



Queensland

*Nature Conservation Act 1992*

# Nature Conservation Regulation 1994

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(includes commenced amendments up to 2004 SL No. 116)

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# Nature Conservation Regulation 1994

[as amended by all amendments that commenced on or before 2 July 2004]

## Chapter 1 Preliminary

### Part 1 General

#### 1 Short title

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

#### 2 Commencement

This regulation commences on 19 December 1994.

#### 3 Definitions

Schedule 10 defines particular words used in this regulation.

#### 3A Notes in text

A note in the text of this regulation is part of the regulation.

#### 3B Scientific names of protected wildlife

Unless otherwise stated, scientific names used in this regulation for protected wildlife follow—

- (a) for birds—Simpson & Day, 1996, *Field Guide to the Birds of Australia*, 5th edition 1996, Penguin Books Australia Ltd, Victoria, Australia; or
- (b) for amphibians or reptiles—Cogger, H.G., 1992, *Reptiles and Amphibians of Australia*, 5th edition, Reed Books, Chatswood, NSW, Australia; or

- (c) for plants—the census of Queensland plants, called ‘Names and Distribution of Queensland Plants, Algae and Lichens’, published by the Queensland Herbarium.<sup>1</sup>

## Part 2 Licences

### 3C Definition for pt 2

In this part—

*licence* includes a permit and an authority.

*licensee*, for a licence, means the holder of the licence.

### 4 Applications

- (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.

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<sup>1</sup> An extract of the census, including the scientific names mentioned in the census, is available for inspection from the Queensland Herbarium at Mt Coot-tha Road, Toowong.

- (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>2</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.
- (9) If the applicant does not give the information required under subsection (8) to the chief executive within 90 days after the application is received by the chief executive—
  - (a) the application is taken to have been withdrawn; and
  - (b) the chief executive must give the applicant written notice stating—
    - (i) the application is withdrawn; and
    - (ii) the applicant may make a new application.
- (10) This section is subject to—
  - (a) for an application for a licence for wildlife or an activity in a protected area—chapter 2; or
  - (b) for an application for a licence for wildlife other than wildlife in a protected area—chapter 3 and any conservation plan that relates to the wildlife.

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

**4A Particular applications must include request for record book**

- (1) This section applies if—
  - (a) a person makes an application for a licence for which a holder of the licence must, under the Act, keep a record book; and
  - (b) the person does not have the record book.
- (2) When the application is made, the person must—
  - (a) ask for a record book; and
  - (b) pay the prescribed fee for the record book.
- (3) In this section—

*record book* includes a record and return book.

**5 How chief executive may deal with applications for licence**

- (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.
- (2) 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.
- (3) 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.
- (4) The chief executive may grant the licence only if the chief executive is satisfied the applicant is an appropriate person to hold the licence.

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- (5) 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>3</sup>
- (6) However, subsections (4) and (5) do not apply to a camping permit under chapter 2.
- (7) The chief executive must refuse to grant the licence—
- (a) if the applicant holds a licence and has accumulated 10 or more demerit points in the 3 years immediately before the day the application is refused; or
  - (b) if—
    - (i) the applicant is a former licensee whose licence was cancelled because the person accumulated 10 or more demerit points; and
    - (ii) the application is made within 2 years after the person's licence was cancelled; and
    - (iii) the application is for the same kind of licence as the cancelled licence; 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

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3 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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- (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 chief executive reasonably believes—
    - (i) the place to which the application relates is unfit for use under the licence; or
    - (ii) the applicant does not have the facilities to house the animal for which the application is made in a way that complies with the requirements about housing the animal under this regulation or a relevant code of practice for the animal.<sup>4</sup>
- (8) 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.
- (9) 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

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<sup>4</sup> See, for example, section 97 (Housing and care of live protected animals).

- (b) the reasons for the decision; and
  - (c) that the applicant may appeal against the decision within 28 days to a Magistrates Court.
- (10) This section is subject—
- (a) for an application for a licence for wildlife or an activity in a protected area—chapter 2; or
  - (b) for an application for a licence for wildlife other than wildlife in a protected area—chapter 3 and any conservation plan that relates to the wildlife.

## **6 Compliance with conditions**

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.

## **7 Licence not transferable**

A licence is not transferable.

## **8 Grounds for suspension, cancellation or refusal to renew**

- (1) Each of the following is a ground for the suspension or cancellation of, or refusal to renew, a licence—
- (a) the licence was obtained on the basis of incorrect or misleading information;
  - (b) the licensee has contravened a condition of the licence;
  - (c) the licensee has committed an offence against the Act, the repealed Act, this regulation or a conservation plan;
  - (d) the licensee has accumulated 10 or more demerit points in any period of 3 years;
  - (e) the licensee, or someone else required to be an appropriate person for the grant of the licence, is not, or is no longer an appropriate person;
  - (f) someone whose licence has been cancelled has effective management or control of the licensee's operations under the licence;

- (g) if the licence relates to premises—the premises are unfit for use under the licence;
  - (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.

## **9 Procedure for suspension, cancellation or refusal to renew**

- (1) This section applies if the chief executive—
- (a) considers there is a ground to suspend, cancel or refuse to renew a licence; and
  - (b) proposes to suspend, cancel or refuse to renew the licence (the *proposed action*).
- (2) The chief executive must give the licensee a written notice that—
- (a) states the proposed action; and
  - (b) states the grounds for the proposed action; and
  - (c) outlines the facts and circumstances forming the basis of the grounds; and
  - (d) if the proposed action is suspension of the licence—states the proposed suspension period; and
  - (e) invites the licensee to show cause within a stated time, of at least 28 days, why the proposed action should not be taken.

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- (3) 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.
- (4) The chief executive must inform the licensee of the decision by written notice.
- (5) 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.
- (6) The decision takes effect on the later of the following days—
  - (a) the day the notice is given to the licensee;
  - (b) the day of effect stated in the notice.
- (7) Subsections (4) to (6) 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.
- (8) 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.

## **10 Procedure for urgent suspension or cancellation of licence**

- (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 the following days—
  - (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.

**11 Return of licence**

- (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.

**12 Replacement licences**

- (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.

**13 Amendment of licences on application**

- (1) A licensee may apply to the chief executive for an amendment of the licence.
- (2) The application must be—
  - (a) in writing and signed by the licensee; and

- (b) made at least 10 days before the licensee wants the amendment to take effect; and
  - (c) 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.

#### **14 Amendment of licences without application**

- (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.
- (6) Without limiting when the chief executive may make an amendment under this section, the chief executive may make the amendment when the chief executive renews the licence.

## **15 Notice to return licence for alteration**

- (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.

## **16 Surrender of licence**

- (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**

### **17**        **Decisions open to appeal**

- (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.
- (3) A person to whom a stop action order has been given may appeal against the decision of the chief executive to give the order.<sup>5</sup>

## **18 How to start an appeal**

- (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.

## **19 Stay of operation of decisions**

- (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.

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<sup>5</sup> See section 430 (Application for and giving of stop action order).

- (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.

## **20 Hearing procedures**

- (1) The procedure for an appeal to the Magistrates Court is in accordance with—
  - (a) the rules of court applicable to the appeal; or
  - (b) in the absence of relevant rules—directions of the court.
- (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.

## **21 Powers of court on appeal**

- (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.

## **22 Appeal to District Court on questions of law only**

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**

### **23 Purpose of chapter**

The purpose of this chapter is to manage the way people may use a protected area under the management principles for the area.<sup>6</sup>

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

Subject to section 25, this chapter applies to all protected areas.<sup>7</sup>

### **25 Application of chapter—special**

(1) In this section—

*private land* means land other than Crown land.

*protected area* means—

(a) a nature refuge; or

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<sup>6</sup> The management principles are given in sections 16 to 26 of the Act.

<sup>7</sup> The extent of the application of this chapter may be modified by regulation giving effect to a management plan for a protected area.

- (b) a coordinated conservation area; or
  - (c) a wilderness area; or
  - (d) a world heritage management area; or
  - (e) an international agreement area.
- (2) This chapter applies to a national park (Aboriginal land) or national park (Torres Strait Islander land) unless a stated provision of this chapter is declared, by this regulation, not to apply to the area.<sup>8</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*.

## **26 Trustees have some of chief executive's powers**

- (1) The trustee of a conservation park or resources reserve stated in schedule 1 has, for the park or reserve, the powers of the chief executive stated in schedule 1 for the park or reserve.
- (2) For the application of this regulation to a trustee, a reference to the chief executive is a reference to the trustee.
- (3) If a trustee charges a fee for a service the trustee provides in a conservation park or resources reserve, the trustee must

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<sup>8</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.

apply the fee to satisfying the management principles for the park or reserve.

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

(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.

### **27A Permitted uses in national parks or national parks (recovery)—Act, s 35**

- (1) For section 35(1)(a)<sup>9</sup> of the Act, a use stated in schedule 3, column 2, is a permitted use for the prescribed national park, or part of the prescribed national park, stated in schedule 3, column 1 opposite the use.
- (2) In this section and schedule 3—

*prescribed national park* means a national park or a national park (recovery).

### **27B Permitted uses in national parks—Act, s 37**

For section 37(2)<sup>10</sup> of the Act, a use stated in schedule 4 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**

#### **28 Chief executive may grant authorities**

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

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<sup>9</sup> Section 35 (Chief executive's powers about permitted uses in national parks or national parks (recovery)) of the Act

<sup>10</sup> Section 37 (Chief executive's powers to renew existing authorities for national parks) of the Act

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

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

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.

**30 Authority must state protected area etc.**

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.

**31 Who may obtain authorities**

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.

**32 Authorised individuals**

- (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.

**33 When chief executive must not grant authorities**

- (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.

### **34 Other restrictions on grant of authorities**

- (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.

### **35 Duration of authorities**

- (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.

### **36 Way cultural or natural resource may be taken**

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**

### **37 Chief executive may grant permits**

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.

### **37A Restriction on grant of permits**

- (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.

### **38 Permit must state protected area**

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

**39 Duration of permits**

- (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>11</sup>
  - (d) stock grazing permit—10 years;
  - (e) stock mustering permit—60 days;
  - (f) travelling stock permit—30 days;
  - (g) permit to enter a national park (scientific)—1 year;
  - (h) commercial activity permit—3 years;
  - (i) permit to solicit donations or information—1 year;
  - (j) group activity permit—30 days;
  - (k) permit to use recreational craft—1 year;
  - (l) special activities permit—1 year.
- (2) The chief executive must specify in a permit how long the permit is in force.
- (3) The period for which the permit is in force starts on the day stated in the permit.

**39A Permit may be taken to have been granted**

- (1) This section applies if—

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

- (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**

### **Division 1                      General requirements for camping in protected areas**

#### **40              Permit needed to camp in a protected area**

A person must not camp in a protected area unless—

- (a) the person holds a camping permit for the area; or
- (b) if the person is accompanying a person mentioned in paragraph (a)—the number of persons accompanying the person mentioned in paragraph (a) does not exceed the number of persons stated on the permit.

Maximum penalty—

- (a) for paragraph (a)—20 penalty units; and
- (b) for paragraph (b)—10 penalty units.

**41 Restrictions on camping**

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.

**42 Camping conditions**

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

Maximum penalty—20 penalty units.

- (2) A person camping under a camping permit must comply with the conditions of the permit.<sup>12</sup>

Maximum penalty—10 penalty units.

**Division 2 E-permit camping areas****42A Definitions for div 2**

In this division—

*additional conditions notice* see section 42C(3).

*e-permit agency*, in relation to an e-permit camping area, means—

- (a) the department; or
- (b) another government entity stated on the e-permit camping notice for the area.

*e-permit camping notice* see section 42B.

*e-permit camping tag* see section 42D(1).

*e-permit distribution point*, for an e-permit camping area, means a place, stated on the e-permit camping notice for the

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12 See section 42G (Nature and conditions of permit) or 44 (When permit is taken to have been granted) for the conditions of camping permits taken to have been granted for e-permit or self-registration camping areas.

area, where an e-permit camping tag may be obtained for the area.

*e-permit number* means a sequence of letters and numbers used to identify a camping permit for an e-permit camping area.

*government entity* see the *Public Service Act 1996*, section 21.

#### **42B E-permit camping areas**

The chief executive may erect or display in, at or near the entrance to, a protected area, a notice (an *e-permit camping notice*) stating that, in a stated period, the area, or a stated part of the area, is an e-permit camping area.

#### **42C Requirements for e-permit camping notice**

- (1) An e-permit camping notice for an e-permit camping area must state, in general terms, the procedures to be followed by persons intending to camp in the area.
- (2) An e-permit camping notice must also state the following information—
  - (a) the conditions applying to a person camping in the area;
  - (b) the penalty for camping in the area without a camping permit;
  - (c) each e-permit distribution point for the area.
- (3) The chief executive may also erect or display, near the e-permit camping notice, another notice (an *additional conditions notice*) stating any additional conditions applying to a person camping in the area.

#### **42D Chief executive to make camping tag available**

- (1) The chief executive must make available, in an accessible and conspicuous position at or near each e-permit distribution point for an e-permit camping area, a tag to be displayed at the person's camp site (an *e-permit camping tag*).

- (2) The tag must include a space for the person to write the following on it—
  - (a) the person's name;
  - (b) the e-permit number for the person's camping permit for the area.
- (3) The chief executive must ensure a person who has applied, or intends to apply, for a camping permit for an e-permit camping area is given notice of the location of each e-permit distribution point for the area.
- (4) Without limiting subsection (3), the chief executive must—
  - (a) publish the location of each e-permit distribution point for the area on the department's website;<sup>13</sup> and
  - (b) ensure—
    - (i) for a camping permit granted under section 42E—the written notice given under section 42E(2) includes the location of each e-permit distribution point for the e-permit camping area to which the permit relates; or
    - (ii) for a camping permit granted under section 42F—the e-permit agency who issues, under section 42F(2)(d), the e-permit number for the permit also gives the person to whom the permit is granted the location of each e-permit distribution point for the e-permit camping area to which the permit relates.

#### **42E When internet permit taken to have been granted**

- (1) This section applies if a person, or an agent acting for the person, applies for a camping permit for an e-permit camping area for the person by way of the internet.
- (2) The person is taken to have been granted a camping permit for the area when the e-permit agency to which the application

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<sup>13</sup> At the commencement of this section, the department's website was—  
<[www.epa.qld.gov.au/parks](http://www.epa.qld.gov.au/parks)>

was made gives the person or the agent a written notice stating the e-permit number for the permit.<sup>14</sup>

#### **42F When telephone permit taken to have been granted**

- (1) This section applies if a person, or an agent acting for the person, applies for a camping permit for an e-permit camping area for the person telephonically.
- (2) The person is taken to have been granted a camping permit for the area after all of the following steps have been completed—
  - (a) the person or agent gives the information required by the approved form to an officer of an e-permit agency;
  - (b) the person or agent states, to an officer of an e-permit agency, that the person understands and accepts the conditions of the permit;
  - (c) the person or agent pays the correct fee to an e-permit agency by giving the person's credit card details to an officer of the e-permit agency;
  - (d) the e-permit agency issues the person or agent an e-permit number to identify the permit.
- (3) In this section—

*approved form* means the form approved by the chief executive for applying for camping permits over the telephone.

#### **42G Nature and conditions of permit**

- (1) This section applies to a permit taken, under section 42E or 42F, to have been granted to a person for an e-permit camping area.
- (2) The permit is not taken to have been granted—
  - (a) for more people than the number stated by the person, or an agent acting for the person, in the application for the permit; or

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<sup>14</sup> See the *Electronic Transactions (Queensland) Act 2001* for provisions about giving or receiving information through electronic communications.

- (b) for more days than the number stated by the person, or an agent acting for the person, in the application for the permit; or
  - (c) for a time when the area is not an e-permit camping area; or
  - (d) for longer than 22 days or, if the e-permit camping notice or any additional conditions notice for the area states a shorter period as the longest period for which anyone may camp in the area, the shorter period.
- (3) The conditions stated in the e-permit camping notice, and any additional conditions notice, for the area are taken to be—
- (a) conditions of the permit; and
  - (b) stated on the permit.

## **Division 3                      Self-registration camping areas**

### **43                      Self-registration camping areas**

- (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) the conditions applying to a person camping in the area; and
  - (b) the camping fee payable for camping in the area; and
  - (c) 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.

#### **44 When permit is taken to have been granted**

- (1) This section applies if a person—
  - (a) fills in a camping form for a self-registration camping area in the way stated on the form; and
  - (b) either—
    - (i) places the camping fee in cash or a cheque in the camping fee envelope and seals the envelope; or
    - (ii) properly completes and signs the credit card payment section of the camping form; and
  - (c) puts the envelope in the camping fee container.
- (2) The person 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 conditions stated in the self-registration notice for the area are taken to be—
  - (a) conditions of the permit; and
  - (b) stated on the permit.

## **Division 4                      Particular offences relating to camping in protected areas**

### **45            Display of camping permits or camping tags**

- (1) A person camping under a camping permit must, as soon as possible after making camp, display in the way stated in subsection (2)—
  - (a) the camping permit; or
  - (b) if the camping permit was granted, under section 42E or 42F, for an e-permit camping area—an e-permit camping tag that has the following written on it—
    - (i) the name of the holder of the permit;
    - (ii) the e-permit number relating to the permit; or
  - (c) if the camping permit was, under section 44(2), granted for a self-registration area—the self-registration camping tag relating to the permit.

Maximum penalty—2 penalty units.

- (2) The permit or tag must be displayed by attaching it, in a conspicuous position, to—
  - (a) the tent, caravan or other structure the person is using for camping; or
  - (b) if paragraph (a) does not apply—a vehicle or other equipment the person is using for camping.

- (3) The person must take reasonable steps to ensure the permit or tag remains displayed at the place where the person is camping while the person is camping under it.

Maximum penalty—2 penalty units.

#### **46 Interfering with camping permits or tags**

- (1) This section applies if—
  - (a) a person is camping under a camping permit; and
  - (b) the camping permit, or an e-permit camping tag or self-registration camping tag relating to the camping permit, is displayed on the person's tent, caravan, structure, vehicle or other equipment.
- (2) A person must not, unless the person has a reasonable excuse, interfere with the camping permit, e-permit camping tag or self-registration camping tag.

Maximum penalty—20 penalty units.

- (3) In this section—

*interfere with*, a camping permit, e-permit camping tag or self-registration camping tag, includes to remove the permit or tag.

## **Part 4 Restricted access areas**

### **47 Application of part**

- (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.

**48 Permit needed to enter restricted access area**

- (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.

**49 Restriction on entry under permit**

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****50 When permits may not be granted**

- (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>15</sup>

## **51 Restrictions on grant of permits for educational or scientific purposes**

- (1) The chief executive may grant a permit to take, use, keep or interfere with cultural or natural resources for educational purposes only if the chief executive is satisfied—
  - (a) in relation to the purpose for which the permit is sought, the applicant—
    - (i) holds a tertiary qualification including studies the chief executive considers appropriate; or
    - (ii) has demonstrated appropriate experience and knowledge; or
    - (iii) has appropriate experience in the care and husbandry of wildlife; and
  - (b) the taking, use, keeping or interference with the resource is ecologically sustainable; and
  - (c) the educational purpose for which the resource is proposed to be 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—

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<sup>15</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) 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**

#### **52            Permit needed to graze stock in protected area**

- (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.

#### **53            When permit may not be granted**

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

#### **54            Application of division to new national parks**

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>16</sup>

### **Division 2                      Stock mustering permits**

#### **55            Permit needed to muster stock**

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

Maximum penalty—120 penalty units.

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<sup>16</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.

- (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.

## **56 Use of animals and vehicles**

- (1) The chief executive may authorise the use of a horse, a particular breed of dog, or a particular type of vehicle or aircraft, for mustering stock under a stock mustering permit.
- (2) A person who brings an animal into a protected area under a stock mustering permit must restrain the animal when the person is not using the animal to muster stock.

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

## **Division 3 Travelling stock permits**

### **57 Permit needed to travel stock**

- (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.

### **58 When permit may not be granted**

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

## **Division 4                    Impounding of stock**

### **59        Stray stock**

A person must not allow stock to stray onto a protected area.  
Maximum penalty—165 penalty units.

### **60        Stray stock may be seized**

- (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, part 1.

## **Division 5                    General**

### **61        General muster**

- (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, part 1.

(6) In this section—

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

## **Part 7                      Other permits**

### **62      Permit needed to be in national park (scientific)**

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.

### **63      Permit needed to conduct commercial activities**

(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.

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 commercial activity permit for filming or photography, must keep a record book supplied by the chief executive.<sup>17</sup>

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

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<sup>17</sup> See chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements about record books required to be kept under the Act.

**63A Return of operations for particular holders**

- (1) The holder of a commercial activity permit, other than a commercial activity permit for filming or photography, must give the chief executive a return of operations that complies with section 454.<sup>18</sup>

Maximum penalty—120 penalty units.

- (2) The holder must also give, with the return, the chief executive any outstanding fees owed to the chief executive for the period to which the return relates.

Maximum penalty—120 penalty units.

**64 Permit needed to solicit donations or information**

- (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.

**65 Permit needed to conduct a group activity**

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.

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18 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

**66 Permit to use recreational craft**

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.

**67 Special activities permit**

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****68 Access to protected areas**

- (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

### 69            Definitions for div 2

In this division—

*manufactured fuel* means a manufactured or processed thing that can be used for fuel, including, for example, refined oil or gas and wood chips or shavings.

*prescribed cooking or heating appliance* means a portable cooking or heating appliance that is self-contained and uses manufactured fuel, including, for example, a fuel or gas stove.

### 69A        General prohibitions about lighting fires

- (1) A person must not light a fire in a protected area, or part of a protected area, if lighting a fire is prohibited, in the area or part, 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, in a protected area, other than—
- (a) a barbecue or fireplace provided by the chief executive; or
  - (b) if a barbecue or fireplace is not provided—a place that is more than 2 m from flammable material.

Maximum penalty—165 penalty units.

- (3) Subsections (1) and (2) do not apply to a person lighting or using a prescribed cooking or heating appliance or lighting or smoking a smoking product if the person takes reasonable steps to ensure the lighting, using or smoking does not result in damage to—
- (a) a natural or cultural resource of the protected area; or
  - (b) property in the protected area, other than property owned by the person.

(4) In this section—

*smoking product* see the *Tobacco and Other Smoking Products Act 1998*, schedule.<sup>19</sup>

### **69B Other prohibited actions relating to fires**

(1) A person must not deposit any of the following in a protected area—

- (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.

(2) Subsection (1) does not apply to a person depositing a thing mentioned in subsection (1) for—

- (a) lighting or using—
  - (i) a prescribed cooking or heating appliance; or
  - (ii) a barbecue or fireplace provided by the chief executive; or
- (b) if a barbecue or fireplace is not provided by the chief executive for the area—lighting a fire in a place that is more than 2 m from flammable material.

### **69C Prohibition about leaving fires**

(1) A person who lights or assumes control of a fire in a protected area must put the fire out before leaving the fire.

Maximum penalty—165 penalty units.

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<sup>19</sup> Under the *Tobacco and Other Smoking Products Act 1998*, schedule (Dictionary)—*smoking product* means a tobacco product, herbal cigarette or loose smoking blend. The schedule also defines *tobacco product*, *herbal cigarette* and *loose smoking blend*.

- (2) Subsection (1) does not apply if another person assumes control of the fire before the person mentioned in subsection (1) leaves the fire.

## **70 Conservation officers powers in relation to fires**

- (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**

### **71 Unauthorised structures and works**

- (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.

**72 Removal of unauthorised structures and works**

- (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—
  - (a) remove the structure or work, and anything in the structure, within a stated time; or
  - (b) if the work can not 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 can not 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, part 1.
- (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**

### 73      **Traffic control**

- (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.

### 74      **Use of vehicles, boats and recreational craft**

- (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

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- (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
  - (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.

## **75 Directions may be given**

- (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.

## **76 Seizure and removal of vehicles**

- (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) can not 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, part 1.

## **Division 5                      Other conduct**

### **77            Appliances**

- (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.

## **78 Plants not to be brought into protected area**

- (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.

## **79 Certain other prohibited conduct**

- (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.

## **80 Pollution and misuse of water**

- (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.

**81 Offensive and harmful substances**

- (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.

**82 Flying over and landing in protected areas**

- (1) A person must not fly over a protected area mentioned in schedule 5 at a height less than the minimum height stated, in schedule 5, 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.

**83 Litter**

- (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.

#### **84 Boat and vehicle bodies and parts**

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.

#### **85 Other waste materials**

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.

#### **86 Animals**

- (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.

## **87 Feeding native animals**

- (1) 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—
  - (a) for paragraph (a)—40 penalty units; or
  - (b) for paragraph (b)—20 penalty units.
- (2) Subsection (1) does not apply to—
  - (a) the following persons performing functions under the Act in relation to the native animal—
    - (i) the chief executive;
    - (ii) a conservation officer, public service officer or other employee of the department acting under the chief executive's authority; or
  - (b) a person who feeds a native animal under a licence, permit or other authority or with the chief executive's written approval.

**87A Keeping food safe from native animals**

- (1) A person in a protected area must ensure food in the person's possession or under the person's control is kept—
  - (a) in a way that prevents native animals that are dangerous, venomous or capable of injuring a person from gaining access to the food; or
  - (b) if a regulatory notice states the way in which the food must be kept—in the stated way.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to food that—
  - (a) is being consumed by a person or prepared for human consumption; or
  - (b) is lawfully deposited in a litter bin in the protected area.

