedule 14, definition “**farm wildlife**”

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

schedule 14, definitions “recreational bird” and “recreational reptile”

#### PART 1—BIRDS

##### Scientific names

1. Unless otherwise stated, scientific names used for birds in this part follow Simpson and Day, *Field Guide to the Birds of Australia*, (5th Edition 1996), Penguin Books Australia Ltd., Victoria, Australia.

##### Birds

2. The following birds are recreational birds—

| Scientific name                          | Common name                                |
|--|--|
| <i>Alisterus scapularis</i>              | king parrot                                |
| <i>Anas castanea</i>                     | chestnut teal                              |
| <i>Anas gracilis</i>                     | grey teal                                  |
| <i>Anas rhynchotis</i>                   | Australasian shoveler                      |
| <i>Anas superciliosa</i>                 | black duck                                 |
| <i>Anseranas semipalmata</i>             | magpie goose                               |
| <i>Aprosmictus erythropterus</i>         | red-winged parrot                          |
| <i>Aythya australis</i>                  | hardhead                                   |
| <i>Barnardius zonarius barnardi</i>      | Mallee ringneck                            |
| <i>Barnardius zonarius zonarius</i>      | Port Lincoln ringneck                      |
| <i>Barnardius zonarius semitorquatus</i> | Australian ringneck or twenty-eight parrot |

## SCHEDULE 11 (continued)

|                                     |                          |
|-------------------------------------|--------------------------|
| <i>Cacatua galerita</i>             | sulphur-crested cockatoo |
| <i>Cacatua pastinator</i>           | western corella          |
| <i>Cacatua sanguinea</i>            | little corella           |
| <i>Cacatua roseicapilla</i>         | galah                    |
| <i>Cacatua tenuirostris</i>         | long-billed corella      |
| <i>Cereopsis novaehollandiae</i>    | Cape Barren goose        |
| <i>Chalcophaps indica</i>           | emerald dove             |
| <i>Chenonetta jubata</i>            | maned duck or wood duck  |
| <i>Columba leucomela</i>            | white-headed pigeon      |
| <i>Cygnus atratus</i>               | black swan               |
| <i>Dendrocygna arcuata</i>          | wandering whistling-duck |
| <i>Dendrocygna eytoni</i>           | plumed whistling-duck    |
| <i>Ducula bicolor</i>               | pie imperial-pigeon      |
| <i>Emblema pictum</i>               | painted finch            |
| <i>Erythrura trichroa</i>           | blue-faced finch         |
| <i>Geopelia humeralis</i>           | bar-shouldered dove      |
| <i>Geophaps plumifera</i>           | spinifex pigeon          |
| <i>Geophaps scripta</i>             | squatter pigeon          |
| <i>Glossopsitta concinna</i>        | musk lorikeet            |
| <i>Glossopsitta porphyrocephala</i> | purple-crowned lorikeet  |
| <i>Glossopsitta pusilla</i>         | little lorikeet          |
| <i>Heteromunia pectoralis</i>       | pictorella mannikin      |
| <i>Leucosarcia melanoleuca</i>      | wonga pigeon             |
| <i>Lonchura flaviprymna</i>         | yellow-rumped mannikin   |
| <i>Macropygia amboinensis</i>       | brown-cuckoo-dove        |
| <i>Malacorhynchus membranaceus</i>  | pink-eared duck          |

## SCHEDULE 11 (continued)

|  |   |
|--|---|
| <i>Neochmia modesta</i>  | plum-headed finch                               |
| <i>Neochmia phaeton</i>  | crimson finch                                   |
| <i>Neochmia temporalis</i>   | red-browed finch                                |
| <i>Neophema chrysostoma</i>  | blue-winged parrot                              |
| <i>Neophema pulchella</i>  | turquoise parrot                                |
| <i>Neophema splendida</i>  | scarlet-chested parrot                          |
| <i>Neophema petrophila</i>   | rock parrot                                     |
| <i>Northiella haematogaster</i> , other than <i>N. h. narethae</i> | blue bonnet, other than the narethae subspecies |
| <i>Ocyphaps (Geophaps) lophotes</i>                                | crested pigeon                                  |
| <i>Oxyura australis</i>  | blue-billed duck                                |
| <i>Petrophassa albipennis</i>                                      | white-quilled rock-pigeon                       |
| <i>Petrophassa rufipennis</i>                                      | chestnut-quilled rock-pigeon                    |
| <i>Phaps chalcoptera</i>   | common bronzewing                               |
| <i>Phaps elegans</i>   | brush bronzewing                                |
| <i>Phaps histrionica</i>   | flock bronzewing                                |
| <i>Platycercus adscitus</i>  | pale-headed rosella                             |
| <i>Platycercus elegans adelaide</i>                                | Adelaide rosella                                |
| <i>Platycercus elegans</i>   | crimson rosella                                 |
| <i>Platycercus elegans flaveolus</i>                               | yellow rosella                                  |
| <i>Platycercus eximius</i>   | eastern rosella                                 |
| <i>Platycercus icterotis</i>                                       | western rosella                                 |
| <i>Platycercus venustus</i>  | northern rosella                                |
| <i>Poephila acuticauda</i>   | long-tailed finch                               |
| <i>Poephila cincta</i>   | black-throated finch                            |
| <i>Poephila personata</i>  | masked finch                                    |



## SCHEDULE 11 (continued)

|  |                                       |
|--|---------------------------------------|
| <i>Polytelis alexandrae</i>                    | princess parrot or Alexandra's parrot |
| <i>Polytelis anthopeplus</i>                   | regent parrot                         |
| <i>Polytelis swainsonii</i>                    | superb parrot                         |
| <i>Psephotus dissimilis</i>                    | hooded parrot                         |
| <i>Psephotus varius</i>                        | mulga parrot                          |
| <i>Psitteuteles versicolor</i>                 | varied lorikeet                       |
| <i>Purpureicephalus spurius</i>                | red-capped parrot                     |
| <i>Stagonopleura bella</i>                     | beautiful firetail                    |
| <i>Stagonopleura guttata</i>                   | diamond firetail                      |
| <i>Tadorna radjah</i>                          | radjah shelduck or Burdekin duck      |
| <i>Tadorna tadornoides</i>                     | Australian shelduck                   |
| <i>Trichoglossus chlorolepidotus</i>           | scaly-breasted lorikeet               |
| <i>Trichoglossus haematodus</i>                | rainbow lorikeet                      |
| <i>Trichoglossus haematodus rubritorquatus</i> | rainbow (red-collared) lorikeet       |
| <i>Turnix maculosa</i>                         | red-backed button-quail               |
| <i>Turnix melanogaster</i>                     | black-breasted button-quail           |
| <i>Turnix pyrrhothorax</i>                     | red-chested button-quail              |
| <i>Turnix varia</i>                            | painted button-quail                  |
| <i>Turnix velox</i>                            | little button-quail                   |

## SCHEDULE 11 (continued)

**PART 2—REPTILES****Reptiles**

3. A reptile that is common wildlife (other than a restricted reptile) is a recreational reptile.

## SCHEDULE 12

### RESTRICTED WILDLIFE

schedule 14, definitions “restricted amphibian”, “restricted bird”, “restricted plant” and “restricted reptile”

#### PART 1—AMPHIBIANS

##### Amphibians

1. A rare or threatened amphibian is a restricted amphibian.

#### PART 2—BIRDS

##### Scientific names

2. Unless otherwise stated, scientific names used for birds in this part follow Simpson and Day, *Field Guide to the Birds of Australia*, (5th Edition 1996), Penguin Books Australia Ltd., Victoria, Australia.

##### Birds

3. The following birds are restricted birds—

| Scientific name                          | Common name                             |
|--|---|
| <i>Barnardius zonarius macgillivrayi</i> | Australian ringneck or Cloncurry parrot |
| <i>Cacatua leadbeateri</i>               | Major Mitchell or pink cockatoo         |
| <i>Callocephalon fimbriatum</i>          | gang gang cockatoo                      |
| <i>Calyptorhynchus banksii</i>           | red-tailed black-cockatoo               |

## SCHEDULE 12 (continued)

|   |   |
|---|---|
| <i>Calyptorhynchus baudinii</i>         | long-billed black-cockatoo                    |
| <i>Calyptorhynchus funereus</i>         | yellow-tailed black-cockatoo                  |
| <i>Calyptorhynchus lathamii</i>         | glossy black-cockatoo                         |
| <i>Calyptorhynchus latirostris</i>      | short-billed (white-tailed)<br>black-cockatoo |
| <i>Eclectus roratus macgillivrayi</i>   | eclectus parrot, the Australian<br>subspecies |
| <i>Geophaps smithii</i>                 | partridge pigeon                              |
| <i>Lathamus discolor</i>                | swift parrot                                  |
| <i>Lopholaimus antarcticus</i>          | topnot pigeon                                 |
| <i>Northiella haematogaster naretha</i> | naretha blue bonnet                           |
| <i>Platycercus caledonicus</i>          | green rosella                                 |
| <i>Psephotus chrysopterygius</i>        | golden-shouldered parrot                      |
| <i>Ptilinopus magnificus</i>            | wompoo fruit-dove                             |
| <i>Ptilinopus regina</i>                | rose-crowned fruit-dove                       |
| <i>Ptilinopus superbus</i>              | superb fruit-dove                             |
| <i>Stagonopleura oculata</i>            | red-eared firetail                            |
| <i>Turnix olivii</i>                    | buff-breasted button-quail                    |

**PART 3—PLANTS****Scientific names**

4. The scientific names used for plants in this part follow those used in Queensland Herbarium, *Queensland Plants, Names and Distribution*, 1997, Queensland Department of Environment, Brisbane, Australia.

## SCHEDULE 12 (continued)

**Plants**

5. The following plants are restricted plants—

| <b>Scientific name</b>       | <b>Common name</b>                |
|------------------------------|-----------------------------------|
| <i>Acacia betchei</i>        |                                   |
| <i>Acacia fimbriata</i>      | fringed/Brisbane wattle           |
| <i>Acacia floribunda</i>     | white sally/catkin wattle         |
| <i>Acacia gnidium</i>        |                                   |
| <i>Acacia implexa</i>        | lightwood                         |
| <i>Acacia irrorata</i>       | green wattle                      |
| <i>Acacia leucoclada</i>     |                                   |
| <i>Acacia macradenia</i>     | zig-zag wattle                    |
| <i>Acacia neriifolia</i>     | oleander/Pechey wattle            |
| <i>Acacia penninervis</i>    | veined wattle or mountain hickory |
| <i>Acacia podalyriifolia</i> | silver wattle                     |
| <i>Acacia porcata</i>        |                                   |
| <i>Acacia rubida</i>         |                                   |
| <i>Acacia stricta</i>        | hop wattle                        |
| <i>Acacia triptera</i>       |                                   |
| <i>Acacia ulicifolia</i>     | prickly moses                     |
| <i>Acacia uncinata</i>       | veined wattle                     |
| <i>Acacia venulosa</i>       |                                   |
| <i>Acacia viscidula</i>      | sticky wattle                     |
| <i>Acriopsis javanica</i>    |                                   |
| <i>Acronychia littoralis</i> |                                   |
| <i>Acrostichum speciosum</i> | mangrove fern                     |
| <i>Actinotus helianthi</i>   | flannel flower                    |