**87B Disturbing native animals**

- (1) A person in a protected area must not disturb a native animal that is dangerous, venomous or capable of injuring a person.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to—
  - (a) the following persons performing functions under the Act in relation to the native animal—
    - (i) the chief executive;
    - (ii) a conservation officer, public service officer or other employee of the department acting under the chief executive's authority; or
  - (b) another person who disturbs a native animal—
    - (i) under a licence, permit or other authority or with the chief executive's written approval; or
    - (ii) in the course of a lawful activity that was not directed towards the disturbance and the disturbance could not have been reasonably avoided.

**88 Noise control**

- (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.

**89 Direction to leave area**

- (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.

## **89A Public health and safety**

- (1) The chief executive may erect or display, in a protected area, a regulatory notice stating that a stated act is prohibited if the chief executive believes the prohibition is necessary or desirable to ensure public health and safety.

*Examples, for subsection (1), of prohibitions that may be necessary or desirable—*

- 1. Prohibiting persons from bringing glass containers into an area where persons are likely to be barefoot, including, for example, a swimming area.
  - 2. Prohibiting persons from diving into a body of water that is used, or likely to be used, by other persons.
  - 3. Prohibiting persons from abseiling or rock climbing in an area if the abseiling or rock climbing is likely to cause rocks to fall into an area used, or likely to be used, by other persons.
- (2) Public health and safety is ensured when persons are free from death, injury or illness, or risk of death, injury or illness, caused by—
- (a) the actions of the person or another person; or
  - (b) the state of the environment.

- (3) A person must comply with a notice mentioned in subsection (1).

Maximum penalty—50 penalty units.

## **Part 9                      General**

### **Division 1                General provisions**

#### **90        Seizure of particular vehicles or appliances for the protection of cultural or natural resources**

- (1) A conservation officer may seize and remove a vehicle or appliance in a protected area if the officer believes on reasonable grounds—
- (a) the vehicle 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 or appliance must be dealt with under chapter 4, part 1.
- (3) In this section—
- vehicle* includes—
- (a) a boat, recreational craft and aircraft; and
  - (b) anything attached to or contained in a vehicle.

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

- (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.

## **Division 2                      Provisions about regulatory notices**

### **91A      Application of div 2**

This division applies only if a provision of this chapter requires a person to comply with a requirement stated on a regulatory notice for a protected area or part of a protected area.

### **91B      Chief executive may erect or display regulatory notices**

The chief executive may erect or display a regulatory notice in, or at or near the entrance of, a protected area or part of a protected area to which the notice relates if the requirements under section 91C have been complied with.

### **91C      Requirements in relation to regulatory notice**

- (1) A regulatory notice erected or displayed under section 91B must—
  - (a) state the area to which the notice relates; and
  - (b) be easily visible to passers-by.

- (2) The notice may also state—
  - (a) the requirements applying to the area to which it relates; and
  - (b) that a contravention of the requirement is an offence against the Act and the penalty for the offence.
- (3) However, if the regulatory notice does not state the matters mentioned in subsection (2), the chief executive must erect or display an information notice stating the matters in the following places—
  - (a) in, or at or near the entrance of, the protected area, or the part of a protected area, to which the regulatory notice relates;
  - (b) another place the chief executive considers appropriate.
- (4) An information notice erected or displayed under subsection (3)—
  - (a) must be easily visible to passers-by; and
  - (b) may contain other information about the protected area the chief executive considers appropriate.

**91D Erection of regulatory or information notice is evidence of particular matters**

Evidence that a regulatory notice or information notice was erected or displayed in, or at or near the entrance of, a protected area or part of a protected area is evidence the notice was erected or displayed by the chief executive.

## Chapter 3                      Conservation of wildlife and habitat

### Part 1                              Preliminary

#### Division 1                        Preliminary

#### 92            Application of ch 3

This chapter applies to wildlife other than wildlife in a protected area.

#### 93            Definitions for ch 3

In this chapter—

*accept*, an animal, does not include—

- (a) take the animal; and
- (b) for a holder of a relevant authority—accept the animal from a relevant person for the holder who has taken the animal under the authority.

*animal breeding place*, of an animal, means a nest, bower, burrow, cave, hollow or other thing that is commonly used by the animal to incubate or rear the animal's offspring.

*approved display purpose*, for a display of an animal, means any of the following—

- (a) to give public information about the ecological role of the animal;
- (b) to promote education about, and the conservation of, the animal;
- (c) to promote an understanding of ecology and the conservation of the animal.

*approved interaction plan*, for a species of protected animal, means a plan about interacting with the animal that is approved by the chief executive.

**authorised buyer**, for wildlife, means a person who is authorised to buy or accept the wildlife under the Act or a law of another State.

**authorised interstate seller**, for wildlife, means a person who—

- (a) is authorised to sell or give away the wildlife under a law of another State; and
- (b) does not hold a relevant authority authorising the person to sell or give away the wildlife.

**authorised premises**, for an animal, means premises where the animal is authorised to be kept under the Act.

**commercial purpose** see section 94.

**corporation** see Corporations Act, section 57A.<sup>20</sup>

**exhibition code** means the document called ‘Code of practice of the Australasian Regional Association of Zoological Parks and Aquaria—Minimum standards for exhibiting wildlife in Queensland’, approved by the chief executive under section 174A<sup>21</sup> of the Act.

**interact**, with an animal, includes the following—

- (a) approach, pursue or lure an animal for interacting with or feeding the animal;
- (b) to gain a benefit from interacting with or feeding the animal;
- (c) to attempt to do an act mentioned in paragraph (a) or (b).

**prescribed criteria**, for an exhibit for an animal, means each of the following—

- (a) the exhibit is, or will be, used to display the animal only for an approved display purpose for the animal;

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20 Corporations Act, section 57A (Meaning of corporation)

21 Section 174A (Chief executive may make codes of practice) of the Act

Note, a copy of the code of practice is open for public inspection, during office hours on business days, at the department’s head office at 160 Ann Street, Brisbane and each regional office of the department (see section 174A(3) of the Act).

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- (b) the exhibit is, or will be, located at a place that is appropriate for the approved display purpose;
- (c) the exhibit is, or will be, of a size and design that will allow the animal to behave in a way reasonably similar to which the animal would behave in the wild in normal environmental conditions;
- (d) the exhibit is, or will be, located in a place, and is built in a way, that—
  - (i) will allow the animal to experience environmental conditions similar to the conditions the animal would experience in the wild; and
  - (ii) will not expose the animal to excessive noise or vibration or otherwise cause the animal to experience unreasonable stress levels;
- (e) the exhibit will be at an appropriate temperature and humidity level to ensure the health and wellbeing of the animal is maintained;
- (f) the exhibit has, or will have, a part that may be used to house the animal for long periods away from the part of the exhibit used to display animals.

**public land** means—

- (a) a State-controlled road under the *Transport Infrastructure Act 1994*; or
- (b) a road controlled by a local government; or
- (c) land dedicated as a reserve for community purposes under the *Land Act 1994* for which a local government is trustee; or
- (d) a railway maintained by Queensland Rail.

**relevant authority** means a licence, permit or other authority granted under this chapter other than—

- (a) a written authorisation given by the chief executive to a person to—
  - (i) take, keep, use or move an international or prohibited animal; or

- (ii) move an animal kept under a licence, permit or other authority to or from a show or display; and
- (b) a commercial wildlife licence (wildlife interaction); and
- (c) a wildlife movement permit.

**relevant person**, for the holder of a licence, permit or other authority granted under this chapter means—

- (a) for a rehabilitation permit—
  - (i) if the holder is an individual—an employee of the individual if the employee is acting under the direction of the individual; or
  - (ii) if the holder is a corporation other than an incorporated association—
    - (A) the person stated on the permit as the person in charge of the licensed premises for the permit; and
    - (B) an executive officer, employee or agent of the corporation, if the officer, employee or agent is acting under the direction of the person mentioned in subsubparagraph (A); or
  - (iii) if the holder is an incorporated association—
    - (A) the person stated on the permit as the person in charge of the activity for which the permit is granted; and
    - (B) an officer, member, employee or agent of the holder, if the member, employee or agent is acting under the direction of the person mentioned in subsubparagraph (A); or
- (b) for an Aboriginal tradition or Island custom authority—each person stated on the authority as a person who may take wildlife under the authority; or
- (c) for a collection authority to take and keep common wildlife—each member of the Australian Defence Force; or
- (d) for another licence, permit or other authority—

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- (i) if the holder is an individual—an employee of the individual if the employee is acting under the direction of the holder; or
- (ii) if the holder is a corporation—
  - (A) the person stated on the licence, permit or authority as the person in charge of the licensed premises for the licence, permit or authority; and
  - (B) an executive officer, employee or agent of the corporation, if the officer, employee or agent is acting under the direction of the person mentioned in subsubparagraph (A).

***reptile and amphibian code*** means the document called ‘Code of Practice—Captive Reptile and Amphibian Husbandry’, approved by the chief executive under section 174A<sup>22</sup> of the Act.

***special native animal*** means any of the following animals—

- (a) echidna (*Tachyglossus aculeatus*);
- (b) koala (*Phascolarctos cinereus*);
- (c) platypus (*Ornithorhynchus anatinus*);
- (d) wombat (Family Vombatidae).

***temporary display*** means a display that lasts for not more than 14 days.

***unauthorised interaction*** see section 95.

***use***—

- (a) for an animal—does not include the following—
  - (i) process the animal;
  - (ii) move the animal;

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<sup>22</sup> Section 174A (Chief executive may make codes of practice) of the Act

Note, a copy of the code of practice is open for public inspection, during office hours on business days, at the department’s head office at 160 Ann Street, Brisbane and each regional office of the department (see section 174A(3) of the Act).

- (iii) for a protected animal in the wild—engage in an unauthorised interaction for the animal; and
- (b) for a protected plant—does not include move the plant.

#### **94 Meaning of *commercial purpose***

- (1) A person does an act for a *commercial purpose* if the person does the act for gain or reward.
- (2) Without limiting subsection (1), a person takes, keeps or uses wildlife for a *commercial purpose* if—
  - (a) the activity for which the wildlife is, or is to be, used—
    - (i) is part of a business; or
    - (ii) is a business, home occupation or home industry under a local law, or a planning scheme under the *Integrated Planning Act 1997*; or
  - (b) the person buys or sells, or intends to buy or sell, the wildlife and the proceeds from the sale are, or will be, subject to income tax under a law of the Commonwealth; or
  - (c) the person operates under a business or trading name and the business or trade involves buying or selling wildlife of the same species; or
  - (d) the wildlife is brought into the State for the main purpose of selling the wildlife.
- (3) Also, without limiting subsection (1), a person displays an animal for a commercial purpose if—
  - (a) the animal is displayed—
    - (i) in a public place; and
    - (ii) in a way that another person may reasonably believe the animal is for sale; or
  - (b) the animal is displayed in a way to promote a particular product, service or business name.
- (4) In this section—

**public place** means—

- (a) a place, or part of a place, that the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or
- (b) a place, or part of a place, other than a place of residence or part of a place of residence, the occupier of which allows, whether or not on payment of money, members of the public to enter.

## 95 **Meaning of *unauthorised interaction***

Each of the following is an *unauthorised interaction* for a protected animal in the wild—

- (a) an interaction with the animal, other than photographing or filming the animal in a way that does not disturb or interfere with the animal, for which a person gains a financial benefit;
- (b) handling or touching the animal;
- (c) interacting with the animal in a way that will, or may, disturb or interfere with the animal;
- (d) physically restraining, or placing a physical restraint on, the animal.

## **Division 2 Requirements that apply to all persons taking, keeping or using wildlife under the Act**

### **Subdivision 1 Requirements about taking, keeping or using, other than moving, wildlife**

## 96 **Use of animals to take protected animals**

- (1) This section applies to a person who is taking a protected animal under the Act.

- (2) The person must not use a dog or other animal to take the animal.

Maximum penalty—120 penalty units.

- (3) Subsection (2) does not apply if—
- (a) a conservation plan for the protected animal allows the person to take the protected animal by using a dog or other animal; and
  - (b) the person complies with the conservation plan.<sup>23</sup>

## **97 Housing and care of live protected animals**

- (1) A person who keeps a live protected animal under the Act must do each of the following—
- (a) keep the animal in a secure cage or enclosure that prevents the animal's escape and protects it from predators;
  - (b) supply the animal with shelter, ventilation and enough water and food to maintain the animal's health and wellbeing;
  - (c) provide the animal with enough opportunities for exercise to maintain the animal's health and wellbeing.

Maximum penalty—20 penalty units.

- (2) If the chief executive reasonably believes the cage or enclosure does not comply with subsection (1)(a), the chief executive may give the person a written notice stating the person must do any of the following—
- (a) make stated alterations to the cage or enclosure within a stated period;
  - (b) surrender the animal to the chief executive within a stated period;
  - (c) if the person holds a licence, permit or other authority—surrender the person's licence, permit or authority to the chief executive within a stated period.

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<sup>23</sup> See, for example, the *Nature Conservation (Duck and Quail) Conservation Plan 1995*, section 7 (Way duck or quail must be harvested).

- (3) The person must comply with the notice.

Maximum penalty—20 penalty units.

## **98 Using live protected animals that are not self-sufficient**

- (1) This section applies if—

- (a) a person keeps, or intends to keep, a live protected animal under the Act; and
- (b) the animal—
  - (i) can not feed itself; or
  - (ii) is a bird that is too young to fly; or
  - (iii) is a mammal that has not been weaned; or
  - (iv) has visible signs of illness or injury.

- (2) The person must not buy or accept, sell or give away, send or move the animal unless the person has written approval from the chief executive to buy, accept, sell, give away, send or move the animal.

Maximum penalty—20 penalty units.

- (3) Subsection (2) does not apply to—

- (a) a sick, injured or orphaned animal sent or moved to or from a veterinary surgeon for treatment or care; or
- (b) an animal that is, or is to be, sent or moved with its mother; or
- (c) a captive bred bird or a bird's egg that is, or is to be, sent or moved from a holder of a relevant authority for the bird to another holder of a relevant authority for the bird, for—
  - (i) for a captive bred bird—hand raising the bird; or
  - (ii) for a bird's egg—artificial incubation or foster parent incubation of the egg.

- (4) In this section—

***relevant authority***, for a bird, means a licence, permit or other authority allowing the holder of the authority to keep the bird.

**99 Procedure if wildlife stolen**

- (1) This section applies if—
  - (a) a person keeps wildlife under the Act; and
  - (b) the wildlife is stolen.
- (2) The person must—
  - (a) immediately report the theft to—
    - (i) a police officer; and
    - (ii) a departmental conservation officer; and
  - (b) if the person is given a copy of a police report about the theft—
    - (i) keep the copy for the period required under section 473;<sup>24</sup> and
    - (ii) if asked by a departmental conservation officer—produce the copy for inspection by the officer.

Maximum penalty—20 penalty units.

- (3) Also, if the person is required to keep a record book under the Act, the person must record the particulars of the theft in the record book.

Maximum penalty—20 penalty units.

- (4) In this section—

*departmental conservation officer* mean a conservation officer who is an employee of the department.

## **Subdivision 2 Requirements about moving animals in containers**

### **100 Requirement about containers used to move live protected animals generally**

- (1) This section applies if—

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24 Section 473 (Period for which particular documents must be kept)

- (a) a person who keeps a live protected animal under the Act sells or gives the animal to another person; and
  - (b) either—
    - (i) the person (the *sender*) intends to send the animal in a container to the person who bought or accepted the animal; or
    - (ii) the person, or the person who bought or accepted the animal, (the *mover*) intends to move the animal in a container.
  - (2) The sender or mover must ensure the container in which the animal is sent or moved—
    - (a) will keep the animal stable under ordinary transportation conditions; and
    - (b) will prevent the animal's escape; and
    - (c) will protect the animal from predators; and
    - (d) is locked or otherwise secured.
- Maximum penalty—20 penalty units.

### **101 Requirement about labels for containers used to send protected animals**

- (1) This section applies if—
  - (a) a person who keeps a live protected animal under the Act sells or gives the animal to another person, other than a veterinary surgeon for treatment or care of the animal; and
  - (b) the person intends to send the animal in a container.
- (2) The person must attach to the container a written statement including the following information—
  - (a) the following details for the person who sent the animal and the person to whom the animal is sent—
    - (i) name and address;
    - (ii) if the person holds a licence, permit or other authority granted under the Act—the number of the licence, permit or authority;

- (b) the animal's common name or, if the animal does not have a common name, the animal's scientific name;
- (c) if there is more than 1 animal in the container—how many animals are in the container;
- (d) if the animal is dangerous or venomous—that the animal is dangerous or venomous.

Maximum penalty—20 penalty units.

### **Subdivision 3 Provisions about movement advices**

#### **102 Requirements for movement advice**

- (1) This section states the requirements for a movement advice required, under the Act, to be filled in for the movement of wildlife.
- (2) The movement advice must be—
  - (a) in the approved form; and
  - (b) filled in before the movement happens.

#### **103 Only 1 movement under movement advice**

A person must make only 1 movement under a movement advice.

Maximum penalty—50 penalty units.

#### **104 Copy of movement advice to be given to chief executive**

- (1) This section applies if a movement advice must be filled in for the movement of wildlife.
- (2) The person who filled in the movement advice must give the part of the movement advice marked Part 1' to the chief executive within 7 days after the movement happens.

Maximum penalty—50 penalty units.

- (3) Also, the person to whom the wildlife for which the movement advice has been filled in is moved must give the

part of the movement advice marked Part 3' to the chief executive within 7 days after the person receives the wildlife.

Maximum penalty—50 penalty units.

### **105 Requirement to keep and produce movement advice**

- (1) This section applies if a movement advice must be filled in for the movement of wildlife.
- (2) The following persons are required to keep a copy of the movement advice in a secure place, for the period required under section 473<sup>25</sup>—
  - (a) if the movement is for a sale or giving away of wildlife—the person who sold or gave away the wildlife and the person who bought or accepted the wildlife;
  - (b) otherwise—the person who filled in the movement advice.

Maximum penalty—50 penalty units.

- (3) If a conservation officer asks to inspect the advice, the person must, unless the person has a reasonable excuse, make the advice available for inspection by the officer.

Maximum penalty—50 penalty units.

### **106 Interfering with movement advice**

- (1) A person must not interfere with a movement advice that has been filled in for a movement of wildlife.

Maximum penalty—50 penalty units.
- (2) Subsection (1) does not apply to a person who—
  - (a) removes the part of the advice marked 'Part 1' to give it to the chief executive; or
  - (b) removes the part of the advice marked 'Part 2' or 'Part 3' to—
    - (i) give the advice to the person moving the wildlife to which the advice relates; or

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25 Section 473 (Period for which particular documents must be kept)

- (ii) attach the advice to the wildlife to which the advice relates, or the container in which the wildlife is being moved.
- (3) In this section—
- interfere with*, a movement advice, includes—
- (a) destroying the advice; and
  - (b) removing a part of the advice; and
  - (c) covering, erasing or modifying an entry on the advice.

## **Subdivision 4 Identification and information requirement**

### **107 Identification requirement for buying or selling protected, international or prohibited wildlife**

- (1) A person who sells or gives away protected, international or prohibited wildlife under the Act must—
- (a) before parting with possession of the wildlife—
    - (i) obtain from the person to whom the wildlife is sold or given (the *buyer*) verification of the buyer's identity; and
    - (ii) if the buyer is acting under a relevant authority—inspect the authority or a copy of the authority; and
  - (b) keep a record of the following for the period required under section 473<sup>26</sup>—
    - (i) the name and address of the buyer;
    - (ii) the source of the identification used to verify the identity of the buyer, including the particulars of the type of document produced and any identifying features of the document, including, for example, the number of the document;

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26 Section 473 (Period for which particular documents must be kept)

*Nature Conservation Regulation 1994*

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- (iii) if the buyer is acting under a relevant authority—the number of the authority.

Maximum penalty—80 penalty units.

- (2) A person who buys or accepts protected, international or prohibited wildlife under the Act must—
  - (a) on receipt of the wildlife—
    - (i) obtain from the person from whom the wildlife is bought or accepted (the *seller*) verification of the seller's identity; and
    - (ii) if the seller is acting under a relevant authority—inspect the authority or a copy of the authority; and
  - (b) keep a record of the following for the period required under section 473<sup>27</sup>—
    - (i) the name and address of the seller;
    - (ii) the source of the identification used to verify the identity of the seller, including the particulars of the type of document produced and any identifying features of the document, including, for example, the number of the document;
    - (iii) if the seller is acting under a relevant authority—the number of the authority.

Maximum penalty—80 penalty units.

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27 Section 473 (Period for which particular documents must be kept)

## **Division 3                    Provisions that apply to all licences, permits and other authorities**

### **Subdivision 1                Restrictions on grant for all relevant authorities<sup>28</sup>**

#### **108    Who may obtain relevant authority**

- (1) The chief executive may grant a relevant authority to a person.
- (2) However, the chief executive can not grant a licence, permit or other authority to an individual younger than—
  - (a) for a licence, permit or authority for an animal—
    - (i) for a recreational wildlife licence, commercial wildlife harvesting licence, recreational wildlife harvesting licence, or a permit—13 years; or
    - (ii) for another licence or authority—18 years; and
  - (b) for a licence, permit or authority for protected plants—
    - (i) for a recreational wildlife licence or recreational wildlife harvesting licence—13 years; or
    - (ii) for another licence, permit or authority—18 years.
- (3) In this section—
 

*relevant authority* includes a commercial wildlife licence (wildlife interaction) and a wildlife movement permit.

#### **109    Relevant authority must be consistent with purpose of Act**

- (1) The chief executive may grant a relevant authority for wildlife only if the chief executive is satisfied—

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<sup>28</sup> See also the *Nature Conservation (Dugong) Conservation Plan 1999*, section 5 (Restriction on grant of permits, licences and authorities for other protected wildlife) for an additional restriction on grant for relevant authorities for protected animals in a dugong protection area, as defined in that conservation plan.

- (a) the activities to be carried out under the authority are not likely to adversely affect the ecological sustainability of any wildlife; and
  - (b) if the authority is for wildlife that has been taken, kept or used before the authority is granted—the wildlife has been lawfully taken, kept or used.
- (2) In this section—  
*relevant authority* includes a commercial wildlife licence (wildlife interaction) and a wildlife movement permit.

**110 Relevant authority must not allow taking protected animal by using regulated substance**

- (1) The chief executive can not grant a relevant authority that authorises a person to take a protected animal by using a regulated substance if—
- (a) the use of the substance on the animal is prohibited under an Act; or
  - (b) if an Act requires a person using the regulated substance on the animal to hold a particular authority—the person does not hold the authority.
- (2) In this section—  
*regulated substance* means a substance, including, for example a poison or other toxic substance, the use of which is regulated under an Act.

**111 Relevant authority must not be for more than 1 licensed premises**

The chief executive can not grant a relevant authority for an animal for more than 1 licensed premises.

**112 Maximum term for licences**

- (1) The chief executive can not grant a licence for longer than the following term—

- (a) for a commercial wildlife licence (wildlife interaction), commercial wildlife harvesting licence or recreational wildlife harvesting licence—1 year;
  - (b) for a commercial wildlife licence, wildlife demonstrator licence, wildlife exhibitor licence or wildlife farming licence—3 years;
  - (c) for a recreational wildlife licence, museum licence or herbarium licence—5 years.
- (2) This section is subject to any conservation plan that provides a licence can only be granted for a shorter term.

### **113 Maximum term for permits**

- (1) The chief executive can not grant a permit for longer than the following term—
- (a) for a damage mitigation permit—
    - (i) if the applicant is operating under an approved property\_management plan—3 years; or
    - (ii) otherwise—6 months;
  - (b) for an educational purposes permit—5 years;
  - (c) for a permit to keep protected wildlife—3 years;
  - (d) for a rehabilitation permit—
    - (i) if the applicant is an individual—6 months; or
    - (ii) if the applicant is a corporation—3 years;
  - (e) for a scientific purposes permit—5 years;
  - (f) for a commercial whale watching permit—6 years;
  - (g) for a clearing permit—6 months;
  - (h) for a wildlife movement permit—2 months.
- (2) However, despite subsection (1)(c), the chief executive may grant a permit to keep protected wildlife for the life of a protected animal kept under the permit if—
- (a) the animal is injured and was taken under a rehabilitation permit; and

- (b) the chief executive reasonably believes the animal will not, or is unlikely to, survive in the wild, including, for example, because of the nature of the animal's sickness or injury.
- (3) This section is subject to any conservation plan that provides the permit can only be granted for a shorter term.<sup>29</sup>
- (4) In this section—
  - approved property management plan*, for a damage mitigation permit, means a plan that—
    - (a) is about the management of the land on which the licensed premises for the permit is located; and
    - (b) provides for the conservation of wildlife on the land; and
    - (c) is approved by the chief executive.

#### **114 Maximum term for Aboriginal tradition or Island custom authorities**

The chief executive can not grant an Aboriginal tradition or Island custom authority for a term of longer than 1 year.

#### **115 Maximum term for collection authorities**

The chief executive can not grant a collection authority for a term of longer than—

- (a) for a collection authority to keep a collection of dead protected wildlife—5 years; or
- (b) for a collection authority to take and keep common wildlife—6 months.