## SCHEDULE 12 (continued)

|   |                               |
|---|-------------------------------|
| <i>Alectryon ramiflorus</i>   |                               |
| <i>Allocasuarina littoralis</i>   | black sheoak                  |
| <i>Allocasuarina rigida</i>   |                               |
| <i>Anoectochilus yatesiae</i>   | jewel orchid                  |
| <i>Aotus subglauca</i>  |                               |
| <i>Aponogeton</i> , all species and naturally occurring hybrids of the genus              |                               |
| <i>Appendicula australiensis</i>  |                               |
| <i>Asplenium australasicum</i>  | crows nest or birds nest fern |
| <i>Asplenium harmanii</i>   |                               |
| <i>Asplenium laserpitiifolium</i>   | Johnstone River maidenhair    |
| <i>Asplenium nidus</i>  | crows nest or birds nest fern |
| <i>Asplenium simplicifrons</i>  | narrow-leaved birds nest fern |
| <i>Babingtonia jucunda</i>  |                               |
| <i>Babingtonia virgata</i>  | wiggy myrtle, wild may        |
| <i>Baeckea densifolia</i>   |                               |
| <i>Baeckea frutescens</i>   |                               |
| <i>Baeckea stenophylla</i>  |                               |
| <i>Banksia</i> , all species and naturally occurring hybrids and intergrades of the genus |                               |
| <i>Blandfordia grandiflora</i>  | Christmas bells               |
| <i>Blechnum cartilagineum</i>   | gristle fern                  |
| <i>Blechnum indicum</i>   |                               |
| <i>Boea kinnearii</i>   |                               |
| <i>Bossiaea rhombifolia</i>   |                               |

## SCHEDULE 12 (continued)

*Bowenia*, all species and naturally occurring hybrids and intergrades of the genus

*Brachyloma daphnoides* daphne heath

*Bromheadia finlaysoniana*

*Bulbophyllum*, all species and naturally occurring hybrids of the genus

*Bursaria spinosa* prickly pine, blackthorn

*Cadetia*, all species and naturally occurring hybrids of the genus

*Calanthe triplicata* Christmas orchid

*Callistemon linearis* stiff bottlebrush

*Callistemon pachyphyllus* wallum/red/green bottlebrush

*Callistemon pallidus* lemon bottlebrush

*Callistemon pityoides* alpine bottlebrush

*Callistemon salignus* white bottlebrush

*Callistemon viminalis* red/river/weeping bottlebrush

*Callitris columellaris* Bribie Island pine

*Callitris endlicheri* black cypress

*Callitris glaucophylla* white cypress

*Callitris rhomboidea* Port Jackson/dune cypress

*Calochlaena dubia* false/mountain/rainbow bracken

*Calytrix tetragona* fringe myrtle

*Cassinia laevis* cough bush

*Cassinia quinquefaria*

*Caustis blakei* koala fern, foxtails

*Caustis flexuosa* curly wig

## SCHEDULE 12 (continued)

|   |                         |
|---|-------------------------|
| <i>Caustis recurvata</i>  | curly wig               |
| <i>Caustis</i> sp. (Robinson Gorge P.I.<br>Forster+ PIF11256)                                 |                         |
| <i>Cheiranthera cyanea</i>  |                         |
| <i>Choretrum candollei</i>  | white broom, sour bush  |
| <i>Comesperma sylvestre</i>   |                         |
| <i>Conospermum taxifolium</i>   | Devils rice             |
| <i>Cordyline petiolaris</i>   | palm lily, cordyline    |
| <i>Cordyline rubra</i>  | palm lily, cordyline    |
| <i>Corymborkis veratrifolia</i>   |                         |
| <i>Crepidium fimbriatum</i>   |                         |
| <i>Crepidium lawleri</i>  |                         |
| <i>Crepidium xanthochilum</i>   |                         |
| <i>Cryptandra amara</i>   |                         |
| <i>Cyathea exilis</i>   |                         |
| <i>Cycas</i> , all species and naturally<br>occurring hybrids and intergrades<br>of the genus |                         |
| <i>Cymbidium</i> , all species and<br>naturally occurring hybrids of the<br>genus             |                         |
| <i>Dampiera adpressa</i>  | fan flower              |
| <i>Davallia denticulata</i>   | hares foot fern         |
| <i>Davallia pyxidata</i>  | hares foot fern         |
| <i>Davallia solida</i>  | hares foot fern         |
| <i>Daviesia acicularis</i>  |                         |
| <i>Daviesia elliptica</i>   |                         |
| <i>Daviesia mimosoides</i>  | small-leaved bitter pea |