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<sup>29</sup> See the *Nature Conservation (Problem Crocodiles) Conservation Plan 1995*, section 7 (Who may take crocodile).

## **Subdivision 2 Provisions about things authorised by all relevant authorities**

### **116 Particular relevant authorities for animals limited to only live or dead species**

- (1) This section applies if—
  - (a) a relevant authority is for—
    - (i) only a live animal of a particular species; or
    - (ii) only a dead animal of a particular species; and
  - (b) the authority authorises the holder, or a relevant person for the holder, of the authority to take, keep, use, process or move the species of animal identified on the authority.
- (2) The holder or relevant person may only take, keep, use, process or move—
  - (a) for a relevant authority for only a live animal of a particular species—a live animal of the species identified on the authority; and
  - (b) for a relevant authority for only a dead animal of a particular species—a dead animal of the species identified on the authority.
- (3) In this section—

*relevant authority* includes a commercial wildlife licence (wildlife interaction) and a wildlife movement permit.

### **117 Limitation for relevant authorities for taking animal by killing the animal**

- (1) This section applies if—
  - (a) a relevant authority authorises the holder, or a relevant person for the holder, of the authority to—
    - (i) take an animal of a species identified on the authority only by killing the animal; and
    - (ii) keep, use, process or move an animal of a species identified on the authority; and

- (b) the authority does not state whether it is for a live or dead animal of the species.
- (2) The holder or relevant person may—
  - (a) take only a live animal of the species identified on the authority by killing the animal; and
  - (b) keep, use, process or move only a dead animal of the species identified on the authority.

**118 Relevant authorities for protected plants limited to species identified on authority**

- (1) This section applies if—
  - (a) a relevant authority allows the holder, or relevant person for the holder, of the authority to take or use protected plants; and
  - (b) states—
    - (i) the particular species of protected plants to which it applies; or
    - (ii) that the authority applies only to whole protected plants of a species identified on the licence; or
    - (iii) that the authority applies only to protected plant parts of a species identified on the licence.
- (2) The holder or relevant person may take or use only—
  - (a) if the authority states the species of protected plant to which it applies—protected plants of a species identified on the authority; and
  - (b) if the authority states the authority applies only to whole protected plants of a species identified on the licence—whole protected plants of the species identified on the authority; and
  - (c) if the authority states the authority applies only to protected plant parts of a species identified on the licence—protected plant parts of the species identified on the authority.

## 119 Meaning of number on relevant authority

- (1) This section applies if—
- (a) a relevant authority allows a person to take, keep, use, process or move wildlife; and
  - (b) the authority has a number written opposite a species of wildlife for which the authority is granted.
- (2) Unless otherwise stated on the authority, a person may take, keep, use, process or move, for the duration of the authority, only the number of wildlife of the species stated opposite the species.

*Examples for subsection (2)—*

1. A commercial wildlife harvesting licence authorises a person to take, keep or use particular animals and the licence has the following written on it without any explanation about the meaning of the numbers

- carpet python—5
- spotted python—2

The person may only take, keep or use, under the licence, 5 carpet pythons and 2 spotted pythons for the whole duration of the licence.

2. A rehabilitation permit authorises a person to take, keep or use particular animals and the licence has the following written on it and states that the number indicates the number of animals that may be taken, kept or used at any given time—

- bar-shouldered dove—3
- emerald dove—5

The person may take, keep or use, under the permit, 3 bar-shouldered doves or 5 emerald doves at any given time while the permit is in force.

- (3) In this section—

***relevant authority*** includes a commercial wildlife licence (wildlife interaction) and a wildlife movement permit.

## 120 Particular holders may engage in unauthorised interaction for protected animals

- (1) This section applies to a holder, or relevant person for the holder, of any of the following relevant authorities—

- (a) a commercial whale watching permit;
  - (b) a relevant authority that allows the holder, or relevant person for the holder, of the authority to take an animal under the authority.
- (2) The holder or relevant person may, without a commercial wildlife licence (wildlife interaction), engage in an unauthorised interaction for the relevant protected animal in the wild, if the interaction is part of an activity carried out under the authority.<sup>30</sup>
- (3) In this section—
- relevant protected animal* means—
- (a) for a commercial whale watching permit—a protected whale; or
  - (b) for another relevant authority—an animal of a species identified on the authority.

## **121 Holders of particular relevant authorities for animals may move animal to place of keeping**

- (1) This section applies to a holder, or relevant person for the holder, of a relevant authority that authorises the holder or relevant person to take an animal under the authority.
- (2) The holder or relevant person may move, without a wildlife movement permit, the animal from the place where the animal was taken to the authorised premises for the animal.
- (3) Also, a holder, or relevant person for the holder, of a commercial wildlife harvesting licence or recreational wildlife harvesting licence may, without a wildlife movement permit, move the animal—
  - (a) from the place where the animal was taken to another place where the holder intends to take other animals under the licence; and

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<sup>30</sup> See also section 239 (Holder may engage in unauthorised interaction in particular circumstances).

- (b) from the place, mentioned in paragraph (a), where the holder intends to take other animals under the licence to the authorised premises for the animal.
- (4) However, for subsections (2) and (3), if the authorised premises are in another State, the holder must fill in a movement advice that complies with section 102<sup>31</sup> for the movement.
- Maximum penalty—50 penalty units.
- (5) Also, a holder of a rehabilitation permit may move an animal into the State only if the chief executive has written on the permit that the person may take an animal in another State for keeping the animal, under the permit, in the State.
- (6) This section is subject to any provision of a conservation plan for an animal that provides for the movement of animals to which the plan relates.<sup>32</sup>

## **122 Holder of relevant authority for animals may move animals to authorised buyers**

- (1) This section applies to a holder of a relevant authority who, under the authority, sells or gives a live protected, international or prohibited animal or dead protected or international animal to an authorised buyer for the animal.
- (2) The holder or authorised buyer may, without a wildlife movement permit, move the animal from the place where the

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31 Section 102 (Requirements for movement advice)

See also, division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advices.

32 See, for example—

- for a conservation plan macropod taken under a commercial wildlife harvesting licence or recreational wildlife harvesting licence—the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 15 (Movement of macropods harvested under a commercial wildlife harvesting licence) or 16 (Movement of macropods harvested under a recreational wildlife licence); or
- for a conservation plan duck or conservation plan quail taken under a recreational wildlife harvesting licence—the *Nature Conservation (Duck and Quail) Conservation Plan 1995*, section 8 (Moving duck or quail).

holder keeps the animal to the place where the authorised buyer intends to keep the animal.

- (3) However, the holder must fill in a movement advice that complies with section 102 for the movement.<sup>33</sup>

Maximum penalty—50 penalty units.

- (4) This section does not apply to a live special native animal.

### **123 Holder of relevant authority for animals may move animals from interstate sellers**

- (1) This section applies to a holder of a relevant authority who, under the authority, buys or accepts a live protected, international or prohibited animal, or a dead protected or international animal, from an authorised interstate seller for the animal.

- (2) The holder or seller may, without a wildlife movement permit, move the animal from the place where the seller keeps the animal to the place where the holder intends to keep the animal.

- (3) However, the holder must fill in a movement advice that complies with section 102 for the movement.<sup>34</sup>

Maximum penalty—50 penalty units.

- (4) This section does not apply to a live special native animal or a dead crocodile, emu or macropod.

### **124 Holder of relevant authority for animals may move animal for private reasons**

A person who keeps an animal under a relevant authority may, without a wildlife movement permit, move the animal—

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33 Section 102 (Requirements for movement advice)

See also division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advices.

34 Section 102 (Requirements for movement advice)

See also division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advice.

- (a) on the land on which the authorised premises for the animal are located; or
- (b) if the animal is kept at the holder's place of business and the holder is moving to a new place of business within the State—to the new place of business; or
- (c) if the animal is kept at the holder's place of residence and the holder is moving to a new place of residence within the State—to the new place of residence.

**125 Holder of relevant authority for animals may move live animal to and from veterinary surgeon**

A person who keeps a live animal under a relevant authority may, without a wildlife movement permit, move the animal—

- (a) from the authorised premises for the animal to the premises of a veterinary surgeon for treatment or care for the animal; or
- (b) from the premises of a veterinary surgeon who treated or cared for the animal to the authorised premises for the animal.

**126 Holder of particular licences may move animal to or from display**

- (1) This section applies to a holder of any of following licences who keeps a live protected, international or prohibited animal under the licence—
  - (a) wildlife demonstrator licence;
  - (b) wildlife exhibitor licence;
  - (c) wildlife farming licence;
  - (d) museum licence.
- (2) The holder may, without a wildlife movement permit, move the animal—
  - (a) from the licensed premises for the licence to a place where the animal is to be displayed under the licence; or
  - (b) from a place where the animal was displayed under the licence to the licensed premises for the licence.

- (3) However, if the movement is into or out of the State, the holder must fill in a movement advice that complies with section 102<sup>35</sup> for the movement.

Maximum penalty—50 penalty units.

**127 Holder of relevant authority for whole protected plants may move plants**

- (1) A holder of a relevant authority for whole protected plants may, without a wildlife movement permit, move a whole protected plant within, into or out of the State.<sup>36</sup>
- (2) However, if the holder moves the plant into or out of the State, the holder must fill in a movement advice that complies with section 102<sup>37</sup> for the movement.

Maximum penalty for subsection (2)—50 penalty units.

**128 Holder of relevant authority for protected plant parts may move plant parts**

- (1) A holder of a relevant authority for protected plant parts may, without a wildlife movement permit, move a protected plant part within, into or out of the State.
- (2) However, a plant part may be moved into the State only if—
- (a) the plant part is packed and tagged in a way that complies with any applicable law of the State from which it is being moved; and

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35 Section 102 (Requirements for movement advice)

See also division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advice.

36 See the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 19 (Taking whole plants in the wild) for requirements for a person who takes a whole protected plant in the wild under a commercial wildlife harvesting licence.

37 Section 102 (Requirements for movement advice)

See also division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advice.

- (b) the movement is authorised under any applicable law of the State from which it is being moved.<sup>38</sup>
- (3) Also, if the holder moves a plant part into or out of the State for a bioprospecting activity, the holder must fill in a movement advice that complies with section 102<sup>39</sup> for the movement.

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

### **Subdivision 3      Conditions of all licences, permits or other authorities**

#### **129      Relevant authority and identification must be carried**

- (1) This section applies to a person who is taking or using wildlife under a relevant authority.
- (2) The person must, while taking or using the wildlife—
  - (a) if the person is the holder of the authority—carry the authority or a copy of the authority; or
  - (b) if the person is not a holder of the authority—carry—
    - (i) a copy of the authority endorsed by the holder of the authority with the person's name and residential address; and
    - (ii) a form of identification that shows a recent colour photograph of the person.

Maximum penalty—50 penalty units.

- (3) In this section—

***relevant authority*** includes a commercial wildlife licence (wildlife interaction) and a wildlife movement permit.

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38 See also the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 23 (Taking protected plants in the wild).

39 Section 102 (Requirements for movement advice)

See also division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advice.

**130 Particular persons must produce identification**

- (1) This section applies to a person who is required to carry a form of identification that shows a colour photograph of the person under section 129.
- (2) If asked by a conservation officer, the person must, unless the person has a reasonable excuse, produce the identification for inspection by the officer.

Maximum penalty—20 penalty units.

**131 Display of relevant authority if animal displayed at particular places**

- (1) This section applies to a person who is displaying an animal under a relevant authority at a place other than the licensed premises for the authority.
- (2) The person must display the authority or a copy of the authority at the place where the animal is being displayed.

Maximum penalty—50 penalty units.

- (3) However, if the authority or copy states the address of a person's place of residence on the authority or copy, the person may cover the address while the authority or copy is being displayed.

**132 Compliance with chief executive's directions about sampling or implanting**

- (1) The chief executive may give a holder of a relevant authority who keeps a live protected, international or prohibited animal under the authority, a written notice requiring the holder to—
  - (a) take a biological tissue sample of the animal, or its offspring, and give the sample to an approved scientific institution; or
  - (b) insert an approved electromagnetic implant into the animal, or its offspring, and give the chief executive a written notice stating the identification code for the implant.
- (2) The notice must state the period, of at least 28 days, within which the holder must comply with the notice.

- (3) The holder, or a relevant person for the holder, must comply with the notice within the period stated on the notice.

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

### **133 Persons to whom holders may sell or give wildlife**

- (1) This section applies if—
- (a) a holder of a relevant authority for wildlife keeps wildlife under the authority; and
  - (b) the authority allows the holder, or a relevant person for the holder, to sell or give away the wildlife.
- (2) The holder, or a relevant person for the holder, of the authority must not sell or give the wildlife to a person other than—
- (a) for a commercial wildlife harvesting licence—
    - (i) if a conservation plan states the holder of the licence may only sell or give the wildlife to a particular person—the particular person; or
    - (ii) otherwise—a holder of a commercial wildlife licence for the wildlife unless the holder has written approval from the chief executive for selling or giving away the wildlife to another person; or
  - (b) for another licence—a person who is authorised to buy or accept the wildlife under the Act or a law of another State.

Maximum penalty—120 penalty units.

### **134 Persons from whom holders may buy or accept wildlife**

- (1) This section applies if a relevant authority for wildlife allows the holder, or relevant person for the holder, of the authority to—
- (a) buy or accept the wildlife; and
  - (b) keep the wildlife.
- (2) The holder, or a relevant person for the holder, of the authority must not buy or accept the wildlife from a person other than a

person who is authorised to sell or give away the wildlife under the Act or a law of another State.<sup>40</sup>

Maximum penalty—120 penalty units.

### **135 Dealing with animals after death—sampled or implanted animals**

- (1) This section applies if—
  - (a) a holder, or relevant person for the holder, of a relevant authority keeps a live animal under the authority; and
  - (b) either—
    - (i) a biological tissue sample was taken from the animal and given to an approved scientific institution; or
    - (ii) an approved electromagnetic implant was inserted into the animal and the chief executive was given a written notice stating the identification code for the implant; and
  - (c) the animal dies.
- (2) The holder must ensure either—
  - (a) within 14 days after the animal dies, an autopsy is performed on the animal by a veterinary surgeon and the chief executive is given the following—
    - (i) a biological tissue sample taken from the animal under the autopsy;
    - (ii) if an electromagnetic implant was inserted into the animal—the implant;
    - (iii) if an electromagnetic implant was inserted into the animal and the veterinary surgeon finds the implant was not working—a written report prepared by the veterinary surgeon stating the reason why the implant was not working; or

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<sup>40</sup> For holders of a commercial wildlife licence for dead macropods, see also the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 17 (Dealing with macropods taken in contravention of plan).

- (b) the animal is frozen immediately after it dies and the frozen animal is given to the chief executive within 14 days after the animal dies.

Maximum penalty—120 penalty units.

- (3) A holder dealing with an animal under this section may, without a wildlife movement permit, move the animal—
  - (a) if the holder intends to have a veterinary surgeon perform an autopsy on the animal—from the place where the holder kept the animal to the premises of the veterinary surgeon; and
  - (b) if the holder intends to give the frozen animal to the chief executive—from the place where the holder kept the animal to the chief executive.

### **136 Dealing with animals after death—other animals**

- (1) This section applies if—
  - (a) a holder, or a relevant person for a holder, of a relevant authority keeps a live animal under the authority; and
  - (b) the animal dies; and
  - (c) the authority does not authorise the holder or relevant person to sell or give away a dead animal of the same species; and
  - (d) section 135 does not apply.
- (2) The holder or relevant person may deal with the animal only in 1 of the following ways—
  - (a) by selling or giving the animal to a holder, or a relevant person for the holder, of a commercial wildlife licence or museum licence for the dead animal;
  - (b) by giving the animal to a holder, or a relevant person for the holder, of a commercial wildlife licence for the dead animal for processing and reclaiming the animal after it is processed;
  - (c) by incinerating or burying the animal;
  - (d) if the relevant authority is a recreational wildlife harvesting licence and the licence authorises the holder

or relevant person to process the animal—by processing the animal.<sup>41</sup>

Maximum penalty—50 penalty units.

- (3) A holder dealing with an animal under this section may, without a wildlife movement permit, move the animal—
  - (a) if the animal is sold or given to a holder of a commercial wildlife licence or a museum licence for the dead animal—to the licensed premises for the licence;
  - (b) if the animal is to be buried or incinerated—to the place where the animal is to be buried or incinerated.
- (4) However, if the holder sells or gives the animal to a person who holds a commercial wildlife licence or museum licence, the holder must fill in a movement advice that complies with section 102<sup>42</sup> for the movement.

Maximum penalty—50 penalty units.

### **137 Assistance to conservation officers**

- (1) A holder, or relevant person for the holder, of a relevant authority for protected, international or prohibited wildlife must—
  - (a) allow a conservation officer to access and inspect the wildlife at any reasonable time; and
  - (b) if asked by the conservation officer—give the officer all necessary help to enable the officer to do any of the following—
    - (i) photograph the wildlife;
    - (ii) if the wildlife is a live animal—

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41 However, for a recreational wildlife harvesting licence for a conservation plan macropod, see the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 7(3) (Harvesting of macropods), definition *use* and section 218(4) (Holder may take, keep, use and process particular animals).

42 Section 102 (Requirements for movement advice)

See also division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advice.

- (A) obtain or check the animal's biological tissue sample; or
- (B) if an electromagnetic implant has been inserted into the animal—identify the identification code for the implant; or
- (C) insert an electromagnetic implant into the animal;

Maximum penalty—165 penalty units.

- (2) In this section—

*relevant authority* includes a commercial wildlife licence (wildlife interaction) and a wildlife movement permit.

## **Subdivision 4 Provisions about form of authorities**

### **138 Relevant authority must identify wildlife**

- (1) The chief executive must ensure the wildlife for which a relevant authority is granted is identified on the authority.
- (2) However, subsection (1) does not apply to an authority granted for taking or using all wildlife in an area that is, or is about to be, lawfully destroyed.
- (3) For subsection (1), if a relevant authority relates to more than 1 species of wildlife, the wildlife may be identified on the authority by—
  - (a) stating each species of wildlife on the authority; or
  - (b) stating a taxon of wildlife on the authority; or
  - (c) stating that the authority applies to each animal or plant of a species mentioned in a schedule of this regulation or the *Nature Conservation (Wildlife) Regulation 1994*; or
  - (d) stating the name of a harvest period notice on the authority; or
  - (e) describing, in plain English, the species of wildlife on the authority.

- (4) For subsection (3)(d), stating the name of a harvest period notice on the authority identifies all the species of wildlife stated in the harvest period notice.
- (5) In this section—  
*relevant authority* includes a commercial wildlife licence (wildlife interaction) and a wildlife movement permit.

### **139 Places must be stated on relevant authority**

- (1) The chief executive must state the following on a relevant authority—
  - (a) the place that is the licensed premises for the authority;
  - (b) if the authority authorises the holder to take wildlife—the place from where the wildlife may be taken.
- (2) Also, the chief executive must state on a wildlife movement permit the place from and to where wildlife may be moved under the permit.
- (3) If the holder of the relevant authority decides to move from the licensed premises to a new place that is to be the new licensed premises, the holder must apply to the chief executive for an amendment of the authority to reflect the change.<sup>43</sup>

Maximum penalty for subsection (3)—10 penalty units.

### **140 Corporation relevant authority must state who is manager**

- (1) If the chief executive grants a relevant authority to a corporation, the chief executive must state on the authority—
  - (a) for a rehabilitation permit granted to an incorporated association—the name of the person in charge of the activity to be carried out under the permit; or

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<sup>43</sup> See sections 13 (Amendment of licences on application) and 474 (Requirement to notify chief executive of particular matters).

- (b) for another relevant authority—the name of the person in charge of the licensed premises for the authority.
- (2) If there is a change in the person in charge of the activity or place, the corporation must apply to the chief executive for an amendment of the authority to reflect the change.<sup>44</sup>

Maximum penalty for subsection (2)—10 penalty units.

#### **141 Aboriginal tradition or Island custom authorities must list authorised individuals**

- (1) The chief executive must state, on an Aboriginal tradition or Island custom authority, the names of individuals who may take wildlife under the authority.
- (2) The individuals may only be individuals named by the corporation in the application for the authority.

#### **142 Term of authority must be stated**

- (1) The chief executive must state on a relevant authority—
  - (a) the day the authority starts; and
  - (b) the term of the authority.
- (2) In this section—

*relevant authority* includes a commercial wildlife licence (wildlife interaction) and a wildlife movement permit.

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<sup>44</sup> See section 13 (Amendment of licences on application).

## **Part 2 Exemptions for taking, keeping, using or moving protected animals**

### **Division 1 Purpose and operation of part**

#### **143 Purpose and operation of pt 2**

- (1) The purpose of this part is to provide exemptions for offences for taking, keeping or using protected animals under section 88<sup>45</sup> of the Act.
- (2) The *Justices Act 1886*, section 76,<sup>46</sup> applies to each exemption in this part.
- (3) This section does not limit another provision of this regulation that creates an exemption to which the *Justices Act 1886*, section 76, applies.

### **Division 2 Exemptions for taking, keeping, using and moving animals**

#### **Subdivision 1 General exemptions**

#### **144 Exemption for chief executive**

- (1) The chief executive may take, keep and use a protected animal, without a relevant authority for taking, keeping or using the animal, if—
  - (a) the animal is taken, kept or used for—
    - (i) the protection of humans, wildlife or habitat; or
    - (ii) captive breeding; or

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45 Section 88 (Restriction on taking etc. protected animals) of the Act

46 *Justices Act 1886*, section 76 (Proof of negative etc.)

- (iii) scientific research about the conservation or ecology of the animal; or
  - (b) another person has surrendered the animal to the chief executive and the chief executive reasonably believes the animal will not, or is unlikely to, survive in the wild, including, for example, because of the nature of the animal's sickness or injury.<sup>47</sup>
- (2) Also, the chief executive may move an animal taken under subsection (1) from the place where the animal was taken to the place where the chief executive intends to keep or use the animal.

#### **145 Exemption for veterinary surgeons**

- (1) A veterinary surgeon may take, keep and use a live protected animal, without a relevant authority for taking, keeping or using the animal, if the animal is taken, kept or used for providing treatment or care for the animal.
- (2) Also, if the surgeon reasonably believes the animal is sick or injured to the extent that the animal is unable or unlikely to recover from the sickness or injury, the surgeon may euthanase the animal.
- (3) Also, if the animal dies or the surgeon has euthanased the animal under subsection (2), the surgeon may, without a wildlife movement permit, move the animal from the place where the surgeon keeps the animal to—
  - (a) the place where the animal is to be buried or incinerated; or
  - (b) if the chief executive has asked the surgeon to move the dead animal to another place—the other place.

#### **146 Exemption for particular government officers or employees**

- (1) This section applies to an officer or employee of—

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<sup>47</sup> See also, the *Nature Conservation (Dugong) Conservation Plan 1999*, section 7 (Conservation officer may deal with sick, injured or dead dugong).

- (a) a local government; or
  - (b) Queensland Rail;<sup>48</sup> or
  - (c) the department in which the *Transport Operations (Road Use Management) Act 1995* is administered.
- (2) The officer or employee may take a dead protected animal, without a relevant authority for taking the animal, if—
- (a) the officer or employee takes the animal from public land; and
  - (b) it is necessary or desirable for the officer or employee to take the animal, including, for example, for the performance of a function or the exercise of a power under an Act; and
  - (c) the animal is to be either—
    - (i) buried or incinerated; or
    - (ii) if the chief executive has directed the officer or employee to deal with the animal in a particular way—dealt with in the way directed by the chief executive.

*Examples of when it may be necessary or desirable to take a dead protected animal—*

- 1. To remove the animal from a road to ensure the free and safe movement of traffic on the road.
  - 2. To remove the animal from a public place to maintain health and wellbeing of persons attending the place.
- (3) Also, the officer or employee may, without a wildlife movement permit, move the dead animal from the place where the animal is taken to—
- (a) the place where the animal is to be buried or incinerated; or
  - (b) if the chief executive has asked the person to move the dead animal to another place—the other place.

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<sup>48</sup> Queensland Rail is a statutory GOC under the *Government Owned Corporations Act 1993*.

**147 Exemption for Australian Defence Force**

A member of the Australian Defence Force may take and keep a common animal from land owned by the Commonwealth if—

- (a) the animal is to be used for training members of a part of the Defence Force about survival in the wild; and
- (b) the use of the animal is, or will be, consistent with the military standing order prepared for the part of the Defence Force.

**148 Exemption for marine turtle or dugong in particular circumstances**

- (1) A person may take, keep and use a protected marine turtle or dugong, without a relevant authority for taking, keeping or using the turtle or dugong, if the person—
  - (a) takes the turtle or dugong under Aboriginal tradition or Island custom; and
  - (b) holds a permit granted under the *Marine Parks Act 1982* or the *Great Barrier Reef Marine Park Act 1975* (Cwlth) that allows the person to take the turtle or dugong.
- (2) Also, the person may, without a wildlife movement permit, move the turtle or dugong from the place from where the turtle or dugong is taken to the place where the person intends to keep or use the turtle or dugong.

**148A Exemption for protected shark in particular circumstances**

- (1) Subject to section 414A,<sup>49</sup> a person may take a protected shark, without a relevant authority for taking the shark, if the person—
  - (a) is authorised by the DPI chief executive to take the shark under a shark control program; or
  - (b) takes the shark under a shark control contract.

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49 Section 414A (Procedure for taking protected sharks)

- (2) In this section—

***DPI chief executive*** means the chief executive of the department in which the *Fisheries Act 1994* is administered.

***shark control contract*** means an agreement between a person and the State for the disposal, tagging or taking of sharks under a shark control program.

***shark control program*** means a program, administered by the DPI chief executive, for the disposal, tagging or taking of sharks to protect persons from attack by sharks.

### 149 Exemption for exempt animals

- (1) A person may buy or accept, keep and use an exempt animal, without a relevant authority for keeping or using the animal, if before the person bought or accepted the animal—
- (a) it was taken, kept and used lawfully; or
  - (b) the parents of the animal were taken, kept and used lawfully.
- (2) Also, the person may move the animal to or from any place in or outside of the State.
- (3) However, if the person keeps a prescribed exempt bird at a place used for a commercial purpose, the person must, as soon as practicable after the person bought or accepted the bird, do both of the following—
- (a) apply, to the chief executive, for a record book for the bird;
  - (b) pay the prescribed fee for the record book.
- Maximum penalty—10 penalty units.
- (4) Also, after the chief executive supplies the record book, the person must keep the record book for the bird.<sup>50</sup>
- Maximum penalty—120 penalty units.
- (5) In this section—

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<sup>50</sup> See chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements for record books required to be kept under the Act.

**prescribed exempt bird** means any of the following—

- (a) a galah (*Cacatua roseicapilla*);
- (b) a little corella (*Cacatua sanguinea*);
- (c) a long-billed corella (*Cacatua tenuirostris*);
- (d) a princess parrot (*Polytelis alexandrae*);
- (e) a scarlet-chested parrot (*Neophema splendida*);
- (f) a sulphur-crested cockatoo (*Cacatua galerita*);
- (g) a twenty-eight parrot (*Barnardius zonarius semitorquatus*);
- (h) a western corella (*Cacatua pastinator*).

### 150 Exemption for controlled animals—keeping or using

- (1) A person, other than a holder of a relevant authority for keeping controlled animals, may buy or accept and keep a live controlled animal without a relevant authority for keeping and using the animal if—
  - (a) before the person bought or accepted the animal, it was taken, kept and used lawfully; and
  - (b) the animal is kept for the person's private enjoyment.
- (2) Also, the person may—
  - (a) sell or give away the animal, without a relevant authority for using the animal, to—
    - (i) a holder of a relevant authority who is authorised to buy or accept the animal; or
    - (ii) another person (an **approved buyer**) if the chief executive has given written approval to the person to sell or give the animal to the approved buyer; and
  - (b) if the animal dies—sell or give the dead animal, without a relevant authority for selling or giving away the dead animal, to a holder of a commercial wildlife licence for the dead animal.
- (3) However, if asked by a conservation officer, the person must, unless the person has a reasonable excuse, give the

conservation officer information about the person from whom it was bought or accepted.<sup>51</sup>

Maximum penalty—165 penalty units.

- (4) Also, the person—
- (a) must keep an animal bought or accepted by the person for at least 6 months after the person receives the animal unless—
    - (i) the person has written approval from the chief executive to sell or give away of the animal within 6 months after the person received the animal; or
    - (ii) the animal dies or escapes; or
    - (iii) if the animal is a bird—the person bought or accepted the bird for rearing the bird and the bird fledges within 6 months after the person received the bird; and
  - (b) must not—
    - (i) buy or accept the animal from a person who is not authorised to sell or give away the animal under the Act or a law of another State; or
    - (ii) complete more than 10 sale transactions for live animals of the same class in any period of 12 months; or
    - (iii) display the animal for a commercial purpose.

Maximum penalty—20 penalty units.

- (5) In this section—

***sale transaction***, for an animal, means a transaction by which an animal is bought or accepted and sold or given away.

## **151 Exemption for controlled animals—moving**

- (1) This section applies to a person (the ***exempt person***) who keeps, or intends to keep, a controlled animal under section 150.

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<sup>51</sup> See also section 107 (Identification requirement for buying or selling protected, international or prohibited wildlife).

- (2) The exempt person, or the person from whom the exempt person bought or accepted the animal or to whom the exempt person sold or gave away the animal, may, without a wildlife movement permit, move the animal—
- (a) if the exempt person bought or accepted the animal from another person—from the place where the other person kept the animal to the place where the exempt person intends to keep the animal; or
  - (b) if the exempt person sold or gave away the animal to another person—from the place where the exempt person keeps the animal to the place where the other person intends to keep the animal.
- (3) However, the following person must fill in a movement advice that complies with section 102<sup>52</sup> for a movement under subsection (2)—
- (a) if the exempt person bought or accepted the animal from another person—
    - (i) if the other person sold or gave away the animal under a relevant authority—the other person; or
    - (ii) otherwise—the exempt person; or
  - (b) if the exempt person sold or gave away the animal to another person—the exempt person.

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

## **152 Exemption for particular recreational reptiles**

- (1) This section applies to a person, other than a holder of a relevant authority for keeping a recreational reptile, who immediately before 1 March 2004 kept a recreational reptile under the Act.
- (2) The person may keep the reptile without a relevant authority for keeping a recreational reptile.

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52 Section 102 (Requirements for movement advice)

See also part 1, division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advice.

**153 Exemption for common amphibians**

- (1) This section applies only to a person who does not hold a relevant authority for taking, keeping or using amphibians.
- (2) The person may catch and keep a common amphibian from the person's land, without a relevant authority for taking or keeping the amphibian.
- (3) However, the person—
  - (a) must keep the amphibian—
    - (i) on the person's land; and
    - (ii) only for the person's private enjoyment; and
  - (b) must not keep—
    - (i) more than 8 common amphibians, other than tadpoles; or
    - (ii) more than 2 common amphibians, other than tadpoles, of the same species.

Maximum penalty—20 penalty units.

- (4) Also, if the amphibian produces offspring, the person must, within 7 days after the offspring's metamorphosis, release the offspring into the wild in the way stated in the reptile and amphibian code.

Maximum penalty—80 penalty units.

**154 Exemption for particular protected fish for recreational purpose**

- (1) A person (the *exempt person*) may buy or accept, keep or use a protected fish of the following species, without a relevant authority for keeping and using the fish, if the fish is not kept or used for a commercial purpose—
  - Elizabeth Springs goby (*Chlamydogobius* sp. A)
  - Edgbaston goby (*Chlamydogobius* sp. B)
  - red-finned blue-eye (*Scaturinginichthys vermeilipinnis*)
  - oxleyan pygmy perch (*Nannoperca oxleyana*)
  - honey blue-eye (*Pseudomugil mellis*).

- (2) The exempt person, or the person from whom the exempt person bought or accepted the fish or to whom the exempt person sold or gave away the fish, may, without a wildlife movement permit, move the fish—
  - (a) if the exempt person bought or accepted the fish from another person—from the place where the other person kept the fish to the place where the exempt person intends to keep the fish; or
  - (b) if the exempt person sold or gave away the fish to another person—from the place where the exempt person keeps the fish to the place where the other person intends to keep the fish.
- (3) However, if asked by a conservation officer, the exempt person must, unless the person has a reasonable excuse, give the conservation officer information about the person from whom the fish was bought or accepted.<sup>53</sup>

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

### **155 Exemption for protected scorpions or spiders for recreational purpose**

- (1) A person (the *exempt person*) may take, keep and use a protected scorpion or spider, without a relevant authority for taking, keeping or using the scorpion or spider, if the scorpion or spider is not taken, kept or used for a commercial purpose.
- (2) The exempt person, or the person from whom the exempt person bought or accepted the scorpion or spider or to whom the exempt person sold or gave away the scorpion or spider, may, without a wildlife movement permit, move the scorpion or spider—
  - (a) if the exempt person bought or accepted the scorpion or spider from another person—from the place where the other person kept the scorpion or spider to the place where the exempt person intends to keep the scorpion or spider; or

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<sup>53</sup> See section 107 (Identification requirement for buying or selling protected, international or prohibited wildlife) for the requirement about keeping identification when buying wildlife.

- (b) if the exempt person sold or gave away the scorpion or spider to another person—from the place where the exempt person keeps the scorpion or spider to the place where the other person intends to keep the scorpion or spider.

## **156 Exemption for educational or scientific purposes**

- (1) This section applies to a protected animal that—
- (a) was taken or kept under a licence, permit or other authority under the Act or a law of another State; and
- (b) is in the State.
- (2) A person may, without a relevant authority, use part of the animal if—
- (a) the person is a person to whom an educational purposes permit or scientific purposes permit for using the part of the animal may be granted;<sup>54</sup> and
- (b) the part of the animal is used for—
- (i) scientific research at a tertiary or other institution administered by the Commonwealth or a State or an entity that is involved in scientific research; or
- (ii) teaching at an educational institution or organisation.

## **157 Exemption for sick or injured animals—marine mammals and turtles**

- (1) This section applies to a sick or injured protected marine mammal or marine turtle.

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54 See—

- for an educational purposes permit—section 286 (Restriction on persons to whom permit may be granted); or
- for a scientific purposes permit—section 315 (Restriction on persons to whom permit may be granted).

- (2) A person may take and keep the mammal or turtle, without a relevant authority for taking or keeping the mammal or turtle.<sup>55</sup>
- (3) Also, the person may, without a wildlife movement permit, move the animal—
  - (a) from the place where the person takes possession of the animal to a place, within the State, where the person intends to care for the animal; or
  - (b) to the licensed premises of a holder of a rehabilitation permit for the animal; or
  - (c) if a conservation officer directs, under subsection (4), the person to move the animal to another place—to the other place.
- (4) However, the person must—
  - (a) notify, as soon as reasonably practicable, a conservation officer that the person has taken possession of the mammal or turtle; and
  - (b) if the conservation officer directs the person to deal with the mammal or turtle in a particular way—deal with the mammal or turtle in the way directed by the conservation officer.

Maximum penalty for subsection (4)—20 penalty units.

### **158 Exemption for sick, injured or orphaned animals—other animals**

- (1) This section applies to a sick, injured or orphaned protected animal other than a marine mammal or marine turtle.
- (2) A person may take and keep the animal without a relevant authority for taking or keeping the animal.
- (3) Also, the person may, without a wildlife movement permit, move the animal—

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<sup>55</sup> See also, the *Nature Conservation (Whales and Dolphins) Conservation Plan 1997*, section 9 (Sick, injured or at risk whales or dolphins).

- (a) from the place where the person takes possession of the animal to a place, within the State, where the person intends to care for the animal; or
  - (b) to the licensed premises of a holder of a rehabilitation permit for the animal; or
  - (c) if a conservation officer directs, under subsection (4), the person to move the animal to another place—to the other place.
- (4) However, the person must, within 72 hours after the person takes possession of the animal, either—
- (a) give the animal to a holder of a rehabilitation permit for the animal; or
  - (b) notify a conservation officer that the person has taken possession of the animal.

Maximum penalty—20 penalty units.

- (5) Also, if the person notifies a conservation officer under subsection (4)(b) and the officer directs the person to deal with the animal in a particular way, the person must deal with the animal in the way directed by the conservation officer.

Maximum penalty—20 penalty units.

## **159 Exemption for interacting with animals in the wild**

- (1) A person may, without a commercial wildlife licence (wildlife interaction), interact with a protected animal in the wild if the interaction is not an unauthorised interaction for the animal.
- (2) Also, a person who is authorised to watch, observe, interact with or feed a protected animal in the wild under either of the following Acts may, without a commercial wildlife licence (wildlife interaction), engage in an unauthorised interaction for the animal—
  - (a) the *Marine Parks Act 1982*;
  - (b) the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

**160 Exemption for wholesalers to move dead protected animals**

- (1) This section applies to a dead protected animal, other than a crocodile, emu or macropod, lawfully taken in another State.
- (2) A wholesaler in the State may, without a wildlife movement permit, move the skin, carcass or meat of the animal into the State if—
  - (a) the wholesaler buys the skin, carcass or meat by wholesale from a person in the other State; and
  - (b) the way in which the skin, carcass or meat is packed complies with the requirements of any applicable law of the other State; and
  - (c) the movement of the skin, carcass or meat from the place is authorised by any applicable law of the other State; and
  - (d) the movement is for a lawful purpose.
- (3) However, the wholesaler must fill in a movement advice that complies with section 102<sup>56</sup> for the movement.

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

**Subdivision 2 Particular exemptions for moving animals kept under an exemption****161 Exemption to move protected animal for private reasons**

A person who lawfully keeps a protected animal may, without a wildlife movement permit, move the animal—

- (a) on the person's land; or
- (b) if the person keeps the animal at the person's place of residence and is moving to a new place of residence within the State—to the new place of residence.

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<sup>56</sup> Section 102 (Requirements for movement advice)

See also part 1, division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advice.

**162 Exemption to move particular animals to and from veterinary surgeon**

A person who lawfully keeps a live protected animal may, without a wildlife movement permit, move the animal—

- (a) from the place where the animal is being kept to the premises of a veterinary surgeon for treatment or care for the animal; or
- (b) from the premises of a veterinary surgeon who treated or cared for the animal to the place where the animal is to be lawfully kept.

**163 Exemption to move particular animals to show or display**

- (1) This section applies to a person who lawfully keeps a protected animal other than a restricted animal.
- (2) The person may move, without a wildlife movement permit, the animal to or from a show or display if the show or display—
  - (a) is not for a commercial purpose; and
  - (b) lasts for no more than 11 days.

**164 Exemption to move dead protected animals to particular holders**

- (1) This section applies if—
  - (a) either—
    - (i) a person lawfully keeps a live protected animal, other than an exempt animal, and the animal dies; or
    - (ii) a person lawfully keeps a dead protected animal, other than an exempt animal; and
  - (b) the person is authorised to sell or give away the animal under the Act; and
  - (c) the person sells or gives the dead animal to a holder of a commercial wildlife licence for the dead animal.
- (2) The person may, without a wildlife movement permit, move the animal from the place where the person keeps the animal

to the place where the holder of the commercial wildlife licence intends to keep the animal.

- (3) However, the person must fill in a movement advice that complies with section 102<sup>57</sup> for the movement.

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

## **Part 3                      Authorisations for taking, keeping, using or moving protected, international or prohibited animals**

### **Division 1                      Purpose of part**

#### **165      Purpose of pt 3**

The purpose of this part is to allow the chief executive to give written authorisations for keeping or using protected, international or prohibited animals under the Act.<sup>58</sup>

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<sup>57</sup> Section 102 (Requirements for movement advice)

See also part 1, division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advice.

<sup>58</sup> See the Act, section 91 (Prohibition on release etc. of international and prohibited wildlife) for the requirements about keeping or using international or prohibited animals.

## **Division 2                    General authorisations for taking, keeping or using international or prohibited animals**

### **166    Authorisation for veterinary surgeons**

- (1) The chief executive may give a veterinary surgeon a written authorisation allowing the surgeon to keep and use an international or prohibited animal.
- (2) A surgeon to whom an authorisation is given under subsection (1) may—
  - (a) keep and use the animal if the animal is kept or used for providing treatment or care for the animal; and
  - (b) euthanase the animal if the surgeon reasonably believes the animal is sick or injured to the extent that the animal is unable or unlikely to recover from the sickness or injury.
- (3) The chief executive may also give the surgeon a written authorisation to move the animal kept by the surgeon under the authorisation if the animal dies or the surgeon has euthanased the animal.
- (4) An authorisation under subsection (3) may be given when the authorisation under subsection (1) is given or at a later time.
- (5) A surgeon to whom an authorisation is given under subsection (3) may move the animal that has died or been euthanased from the place where the surgeon keeps the animal to—
  - (a) the place where the animal is to be buried or incinerated; or
  - (b) if the chief executive has asked the surgeon to move the animal to another place—the other place.

### **167    Authorisation for identified dead international animals**

- (1) The chief executive may give a person a written authorisation allowing the person to—
  - (a) keep a dead international animal; and

- (b) move the dead animal from the place where it is obtained to the place where the person intends to keep the animal.
- (2) A person (the ***authorised person***) to whom an authorisation is given under subsection (1), may—
- (a) buy or accept and keep the animal if—
    - (i) the animal is bought or accepted from a holder, or a relevant person for the holder, of a commercial wildlife licence for the dead animal; and
    - (ii) the holder, or a relevant person for the holder, has identified the animal in the way approved by the chief executive for the animal;<sup>59</sup> and
  - (b) move the animal from the place where the person from whom the animal was bought or accepted kept the animal to the place where the authorised person intends to keep the animal.

### **Division 3**

### **Particular authorisations about moving protected, international or prohibited animals**

#### **168 Authorisation for movements to show or display by particular holders**

- (1) The chief executive may give a written authorisation to a holder of either of the following licences for an animal, other than a restricted animal, allowing the holder, or relevant person for the holder, to move the animal to or from an authorised show or display—
- (a) a commercial wildlife licence;
  - (b) a recreational wildlife licence.
- (2) A holder to whom an authorisation is given under subsection (1), or a relevant person for the holder, may,

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<sup>59</sup> See section 189 (Requirement about identifying dead animals kept under licence).

without a wildlife movement permit, move the wildlife to or from the authorised show or display.

(3) In this section—

*authorised show or display* means a show or display that—

- (a) is not conducted for a commercial purpose; and
- (b) lasts for no more than 11 days.

**169 Authorisation for particular government officers or employees to move dead international or prohibited animals**

(1) The chief executive may give an officer or employee of the following entities a written authorisation to move a dead international or prohibited animal from public land to another place if it is necessary or desirable to move the animal, including, for example, for the performance of a function or the exercise of a power under an Act—

- (a) a local government;
- (b) Queensland Rail;<sup>60</sup>
- (c) the department in which the *Transport Operations (Road Use Management) Act 1995* is administered.

*Examples of when it may be necessary or desirable to move a dead international or prohibited animal—*

- 1. To remove the animal from a road to ensure the free and safe movement of traffic on the road.
- 2. To remove the animal from a public place to maintain health and wellbeing of persons attending the place.

(2) An officer or employee to whom an authorisation is given under subsection (1) may move, without a wildlife movement permit, a dead international or prohibited animal from the public land to—

- (a) a place where the animal is to be buried or incinerated;  
or

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<sup>60</sup> Queensland Rail is a statutory GOC under the *Government Owned Corporations Act 1993*.

- (b) if the chief executive has asked the officer or employee to move the animal to another place—the other place.

## **Part 4                      Licences for taking, keeping or using animals**

### **Division 1                      Preliminary**

#### **170      Licences that may be granted**

The chief executive may grant the following licences for either or both a live or dead animal—

- (a) commercial wildlife licence (wildlife interaction);
- (b) commercial wildlife licence;
- (c) recreational wildlife licence;
- (d) commercial wildlife harvesting licence;
- (e) recreational wildlife harvesting licence;
- (f) wildlife demonstrator licence;
- (g) wildlife exhibitor licence;
- (h) wildlife farming licence;
- (i) museum licence.

### **Division 2                      Commercial wildlife licence (wildlife interaction)**

#### **Subdivision 1                      Purpose of division**

##### **171      Purpose of div 2**

- (1) The purpose of this division is—

- (a) to allow a person to engage in particular interactions with protected animals in a way that is not otherwise authorised under any exemption or authorisation under this regulation, or most other licences, permits or other authorities granted under the Act; and
- (b) to control and monitor particular interactions, to ensure the safety, health and wellbeing of humans and animals is maintained, by—
  - (i) limiting the circumstances in which a commercial wildlife licence (wildlife interaction) for the interactions may be granted; and
  - (ii) requiring holders of the licence to give reports about the activities carried out under the licence.

## **Subdivision 2      Restrictions on grant of commercial wildlife licence (wildlife interaction)**

### **172      Restriction on animals for which licence may be granted**

The chief executive may grant a commercial wildlife licence (wildlife interaction) for only a common animal.

### **173      Restriction of persons to whom licence may be granted**

The chief executive can not grant a commercial wildlife licence (wildlife interaction) for a protected animal of a species to a person unless the person has an approved interaction plan for the species.

### **174      Restriction on activities for which licence may be granted**

The chief executive can not grant a commercial wildlife licence (wildlife interaction) for a protected animal to a person if the chief executive reasonably believes the activity for which the application for the licence is made is an activity for which a relevant authority is required.

*Example—*

A person applies for a commercial wildlife licence (wildlife interaction) for an activity for a scientific purpose and the chief executive believes,

in the circumstances, the person requires a scientific purposes permit for the activity.

### **Subdivision 3 Things authorised by commercial wildlife licence (wildlife interaction)**

#### **175 Holder may engage in unauthorised interaction**

- (1) The holder, or a relevant person for the holder, of a commercial wildlife licence (wildlife interaction) may engage in an unauthorised interaction for a protected animal in the wild of a species identified on the licence.<sup>61</sup>
- (2) However, subsection (1) does not authorise a person to engage in an unauthorised interaction in either of the following—
  - (a) an area declared as a marine park under the *Marine Parks Act 1982*;
  - (b) the Great Barrier Reef Marine Park.

### **Subdivision 4 Conditions of commercial wildlife licence (wildlife interaction)**

#### **176 Compliance with approved interaction plan**

The holder, or a relevant person for the holder, of a commercial wildlife licence (wildlife interaction) for a protected animal of a species must comply with the holder's approved interaction plan for the species while carrying out activities under the licence.

Maximum penalty—20 penalty units.

#### **177 Requirement to keep report about activities under licence**

- (1) The holder, or a relevant person for the holder, of a commercial wildlife licence (wildlife interaction) for a

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61 See, however, section 411 (Feeding native animals in the wild generally).

protected animal must keep a written report about the activities carried out under the licence.

Maximum penalty—20 penalty units.

- (2) The report must include the following information about the activities—
  - (a) any identified problems or concerns relating to the activities, including, for example—
    - (i) any increase in illness or injury in the animals the subject of the activities;
    - (ii) any incidence of aggression by animals the subject of the activities against the holder's clients participating in the activities;
    - (iii) any complaint by a member of the public about the impact of the activities on the member's lifestyle or interests;
  - (b) how the problems or concerns mentioned in paragraph (a) were identified and resolved.
- (3) The holder must—
  - (a) keep the report in a secure place at the licensed premises for the licence, for the period required under section 473;<sup>62</sup> and
  - (b) if asked by a conservation officer, make the report available for inspection by the officer.

Maximum penalty—20 penalty units.

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62 Section 473 (Period for which particular documents must be kept)

## **Division 3                      Commercial wildlife licences**

### **Subdivision 1              Purpose of division**

#### **178      Purpose of div 3**

- (1) The purpose of this division is to allow particular persons to keep and use protected or international animals for a commercial purpose without adversely affecting the conservation of the animals.
- (2) The purpose is achieved by—
  - (a) allowing the chief executive to grant a commercial wildlife licence for an animal only in limited circumstances; and
  - (b) limiting the things that a person acting under the licence is authorised to do under the licence; and
  - (c) prescribing conditions on persons acting under the licence.

### **Subdivision 2              Restrictions on grant of commercial wildlife licences**

#### **179      Restriction on animals for which licence may be granted**

The chief executive may grant a commercial wildlife licence only for—

- (a) a live controlled or commercial animal; or
- (b) a dead protected or international animal.

#### **180      Restriction if recreational wildlife licence granted for birds or reptiles**

- (1) The chief executive can not grant a commercial wildlife licence for birds for a place for which a recreational wildlife licence for birds has been granted under the Act.

- (2) The chief executive can not grant a commercial wildlife licence for reptiles for a place for which a recreational wildlife licence for reptiles has been granted under the Act.

### **181 Additional restriction for licence for birds**

- (1) The chief executive can not grant a commercial wildlife licence for live birds for a place unless the chief executive is satisfied the place is used, or intended to be used, to keep live birds on more than a temporary basis.

*Examples, for subsection (1), of when chief executive may be satisfied—*

1. The place has bird cages fixed to it.
  2. All or part of the place is permanently roofed.
  3. The place is usually open for the conduct of a business for most days in a year.
- (2) However, subsection (1) does not apply if the licence is granted to a recreational aviculture society for a term of not more than 2 days.
- (3) In this section—

*recreational aviculture society* means a society that—

- (a) is an incorporated association; and
- (b) has, as its main function, the keeping and breeding of native birds.

### **182 Additional restriction for licence for reptiles**

- (1) The chief executive can not grant a commercial wildlife licence for reptiles to a person unless the chief executive is satisfied the person, or a relevant person for the person, has passed a course approved by the chief executive that—
- (a) includes matters about maintaining the health, safety and wellbeing of reptiles; and
  - (b) provides training about how the person may advise another person about the matters mentioned in paragraph (a).
- (2) In this section—

*relevant person*, for a person, means a person who would be a relevant person for the person if the person were granted a commercial wildlife licence under this chapter.

### **Subdivision 3      Things authorised by commercial wildlife licences**

#### **183      Holder may keep and use particular animals**

- (1) A holder, or a relevant person for the holder, of a commercial wildlife licence for an animal may—
  - (a) buy or accept an animal of a species identified on the licence; and
  - (b) keep and use an animal of a species identified on the licence at the licensed premises for the licence.
- (2) Also, the holder or relevant person may keep a live animal of a species identified on the licence at the holder's or person's place of residence for a period of time if—
  - (a) the licensed premises for the licence—
    - (i) are not the holder's place of residence; and
    - (ii) are unattended for the period; and
  - (b) the animal is kept at the place of residence for providing care to the animal.