## SCHEDULE 12 (continued)

*Dendrobium*, all species and naturally occurring hybrids of the genus

*Dicksonia antarctica* soft/woolly tree fern

*Dicksonia herbertii* bristly tree fern

*Dicksonia youngiae*

*Dicranopteris linearis* umbrella fern

*Dillwynia sericea* silky parrot pea

*Dillwynia sieberi* heathy parrot pea

*Diplocaulobium glabrum*

*Diplocaulobium masonii*

*Diploglottis campbellii* tamarind

*Dipodium ensifolium* leafy hyacinth orchid

*Dipodium pictum*

*Dockrillia*, all species and naturally occurring hybrids of the genus

*Dodonaea viscosa* sticky hop bush

*Drosera adela*

*Drosera prolifera* trailing sundew

*Drosera schizandra* notched sundew

*Drymoanthus minutus*

*Elaeocarpus reticulatus* blueberry ash, ash quandong

*Epacris microphylla* coral heath

*Eria*, all species and naturally occurring hybrids of the genus

*Eriostemon myoporoides* wax flower

*Eucalyptus microcorys* tallow wood

## SCHEDULE 12 (continued)

|                                 |                                      |
|---------------------------------|--------------------------------------|
| <i>Eucalyptus pilularis</i>     | blackbutt                            |
| <i>Eucalyptus propinqua</i>     | grey gum, small-fruited grey gum     |
| <i>Exocarpos cupressiformis</i> | cherry ballart or native cherry      |
| <i>Exocarpos latifolius</i>     | native/scrub cherry, sandalwood      |
| <i>Flickingeria comata</i>      |                                      |
| <i>Flickingeria convexa</i>     |                                      |
| <i>Gahnia sieberiana</i>        | sword grass                          |
| <i>Gleichenia dicarpa</i>       | pouched coral/tangle fern            |
| <i>Gleichenia mendellii</i>     | coral fern                           |
| <i>Gleichenia rupestris</i>     | coral fern                           |
| <i>Goodyera grandis</i>         |                                      |
| <i>Goodyera viridiflora</i>     |                                      |
| <i>Grastidium tozerense</i>     | Mt Tozer orchid                      |
| <i>Habenaria macraithii</i>     |                                      |
| <i>Haemodorum planifolium</i>   |                                      |
| <i>Hakea microcarpa</i>         |                                      |
| <i>Hakea actites</i>            |                                      |
| <i>Hakea sericea</i>            |                                      |
| <i>Hardenbergia violacea</i>    | purple coral pea, false sarsaparilla |
| <i>Hibbertia cistoidea</i>      | guinea flower                        |
| <i>Homoranthus thomasi</i>      |                                      |
| <i>Hovea lanceolata</i>         |                                      |
| <i>Hovea pannosa</i>            | rusty bush pea                       |
| <i>Huperzia carinata</i>        | McIlwraith Range/keeled tassel fern  |
| <i>Huperzia dalhousieana</i>    | blue tassel fern                     |
| <i>Huperzia filiformis</i>      | rats tail tassel fern                |

## SCHEDULE 12 (continued)

|   |                                  |
|---|----------------------------------|
| <i>Huperzia lockyeri</i>  |                                  |
| <i>Huperzia marsupiiiformis</i>   |                                  |
| <i>Huperzia phlegmaria</i>  | common tassel fern               |
| <i>Huperzia phlegmarioides</i>  | layered tassel fern              |
| <i>Huperzia prolifera</i>   | square tassel fern               |
| <i>Huperzia squarrosa</i>   | rock tassel fern                 |
| <i>Huperzia varia</i>   | long clubmoss                    |
| <i>Hydnophytum moseleyanum</i>  | ant plant                        |
| <i>Indigofera australis</i>   | Australian indigo                |
| <i>Isotoma anethifolia</i>  |                                  |
| <i>Jacksonia scoparia</i>   | broom, dogwood                   |
| <i>Kunzea obovata</i>   |                                  |
| <i>Lepidozamia</i> , all species and naturally occurring hybrids and intergrades of the genus |                                  |
| <i>Lepironia articulata</i>   |                                  |
| <i>Leptospermum arachnoides</i>   |                                  |
| <i>Leptospermum brachyandrum</i>  | weeping tea tree                 |
| <i>Leptospermum brevipes</i>  |                                  |
| <i>Leptospermum liversidgei</i>   | wild may                         |
| <i>Leptospermum microcarpum</i>   | small-leaved tea tree            |
| <i>Leptospermum petersonii</i>  | wild may, lemon-scented tea tree |
| <i>Leptospermum polygalifolium</i>  | wild may, yellow tea tree        |
| <i>Leucopogon melaleuroides</i>   | snow bush                        |
| <i>Leucopogon microphyllus</i>  |                                  |
| <i>Leucopogon muticus</i>   | beard heath                      |
| <i>Leucopogon neoanglicus</i>   | prickly heath                    |

## SCHEDULE 12 (continued)

*Liparis*, all species and naturally occurring hybrids of the genus

*Lomandra multiflora*

*Lomatia silaifolia*

crinkle bush, fern-leaved lomatia

*Luisia teretifolia*

*Lycopodiella cernua*

coral fern

*Lythrum salicaria*

*Macrozamia*, all species and naturally occurring hybrids and intergrades of the genus

*Maytenus bilocularis*

orangebark

*Maytenus silvestris*

narrow-leaved orangebark

*Melaleuca decora*

paperbark

*Melaleuca linariifolia*

snow-in-summer

*Melaleuca quinquenervia*

swamp paperbark

*Melaleuca sieberi*

paperbark

*Melaleuca thymifolia*

thyme honey myrtle

*Micromyrtus sessilis*

*Micropera fasciculata*

*Mirbelia speciosa*

*Mobilabium hamatum*

*Myrmecodia beccarii*

*Myrmecodia platytyrea*

ant plant

*Myrmecodia tuberosa*

ant plant

*Notelaea linearis*

native olive

*Oberonia*, all species and naturally occurring hybrids of the genus

## SCHEDULE 12 (continued)

|   |                                    |
|---|------------------------------------|
| <i>Olearia elliptica</i>  |                                    |
| <i>Olearia microphylla</i>  |                                    |
| <i>Olearia ramosissima</i>  |                                    |
| <i>Ozothamnus diosmifolius</i>  | Devils rice, sago flower           |
| <i>Ozothamnus obcordatus</i>  | sago flower                        |
| <i>Papillilabium beckleri</i>   |                                    |
| <i>Patersonia sericea</i>   | native iris                        |
| <i>Peristeranthus hillii</i>  |                                    |
| <i>Persoonia cornifolia</i>   | broad-leaved geebung               |
| <i>Persoonia stradbrokeensis</i>  | geebung                            |
| <i>Persoonia virgata</i>  | geebung                            |
| <i>Petrophile canescens</i>   |                                    |
| <i>Petrophile shirleyae</i>   |                                    |
| <i>Phaius australis</i>   | swamp orchid                       |
| <i>Phaius bernaysii</i>   | yellow swamp orchid                |
| <i>Phaius pictus</i>  |                                    |
| <i>Phaius tancarvilleae</i>   | swamp orchid                       |
| <i>Phalaenopsis rosenstromii</i>  | moth orchid                        |
| <i>Pholidota imbricata</i>  | rattlesnake orchid                 |
| <i>Pimelea linifolia</i>  | rice flower, Queen of the bush     |
| <i>Pimelea neoanglica</i>   | poison pimelea, scanty rice flower |
| <i>Platycerium</i> , all species and naturally occurring hybrids of the genus |                                    |
| <i>Platysace lanceolata</i>   |                                    |

## SCHEDULE 12 (continued)

|  |                               |
|--|-------------------------------|
| <i>Plectorrhiza</i> , all species and naturally occurring hybrids of the genus |                               |
| <i>Podolepis jaceoides</i>   |                               |
| <i>Pomaderris queenslandica</i>  |                               |
| <i>Pomatocalpa macphersonii</i>  |                               |
| <i>Pomatocalpa marsupiale</i>  |                               |
| <i>Poranthera corymbosa</i>  |                               |
| <i>Prostanthera nivea</i>  | white mintbush                |
| <i>Prostanthera saxicola</i>   |                               |
| <i>Pteridium esculentum</i>  | bracken fern, common bracken  |
| <i>Pultenaea hartmannii</i>  |                               |
| <i>Pultenaea villosa</i>   | kerosene bush, hairy bush pea |
| <i>Pycnosorus chrysanthes</i>  | golden billy buttons          |
| <i>Pycnosorus pleiocephalus</i>  |                               |
| <i>Restio pallens</i>  | cord rush                     |
| <i>Restio stenocoleus</i>  |                               |
| <i>Restio tetraphyllus</i>   | feather plant                 |
| <i>Rhinerrhiza</i> , all species and naturally occurring hybrids of the genus  |                               |
| <i>Rhynchophreatia micrantha</i>   | fan orchid                    |
| <i>Robiquetia</i> , all species and naturally occurring hybrids of the genus   |                               |
| <i>Santalum lanceolatum</i>  | sandalwood                    |
| <i>Sarcochilus</i> , all species and naturally occurring hybrids of the genus  |                               |

## SCHEDULE 12 (continued)

|  |                             |
|--|-----------------------------|
| <i>Schoenorchis sarcophylla</i>  |                             |
| <i>Solanum elegans</i>   |                             |
| <i>Sowerbaea juncea</i>  | rush lily, vanilla plant    |
| <i>Spathoglottis paulinae</i>  |                             |
| <i>Spathoglottis plicata</i>   |                             |
| <i>Sticherus</i> , all species and naturally occurring hybrids and intergrades of the genus    |                             |
| <i>Styloidium graminifolium</i>  | grass-leaved trigger flower |
| <i>Stypandra glauca</i>  | nodding blue lily           |
| <i>Styphelia triflora</i>  |                             |
| <i>Styphelia viridis</i>   |                             |
| <i>Taeniophyllum</i> , all species and naturally occurring hybrids of the genus                |                             |
| <i>Thryptomene parviflora</i>  |                             |
| <i>Thysanotus tuberosus</i>  | fringed lily                |
| <i>Toechima pterocarpum</i>  | orange tamarind             |
| <i>Trachoma</i> , all species and naturally occurring hybrids of the genus                     |                             |
| <i>Triunia robusta</i>   |                             |
| <i>Vallisneria gracilis</i>  |                             |
| <i>Vanda hindsii</i>   |                             |
| <i>Vrydagzynea paludosa</i>  |                             |
| <i>Wodyetia bifurcata</i>  | foxtail palm                |
| <i>Xanthorrhoea</i> , all species and naturally occurring hybrids and intergrades of the genus |                             |

## SCHEDULE 12 (continued)

*Zeuxine polygonoides**Zieria aspalathoides**Zieria compacta***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>       |



SCHEDULE 12 (continued)

Family Hydrophiidae

all species

Family Laticaudidae

all species

other reptiles

All rare or threatened reptiles (other than estuarine and freshwater crocodile).

## SCHEDULE 13

### SECTIONAL DEFINITIONS

schedule 14, definitions “**commercial activity**”, “**group activity**”, “**licence**” and “**special activity**”

#### 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.

## SCHEDULE 13 (continued)

3. A wedding.
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)
- chapter 3 (Wildlife and habitat conservation), part 13 (General)
- section 95 (Restriction on grant of licences—general)
- 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 may supply tags for use by holder of licence)
- 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

## SCHEDULE 13 (continued)

- (b) needs special training or supervision before a person can safely engage in the activity; or
  - (c) may involve risk to the public.
- (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;<sup>32</sup> or
- (b) for protected plants—see section 165; or
- (c) for amphibians and reptiles—see section 175; or
- (d) for wildlife exhibitor licences—see section 199; or
- (e) for wildlife farming licences—see section 209; or

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<sup>32</sup> 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.

**“dolphin”** means a cetacean of the family Delphinidae.

**“domestic animal”** means an animal mentioned 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; 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.<sup>33</sup>

**“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”**—

- for a commercial wildlife licence for birds—see section 148
- for a recreational wildlife licences for birds—see section 152
- for an international wildlife licence for birds—see section 160
- for a commercial wildlife licence for protected plants—see section 170A
- for an international wildlife licence for reptiles—see section 177A

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<sup>33</sup> Information notices are erected under section 255.

## SCHEDULE 14 (continued)

- for a recreational wildlife licence or a recreational wildlife (specialist) licence for amphibians or reptiles—see section 177G
- for a commercial wildlife licence for dead protected animals—see section 184B
- for a wildlife demonstrator licence—see section 190
- for a wildlife exhibitor licence—see section 199
- for a wildlife farming licence—see section 209
- for a museum licence—see section 216C
- for a herbarium licence—see section 216N.

“**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 *Transport Operations (Road Use Management) Act 1995*.



## SCHEDULE 14 (continued)

**“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 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”** see schedule 11.

**“regulatory notice”** means a notice erected or displayed, but does not include an official traffic sign.<sup>34</sup>

**“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 amphibian”** see schedule 12.

**“restricted bird”** means a species of protected bird specified in schedule 12.

**“restricted plant”** means a species of protected plant specified in schedule 12.

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<sup>34</sup> Regulatory notices are erected under section 255.