#### **184      Holder may process particular animals**

A holder, or a relevant person for the holder, of a commercial wildlife licence for a dead animal may process a dead animal of a species identified on the licence.

#### **185      Holder may keep dead macropods in storage**

- (1) A holder, or a relevant person for the holder, of a commercial wildlife licence for dead macropods may keep, for a period of not more than 3 months, a dead macropod in cold storage at a place other than the licensed premises for the licence if the

holder has written approval from the chief executive to keep the dead macropod in cold storage for the period.

- (2) The holder, or relevant person, may move the macropod to and from the place where the macropod is stored in cold storage.
- (3) The chief executive may give an approval under subsection (1) only if the chief executive is satisfied that allowing the storage is necessary in the circumstances.

*Example, for subsection (3), of when chief executive may be satisfied—*

Cold storage of macropods is necessary because the holder's business will be closed.

### **186 Holder may move animal to and from residence to provide care**

- (1) This section applies if the licensed premises for a commercial wildlife licence for a protected animal is not the place of residence of the holder of the licence.
- (2) The holder, or relevant person for the holder, may, without a wildlife movement permit, move the animal—
  - (a) from the licensed premises for the licence to the holder's or person's place of residence if—
    - (i) the movement is necessary to care for the animal; and
    - (ii) the licensed premises will be unattended for the period for which the animal is to be kept at the place of residence; and
  - (b) from the holder's or person's place of residence to the licensed premises for the licence.

### **187 Holder may breed protected birds**

A holder of a commercial wildlife licence for a protected bird, other than a restricted bird, may breed a mutation of the bird.<sup>63</sup>

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<sup>63</sup> See section 92 (Prohibition on breeding etc. hybrids of protected animals) of the Act.

## **Subdivision 4      Conditions of commercial wildlife licence**

### **188      General requirement about way animal must be kept and used**

- (1) A person who keeps or uses a live protected animal under a commercial wildlife licence must keep and use the animal in a way that ensures the likelihood of escape, injury or ill-health of the animal is minimised.

Maximum penalty—80 penalty units.

- (2) A person complies with subsection (1) if the person complies with a relevant code of practice for the animal to the extent the code of practice provides for the how the likelihood of escape, injury or ill-health of the animal may be minimised.

### **189      Requirement about identifying dead animals kept under licence**

A person who keeps a dead animal under a commercial wildlife licence must identify the animal in the way approved for the animal by the chief executive.<sup>64</sup>

Maximum penalty—80 penalty units.

*Examples of ways that may be approved—*

1. Attaching a particular tag to the animal.
2. Placing a particular mark on the animal.

### **190      Requirement to keep record book**

A holder of a commercial wildlife licence for an animal must keep—

- (a) for a licence for a macropod—a record and return book supplied by the chief executive for the licence; or

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64 See also section 406 (Processed products made or derived from protected animals).

- (b) for another licence—a record book supplied by the chief executive for the licence.<sup>65</sup>

Maximum penalty—120 penalty units.

## **191 Requirement to give return of operations**

A holder of a commercial wildlife licence for an animal must give the chief executive a return of operations that complies with section 454<sup>66</sup> for the licence.

Maximum penalty—120 penalty units.

## **Division 4 Recreational wildlife licences**

### **Subdivision 1 Purpose of division**

#### **192 Purpose of div 4**

- (1) The purpose of this division is to allow particular persons to keep and use protected or international animals for a recreational purpose without adversely affecting the conservation of the animals.
- (2) The purpose is achieved by—
  - (a) allowing the chief executive to grant a recreational wildlife licence for an animal only to persons who intend to keep the animal for personal enjoyment; and
  - (b) limiting the things that a person acting under the licence is authorised to do under the licence; and
  - (c) prescribing conditions for persons acting under the licence.

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<sup>65</sup> See chapter 4 (General provisions), part 3 (Provisions about record books) generally for the requirements for record books required to be kept under the Act.

<sup>66</sup> Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) for the requirements for returns of operations required to be given under the Act.

## **Subdivision 2      Restrictions on grant for recreational wildlife licences**

### **193      Restriction on animals for which licence may be granted**

The chief executive may grant a recreational wildlife licence only for any of the following—

- (a) a live controlled, commercial, recreational, restricted or international animal;
- (b) a dead protected or international animal.

### **194      Restriction on grant of licence to children**

- (1) The chief executive may grant a recreational wildlife licence for an animal to a child only if—
  - (a) the child and the child's parents or guardians live at the licensed premises for the licence; and
  - (b) the chief executive is satisfied the parents or guardians will supervise the child while the child is carrying out activities under the licence; and
  - (c) the chief executive states the name of the parents or guardians on the licence.
- (2) Also, the chief executive can not grant a recreational wildlife licence for a restricted animal to a child.

### **195      Restriction on grant of licence for restricted birds**

- (1) The chief executive can not grant a recreational wildlife licence for a restricted bird to a person unless the chief executive is satisfied the person has the knowledge, experience and facilities necessary to keep the bird in the way required under the aviculture code.
- (2) In this section—

*aviculture code* means the document called ‘Code of Practice—Aviculture’, approved by the chief executive under section 174A<sup>67</sup> of the Act.

**196 Restriction on grant of licence for restricted reptiles or amphibians**

The chief executive can not grant a recreational wildlife licence for a restricted reptile or amphibian to a person unless the chief executive is satisfied the person has the appropriate knowledge and experience for keeping the reptile or amphibian.

**197 Restriction if commercial wildlife licence granted for birds or reptiles**

- (1) The chief executive can not grant a recreational wildlife licence for birds for a place for which a commercial wildlife licence for birds has been granted under the Act.
- (2) The chief executive can not grant a recreational wildlife licence for reptiles for a place for which a commercial wildlife licence for reptiles has been granted under the Act.

**Subdivision 3 Things authorised by recreational wildlife licences**

**198 Holder may keep or use particular animals**

- (1) A holder, or a relevant person for the holder, of a recreational wildlife licence for a protected or international animal may—
  - (a) buy or accept an animal of a species identified on the licence; and
  - (b) keep and use an animal of a species identified on the licence at the licensed premises for the licence.

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<sup>67</sup> Section 174A (Chief executive may make codes of practice) of the Act

Note, a copy of the code of practice is open for public inspection, during office hours on business days, at the department’s head office at 160 Ann Street, Brisbane and each regional office of the department (see section 174A(3) of the Act).

- (2) Also, a holder, or relevant person for the holder, of a recreational wildlife licence for a live protected animal other than a restricted animal may also keep or use, at the licensed premises for the licence—
- (a) if the licence is a recreational wildlife licence for birds—no more than 2 restricted birds; or
  - (b) if the licence is a recreational wildlife licence for reptiles and amphibians—no more than 2 restricted reptiles, other than reptiles of the family Elapidae, Hydrophiidae or Laticaudidae.
- (3) However, subsections (1) and (2) do not authorise the holder or relevant person to use an animal for a commercial purpose.

### **199 Holder may take particular reptiles to feed other reptiles**

A holder, or a relevant person for the holder, of a recreational wildlife licence for reptiles may take any of the following reptiles if the reptile is taken to ensure the wellbeing or maintenance of a reptile kept under the licence—

- (a) *Carlia pectoralis*;
- (b) *Carlia vivax*;
- (c) *Cryptoblepharus carnabyi*;
- (d) *Cryptoblepharus virgatus*;
- (e) *Ctenotus robustus*;
- (f) *Lampropholis delicata*;
- (g) *Morethia boulengeri*.

### **200 Holder may breed protected birds**

A holder, or a relevant person for the holder, of a recreational wildlife licence for a protected bird other than a restricted bird may breed a mutation of the bird.<sup>68</sup>

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<sup>68</sup> See section 92 (Prohibition on breeding etc. hybrids of protected animals) of the Act.

## **Subdivision 4      Conditions of recreational wildlife licences**

### **201      General requirement about way animal must be kept and used**

- (1) A person who keeps or uses a live protected or international animal under a recreational wildlife licence must keep and use the animal in a way that ensures the likelihood of escape, injury or ill-health of the animal is minimised.

Maximum penalty—80 penalty units.

- (2) The person complies with subsection (1) if the person complies with a relevant code of practice for the animal to the extent the code of practice provides for how the likelihood of escape, injury or ill-health of the animal may be minimised.

### **202      Requirement to keep particular animals for minimum period**

- (1) A holder of a recreational wildlife licence who buys or accepts a live protected animal under the licence must keep the animal for at least 6 months after the person receives the animal unless—
  - (a) the holder has written approval from the chief executive to sell or give away the animal within 6 months after the holder received the animal; or
  - (b) the animal dies or escapes; or
  - (c) if the animal is a bird—the person bought or accepted the bird for rearing the bird and the bird fledges within 6 months after the person received the bird.

Maximum penalty—80 penalty units.

- (2) For subsection (1), a holder keeps an animal under the licence if a relevant person for the holder keeps the animal under the licence.

**203 Requirement to keep record book**

A holder of a recreational wildlife licence for an animal must keep a record book supplied by the chief executive for the licence.<sup>69</sup>

Maximum penalty—120 penalty units.

**Division 5 Commercial wildlife harvesting licences****Subdivision 1 Purpose of division****204 Purpose of div 5**

- (1) The purpose of this division is to allow particular persons to harvest protected animals for a commercial purpose without adversely affecting the conservation of the animals.
- (2) The purpose is achieved by—
  - (a) allowing the chief executive to grant a commercial wildlife harvesting licence for an animal only in limited circumstances; and
  - (b) limiting the things that a person acting under the licence is authorised to do under the licence; and
  - (c) prescribing conditions on persons acting under the licence.

**Subdivision 2 Restriction on grant of commercial wildlife harvesting licences****205 Restriction on animals for which licence may be granted**

- (1) The chief executive can not grant a commercial wildlife harvesting licence for a threatened or rare animal unless a

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<sup>69</sup> See chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements for record books required to be kept under the Act.

conservation plan for the animal allows a holder of a commercial wildlife harvesting licence to take the animal.

- (2) Subsection (1) does not apply to a commercial wildlife harvesting licence for a vulnerable or rare snake if the snake is to be taken for the extraction of venom to produce antivenene for humans.

**206 Restriction on grant of licence to children if weapons involved**

The chief executive can not grant to a child less than 17 years a commercial wildlife harvesting licence that allows the holder of the licence to take an animal by using a weapon.

**207 Restriction on grant of licence for macropods**

The chief executive may grant a commercial wildlife harvesting licence for a macropod only to a person who has passed a course of training approved by the chief executive for the licence.

**208 Restriction on grant of licence for whales or dolphins**

The chief executive can not grant a commercial wildlife harvesting licence for a whale or dolphin if the chief executive reasonably believes the whale or dolphin is to be taken for displaying the whale or dolphin under a wildlife demonstrator licence or wildlife exhibitor licence.

**Subdivision 3 Things authorised by commercial wildlife harvesting licence**

**209 Holder may take, keep and sell or give away particular protected animals**

- (1) A holder, or a relevant person for the holder, of a commercial wildlife harvesting licence for an animal may—
- (a) take an animal of a species identified on the licence from the place stated on the licence as a place from where the animal may be taken; and

- (b) keep and use an animal of a species identified on the licence at the licensed premises for the licence.
- (2) However, subsection (1) does not authorise the holder or relevant person to buy or accept an animal from another person.
- (3) Also, for a commercial wildlife harvesting licence for a conservation plan macropod, subsection (1)—
  - (a) does not authorise a relevant person to take, keep or use a conservation plan macropod under the licence; and
  - (b) only authorises the holder to take the macropod during a harvest period declared, under a notice under the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 6,<sup>70</sup> for the macropod.
- (4) This section is subject to any provision of a conservation plan, or a notice declaring a harvest period under a conservation plan, that limits what a holder, or relevant person for the holder, of a commercial wildlife harvesting licence may do under the licence for an animal to which the plan relates.

## **Subdivision 4      Conditions of commercial wildlife harvesting licence**

### **210      Conditions on way animal may be taken**

- (1) A holder, or a relevant person for the holder, of a commercial wildlife harvesting licence for a protected animal may take the animal only—
  - (a) from a location that is not visible to a person other than a person also taking an animal from the location; and
  - (b) in a way that causes minimal damage or disturbance to other wildlife or the environment; and
  - (c) by using an approved method for taking the animal; and

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<sup>70</sup> The *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 6 (Declaration of harvest periods).

- (d) if the animal is to be taken by killing the animal—by killing the animal in a quick and humane way.

Maximum penalty—120 penalty units.

- (2) Subsection (1) is subject to any provision of a conservation plan, or a notice declaring a harvest period under a conservation plan, for an animal that states the way the animal may be taken.<sup>71</sup>

- (3) In this section—

*approved method*, for taking an animal under a commercial wildlife harvesting licence, means—

- (a) if the chief executive has written the way the animal may be taken on the licence—the method written on the licence; or
- (b) otherwise—
- (i) a method that is mentioned in a relevant code of practice for the animal as a method by which the animal may be taken; or
- (ii) another method consistent with the *Animal Care and Protection Act 2001*.

## **211 Requirements about carcasses of animals taken under licence**

- (1) A holder, or a relevant person for the holder, of a commercial wildlife harvesting licence who takes, under the licence, an animal by killing the animal must keep the carcass of the animal in a way that ensures it can be easily identified.

Maximum penalty—120 penalty units.

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<sup>71</sup> For a conservation plan macropod, see the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 6(2) (Declaration of harvest periods) and sections 7(2) (Harvesting of macropods), 10 (Way of taking macropods under this plan) and 10A (Offence to muster or trap macropods to take).

- (2) Subsection (1) is subject to any provision of a conservation plan for the animal that states the requirements that apply for identifying the animal.<sup>72</sup>

## **212 Requirement to keep record book**

A holder of a commercial wildlife harvesting licence for an animal must keep—

- (a) for a licence for a macropod—a record and return book supplied by the chief executive for the licence; or
- (b) for another licence—a record book supplied by the chief executive for the licence.<sup>73</sup>

Maximum penalty—120 penalty units.

## **213 Requirement to give return of operations**

A holder of a commercial wildlife harvesting licence for an animal must give the chief executive a return of operations that complies with section 454<sup>74</sup> for the licence.

Maximum penalty—120 penalty units.

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72 For a conservation plan macropod, see the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, sections 11 (Harvested macropods to be tagged), 12 (Sex remnant not to be removed) and 13 (When tag may be removed).

73 See chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements for record books required to be kept under the Act.

74 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

## **Division 6                      Recreational wildlife harvesting licences**

### **Subdivision 1            Purpose of division**

#### **214      Purpose of div 6**

- (1) The purpose of this division is to allow particular persons to harvest and use protected animals for a recreational purpose without adversely affecting the conservation of the animals.
- (2) The purpose is achieved by—
  - (a) allowing the chief executive to grant a recreational wildlife harvesting licence for an animal only to persons who intend to take or use the animal for personal enjoyment; and
  - (b) limiting the things that a person acting under the licence is authorised to do under the licence; and
  - (c) prescribing conditions for persons acting under the licence.

### **Subdivision 2            Restriction on grant of recreational wildlife harvesting licences<sup>75</sup>**

#### **215      Restriction on grant of licence to children if weapons involved**

The chief executive can not grant to a child less than 17 years a recreational wildlife harvesting licence that allows the holder of the licence to take an animal by using a weapon.

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<sup>75</sup> See also the *Nature Conservation Plan (Eulo Lizard Races) Conservation Plan 1995*, section 5 (Licence) for a restriction on grant for a recreational wildlife licence for a conservation plan lizard.

**216 Restriction on grant of licence for macropods**

The chief executive may grant a recreational wildlife harvesting licence for a macropod only to a person who has passed a course of training approved by the chief executive for the licence.

**217 Restriction on grant of licence for ducks and quails**

The chief executive may grant a recreational wildlife harvesting licence for ducks and quails only to a person who 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.

**Subdivision 3 Things authorised by recreational wildlife harvesting licence****218 Holder may take, keep, use and process particular animals**

- (1) A holder of a recreational wildlife harvesting licence for an animal may—
  - (a) take an animal of a species identified on the licence from the place stated on the licence as a place from where the animal may be taken; and
  - (b) keep, use, other than sell or give away an animal of a species identified on the licence at the licensed premises for the licence; and
  - (c) process an animal of a species, other than a conservation plan macropod, identified on the licence at the licensed premises for the licence.
- (2) However, subsection (1) does not authorise the holder to buy or accept an animal from another person.
- (3) Also, subsection (1) only authorises—
  - (a) a holder of a recreational wildlife harvesting licence for a conservation plan duck or conservation plan quail to take the duck or quail during a harvest period declared,

under a notice under the *Nature Conservation (Duck and Quail) Conservation Plan 1995*, section 5<sup>76</sup>, for the duck or quail; and

- (b) a holder of a recreational wildlife harvesting licence for a conservation plan macropod to take the macropod during a harvest period declared, under a notice under the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 6,<sup>77</sup> for the macropod.
- (4) This section is subject to any provision of a conservation plan, or a notice declaring a harvest period under a conservation plan, that limits what a holder, or relevant person for the holder, of a recreational wildlife harvesting licence may do under the licence for an animal to which the plan relates.<sup>78</sup>

## **219 Holder may move particular macropods to place of processing**

- (1) This section applies to a holder of a recreational wildlife harvesting licence for macropods who—
- (a) takes a conservation plan macropod under the licence; and
- (b) intends to give the macropod to a person who holds a commercial wildlife licence for dead macropods for processing and reclaim the skin of the macropod after it has been processed.

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76 *Nature Conservation (Duck and Quail) Conservation Plan 1995*, section 5 (Declaration of harvest periods)

77 *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 6 (Declaration of harvest periods)

78 For example, see—

- for a conservation plan duck or conservation plan quail—the *Nature Conservation (Duck and Quail) Conservation Plan 1995*, section 6(b) (Harvesting of ducks and quails); and
- for a conservation plan lizard—the *Nature Conservation (Eulo Lizard Races) Conservation Plan 1995*, section 4 (Definitions), definitions *take and use*; and
- for a conservation plan macropod—the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 7(3) (Harvesting of macropods), definition *use*.

- (2) The holder may, without a wildlife movement permit, move the macropod to and from the licensed premises for the commercial wildlife licence.
- (3) However, subsection (2) does not authorise the movement of more than 50 macropods during a harvest period for the macropod.
- (4) Also, the holder must fill in a movement advice that complies with section 102 for the movement.<sup>79</sup>

Maximum penalty for subsection (4)—50 penalty units.

## **Subdivision 4      Conditions of recreational wildlife harvesting licence**

### **220      Conditions on way animal may be taken**

- (1) A holder of a recreational wildlife harvesting licence for a protected animal may take the animal only—
  - (a) from a location that is not visible to a person other a person also taking an animal from the location; and
  - (b) in a way that causes minimal damage or disturbance to other wildlife or the environment; and
  - (c) by using an approved method for taking the animal; and
  - (d) if the animal is to be taken by killing the animal—by killing the animal in a humane way.

Maximum penalty—120 penalty units.

- (2) Subsection (1) is subject to any provision of a conservation plan, or a notice declaring a harvest period under the

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<sup>79</sup> Section 102 (Requirements for movement advice)

See also part 1, division 2, subdivision 3 (Provisions about movement advices) generally for other requirements about movement advice.

conservation plan, for an animal that states the way the animal may be taken.<sup>80</sup>

(3) In this section—

***approved method***, for taking an animal under a recreational wildlife harvesting licence, means—

- (a) if the chief executive has written the way the animal may be taken on the licence—the method written on the licence; or
- (b) otherwise—
  - (i) a method that is mentioned in a relevant code of practice for the animal as a method by which the animal may be taken; or
  - (ii) another method consistent with the *Animal Care and Protection Act 2001*.

## **221 Requirements about carcasses of animals taken under licence**

(1) A holder of a recreational wildlife harvesting licence who takes, under the licence, an animal by killing the animal must keep the carcass of the animal in a way that ensures it can be easily identified.

Maximum penalty—120 penalty units.

(2) However, the holder may remove a tag or any other thing used to identify the animal if the holder—

- (a) tans the skin of the animal; or
- (b) consumes the meat of the animal.

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80 For example see—

- for a conservation plan duck or conservation plan quail—the *Nature Conservation (Duck and Quail) Conservation Plan 1995*, section 7 (Way duck or quail may be harvested); and
- for a conservation plan lizard—the *Nature Conservation (Eulo Lizard Races) Conservation Plan 1995*, sections 6 to 8; and
- for a conservation plan macropod—the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 6 to 10A.

- (3) Subsections (1) and (2) are subject to any provision of a conservation plan for an animal that states the requirements that apply for identifying the animal.<sup>81</sup>

## **222 Requirement to give return of operations**

A holder of a recreational wildlife harvesting licence for an animal must give the chief executive a return of operations that complies with section 454<sup>82</sup> for the licence.

Maximum penalty—120 penalty units.

## **Division 7 Wildlife demonstrator licences**

### **Subdivision 1 Purpose of division**

#### **223 Purpose of div 7**

- (1) The purpose of this division is to allow a person to keep and use an animal for a travelling or temporary display without adversely affecting the conservation of the animals.
- (2) The purpose is achieved by—
- (a) limiting the things that a person acting under the licence is authorised to do under the licence, including, in particular, limiting the purpose for which an animal may be displayed under the licence to be either for—
    - (i) promoting an understanding of the ecology and conservation of protected, prohibited or international animals; or
    - (ii) a film or television production; and

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81 For a conservation plan macropod, see the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, sections 11 (Harvested macropods to be tagged) and 13 (When tag may be removed).

82 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

- (b) prescribing conditions for persons acting under the licence.

## **Subdivision 2 Things authorised by wildlife demonstrator licence**

### **224 Holder may keep and use particular animals**

- (1) A holder, or a relevant person for the holder, of a wildlife demonstrator licence for an animal may—
  - (a) buy or accept an animal of a species identified on the licence; and
  - (b) keep and use, other than display, an animal of a species identified on the licence at the licensed premises; and
  - (c) display an animal of a species identified on the licence in a travelling or temporary display.
- (2) However, subsection (1) only authorises the holder or relevant person to display an animal for—
  - (a) a film or television production; or
  - (b) an approved display purpose.

## **Subdivision 3 Conditions of wildlife demonstrator licence**

### **225 Restriction on number of live animals that may be kept under licence**

- (1) A holder of a wildlife demonstrator licence must not, unless the holder has written approval from the chief executive, keep more than 30 self-sufficient animals of the same species under the licence.  
Maximum penalty—165 penalty units.
- (2) For subsection (1), the holder keeps an animal under the licence if a relevant person for the holder keeps the animal under the licence.

**226 Condition about minimum number of displays**

- (1) This section applies if a holder is granted a wildlife demonstrator licence for a term of more than 3 months.
- (2) The holder must—
  - (a) ensure animals are displayed, under the licence, at a place other than the licensed premises for the licence at least once in each month for which the licence is granted; and
  - (b) keep, for the period required under section 473,<sup>83</sup> a record of each display of animals that was conducted at a place other than the licensed premises.

Maximum penalty—80 penalty units.

- (3) If asked by a conservation officer, the holder must, unless the holder has a reasonable excuse, produce evidence containing the details of each display of animals that was conducted at a place other than the licensed premises.

Maximum penalty—80 penalty units.

**227 Condition about way animal may be displayed**

- (1) A person who displays an animal under a wildlife demonstrator licence must display the animal in a way that ensures the following are minimised—
  - (a) the likelihood of the animal's escape;
  - (b) the risk of injury to a person;
  - (c) the risk of injury or ill-health to the animal.

Maximum penalty—80 penalty units.

- (2) A person complies with subsection (1) if the person complies with the exhibition code to the extent the code is relevant to the way in which animals should be displayed.

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83 Section 473 (Period for which particular documents must be kept)

- (3) Also, the person must not display an animal that has visible signs of illness or injury unless the holder of the licence has written approval for the display from the chief executive.

Maximum penalty—80 penalty units.

**228 Requirement to supervise animal while being displayed**

- (1) This section applies if a person displays an animal to the public under a wildlife demonstrator licence.
- (2) The person must ensure the animal is supervised by the holder, or relevant person for the holder, of the licence at all times while it is being displayed.

Maximum penalty—80 penalty units.

**229 Restriction on acts animal may be required to do**

- (1) This section applies if a person displays an animal under a wildlife demonstrator licence.
- (2) The person must not require the animal to do an act the animal would not normally do in the wild, unless the holder of the licence has written approval from the chief executive for requiring the animal to do the act.

Maximum penalty—80 penalty units.

**230 Condition about handling dangerous animals**

A holder of a wildlife demonstrator licence must not allow a person to handle a live dangerous or venomous animal kept under the licence unless the person is—

- (a) a relevant person for the holder; and
- (b) has appropriate training for handling the animal.

Maximum penalty—80 penalty units.

**231 Requirement to keep record book**

A holder of a wildlife demonstrator licence must keep a record book supplied by the chief executive for the licence.<sup>84</sup>

Maximum penalty—120 penalty units.

**232 Requirement to give return of operations**

A holder of a wildlife demonstrator licence must give the chief executive a return of operations that complies with section 454<sup>85</sup> for the licence.

Maximum penalty—120 penalty units.