## SCHEDULE 14 (continued)

**“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.

**“self-registration camping notice”** means a notice under section 43.

**“sick”**, in relation to a protected animal, includes suffering from the behavioural 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

## SCHEDULE 14 (continued)

- for wildlife demonstrator licences—section 190
- for wildlife exhibitor licences—section 199
- for rescue permits—section 224.

**“vehicle”** see section 76.

**“voluntary wildlife care association”** means an association—

- (a) that is an incorporated association under the *Associations Incorporation Act 1981*; and
- (b) whose objects include—
  - (i) the voluntary rehabilitation of sick, injured or orphaned protected animals and, if possible, the return of the animals to the wild; and
  - (ii) the conservation of native animals.

**“watercourse”** means a river, creek or stream in which water flows permanently or intermittently.

**“weapon”** has the meaning given by the *Weapons Act 1990*.

**“whale”** means a cetacean of the family Balaenidae, Balaenopteridae, Kogiidae, Physeteridae or Ziphiidae.

**“wholesaler”** see schedule 4, section 1.

**“wildlife”**—

- (a) for a wildlife demonstrator licence—see section 190; or
- (b) for a wildlife exhibitor licence—see section 199; or
- (c) for a museum licence—see section 216C.

**“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.

## SCHEDULE 14 (continued)

**“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*.

**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 2 February 2000. 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                             |
| amdt   | = | amendment                    | prov   | = | provision                                |
| ch     | = | chapter                      | pt     | = | part                                     |
| def    | = | definition                   | pubd   | = | published                                |
| div    | = | division                     | R[X]   | = | Reprint No.[X]                           |
| exp    | = | expires/expired              | RA     | = | Reprints Act 1992                        |
| gaz    | = | gazette                      | reloc  | = | relocated                                |
| hdg    | = | heading                      | renum  | = | renumbered                               |
| ins    | = | inserted                     | rep    | = | repealed                                 |
| lap    | = | lapsed                       | s      | = | section                                  |
| notfd  | = | notified                     | sch    | = | schedule                                 |
| o in c | = | order in council             | sdiv   | = | subdivision                              |
| om     | = | omitted                      | SIA    | = | Statutory Instruments Act 1992           |
| orig   | = | original                     | SIR    | = | Statutory Instruments<br>Regulation 1992 |
| p      | = | page                         | SL     | = | subordinate legislation                  |
| para   | = | paragraph                    | sub    | = | substituted                              |
| prec   | = | preceding                    | unnum  | = | unnumbered                               |
| pres   | = | present                      |        |   |  |
| prev   | = | previous                     |        |   |  |

### 4 Table of earlier reprints

#### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only]

| Reprint No. | Amendments included   | Reprint date    |
|-------------|-----------------------|-----------------|
| 1           | to SL No. 129 of 1996 | 5 July 1996     |
| 1A          | to SL No. 337 of 1996 | 6 February 1997 |
| 2           | to SL No. 36 of 1998  | 3 April 1998    |
| 2A          | to SL No. 362 of 1998 | 8 January 1999  |

### 5 Tables in earlier reprints

#### TABLES IN EARLIER REPRINTS

| Name of table                     | Reprint No. |
|-----------------------------------|-------------|
| Changed citations and remade laws | 1           |
| Corrected minor errors            | 1           |
| Renumbered provisions             | 1           |

## **6 List of legislation**

### **Nature Conservation Regulation 1994 SL No. 473**

made by the Governor in Council on 15 December 1994  
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)  
exp 1 September 2005 (see SIA s 54)

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

### **Nature Conservation Amendment Regulation (No. 3) 1996 SL No. 283**

notfd gaz 18 October 1996 pp 633–4  
commenced on date of notification

### **Nature Conservation Amendment Regulation (No. 4) 1996 SL No. 337**

notfd gaz 22 November 1996 pp 1155–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced on 25 November 1996 (see s 3)

### **Environmental Legislation Amendment Regulation (No. 1) 1997 SL No. 379 pts 1, 3**

notfd gaz 7 November 1997 pp 967–8  
commenced on date of notification

### **Nature Conservation Legislation Amendment Regulation (No. 1) 1997 SL No. 418 pts 1–2**

notfd gaz 5 December 1997 pp 1515–7  
commenced on date of notification

**Nature Conservation Legislation Amendment Regulation (No. 2) 1997  
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notfd gaz 12 December 1997 pp 1631–4  
commenced on date of notification

**Nature Conservation Legislation Amendment Regulation (No. 1) 1998 SL No. 36  
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notfd gaz 13 March 1998 pp 1117–8  
commenced on date of notification

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notfd gaz 18 December 1998 pp 1551–7  
ss 1, 3 commenced on date of notification  
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notfd gaz 12 November 1999 pp 1007–9  
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notfd gaz 19 November 1999 pp 1149–52  
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remaining provisions commenced 1 December 1999 (see s 2(2))

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notfd gaz 17 December 1999 pp 1586–9  
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s 9 commences 1 July 2000 (see s 2(2))  
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s 252 amd 1995 SL No. 352 s 77; 1997 SL No. 436 s 82

**Application of proceeds of sale**

s 253 amd 1995 SL No. 352 s 78; 1997 SL No. 436 s 83

**Demerit points**

s 257 amd 1997 SL No. 436 s 84

**Records to be kept**

s 258 amd 1995 SL No. 352 s 79; 1996 SL No. 283 ss 11, 2 sch; 1998 SL No. 36  
s 16

**Return of operations**

prov hdg sub 1995 SL No. 352 s 80(1)  
s 259 amd 1995 SL No. 352 s 80(2)–(4); 1996 SL No. 283 s 2 sch; 1997  
SL No. 436 s 85