**Division 8 Wildlife exhibitor licences****Subdivision 1 Purpose of division****233 Purpose of div 8**

- (1) The purpose of this division is to allow a person to keep and use an animal for display in an exhibit without adversely affecting the conservation of the animals.
- (2) The purpose is achieved by—
  - (a) requiring additional information to apply for a wildlife exhibitor licence; and
  - (b) allowing the chief executive to grant the licence only for particular exhibits; and
  - (c) limiting the things that a person acting under the licence is authorised to do under the licence, including, in

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84 See chapter 4 (General provisions), part 3 (Provisions about record books) for requirements for record books required to be kept under the Act.

85 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

particular, limiting the purpose for which an animal may be displayed under the licence to be either for—

- (i) promoting an understanding of the ecology and conservation of protected, prohibited or international animals; or
  - (ii) a film or television production; and
- (d) prescribing conditions on persons acting under the licence.

## **Subdivision 2 Additional application requirements**

### **234 Requirement to give particular information for application**

- (1) A person who makes an application for a wildlife exhibitor licence must ensure the application is accompanied by a written notice (an *exhibit notice*)—
  - (a) describing the design of the facilities the person has built, or intends to build, for housing the animals for which the application is made; and
  - (b) stating how the exhibit in which the animal for which the application is made will be displayed complies, or will comply with the requirements, mentioned in section 235, for exhibits for the animal.
- (2) However, if before the application is made, the chief executive becomes aware that the person intends to apply for the wildlife exhibitor licence, the chief executive may, by giving the person a written notice, ask the person to give the chief executive the exhibit notice by a stated earlier time.
- (3) The person must give the information to the chief executive before the stated time.
- (4) If the person does not give the information before the stated time, the chief executive may refuse to grant the licence.

### **Subdivision 3      Restrictions on grant for wildlife exhibitor licences**

#### **235      Exhibit must meet particular criteria**

The chief executive may grant a wildlife exhibitor licence to a person only if the chief executive is satisfied—

- (a) the person has the facilities to comply with the requirements under the exhibition code for exhibits or facilities associated with exhibits, to the extent the requirements are not inconsistent with the prescribed criteria; and
- (b) the exhibit in which the animal for which the application is made will be displayed complies with the prescribed criteria for an exhibit for the animal.

### **Subdivision 4      Things authorised by wildlife exhibitor licence**

#### **236      Holder may keep and use animals**

- (1) A holder, or a relevant person for the holder, of a wildlife exhibitor licence for an animal may—
  - (a) buy or accept an animal of a species identified on the licence; and
  - (b) keep and use, other than display, an animal of a species identified on the licence at the licensed premises; and
  - (c) display an animal of a species identified on the licence in an exhibit at the licensed premises or in a travelling or temporary display.
- (2) However, subsection (1) only authorises the holder or relevant person to display an animal for—
  - (a) a film or television production; or
  - (b) an approved display purpose.

**237 Holder may take and keep sick, injured or orphaned animals**

- (1) A holder, or a relevant person for the holder, of a wildlife exhibitor licence may take and keep an animal that is a sick, injured or orphaned animal of a species identified on the licence.
- (2) The holder—
  - (a) is taken to also hold a rehabilitation permit for the animal; and
  - (b) may do, in relation to the animal, all things that a holder of a rehabilitation permit may do in relation to an animal kept under the permit; and
  - (c) must do, in relation to the animal, all things that a holder of a rehabilitation permit is required to do in relation to an animal kept under the permit.

**238 Holder may take and use protected plant parts**

- (1) A holder, or a relevant person for the holder, of a wildlife exhibitor licence may take and use protected plant parts from a common plant in the wild if the protected plant parts are—
  - (a) taken from a common plant on private land; and
  - (b) used to feed or care for an animal kept under the licence.
- (2) Subsection (1)—
  - (a) applies despite the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 21;<sup>86</sup> and
  - (b) is subject to the requirements under the *Nature Conservation (Protected Plants) Conservation Plan 2000* about taking protected plants.<sup>87</sup>
- (3) This section expires on 31 December 2005.

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<sup>86</sup> *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 21 (Restriction on taking particular protected plant parts)

<sup>87</sup> See, in particular, the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 8 (General requirement for taking protected plants) and 9(2) (Taking of protected plants during harvest period).

(4) In this section—

*private land* means—

- (a) freehold land; or
- (b) land the subject of a lease, under any Act, containing an entitlement to a deed of grant in fee simple.

**239 Holder may engage in unauthorised interaction in particular circumstances**

A holder, or relevant person for the holder, of a wildlife exhibitor licence may, without a commercial wildlife licence (wildlife interaction), engage in an unauthorised interaction for a protected animal, of a species, in the wild if the holder has an approved interaction plan for the species.

**240 Holder may move animal to or from licensed premises for secondary authorities**

A holder, or relevant person for the holder, of a wildlife exhibitor licence (the *primary licence*) who keeps a protected or international animal under the licence may, without a wildlife movement permit, move the animal—

- (a) from the licensed premises for the primary licence to the licensed premises for either of the following (each a *secondary authority*) held by the holder—
  - (i) another wildlife exhibitor licence for the animal;
  - (ii) a permit to keep protected wildlife for the animal;or
- (b) from the licensed premises for the secondary authority to the licensed premises for the primary licence.

## **Subdivision 5      Conditions of wildlife exhibitor licence**

### **241      Condition about way animal may be displayed**

- (1) A person who displays an animal under a wildlife exhibitor licence must display the animal in a way that ensures the following are minimised—
  - (a) the likelihood of the animal's escape;
  - (b) the risk of injury to a person;
  - (c) the risk of injury or ill-health to the animal.

Maximum penalty—80 penalty units.

- (2) A person complies with subsection (1) if the person complies with the exhibition code to the extent the code is relevant to the way in which animals should be displayed.
- (3) Also, the person must not display an animal that has visible signs of illness or injury unless the holder of the licence has written approval for the display from the chief executive.

Maximum penalty for subsection (3)—80 penalty units.

### **242      Requirement to supervise animal while being displayed**

- (1) This section applies if a person displays an animal to the public under a wildlife exhibitor licence.
- (2) The person must ensure the animal is supervised by the holder, or a relevant person for the holder, of the licence at all times while it is being displayed.

Maximum penalty—80 penalty units.

### **243      Restriction on acts animal may be required to do**

- (1) This section applies if a person displays an animal under a wildlife exhibitor licence.
- (2) The person must not require the animal to do an act the animal would not normally do in the wild, unless the holder of the

licence has written approval from the chief executive for requiring the animal to do the act.

Maximum penalty—80 penalty units.

#### **244 Condition about handling dangerous animals**

A holder of a wildlife exhibitor licence must not allow a person to handle a live dangerous or venomous animal kept under the licence unless the person—

- (a) is a relevant person for the holder; and
- (b) has appropriate training in handling the animal.

Maximum penalty—80 penalty units.

#### **245 Particular holders must comply with approved interaction plan**

- (1) This section applies if—
  - (a) a holder of a wildlife exhibitor licence has an approved interaction plan for a species of protected animal; and
  - (b) the holder, or relevant person for the holder, carries out activities mentioned in the plan.
- (2) The holder, or relevant person, must comply with the interaction plan while carrying out the activities.

Maximum penalty—20 penalty units.

#### **246 Particular holders must keep report about particular activities**

- (1) This section applies if—
  - (a) a holder of a wildlife exhibitor licence has an approved interaction plan for a species of protected animal; and
  - (b) the holder, or a relevant person for the holder, carries out activities mentioned in the plan.
- (2) The holder must keep a written report about the activities to the extent they relate to interacting with the animals.

Maximum penalty—20 penalty units.

- (3) The report must include the following information about the activities—
- (a) any identified problems or concerns relating to the activities, including, for example—
    - (i) any increase in illness or injury in the animals the subject of the activities;
    - (ii) any incidence of aggression by animals the subject of the activities against the holder's clients participating in the activities;
    - (iii) any complaint by a member of the public about the impact of the activities on the member's lifestyle or interests;
  - (b) how the problems or concerns mentioned in paragraph (a) were identified and resolved.
- (4) The holder must—
- (a) keep the report in a secure place at the licensed premises for the licence, for the period required under section 473;<sup>88</sup> and
  - (b) if asked by a conservation officer, make the report available for inspection by the officer.

Maximum penalty for subsection (4)—20 penalty units.

## **247 Requirement to keep record book**

A holder of a wildlife exhibitor licence must keep a record book supplied by the chief executive for the licence.<sup>89</sup>

Maximum penalty—120 penalty units.

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88 Section 473 (Period for which particular documents must be kept)

89 See chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements for record books required to be kept under the Act.

**248 Requirement to give return of operations**

A holder of a wildlife exhibitor licence must give the chief executive a return of operations that complies with section 454<sup>90</sup> for the licence.

Maximum penalty—120 penalty units.

**Division 9 Wildlife farming licences****Subdivision 1 Purpose of division****249 Purpose of div 9**

- (1) The purpose of this division is to allow particular persons to farm a protected animal without adversely affecting the conservation of the animal.
- (2) The purpose is achieved by—
  - (a) allowing the chief executive to grant a wildlife farming licence only in limited circumstances; and
  - (b) restricting the things that a person may do under the licence; and
  - (c) prescribing conditions on persons acting under the licence.

**Subdivision 2 Restriction on grant of wildlife farming licences****250 Restriction on animals for which licence may be granted**

The chief executive may grant a wildlife farming licence for only a farm animal.

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90 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

**251 Restriction on grant of licence for particular reptiles**

- (1) This section applies only to a reptile of the family Elapidae, Hydrophiidae or Laticaudidae.
- (2) The chief executive may grant a wildlife farming licence for the reptile only if the chief executive is satisfied the reptile is to be kept for collecting venom to produce antivenene for humans.

**Subdivision 3 Things authorised by wildlife farming licences****252 Holder may keep, use and process animals**

- (1) A holder, or a relevant person for the holder, of a wildlife farming licence may—
  - (a) buy or accept an animal of a species identified on the licence; and
  - (b) keep, use, other than display, and process an animal of a species identified on the licence at the licensed premises for the licence; and
  - (c) display a live animal of a species identified on the licence at the licensed premises for the licence or in a travelling or temporary display.
- (2) However, subsection (1) only authorises the holder or relevant person to display an animal for an approved display purpose.

**Subdivision 4 Conditions of wildlife farming licence****253 Requirement about identifying animal taken from the wild**

- (1) This section applies if a holder of a wildlife farming licence keeps, under the licence, an animal that was taken from the wild.

- (2) The holder must ensure the animal is identified in the way approved for the animal by the chief executive.

Maximum penalty—80 penalty units.

## **254 Condition about sampling or implanting particular reptiles**

- (1) This section applies if a holder of a wildlife farming licence keeps a reptile of the family Elapidae, Hydrophiidae or Laticaudidae under the licence.
- (2) The holder must ensure either—
- (a) a biological tissue sample is taken from the reptile, or its offspring, and given to an approved scientific institution; or
  - (b) an approved electromagnetic implant is inserted into the reptile, or its offspring, and the chief executive is given a written notice stating the identification code for the implant.

Maximum penalty—165 penalty units.

## **255 Condition about complying with relevant code**

- (1) A holder, or a relevant person for the holder, of a wildlife farming licence for crocodiles must comply with the crocodile code to the extent the code relates to the way a farm crocodile must be kept and used.

Maximum penalty—80 penalty units.

- (2) A holder, or a relevant person for the holder, of a wildlife farming licence for emus must comply with the emu code when to the extent the code relates to the way a farm emu must be kept and used.

Maximum penalty—80 penalty units.

- (3) In this section—

*crocodile code* means the document called ‘Code of practice—Crocodile farming’, approved by the chief executive under section 174A<sup>91</sup> of the Act.

## **256 Condition about way animal may be displayed**

- (1) A person displaying an animal under a wildlife farming licence must display the animal in a way that ensures the following are minimised—
  - (a) the likelihood of the animal’s escape;
  - (b) the risk of injury to a person;
  - (c) the risk of injury or ill-health to the animal.

Maximum penalty—80 penalty units.

- (2) A person complies with subsection (1) if the person complies with the exhibition code to the extent the code is relevant to the way in which animals should be displayed.
- (3) Also, the person must not display an animal that has visible signs of illness or injury unless the holder of the licence has written approval for the display from the chief executive.

Maximum penalty—80 penalty units.

## **257 Animal must be supervised while being displayed**

- (1) This section applies if a person displays an animal to the public under a wildlife farming licence.
- (2) The person must ensure the animal is supervised by the holder, or a relevant person for the holder, of the licence at all times while it is being displayed.

Maximum penalty—80 penalty units.

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91 Section 174A (Chief executive may make codes of practice) of the Act

Note, a copy of the code of practice is open for public inspection, during office hours on business days, at the department’s head office at 160 Ann Street, Brisbane and each regional office of the department (see section 174A(3) of the Act).

**258 Restriction on acts animal may be required to do**

- (1) This section applies if a person displays an animal under a wildlife farming licence.
- (2) The person must not require the animal to do an act the animal would not normally do in the wild, unless the holder of the licence has written approval from the chief executive for requiring the animal to do the act.

Maximum penalty—80 penalty units.

**259 Condition about handling dangerous animals**

A holder of a wildlife farming licence must not allow a person to handle a live dangerous or venomous animal kept under the licence unless the person—

- (a) is a relevant person for the holder; and
- (b) has appropriate training for handling the animal.

Maximum penalty—80 penalty units.

**260 Requirement to keep record book**

A holder of a wildlife farming licence must keep a record book supplied by the chief executive for the licence.<sup>92</sup>

Maximum penalty—120 penalty units.

**261 Requirement to give return of operations**

A holder of a wildlife farming licence must give the chief executive a return of operations that complies with section 454<sup>93</sup> for the licence.

Maximum penalty—120 penalty units.

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92 See chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements for record books required to be kept under the Act.

93 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

**Division 10            Museum licences****Subdivision 1        Preliminary****262    Purpose of div 10**

- (1) The purpose of this division is to allow a State museum to take, keep and use a protected, international or prohibited animal without adversely affecting the conservation of the animals.
- (2) The purpose is achieved by—
  - (a) limiting the things that a person acting under a museum licence is authorised to do under the licence; and
  - (b) prescribing conditions on persons acting under the licence.

**263    Definition for div 10**

In this division—

*State museum* means a non-profit institution that—

- (a) is owned or administered by the Commonwealth or a State; and
- (b) has, as a function, the preservation of information in any branch of the natural sciences about animals.

**Subdivision 2        Restrictions on grant of museum licences****264    Restriction on persons to whom licence may be granted**

The chief executive may grant a museum licence only to a State museum.

**265 Restriction on animals for which licence may be granted**

The chief executive may grant a museum licence only for any of the following—

- (a) a live or dead protected or international animal;
- (b) a dead prohibited animal.

**266 Restriction on grant of licence authorising display**

- (1) The chief executive may grant a museum licence allowing a State museum to display, under the licence, a live protected or international animal in an exhibit only if the chief executive is satisfied—
  - (a) the museum has the facilities to comply with the requirements under the exhibition code for exhibits or facilities associated with exhibits, to the extent the requirements are not inconsistent with the prescribed criteria; and
  - (b) the exhibit in which the animal for which the application is made will be displayed complies with the prescribed criteria for an exhibit for the animal.
- (2) For subsection (1), the chief executive grants a museum licence allowing the State museum to display a live protected or international animal if the chief executive writes on the licence that the State museum may display the live animal under the licence.

**Subdivision 3 Things authorised by museum licences****267 Holder may take, keep, use and process particular animals**

- (1) A holder, or a relevant person for the holder, of a museum licence for a protected, international or prohibited animal may—

- (a) take a protected animal of a species identified on the licence from the place stated on the licence from where the animal may be taken; and
  - (b) buy or accept an animal of a species identified on the licence; and
  - (c) keep, use and process a live protected or international animal, or dead prohibited animal, of a species identified on the licence at the licensed premises for the licence; and
  - (d) if the chief executive has written on the licence that the holder may display, under the licence, a live protected or international animal of a species identified on the licence—display a live animal of a species on the licence at the licensed premises for the licence.
- (2) However, subsection (1) does not authorise the holder or relevant person to—
- (a) take, keep, use or process an animal for a bioprospecting activity; or
  - (b) take an animal for display as a live animal.

*Note—*

The holder of a museum licence could also be granted 1 or more other licences under this regulation authorising the holder to take, keep, use or process animals for a bioprospecting activity.

- (3) Also, subsection (1) only authorises the holder or relevant person to display a live animal for an approved display purpose.

## **Subdivision 4      Conditions of museum licences**

### **268      Where animals may be displayed**

A person displaying a live animal under a museum licence must display the animal in permanent enclosures that form an integral part of the display.

Maximum penalty—80 penalty units.

**269 Condition about way animal may be displayed**

(1) A person who displays a live animal under a museum licence must display the animal in a way that ensures the following are minimised—

- (a) the likelihood of the animal's escape;
- (b) the risk of injury to a person;
- (c) the risk of injury or ill-health to the animal.

Maximum penalty—80 penalty units.

(2) A person complies with subsection (1) if the person complies with the exhibition code to the extent the code is relevant to the way in which animals should be displayed.

(3) Also, the person must not display an animal that has visible signs of illness or injury unless the holder of the licence has written approval for the display from the chief executive.

Maximum penalty—80 penalty units.

**270 Requirement to supervise animal while being displayed**

(1) This section applies if a person displays a live animal to the public under a museum licence.

(2) The person must ensure the animal is supervised by the holder, or a relevant person for the holder, at all times while it is being displayed.

Maximum penalty—80 penalty units.

**271 Restriction on acts animal may be required to do**

(1) This section applies if a person displays a live animal under a museum licence.

(2) The person must not require the animal to do an act the animal would not normally do in the wild, unless the holder of the licence has written approval from the chief executive for requiring the animal to do the act.

Maximum penalty—80 penalty units.

**272 Condition about handling dangerous animals**

A holder of a museum licence must not allow a person to handle a live dangerous or venomous animal kept under the licence unless the person—

- (a) is a relevant person for the holder; and
- (b) has appropriate training for handling the animal.

Maximum penalty—80 penalty units.

**273 Requirement to keep record book**

A holder of a museum licence must keep a record book supplied by the chief executive for the licence.<sup>94</sup>

Maximum penalty—120 penalty units.

**274 Requirement to give return of operations**

A holder of a museum licence for an animal must give the chief executive a return of operations that complies with section 454<sup>95</sup> for the licence.

Maximum penalty—120 penalty units.

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94 See chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements for record books required to be kept under the Act.

95 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

## **Part 5**                      **Permits for taking, keeping or using animals**

### **Division 1**                **Preliminary**

#### **275**    **Permits that may be granted**

The chief executive may grant the following permits under this part—

- (a) damage mitigation permit;
- (b) educational purposes permit;
- (c) permit to keep protected wildlife;
- (d) rehabilitation permit;
- (e) scientific purposes permit;
- (f) commercial whale watching permit.

### **Division 2**                **General restrictions on grant for all permits**

#### **276**    **General restriction on grant of permits to children**

The chief executive may grant a permit to a child only if—

- (a) the child and the child's parents or guardians live at the premises for which the permit is granted; and
- (b) the chief executive is satisfied the parents or guardians will supervise the child while the child is carrying out activities under the permit; and
- (c) the chief executive states the name of the parents or guardians on the permit.

**277 Restriction on grant of particular permits to children if weapon involved**

The chief executive can not grant any of the following permits to a child if the permit is for an activity for which a weapon is to be used—

- (a) a damage mitigation permit;
- (b) an educational purposes permit;
- (c) a scientific purposes permit.

**Division 3 Damage mitigation permits****Subdivision 1 Purpose of division****278 Purpose of div 3**

The purpose of this division is to allow a person to take, keep and use a protected animal if the animal—

- (a) is causing, or may cause, damage to property; or
- (b) represents a threat to human health or wellbeing.

**Subdivision 2 Restrictions on grant of damage mitigation permit****279 Restriction on animals for which permit may be granted**

The chief executive may grant a damage mitigation permit only for a—

- (a) a common animal; or
- (b) an endangered, vulnerable or rare animal if a conservation plan allows a holder of a damage mitigation permit to take the animal under the permit.

**280 Restriction on purposes for which permit may be granted**

The chief executive may grant a damage mitigation permit only for 1 or both of the following purposes—

- (a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
- (b) to prevent or minimise a threat, or potential threat, to human health and wellbeing caused by a protected animal.

**281 Restriction on grant of permit for damage or loss**

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

- (a) the animal is causing, or may cause, damage; and
- (b) the land-holder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
- (c) if the damage is not prevented or controlled—
  - (i) individuals may suffer significant economic loss;  
or
  - (ii) the ecological sustainability of nature is likely to be harmed; and
- (d) action under the permit will not adversely affect the survival in the wild of the animal; and
- (e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

*Examples, for paragraph (b), of action that may be taken to prevent or minimise damage caused by an animal—*

1. Taking measures, for example, installing a fence or other enclosure, to prevent the animal from accessing the land, or property on the land, on which the animal is causing or may cause damage.

2. Using an audio or visual device or other thing to deter the animal from accessing the land, or property on the land, on which the animal is causing or may cause damage.

## **282 Restriction on grant of permit for threat to human health and wellbeing**

The chief executive may grant a damage mitigation permit for a threat, or potential threat, to human health and wellbeing caused by a protected animal only if the chief executive is satisfied—

- (a) there is, or may be, a threat to a person's health and wellbeing resulting from harm caused by the animal to the person; and
- (b) action under the permit will not detrimentally affect the survival of the animal in the wild; and
- (c) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal; and
- (d) if the animal is a protected reptile—
  - (i) the reptile will be released into the wild; or
  - (ii) a conservation plan for the reptile allows a holder of a damage mitigation permit to keep the reptile under the permit.

## **Subdivision 3 Things authorised by damage mitigation permit**

### **283 Holder may take, keep and use particular animals**

- (1) A holder, or a relevant person for the holder, of a damage mitigation permit may do the following—
  - (a) take an animal of a species identified on the permit from the place stated on the permit from where the animal may be taken;
  - (b) if it is stated on the permit that the holder may remove or otherwise deal with an animal breeding place used by

- the animal—remove the place or deal with the place in the way stated on the permit;
- (c) if it is stated on the permit that the holder may release the animal—release the animal into habitat suitable for the animal;
  - (d) keep and use an animal of a species identified on the permit at the licensed premises for the permit.
- (2) However, subsection (1) only authorises the holder or relevant person to keep and use the animal if a conservation plan for the animal allows the holder of a damage mitigation permit to keep and use the animal.
- (3) This section is subject to any provisions of a conservation plan that limits what a holder, or relevant person for the holder, of a damage mitigation permit may do under the permit for an animal to which the conservation plan relates.

## **Subdivision 4      Condition of damage mitigation permit**

### **284      Requirement to give return of operations**

A holder of a damage mitigation permit for an animal must give the chief executive a return of operations that complies with section 454<sup>96</sup> for the permit.

Maximum penalty—120 penalty units.

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96 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

**Division 4                    Educational purposes permits****Subdivision 1            Purpose of division****285    Purpose of div 4**

The purpose of this division is to allow particular persons to take, use or keep a protected animal for a genuine educational purpose.

**Subdivision 2            Restriction on grant for educational purposes permit****286    Restriction on persons to whom permit may be granted**

- (1) The chief executive may grant an educational purposes permit for a protected animal to a person only if—
  - (a) for an individual—the chief executive is satisfied the person—
    - (i) either—
      - (A) holds a tertiary qualification relevant to the activities to be carried out under the permit; or
      - (B) has demonstrated experience and knowledge in relation to the activities to be carried out under the permit; and
    - (ii) has experience in the care and husbandry of the species of animals for which the permit is to be granted; or
  - (b) for a corporation—the corporation is an educational institution or organisation.

**287    Restriction on purposes for which permit may be granted**

The chief executive may grant an educational purposes permit for a protected animal only if the chief executive is satisfied—

- (a) the purpose for which the animal is proposed to be taken, used or kept under the permit is a genuine educational purpose; and
- (b) the applicant for the permit will not, or does not intend to, make a financial benefit from taking, keeping or using the animal under the permit.

### **Subdivision 3      Things authorised by educational purposes permit**

#### **288      Holder may take, keep and use particular animals**

- (1) A holder, or a relevant person for a holder, of an educational purposes permit may—
  - (a) if the chief executive has written on the permit that the holder of the permit may take an animal of a species identified on the permit—take an animal of a species identified on the permit from the place stated on the permit as the place from where the animal may be taken; and
  - (b) buy or accept an animal of a species identified on the permit; and
  - (c) keep and use, other than sell or give away, an animal of a species identified on the permit at the licensed premises for the permit.
- (2) However, subsection (1) does not authorise the holder or relevant person to use the animal for a commercial purpose.

## **Subdivision 4      Condition of educational purposes permit**

### **289      Requirement to give return of operations**

A holder of an educational purposes permit for an animal must give the chief executive a return of operations that complies with section 454<sup>97</sup> for the permit.

Maximum penalty—120 penalty units.

## **Division 5              Permit to keep protected wildlife**

### **Subdivision 1      Purpose of division**

#### **290      Purpose of div 5**

The purpose of this division is to allow a person to keep a protected animal if there is no other licence, permit or other authority under the Act that would be appropriate for allowing the person to keep the animal.

### **Subdivision 2      Restriction on grant of permit to keep protected wildlife**

#### **291      Restriction on purposes for which permit may be granted**

The chief executive may grant a permit to keep protected wildlife for a protected animal only for 1 or more of the following purposes—

- (a) to keep an animal taken under a rehabilitation permit;

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97 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

- (b) to keep an animal that has been taken and kept under a law of another State;
- (c) to temporarily keep an animal that has been kept and used under a relevant authority, other than a rehabilitation permit, that has ended;
- (d) to keep an animal that is being kept and used under a wildlife exhibitor licence, wildlife farming licence or museum licence.

**295 Restriction on grant of permit for animals taken under rehabilitation permit**

- (1) This section applies to a protected animal taken under a rehabilitation permit.
- (2) The chief executive may grant a permit to keep protected wildlife for the animal to a person only if—
  - (a) the chief executive reasonably believes the animal will not, or is unlikely to, survive in the wild, including, for example, because of the nature of the animal's sickness or injury; and
  - (b) the chief executive has notified the holder of the permit, in writing, that the animal must not be returned to the wild; and
  - (c) for an animal other than a relevant protected animal—the chief executive is satisfied the animal will contribute to the rehabilitation of animals of the same species or closely related species; and
  - (d) if there is an approved captive breeding program for animals of the same species—the person is a participant in the captive breeding program
- (3) In this section—

***approved captive breeding program***, for a species of animal, means a program for the captive breeding for the species that has been approved by the chief executive.

**293 Restriction on grant of permit for animal from another State**

- (1) This section applies to a person who—
  - (a) resides or has resided in another State; and
  - (b) has kept, in that other State, a protected animal under a law of that other State.
- (2) The chief executive may grant a permit to keep protected wildlife for the animal to the person only if the chief executive is satisfied—
  - (a) the person resides, or intends to reside, in the State; and
  - (b) the person intends to keep the animal for the term of its natural life; and
  - (c) the person intends to keep, but not use, the animal under the permit.

**294 Restriction on grant of permit for animal kept under expired authority**

- (1) This section applies if—
  - (a) a person kept a live protected animal under a relevant authority, other than a rehabilitation permit; and
  - (b) the authority has ended or is about to end.
- (2) The chief executive may grant a permit to keep protected wildlife for the animal to the person only if—
  - (a) the animal is not a relevant protected animal; and
  - (b) the chief executive is satisfied the person intends—
    - (i) to keep, but not use, the animal under the permit; and
    - (ii) to keep the animal under the permit only temporarily.

**295 Restriction on grant of permit to holders of particular authorities**

- (1) This section applies if a holder of a wildlife exhibitor licence, wildlife farming licence or museum licence keeps a live protected animal under the licence.
- (2) The chief executive may grant a permit to keep protected wildlife for the animal to the holder only if the chief executive is satisfied the person intends to keep, but not use, the animal under the permit.

**Subdivision 3 Things authorised by permit to keep protected wildlife****296 Holder may keep animal**

A holder of a permit to keep protected wildlife for a protected animal may keep an animal of a species identified on the permit at the licensed premises for the licence.

**297 Holder may move animal to another holder if no longer keeping animals**

- (1) This section applies if—
  - (a) a holder of a permit to keep protected wildlife keeps an animal under the permit; and
  - (b) the holder—
    - (i) has decided to dispose of all animals kept by the holder; or
    - (ii) is no longer able to keep the animal because the holder's personal circumstances have changed; and

*Examples for subparagraph (ii)—*

1. The person is no longer able to keep the animal because of injury, illness or old age.
2. The person is no longer able to keep the animal because the person has moved to a place where the person cannot keep the animal because the place does not have the appropriate facilities to keep the animal

or is not large enough to keep all the animals the person usually keeps.

- (c) the holder has written approval from the chief executive to give the animal to another holder of a permit to keep protected wildlife for the animal.
- (2) The holder may move, without a wildlife movement permit, the animal to the place where the other holder intends to keep the animal.

### **298 Holder may move animal to an institution if asked by chief executive**

- (1) This section applies if—
  - (a) a holder of a permit to keep protected wildlife keeps an animal under the permit; and
  - (b) the chief executive has asked the holder to give the animal to a zoological institution for captive breeding.
- (2) The holder may, without a wildlife movement permit, move the animal to the zoological institution.

### **299 Holder may move particular birds**

- (1) This section applies if the holder of a permit to keep protected wildlife—
  - (a) keeps only 1 bird under the permit; and
  - (b) the bird suffers from a behavioural disorder known as human imprinting.
- (2) The holder may, without a wildlife movement permit, move the bird to or from any place within the State.

## **Subdivision 4 Conditions of permits to keep protected wildlife**

### **300 Condition about breeding**

- (1) A holder of a permit to keep protected wildlife who keeps an animal, other than a bird, under the permit must not allow the

animal to breed unless the holder of the permit has written approval for the breeding from the chief executive.

Maximum penalty—165 penalty units.

- (2) Also, the holder must, if asked by the chief executive, give the chief executive a certificate from a veterinary surgeon stating the animal kept under the permit is incapable of breeding because of permanent surgical or chemical sterilisation.

Maximum penalty—20 penalty units.

### **301 Requirement to keep record book**

- (1) This section applies if a holder of a permit to keep protected wildlife keeps an animal under the permit that is breeding, or has bred, while being kept by the holder under the permit.
- (2) The holder must keep a record book supplied by the chief executive for the permit.<sup>98</sup>

Maximum penalty—120 penalty units.

### **302 Requirement to give return of operations**

- (1) This section applies to a holder of a permit to keep protected wildlife if—
- (a) the holder keeps an animal under the permit; and
  - (b) either—
    - (i) the holder is required to keep a record book for the animal; or
    - (ii) the animal dies or escapes.

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<sup>98</sup> See chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements for record books required to be kept under the Act.

- (2) The holder must give the chief executive a return of operations that complies with section 454<sup>99</sup> for the permit.

Maximum penalty—120 penalty units.

## **Division 6                    Rehabilitation permits**

### **Subdivision 1            Purpose of division**

#### **303    Purpose of div 6**

The purpose of this division is to allow particular persons to care for and rehabilitate—

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

### **Subdivision 2            Restrictions on grant of rehabilitation permits**

#### **304    Restriction on persons to whom permit may be granted**

The chief executive can not grant a rehabilitation permit for a protected animal to a person unless the chief executive is satisfied the person intends to rehabilitate the animal and return it to an appropriate natural habitat for the animal.<sup>100</sup>

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<sup>99</sup> Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

<sup>100</sup> See also the *Nature Conservation (Dugong) Conservation Plan 1999*, section 4 (Restriction on grant of rescue permits for dugong) for an additional restriction on grant for rehabilitation permits for dugong.

**305 Restriction on grant of permit to voluntary wildlife care associations**

The chief executive can not grant a rehabilitation permit for a protected animal 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.

**306 Restriction on animals for which permit may be granted**

The chief executive may grant a rehabilitation permit only for a protected animal.

**Subdivision 3 Things authorised by rehabilitation permits****307 Holder may obtain and keep particular animals**

- (1) The holder, or a relevant person for the holder, of a rehabilitation permit may do any of the following—
  - (a) obtain and keep a sick, injured or orphaned animal of a species identified on the permit;
  - (b) obtain and keep an animal of a species identified on the permit whose habitat has been destroyed by human activity or a natural disaster;
  - (c) if stated on the rehabilitation permit—obtain and keep an animal of a species identified on the permit whose habitat is about to be destroyed by human activity.
- (2) However, subsection (1) only authorises the holder or relevant person to keep the animal at the holder's or person's place of residence.
- (3) Also, the holder of the permit may limit the species of animals that a relevant person may obtain or keep under the permit by

giving the person a copy of the permit with the animals the person may not obtain or keep crossed out.

(4) In this section—

**obtain**, an animal, means take the animal or accept the animal from another person.

### **308 Holders may take particular dead animals for feeding particular animals**

(1) The holder, or a relevant person for the holder, of a rehabilitation permit for a bird of prey may take a dead common animal, other than the following, if the dead animal is taken to feed the bird of prey kept under the permit—

- (a) echidna (*Tachyglossus aculeatus*);
- (b) koala (*Phascolarctos cinereus*);
- (c) platypus (*Ornithorhynchus anatinus*).

(2) In this section—

**bird of prey** means a bird of any of the following families—

- (a) Accitripidae;
- (b) Falconidae;
- (c) Strigidae.

### **309 Particular holders may display particular animals**

(1) This section applies if—

- (a) the holder of a rehabilitation permit is a voluntary wildlife care association; and
- (b) the chief executive has given the holder a written approval allowing the person to display an animal kept under the permit.

(2) The holder, or a relevant person for the holder, may display the animal.

(3) For subsection (1)(b), the chief executive may give the written approval only if the chief executive is satisfied—

- (a) the animal does not have any visible signs of illness or injury; and
- (b) the purpose of the display is—
  - (i) an approved display purpose; or
  - (ii) to raise funds to assist in providing care and treatment for animals kept under the permit.

### **310 Holder may move animals in particular circumstances**

A holder of a rehabilitation permit who keeps a protected animal under the permit may, without a wildlife movement permit, move the animal—

- (a) from the place where the animal is kept under the permit to—
  - (i) a place, within the State, where the holder of another rehabilitation permit is to care for the animal; or
  - (ii) to an appropriate natural habitat; or
  - (iii) if the chief executive has asked the holder to give the animal to another person—to the place where the other person intends to keep the animal; or
- (b) if the holder is a volunteer wildlife care association—to and from the place where the wildlife is to be displayed if the holder has written approval from the chief executive for the display.

## **Subdivision 4 Conditions of rehabilitation permits**

### **311 Condition about way animal must be kept**

- (1) A person who keeps an animal under a rehabilitation permit must keep the animal in a way that will, or is likely to, rehabilitate the animal so that it can be returned to the wild.

Maximum penalty—80 penalty units.

- (2) A person complies with subsection (1) if the person keeps the animal in a way that complies with the rehabilitation code to

the extent the code provides for how an animal should be rehabilitated.

(3) In this section—

*rehabilitation code* means the document called ‘Code of Practice—Care of Orphaned, Sick or Injured Protected Animals by Wildlife Care Volunteers’, approved by the chief executive under section 174A<sup>101</sup> of the Act.

### **312 Condition about returning animal to natural habitat**

- (1) A person who keeps an animal under a rehabilitation permit must return the animal to an appropriate natural habitat for the animal—
- (a) if the chief executive has stated on the permit that the animal must be returned to the wild on a particular day—the particular day; or
  - (b) otherwise—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 escapes; or
  - (b) the chief executive has given the holder of the permit a written notice stating that the animal should not be returned to the wild.

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101 Section 174A (Chief executive may make codes of practice) of the Act

Note, a copy of the code of practice is open for public inspection, during office hours on business days, at the department’s head office at 160 Ann Street, Brisbane and each regional office of the department (see section 174A(3) of the Act).

## **Division 7            Scientific purposes permit**

### **Subdivision 1        Preliminary**

#### **313    Purpose of div 7**

The purpose of this division is to allow particular persons to take, keep or use a protected, international or prohibited animal only for conducting scientific research for a genuine scientific purpose.

#### **314    Definitions for div 7**

In this division—

*minimum distance*, for a whale or dolphin, means the minimum distance permitted under the *Nature Conservation (Whales and Dolphins) Conservation Plan 1997*.<sup>102</sup>

*scientific research*, in relation to a whale or dolphin, includes research involving any 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 floating platform for commercial filming of whales or dolphins;
- (e) approaching a whale or dolphin, at a closer distance than the minimum distance for the whale or dolphin, for interacting with or observing the whale or dolphin.

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<sup>102</sup> See the *Nature Conservation (Whales and Dolphins) Conservation Plan 1997*, section 6 (Proximity to whales or dolphins) or, for special interest whales or dolphins, 18 (Person must not bring boat or aircraft closer to whale or dolphin).

## **Subdivision 2      Restrictions on grant of scientific purposes permit**

### **315      Restriction on persons to whom permit may be granted**

- (1) The chief executive may grant a scientific purposes permit to a person only if—
  - (a) the person is, or is associated with, any of the following—
    - (i) a tertiary or other institution administered by the Commonwealth or a State; or
    - (ii) an entity that is involved in scientific research; and
  - (b) if the person is an individual—the individual—
    - (i) is receiving, or has completed, postgraduate training in scientific research relevant to the activities the person proposes to carry out under the permit; or
    - (ii) has achieved a satisfactory level of competence in scientific research relevant to the activities the person proposes to carry out under the permit.
- (2) Also, the chief executive may grant a scientific purposes permit to a person associated with an institution or entity only if the chief executive is satisfied the way the scientific purpose is to be achieved is consistent with the requirements of the institution or entity.

### **316      Restriction on grant of permit allowing animal to be taken**

- (1) The chief executive may grant a scientific purposes permit for a protected animal allowing the holder to take the animal only if the chief executive is satisfied—
  - (a) the animal is to be taken, kept, used or processed for research that will, or is likely to, make a significant contribution to community knowledge about the matter for which the research is carried out; and
  - (b) the animal is not intended to be taken, kept, used or processed for a commercial purpose; and

- (c) it is necessary to take the animal from the wild, including, for example, because there are no animals of the same species in captivity that are available or appropriate for the research that is to be carried out under the permit.
- (2) For subsection (1), the chief executive grants a scientific purposes permit allowing the holder to take a protected animal if the chief executive writes on the permit that the holder may take the animal.

### **317 Restriction on grant of permit for whales or dolphins**

- (1) The chief executive may grant a scientific purposes permit for whales or dolphins only if the whale or dolphin is to be taken, kept, used or processed for scientific research that has been recommended by—
  - (a) the scientific advisory committee; or
  - (b) a person who is recognised in the whale or dolphin research community as a person who is highly experienced and qualified in research about whales or dolphins.
- (2) In this section—

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

*whale or dolphin research community* means the group of academics in the field of research about whales or dolphins.

## **Subdivision 3 Things authorised by scientific purposes permit**

### **318 Holder may take, keep, use and process animals**

- (1) A holder, or a relevant person for the holder, of a scientific purposes permit may—
  - (a) if the chief executive has written on the permit that the holder of the permit may take an animal of a species identified on the permit—take an animal of a species

identified on the permit from the place stated on the permit as a place from where the animal may be taken; and

- (b) keep, use, other than sell or give away, and process the animal identified on the permit at the licensed premises for the permit.
- (2) Also, the holder, or a relevant person for the holder, may give a part of an animal kept under the permit to a person who intends to keep and use the part of the animal under section 156.<sup>103</sup>

## **Subdivision 4      Condition of scientific purposes permit**

### **319      Requirement to give return of operations**

A holder of a scientific purposes permit for an animal must give the chief executive a return of operations that complies with section 454 for the permit.<sup>104</sup>

Maximum penalty—120 penalty units.

## **Division 8              Commercial whale watching permit**

### **Subdivision 1      Purpose of division**

#### **320      Purpose of div 8**

The purpose of this division is to allow particular persons to observe or interact with a whale for a commercial purpose in

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103 Section 156 (Exemption for educational or scientific purposes)

104 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

areas outside protected areas or other areas managed under the *Marine Parks Act 1982*.<sup>105</sup>

## **Subdivision 2      Restriction on grant of commercial whale watching permit**

### **321      General restriction on grant of commercial whale watching permit**

The chief executive can not grant a commercial whale watching permit unless the chief executive is satisfied—

- (a) the area proposed for whale watching is appropriate for whale watching, having regard to—
  - (i) any potential impact whale watching may have on whales, their behaviour, and migration patterns in the area; 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) the content and presentation of any education program provided as part of the whale watching is of an appropriate standard.

### **322      Restriction on areas for which permit may be granted**

- (1) The chief executive can not grant a commercial whale watching permit for the following areas—
  - (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 whale and dolphin management program;

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<sup>105</sup> See also the *Nature Conservation (Whales and Dolphins) Conservation Plan 1997*, section 10 (Commercial whale watching).

- (b) Queensland waters between latitude 24°30' south and latitude 25°30' south if there are 20 or more current permits for the area;<sup>106</sup>
- (c) Queensland waters between latitude 25°30' south and latitude 27°05' south including all waters in Moreton Bay west of Moreton, North Stradbroke and South Stradbroke Islands if there are 3 or more current permits for the area;<sup>107</sup>
- (d) Queensland waters south of latitude 27°05' south excluding all waters in Moreton Bay west of Moreton, North Stradbroke and South Stradbroke Islands.<sup>108</sup>

(2) In this section—

*current permit* means—

- (a) a permission under the *Marine Parks Act 1982*; and
- (b) a commercial whale watching permit granted under this part.

*whale and dolphin management program* means the management program for the conservation of whales and dolphins in Queensland that forms part of the document called 'Conservation and management of whales and dolphins in Queensland 1997–2001', published by the department.<sup>109</sup>

### **Subdivision 3 Things authorised by commercial whale watching permit**

#### **323 Holder may search, approach and observe whales**

- (1) A holder, or a relevant person for the holder, of a commercial whale watching permit may—

<sup>106</sup> Latitude 24°30' south is approximately 20 km north of Sandy Cape and latitude 25°30' is approximately 35 km north of Inskip Point.

<sup>107</sup> Latitude 25°30' south is approximately 35 km north of Inskip Point and latitude 27°05' south is approximately 6 km south of Cape Moreton.

<sup>108</sup> Latitude 27°05' south is approximately 6 km south of Cape Moreton.

<sup>109</sup> A copy of the document is available for inspection or purchase at the department's head office and regional offices.

- (a) search for or approach a whale; and
  - (b) take persons on a commercial tour to observe a whale if the observation does not disturb or interfere with the whale.
- (2) However, subsection (1) is subject to the prohibitions and other requirements for whales or dolphins, under the *Nature Conservation (Whales and Dolphins) Conservation Plan 1997*.<sup>110</sup>
- (3) In this section—
- commercial tour** means a tour conducted for a commercial purpose.

## **Part 6**                      **Authorities for taking, keeping or using animals**

### **Division 1**                **Preliminary**

#### **324**     **Authorities that may be granted**

The chief executive may grant the following authorities for a protected animal—

- (a) an Aboriginal tradition authority;
- (b) an Island custom authority;
- (c) a collection authority to keep a collection of dead protected wildlife;
- (d) a collection authority to take and keep common wildlife.

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<sup>110</sup> See in particular, the *Nature Conservation (Whales and Dolphins) Conservation Plan 1997*, sections 6 (Proximity to whales or dolphins), 7 (Protection of whales and dolphins), 11 (Restriction in area of special interest for whales), 12 (Filming of whales) and 18 (Person must not bring boat or aircraft closer to whale or dolphin).

## **Division 2                    Aboriginal tradition and Island custom authorities**

### **Subdivision 1            Preliminary**

#### **325    Application of div 2**

This division applies only if, under the Act, a person may take, keep or use protected wildlife under Aboriginal tradition or Island custom.<sup>111</sup>

### **Subdivision 2            Restrictions on grant for Aboriginal tradition or Island custom authorities**

#### **326    Restriction on persons to whom authority may be granted**

The chief executive may grant an Aboriginal tradition or Island custom authority for a protected animal only to a corporation whose members represent a community or group of Aborigines or Torres Strait Islanders particularly concerned with the land from where the animal is to be taken.

#### **327    Restriction on circumstances under which authority may be granted**

The chief executive may grant an Aboriginal tradition or Island custom authority for a protected animal only if the chief executive—

- (a) has had regard to any advice given by the corporation named in the application for the authority on the significance, under Aboriginal tradition or Island custom, of the animal covered by the application; and

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111 See section 93 (Aborigines' and Torres Strait Islanders' rights to take etc. protected wildlife) of the Act.

- (b) is satisfied the purpose for which the animal 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 animal.

### **328 Restriction on grant of authority for particular marine animals**

- (1) This section applies to an application for the grant of an Aboriginal tradition or Island custom authority for a vulnerable or rare marine animal in coastal waters of the State adjacent to the Great Barrier Reef Marine Park.
- (2) The chief executive may grant the authority only if the chief executive is satisfied the applicant would be eligible for the grant of a permit under the *Great Barrier Reef Marine Park Act 1975* (Cwlth) allowing the person to take the animal from within the Great Barrier Reef Marine Park.

## **Subdivision 3 Things authorised by Aboriginal tradition or Island custom authorities**

### **329 Holder may take, keep and use particular animals**

- (1) The holder, or a relevant person for the holder, of an Aboriginal tradition or Island custom authority may—
  - (a) take an animal of a species identified on the authority from a place stated on the permit as a place from where the animal may be taken; and
  - (b) keep an animal of a species identified on the authority.
- (2) Also, the holder or relevant person may use the animal if the use is for the personal, domestic or non-commercial communal needs of the members of the corporation to whom the authority is granted.

### **Division 3                      Collection authority to keep collection of dead protected wildlife**

#### **330      Holder of authority may keep collection of dead protected wildlife**

The holder of a collection authority to keep a collection of dead protected wildlife may keep a dead animal of a species identified on the authority at the licensed premises for the permit.

### **Division 4                      Collection authority to take and keep common wildlife<sup>112</sup>**

#### **Subdivision 1                Restrictions on grant for collection authority to take and keep common wildlife**

#### **331      Restriction on persons to whom authority may be granted**

The chief executive may grant a collection authority to take and keep a common animal only to a member of the Australian Defence Force acting for the Defence Force.

#### **332      Other restriction on grant of authority**

The chief executive may grant a collection authority to take and keep common wildlife for an animal only if the chief executive is satisfied—

- (a) the animal will be used only for training members of a part of the Australian Defence Force about survival in the wild; and

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112 See also section 147 (Exemption for Australian Defence Force).

- (b) the use of the animal is, or will be, consistent with the military standing order prepared for the part of the Defence Force.

## **Subdivision 2      Things authorised by collection authority to take and keep common wildlife**

### **333      Holder may take, keep and use common animals**

- (1) The holder, or a relevant person for the holder, of a collection authority to take and keep common wildlife may take and keep an animal of a species identified on the authority.
- (2) Also, the holder, or relevant person, may use the animal for training members of a part of the Australian Defence Force about survival in the wild if the use is consistent with the military standing order prepared for the part of the Defence Force.

### **334      Holder may move animals for survival training**

- (1) This section applies to a holder of a collection authority to take, keep and use common wildlife who takes an animal under the authority.
- (2) The holder may, without a wildlife movement permit, move the animal to or from any place within the State if the movement is for training members of the Australian Defence Force about survival in the wild.

### **Subdivision 3      Condition of collection authority to take and keep common wildlife**

#### **335      Requirement to give return of operations**

The holder of a collection authority to take and keep common wildlife must give the chief executive a return of operations that complies with section 454<sup>113</sup> for the authority.

Maximum penalty—120 penalty units.

## **Part 7                      Taking or using protected plants**

### **Division 1              Purpose of part**

#### **336      Purpose of pt 7**

- (1) The purpose of this part is to regulate the use of protected plants to ensure the use of the plants does not adversely affect the conservation of the plants.
- (2) The purpose is achieved by—
  - (a) restricting the use and movement of protected plants; and
  - (b) providing exemptions for using or moving protected plants for legitimate commercial or recreational purposes; and
  - (c) providing for a licensing scheme that allows only particular persons to take or use protected plants in only particular circumstances; and

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113 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

- (d) establishing an approval system for cultivators and propagators.
- (3) The purpose is also achieved by controlling the sale of protected plants through a combination of the matters mentioned in subsection (2) to minimise the potential for illegally taken protected plants to be used for commercial purposes.
- (4) The licensing scheme mentioned in subsection (2)(c) and the approval system mentioned in subsection (2)(d) allows the commercial cultivation and propagation of protected plants to ensure the demand for the taking of whole protected plants and protected plant parts in the wild is reduced.
- (5) Also, granting a person a commercial wildlife licence for protected plants, or approving a person as an authorised cultivator or authorised propagator, enables the person to become eligible to export, under Commonwealth law, protected plants produced by the person.

## **Division 2                      Restrictions about using protected plants**

### **337      Purpose of div 2**

This division states particular restrictions that apply in relation to using or moving protected plants.<sup>114</sup>

### **338      Restriction on using or moving common plants**

A person must not use or move a common plant unless—

- (a) the person holds a licence, permit or other authority granted under the Act that authorises the use or movement; or

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114 See the following for other restrictions that apply in relation to protected plants—

- the Act, sections 89 (Restriction on taking etc. protected plants) and 90 (Restriction on using threatened or rare plants);
- the *Nature Conservation (Protected Plants) Conservation Plan 2000*, part 3 (Taking, using and keeping protected plants).

- (b) the person is using or moving the plant under an exemption under division 3; or
- (c) the *Nature Conservation (Protected Plants) Conservation Plan 2000* allows the person to use or move the plant.<sup>115</sup>

Maximum penalty—165 penalty units.

### **339 Restriction on using or moving whole protected plants**

A person must not use or move a whole protected plant for a commercial purpose unless—

- (a) the person holds either or both of the following authorities for the whole protected plant—
  - (i) a commercial wildlife licence;
  - (ii) a commercial wildlife harvesting licence;<sup>116</sup> or
- (b) the person is using or moving the plant for a commercial purpose under an exemption under division 3; or
- (c) the *Nature Conservation (Protected Plants) Conservation Plan 2000* allows the person to use or move the plant for a commercial purpose.<sup>117</sup>

Maximum penalty—165 penalty units.

### **340 Restriction on using or moving protected plant parts for commercial purpose**

A person must not use or move protected plant parts for a commercial purpose unless—

- (a) the person holds either or both of the following authorities for protected plant parts—
  - (i) a commercial wildlife licence;

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115 See the *Nature Conservation (Protected Plants) Conservation Plan 2000*, part 4 (Exemptions and authorisations for taking, using and keeping protected plants).