**When certain returns must be given to chief executive**

s 260 amd 1995 SL No. 352 s 81; 1996 SL No. 283 s 2 sch; 1997 SL No. 436  
s 86; 1999 SL No. 335 s 51

**CHAPTER 5—GENERAL****PART 3—TRANSITIONAL**

pt 3 (ss 264–265) exp 19 December 1999 (see s 265)

**SCHEDULE 1—POWERS OF TRUSTEES OF CONSERVATION PARKS AND RESOURCES RESERVES**

sch hdg sub 1999 SL No. 279 s 3

**PART 1—CONSERVATION PARKS**

pt hdg ins 1999 SL No. 279 s 3

**Anderson Street and Kamerunga Conservation Parks**

prov hdg prev prov hdg sub 1997 SL No. 418 s 3(1)

s 1 prev s 1 amd 1995 SL No. 352 s 82; 1997 SL No. 418 s 3(2)  
sub 1999 SL No. 279 s 3**Beachmere, Buckleys Hole, Byron Creek, Neurum, Sheep Station Creek and Wararba Creek Conservation Parks**s 2 prev s 2 ins 1997 SL No. 418 s 3(3)  
sub 1999 SL No. 279 s 3**Denmark Hill, Flinders Peak, Ipswich Pteropus, Mount Beau Brummel, White Rock and White Rock (Limited Depth) Conservation Parks**s 3 prev s 3 ins 1997 SL No. 418 s 3(3)  
sub 1999 SL No. 279 s 3**Lake Broadwater Conservation Park**s 4 prev s 4 ins 1997 SL No. 418 s 3(3)  
sub 1999 SL No. 279 s 3**Mount Whitfield Conservation Park**s 5 ins 1997 SL No. 418 s 3(3)  
amd 1998 SL No. 36 s 17  
sub 1999 SL No. 279 s 3**Springwood Conservation Park**

s 6 ins 1999 SL No. 279 s 3

**PART 2—RESOURCES RESERVES**

pt hdg ins 1999 SL No. 279 s 3

**Blackbraes, Cudmore, Flat Top Range, Moonstone Hill and Stones Country Reserves**

s 7 ins 1999 SL No. 279 s 3

**SCHEDULE 2—TAKING FISH, INVERTEBRATE ANIMALS FOR USE AS BAIT AND MUD CRABS IN NATIONAL PARKS**sub 1997 SL No. 436 s 87  
amd 1998 SL No. 36 s 18**SCHEDULE 2A—PERMITTED USES IN NATIONAL PARKS**

ins 1996 SL No. 283 s 12

**SCHEDULE 3—MINIMUM FLYING HEIGHT OVER NATIONAL PARKS**

amd 1995 SL No. 352 s 83; 1996 SL No. 129 s 6

**SCHEDULE 4—WHEN WILDLIFE PERMIT IS NOT NEEDED TO MOVE WILDLIFE**

sch hdg sub 1995 SL No. 352 s 84(1)

**Definition**

s 1 def “**macropod**” om 1995 SL No. 352 s 84(2)

**Museums and herbariums**

s 3 sub 1999 SL No. 335 s 52(1)

**Commercial wildlife licence**

s 4 amd 1999 SL No. 335 s 52(2)

**Recreational wildlife, recreational wildlife (specialist) and international wildlife licences**

s 5 amd 1995 SL No. 352 s 84(3)–(5); 1997 SL No. 436 s 88(1)–(4)  
sub 1999 SL No. 335 s 52(3)

**Wildlife demonstrator licence**

s 6 amd 1995 SL No. 352 s 84(6)–(7)

**Wildlife exhibitor licence**

s 7 amd 1995 SL No. 352 s 84(8); 1997 SL No. 436 s 88(5); 1999 SL No. 335 s 52(2)

**Wildlife farming licence**

s 8 amd 1999 SL No. 335 s 52(2)

**Movement of live birds**

s 9 amd 1995 SL No. 352 s 84(9); 1997 SL No. 436 s 88(6)–(8); 1998 SL No. 36 s 19(1); 1999 SL No. 335 s 52(4)–(5)

**Movement of live protected plants**

prov hdg sub 1995 SL No. 352 s 84(10)

s 10 amd 1995 SL No. 352 s 84(11)–(12); 1995 SL No. 406 s 12; 1996 SL No. 72 s 19

**Movement of live amphibians**

s 11 sub 1995 SL No. 352 s 84(13)

**Movement of live reptiles**

s 12 1995 SL No. 352 s 84(13)

**Movement of other wildlife**

s 14 amd 1997 SL No. 436 s 88(9)

**Movement of wildlife by wholesalers**

s 15 amd 1995 SL No. 352 s 84(14)–(15)

**Movement advice to be given**

s 16 amd 1998 SL No. 36 s 19(2)

**SCHEDULE 4A—EXEMPT CAPTIVE–BRED BIRDS****Scientific names**

s 1 ins 1997 SL No. 436 s 89

**Birds**

s 2 ins 1997 SL No. 436 s 89  
amd 1998 SL No. 36 s 20; 1999 SL No. 335 s 53



**SCHEDULE 5—PROCESSED PRODUCTS****Butterflies**

**s 3** amd 1995 SL No. 352 s 85(1)

**Emus**

**s 5** amd 1995 SL No. 352 s 85(2); 1997 SL No. 436 s 90(1)–(2);  
1998 SL No. 36 s 21

**Macropods**

**s 6** amd 1997 SL No. 436 s 90(3)–(6); 1998 SL No. 36 s 22

**Plants**

**s 7** amd 1997 SL No. 436 s 90(7)

**Other protected animals**

**s 8** amd 1996 SL No. 72 s 20; 1997 SL No. 436 s 90(8)

**SCHEDULE 6—FEES**

amd 1995 SL No. 352 s 86; 1995 SL No. 406 s 13; 1995 SL No. 408 s 4;  
1996 SL No. 72 s 21; 1996 SL No. 129 s 7  
sub 1996 SL No. 337 s 6  
amd 1998 SL No. 36 s 23  
sub 1999 SL No. 335 s 54  
amd 1999 SL No. 335 s 55

**SCHEDULE 7—COMMERCIAL BIRDS**

amd 1996 SL No. 283 s 13

**Scientific names**

**s 1** sub 1997 SL No. 436 s 91

**Birds**

**s 2** sub 1997 SL No. 436 s 91  
amd 1998 SL No. 36 s 24

**SCHEDULE 8—COMMONLY KEPT WILDLIFE**

amd 1996 SL No. 283 s 14

**PART 1—BIRDS**

**pt hdg** sub 1997 SL No. 436 s 92

**Scientific names**

**s 1** sub 1997 SL No. 436 s 92

**Birds**

**s 2** sub 1997 SL No. 436 s 92  
amd 1998 SL No. 36 s 25

**Scientific names**

**s 3** sub 1995 SL No. 352 s 87

**SCHEDULE 8A—PLANTS FOR TRADE**

ins 1998 SL No. 362 s 7

**SCHEDULE 9—DOMESTIC ANIMALS**

amd 1995 SL No. 352 s 88; 1996 SL No. 283 s 15

**SCHEDULE 10—FARM WILDLIFE**

sub 1996 SL No. 72 s 22  
 amd 1996 SL No. 283 s 16

**SCHEDULE 11—RECREATIONAL WILDLIFE**

amd 1996 SL No. 283 s 17

**PART 1—BIRDS**

**pt hdg** sub 1997 SL No. 436 s 93

**Scientific names**

**s 1** sub 1997 SL No. 436 s 93

**Birds**

**s 2** amd 1995 SL No. 352 s 89  
 sub 1997 SL No. 436 s 93  
 amd 1988 SL No. 36 s 26; 1999 SL No. 335 s 56

**SCHEDULE 12—RESTRICTED WILDLIFE**

amd 1996 SL No. 283 s 18(1)

**PART 2—BIRDS**

**pt hdg** sub 1997 SL No. 436 s 94

**Scientific names**

**s 2** sub 1997 SL No. 436 s 94

**Birds**

**s 3** amd 1995 SL No. 352 s 90(1)–(2); 1996 SL No. 72 s 23  
 sub 1997 SL No. 436 s 94  
 amd 1998 SL No. 36 s 27(1)–(6); 1999 SL No. 335 s 57

**PART 3—PLANTS**

**pt hdg** sub 1997 SL No. 436 s 94

**Scientific names**

**s 4** sub 1997 SL No. 436 s 94

**Plants**

**s 5** amd 1995 SL No. 352 s 90(3)–(7); 1995 SL No. 406 s 14; 1996  
 SL No. 283 s 18(2)  
 sub 1997 SL No. 436 s 94  
 amd 1998 SL No. 36 s 27(7)–(8)

**Scientific names**

**s 6** sub 1995 SL No. 352 s 90(8)  
 om 1997 SL No. 436 s 94

**SCHEDULE 13—SECTIONAL DEFINITIONS**

amd 1996 SL No. 283 s 19

**General meaning of “licence”**

**s 3** amd 1995 SL No. 352 s 91; 1997 SL No. 436 s 95; 1998 No. 36 s 13

**SCHEDULE 14—DICTIONARY**

def “**camp**” amd 1995 SL No. 352 s 92(1)

- def “**code**” amd 1996 SL No. 72 s 24; 1996 SL No. 283 s 20(3)
- def “**dolphin**” ins 1997 SL No. 379 s 8
- def “**domestic animal**” amd 1995 SL No. 352 s 92(2)
  - sub 1999 SL No. 335 s 58(1)
- def “**herbarium**” amd 1999 SL No. 335 s 58(2)
- def “**licensee**” sub 1999 SL No. 335 s 58(1)
- def “**movement advice**” sub 1995 SL No. 352 s 92(3)
- def “**official traffic sign**” amd 1999 SL No. 286 s 4 sch 2(1)
- def “**plant**” om 1995 SL No. 352 s 92(4)
- def “**private land**” om 1996 SL No. 283 s 20(1)
- def “**property**” om 1996 SL No. 283 s 20(1)
- def “**protected area**” om 1996 SL No. 283 s 20(1)
- def “**recreational plant society**” ins 1995 SL No. 406 s 15
- def “**recreational reptile**” sub 1996 SL No. 283 s 20(1)–(2)
- def “**restricted amphibian**” ins 1996 SL No. 283 s 20(2)
- def “**restricted bird**” sub 1995 SL No. 352 s 92(5)
- def “**restricted plant**” sub 1995 SL No. 352 s 92(6)
- def “**restricted reptile**” sub 1995 SL No. 352 s 92(7)
- def “**sick**” amd 1999 SL No. 335 s 58(3)
- def “**stock**” amd 1995 SL No. 352 s 92(8)
- def “**voluntary wildlife care association**” ins 1999 SL No. 335 s 58(1)
- def “**whale**” ins 1997 SL No. 379 s 8
- def “**wildlife**” sub 1996 SL No. 283 s 20(1)–(2); 1999 SL No. 335 s 58(1)

## **8 Provisions that have not commenced and are not incorporated into reprint**

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

**Nature Conservation Legislation Amendment Act 1999 No. 335 s 9** reads as follows—

### **Amendment of s 100 (Restrictions on grant of wildlife harvesting licence)**

**9.(1)** Section 100—

*insert—*

‘**(2A)** The chief executive must not grant a commercial or recreational wildlife harvesting licence for a macropod unless satisfied the applicant has passed a course of training approved for the licence by the chief executive.’.

**(2)** Section 100(4), ‘subsection (3)(b)’—

*omit, insert—*

‘subsection (4)(b)’.

**(3)** Section 100(2A) to (7)—

*renumber* as section 100(3) to (9).