116 See, however, section 127(2) (Holder of relevant authority for whole protected plants may move plants).

117 See the *Nature Conservation (Protected Plants) Conservation Plan 2000*, part 4 (Exemptions and authorisations for taking, using and keeping protected plants).

- (ii) a commercial wildlife harvesting licence;<sup>118</sup> or
- (b) the person is using or moving the plant parts for a commercial purpose under an exemption under division 3; or
- (c) the *Nature Conservation (Protected Plants) Conservation Plan 2000* allows the person to use or move the protected plant parts for a commercial purpose.<sup>119</sup>

Maximum penalty—165 penalty units.

## **Division 3 Exemptions for using protected plants**

### **Subdivision 1 Purpose of division**

#### **341 Purpose of div 3**

The purpose of this division is to provide exemptions for offences for using protected plants under section 90<sup>120</sup> of the Act and division 2.

### **Subdivision 2 Exemptions for using protected plants generally**

#### **342 Exemption for protected plants registered under Plant Breeder's Rights Act 1994 (Cwlth)**

- (1) A person may, without a relevant authority for using protected plants, use a protected plant for which a plant breeder's right has been granted under the *Plant Breeder's Rights Act 1994* (Cwlth).

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118 See, however, section 128(2) and (3) (Holder of relevant authority for protected plant parts may move plant parts).

119 See the *Nature Conservation (Protected Plants) Conservation Plan 2000*, part 4 (Exemptions and authorisations for taking, using and keeping protected plants).

120 Section 90 (Restriction on using threatened or rare plants) of the Act

- (2) However, if asked by a conservation officer, the person must, unless the person has a reasonable excuse, produce evidence that the plant breeder's right has been granted for the plant.

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

### **343 Exemption for land-holders**

A land-holder may, without a relevant authority for using protected plants, gain a benefit for allowing a holder of a commercial wildlife harvesting licence to take a protected plant from the land-holder's land.

## **Subdivision 3 Exemptions for using whole protected plants**

### **344 Definition for sdiv 3**

In this subdivision—

*approved way*, for propagating a protected plant, means the plant is propagated—

- (a) by using only reproductive or propagating material that was obtained lawfully; and
- (b) under controlled conditions.

*controlled conditions*, in relation to propagating a protected plant, means the plant's reproduction and growth is actively manipulated by nursery operations, including, for example, potting, bedding, watering and protection from the weather.

### **345 Exemption for whole protected plants propagated by authorised propagator**

- (1) This section—
- (a) applies only to a whole protected plant that is propagated by an authorised propagator in the approved way; and

- (b) does not apply to a blue tassel fern (*Huperzia dalhousieana*) or a plant of the family Aponogetonaceae.
- (2) A person may, without a relevant authority for using whole protected plants, sell or give away the whole protected plant.
- (3) However, if the plant is a whole type A restricted plant, the person may sell or give away the plant only if—
  - (a) the plant is moved in an unopened sterile flask; or
  - (b) a propagator's tag—
    - (i) if the plant is sold to a holder of a commercial wildlife licence for the plant—is attached to, or accompanies, the plant; or
    - (ii) if the plant is sold to another person—is attached to the plant.
- (4) For subsection (1), a stock plant is not propagated if the plant is divided less than 12 months after the day it was taken in the wild.
- (5) If asked by a conservation officer, an authorised propagator must, unless the propagator has a reasonable excuse, give the officer details about—
  - (a) the source of the reproductive or propagating material used in the propagation; and
  - (b) the date on which the material was obtained.<sup>121</sup>

Maximum penalty for subsection (5)—165 penalty units.

### **346 Exemption for selling whole protected plants by retail—type A restricted plants**

A person may, without a relevant authority for using whole protected plants, sell a whole type A restricted plant by retail if the plant—

- (a) was bought or accepted from a holder of a commercial wildlife licence for the plant; and

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<sup>121</sup> See also section 394 (Requirement to keep records).

- (b) has, attached to it, an official tag or propagator's tag for the plant.

**347 Exemption for selling whole protected plants by retail—other protected plants**

- (1) This section applies to a whole protected plant other than a type A restricted plant.
- (2) A person may, without a relevant authority for using whole protected plants, sell the plant by retail if the plant was bought or accepted from a holder of a commercial wildlife licence for the plant.

**348 Exemption for selling particular whole protected plants propagated for recreational purposes**

A person may, without a relevant authority for using whole protected plants, sell or give away a whole protected plant, other than a type A restricted plant if—

- (a) the person propagated the plant by using reproductive or propagating material that was obtained lawfully; and
- (b) the person propagated and sold or gave away the plant without reasonable expectation of making a profit from selling or giving away the plant; and
- (c) the person did not employ or engage another person to propagate, or to sell or give away, the plant; and
- (d) the person's activities of propagating and selling or giving away protected plants are not a business, home occupation or home industry under a local law or a planning scheme under the *Integrated Planning Act 1997*.

**Subdivision 4 Exemptions for using protected plant parts**

**349 Definition for sdiv 4**

In this subdivision—

***approved way***, for cultivating a protected plant, means the plant is cultivated—

- (a) using only reproductive or propagating material that was obtained lawfully; and
- (b) under controlled conditions.

***controlled conditions***, in relation to cultivating a protected plant, means the plant's reproduction and growth is actively manipulated including, for example, by irrigation, weed and disease control, tillage and fertilising.

### **350 Exemption for using protected plant parts cultivated by authorised cultivator**

- (1) This section applies only to protected plant parts taken from a protected plant that was cultivated by an authorised cultivator in the approved way.
- (2) A person may, without a relevant authority for using protected plant parts, use the protected plant parts.
- (3) If asked by a conservation officer, an authorised cultivator must, unless the cultivator has a reasonable excuse, give the officer details about the source of the reproductive or propagating material used for the cultivation.<sup>122</sup>

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

### **351 Exemption for selling protected plant parts by retail**

A person may, without a relevant authority for protected plant parts, sell by retail a protected plant part if the plant part was bought or accepted from a holder of a commercial wildlife licence for the protected plant.

### **352 Exemption for particular authority or permit holders**

- (1) This section applies to the holder of—

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<sup>122</sup> See also section 394 (Requirement to keep records).

- (a) a previous use authority for a protected area who has taken protected plant parts in the protected area under the authority; or
  - (b) a cultural or natural resources permit for a protected area who has taken protected plant parts in the protected area under the permit.
- (2) The holder may, without a relevant authority for protected plant parts, use the protected plant parts for a commercial purpose.
- (3) However—
- (a) the holder may sell the plant parts only to a person who holds a commercial wildlife licence for protected plant parts; and
  - (b) the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 35,<sup>123</sup> applies to the holder as if the holder had taken the plant parts under a commercial wildlife harvesting licence.
- (4) In this section—

*cultural or natural resources permit* means a permit, granted under chapter 2, part 5, to take, use, keep or interfere with a cultural or natural resource.

*protected area* means a national park (recovery), conservation park or resources reserve.

### **353 Exemption for using protected plant parts for educational or scientific research purposes**

- (1) This section applies to a protected plant taken or kept under a licence, permit or other authority granted under the Act.
- (2) A person may, without a relevant authority for protected plants, use the plant if—

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<sup>123</sup> *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 35 (Movement of protected plants taken under commercial wildlife harvesting licence)

- (a) the person is a person to whom an educational purposes permit or scientific purposes permit for using the plant may be granted;<sup>124</sup> and
- (b) the plant is used for—
  - (i) scientific research at a tertiary or other institution administered by the Commonwealth or a State or an entity that is involved in scientific research; or
  - (ii) teaching at an educational institution or organisation.

### 354 Exemption for retailers to move protected plants

A person (a *retailer*) who sells a protected plant by retail may, without a wildlife movement permit, move the plant to a person who buys the plant from the retailer if the plant—

- (a) was bought or accepted from—
  - (i) an authorised cultivator or propagator (the *grower*); or
  - (ii) the holder of a commercial wildlife licence (the *wholesaler*) for the plant; and
- (b) was moved to the retailer from the grower or wholesaler in a way that is authorised under the Act; and
- (c) if the Act or a law of another State requires a person to attach a tag to the plant—the person has attached the tag to the plant.

### 355 Exemption to move protected plants for persons using plants under exemption

A person may, without a wildlife movement permit, move a protected plant to or from any place within, inside or outside

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124 See—

- for an educational purposes permit—section 380 (Restriction on persons to whom permit may be granted); or
- for a scientific purposes permit—section 384 (Restriction on persons to whom permit may be granted).

of the State if the person may, under the Act, use the plant without a relevant authority for the plant.

## **Division 4                    Licences, permits and other    authorities for taking    or using protected plants**

### **Subdivision 1            Preliminary**

#### **356    Licences that may be granted**

The chief executive may grant the following licences for protected plants—

- (a) a commercial wildlife licence;
- (b) a recreational wildlife licence;
- (c) a commercial wildlife harvesting licence;
- (d) a recreational wildlife harvesting licence;
- (e) a herbarium licence.

#### **357    Permits that may be granted**

The chief executive may grant the following permits for protected plants—

- (a) a clearing permit;
- (b) a damage mitigation permit;
- (c) an educational purposes permit;
- (d) a scientific purposes permit.

#### **358    Authorities that may be granted**

The chief executive may grant the following authorities for protected plants—

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

**359 Relationship with conservation plan**

- (1) This division must be read with, and is subject to, the *Nature Conservation (Protected Plants) Conservation Plan 2000*.
- (2) Part 3 of the *Nature Conservation (Protected Plants) Conservation Plan 2000* states particular restrictions on grant, and conditions of, licences, permits and other authorities granted under this part.<sup>125</sup>

**Subdivision 2 Commercial wildlife licences****360 Holder may use protected plants for commercial purpose**

A holder, or a relevant person for the holder, of a commercial wildlife licence for protected plants may use protected plants for a commercial purpose.

**361 Condition on selling or giving away protected plants generally**

A person must not sell or give away a protected plant under a commercial wildlife licence unless—

- (a) the plant was propagated by the holder, or relevant person for the holder, of the licence; or
- (b) the plant was taken by the holder, or a relevant person for the holder, of the licence under a commercial wildlife harvesting licence also held by the holder; or
- (c) the plant was—
  - (i) bought or accepted from a person who is authorised to sell or give away the plant under the Act or a law of another State; and

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<sup>125</sup> *Nature Conservation (Protected Plants) Conservation Plan 2000*, part 3 (Taking, using and keeping protected plants)

See also part 1 (Preliminary), division 3 (Provisions that apply to all licences, permits and other authorities) and the *Nature Conservation (Dugong) Conservation Plan 1999*, section 5 (Restriction on grant of permits, licences and authorities for other protected wildlife) for other restrictions on grant, and conditions of, these licences, permits and authorities.

- (ii) if the plant was bought or accepted from a person in another State and a law of the other State requires a tag to be attached to the plant when it is sold in the State—the tag is attached to the plant.

Maximum penalty—165 penalty units.

**362 Additional condition for selling whole type A restricted plants**

- (1) This section applies if a person is selling a whole type A restricted plant under a commercial wildlife licence.
- (2) The person must—
  - (a) if the person is selling the plant to a holder of a commercial wildlife licence for the plant—
    - (i) possess an official tag or propagator’s tag for each whole type A restricted plant available for sale; and
    - (ii) if the plant has a label attached to it—ensure the plant is correctly identified on the label; or
  - (b) if the person is selling the plant to another person—
    - (i) each whole type A restricted plant available for sale has an official tag or propagator’s tag attached to it; and
    - (ii) if the plant has a label attached to it—the plant is correctly identified on the label.

Maximum penalty—120 penalty units.

- (3) Also, if the person sells the plant to a holder of a commercial wildlife licence for the plant, the person must ensure the correct official tag or propagator’s tag is attached to, or accompanies, the whole type A restricted plant when the plant is moved to the holder.

Maximum penalty—120 penalty units.

**363 Requirement to keep record book**

A holder of a commercial wildlife licence for protected plants must keep a record book supplied by the chief executive for the licence.<sup>126</sup>

Maximum penalty—120 penalty units.

**364 Requirement to give return of operations**

A holder of a commercial wildlife licence for protected plants must give the chief executive a return of operations that complies with section 454<sup>127</sup> for the licence.

Maximum penalty—120 penalty units.

**Subdivision 3 Recreational wildlife licences****365 Restriction on persons to whom licence may be granted**

The chief executive may grant a recreational wildlife licence for protected plants to a person only if—

- (a) the person is—
  - (i) a recreational plant society; or
  - (ii) a member of a recreational plant society; and
- (b) the person does not employ or engage anyone to propagate or sell or give away the plant; and
- (c) the person's activities of propagating and selling or giving away protected plants are not a business, home occupation or home industry under a local law or a planning scheme under the *Integrated Planning Act 1997*.

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126 See chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements for record books required to be kept under the Act.

127 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

**366 Holder may use protected plants for recreational purpose**

- (1) A holder of a recreational wildlife licence for protected plants may use protected plants for a purpose other than a commercial purpose.
- (2) Also, if the holder is a recreational plant society, a relevant person for the holder may use protected plants for a purpose other than a commercial purpose.

**367 Holder may also use particular protected plants for commercial purpose in particular circumstances**

- (1) A holder of a recreational wildlife licence for protected plants may sell a whole type A restricted plant for a commercial purpose if the plant was—
  - (a) propagated by the holder; or
  - (b) taken by the holder under a recreational wildlife harvesting licence also held by the holder.
- (2) However, the holder must attach an official tag to the plant.
- (3) Also, if the holder is a recreational plant society—
  - (a) the sale must be made at an annual show or meeting of the society that is open to the public; and
  - (b) the sale price must not be more than a reasonable amount to meet the costs of propagating or taking the plant.
- (4) In this section—

*holder*, for a recreational wildlife licence held by a recreational plant society, includes a relevant person for the holder.

**368 Restriction on selling particular plants**

- (1) A holder of a recreational wildlife licence must not sell a plant raised from the seed or other propagating material of a type B restricted plant taken in the wild.

Maximum penalty—80 penalty units.

- (2) However, subsection (1) does not apply to a recreational plant society if the plant—
- (a) was raised from the seed or other propagating material of a type B restricted plant, other than an endangered plant; and
  - (b) is sold at an annual show or meeting of the society that is open to the public.

## **Subdivision 4 Commercial wildlife harvesting licence**

### **369 Holder may take and use particular protected plants**

A holder, or a relevant person for the holder, of a commercial wildlife harvesting licence for protected plants may do the following for a commercial purpose—

- (a) take protected plants from the place stated on the licence as a place from where the plants may be taken;
- (b) use protected plants at the licensed premises for the licence.<sup>128</sup>

## **Subdivision 5 Recreational wildlife harvesting licence**

### **370 Holder may take and use particular plants**

A holder of a recreational wildlife harvesting licence for protected plants may do the following for a purpose other than a commercial purpose—

- (a) take protected plants from the place stated on the licence as a place from where the plants may be taken;

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<sup>128</sup> See, however, the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 9 (Taking of protected plant during harvest period).

- (b) use protected plants at the licensed premises for the licence.<sup>129</sup>

## **Subdivision 6 Herbarium licences**

### **371 Restriction on persons to whom licence may be granted**

- (1) The chief executive may grant a herbarium licence for protected plants only to a State herbarium.

- (2) In this section—

*State herbarium* means a non-profit institution that—

- (a) is owned or administered by the Commonwealth or a State; and
- (b) has, as its major function, the preservation of information in any branch of the natural sciences about plants.

### **372 Holder may take or use protected plants in particular circumstances**

- (1) A holder, or a relevant person for the holder, of a herbarium licence may take and use, other than sell, protected plants.
- (2) However, subsection (1) does not authorise the holder or relevant person to take or use the plants for a bioprospecting activity.

*Note—*

The holder of a herbarium licence could also be granted 1 or more other licences under this regulation authorising the holder to take or use protected plants for a bioprospecting activity.

- (3) Also, subsection (1) only authorises the holder or relevant person to use the plants at—
  - (a) the licensed premises for the licence; or
  - (b) another place if—

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<sup>129</sup> See, however, the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 9 (Taking of protected plant during harvest period).

- (i) the plants are used at the other place to obtain flowers or propagating material from the plants; and
- (ii) the holder of the licence has written approval from the chief executive to use the plants at the other place.

## **Subdivision 7      Clearing permits**

### **373      Holder may take protected plants**

A holder, or a relevant person for the holder, of a clearing permit may take protected plants from the place stated on the permit as a place from where the plants may be taken.<sup>130</sup>

## **Subdivision 8      Damage mitigation permits**

### **374      Restriction on plants for which permit may be granted**

The chief executive may grant a damage mitigation permit only for—

- (a) a common plant; or
- (b) an endangered, vulnerable or rare plant if a conservation plan allows a damage mitigation permit for the plant to be granted.<sup>131</sup>

### **375      Restriction on purposes for which permit may be granted**

The chief executive may grant a damage mitigation permit only for 1 or both of the following purposes—

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130 See also the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 29 (Restriction on grant of clearing permit) and 30 (Conditions of clearing permit).

131 See the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 31 (Restriction on grant of damage mitigation permit).

- (a) to prevent damage or loss caused, or likely to be caused, by a protected plant;
- (b) to prevent or minimise a threat, or potential threat, to human health and wellbeing caused by a protected plant.

### **376 Restriction on grant of permit for damage or loss**

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

- (a) the plant is causing, or may cause, damage; and
- (b) if the damage is not prevented or controlled—
  - (i) persons may suffer significant economic loss; or
  - (ii) the ecological sustainability of nature is likely to be harmed; and
- (c) action under the permit will not adversely affect the survival in the wild of the plant or other wildlife.

### **377 Restriction on grant of permit for threat to human health and wellbeing**

The chief executive may grant a damage mitigation permit for a threat, or potential threat, to human health and wellbeing caused by a protected plant only if the chief executive is satisfied—

- (a) there is, or may be, a threat to a person's health and wellbeing resulting from the presence of the plant; and
- (b) action under a permit will not detrimentally affect the survival in the wild of the plant or other wildlife.

### **378 Holder may take and use protected plants**

- (1) A holder, or a relevant person for the holder, of a damage mitigation permit may—
  - (a) take protected plants from the place stated on the permit as a place from where the plant may be taken; and

- (b) use, other than sell or give away, the protected plants at the licensed premises for the permit.
- (2) However, subsection (1) only authorises the holder or relevant person to use the plants if a conservation plan for the plants allows the holder of a damage mitigation permit to use the plants.

### **379 Requirement to give return of operations**

A holder of a damage mitigation permit for protected plants must give the chief executive a return of operations that complies with section 454<sup>132</sup> for the permit.

Maximum penalty—120 penalty units.

## **Subdivision 9 Educational purposes permits**

### **380 Restriction on persons to whom permit may be granted**

The chief executive may grant an educational purposes permit for protected plants to a person only if—

- (a) for an individual—the chief executive is satisfied the individual—
  - (i) holds a tertiary qualification relevant to the activities to be carried out under the permit; or
  - (ii) has demonstrated experience and knowledge in relation to the activities to be carried out under the permit; or
- (b) for a corporation—the corporation is an educational institution or organisation.

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132 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

**381 Restriction on purpose for which permit may be granted**

The chief executive may grant an educational purposes permit for protected plants only if the chief executive is satisfied—

- (a) the purpose for which the plant is proposed to be taken or used under the permit is a genuine educational purpose; and
- (b) the applicant for the permit will not, or does not intend to, make a financial benefit from taking or using the plant under the permit.<sup>133</sup>

**382 Holder may take and use protected plants**

- (1) A holder, or a relevant person for a holder, of an educational purposes permit may take and use, other than sell or give away, protected plants.
- (2) Also, the holder or person may give plant parts from the plants to a person intending to use the plant parts under section 353.<sup>134</sup>
- (3) However, subsection (1) does not authorise the holder or relevant person to use the plants for a commercial purpose.

**383 Requirement to give return of operations**

A holder of an educational purposes permit for protected plants must give the chief executive a return of operations that complies with section 454<sup>135</sup> for the permit.

Maximum penalty—120 penalty units.

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133 See also the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 28 (Restriction on grant of educational or scientific purposes permit).

134 Section 353 (Exemption for using protected plants parts for educational or scientific research purposes)

135 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

## **Subdivision 10 Scientific purposes permit**

### **384 Restriction on persons to whom permit may be granted**

- (1) The chief executive may grant a scientific purposes permit to a person only if—
  - (a) the person is, or is associated with, any of the following—
    - (i) a tertiary or other institution administered by the Commonwealth or a State; or
    - (ii) an entity that is involved in scientific research; and
  - (b) if the person is an individual—the chief executive is satisfied the individual—
    - (i) is receiving, or has completed, postgraduate training in scientific research relevant to the activities the individual proposes to carry out under the permit; or
    - (ii) has achieved a satisfactory level of competence in scientific research relevant to the activities the individual proposes to carry out under the permit.<sup>136</sup>
- (2) Also, the chief executive may grant a scientific purposes permit to a person associated with an institution or entity only if the chief executive is satisfied the way the scientific purpose is to be achieved is consistent with the requirements of the institution or entity.

### **385 Restriction on purposes for which permit may be granted**

The chief executive may grant a scientific purposes permit for protected plants only if the chief executive is satisfied—

- (a) the plants are to be taken, used or kept for research that will, or is likely to, make a significant contribution to

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<sup>136</sup> See also the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 28 (Restriction on grant of educational or scientific purposes permit).

community knowledge about the matter for which the research is conducted; and

- (b) the plants are not to be taken, used or kept for a commercial purpose; and
- (c) it is necessary to take the plants from the wild, including, for example, because there are no plants of the same species otherwise available for the research.

### **386 Holder may take and use protected plants**

- (1) A holder, or a relevant person for the holder, of a scientific purposes permit may take and use, other than sell or give away, protected plants.
- (2) Also, the holder or person may give plant parts from the plants to a person intending to use the plant parts under section 353.<sup>137</sup>

### **387 Requirement to give return of operations**

A holder of a scientific purposes permit for protected plants must give the chief executive a return of operations that complies with section 454<sup>138</sup> for the licence.

Maximum penalty—120 penalty units.

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137 Section 353 (Exemption for using protected plant parts for educational or scientific research purposes)

138 Section 454 (Form and nature of return of operations)

See chapter 4 (General provisions), part 4 (Provisions about return of operations) generally for requirements about return of operations required to be given under the Act.

## **Subdivision 11    Aboriginal tradition and Island custom authorities**

### **388    Restriction on persons to whom authority may be granted**

The chief executive may grant an Aboriginal tradition or Island custom authority for protected plants only to a corporation whose members represent a community or group of Aborigines or Torres Strait Islanders particularly concerned with the land from where the protected plants are to be taken.

### **389    Restriction on circumstances under which authority may be granted**

The chief executive may grant an Aboriginal tradition or Island custom authority for protected plants 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 plants covered by the application; and
- (b) is satisfied the purpose for which the plants are 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 plants.

### **390    Holder may take and use protected plants**

- (1) The holder, or a relevant person for the holder, of an Aboriginal tradition or Island custom authority may take protected plants from the place stated on the permit as a place from where the protected plants may be taken.
- (2) Also, the holder or relevant person may use the plants if the use is for the personal, domestic or non-commercial communal needs of the members of the corporation to whom the authority is granted.

## **Division 5                    Provisions about authorised cultivators and propagators**

### **Subdivision 1            Approval of authorised cultivators and propagators**

#### **391    Approval of persons as authorised cultivator or propagator**

- (1) The chief executive may approve a corporation or an individual to be an authorised cultivator or propagator for protected plants.
- (2) However, the chief executive may not approve an individual younger than 18 years to be an authorised cultivator or propagator for protected plants.

#### **392    Restriction on persons who may be approved<sup>139</sup>**

The chief executive may approve a person to be an authorised cultivator or propagator for protected plants only if—

- (a) the chief executive is satisfied—
  - (i) the person has the necessary experience, land, facilities, equipment, lawfully obtained stock plants or other propagating material for cultivating or propagating protected plants; and
  - (ii) the person would not, under section 5, be prevented from being granted a relevant authority if the person made an application for the authority;<sup>140</sup> and
- (b) the person does not hold a commercial wildlife harvesting licence, other than a licence that only authorises the taking of stock plants, for plants of the same genus that the person intends to cultivate or propagate; and

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139 See also the *Nature Conservation (Protected Plants) Conservation Plan 2000*, section 39 (Restriction on approval of authorised propagators to take seed).

140 See, in particular, section 5(4), (5) and (7).

- (c) the person—
  - (i) is a resident of the State; or
  - (ii) if the person is a corporation—has premises in the State at which the plants are to be cultivated or propagated.

### **393 Notice of approval**

- (1) This section applies if the chief executive has approved a person to be an authorised cultivator or propagator.
- (2) The chief executive must give the person written notice of the approval.
- (3) The notice must state—
  - (a) the place where the person may carry out activities under the approval; and
  - (b) if the person is an individual—the residential address of the person; and
  - (c) if the person is approved as an authorised propagator—the authorisation number for the approval.

## **Subdivision 2 Conditions of approval of authorised cultivators and propagators**

### **394 Requirement to keep records**

An authorised cultivator or propagator must keep, for the period required under section 473,<sup>141</sup> the following for each reproductive or propagating material obtained by the cultivator or propagator for cultivation or propagation—

- (a) if the cultivator or propagator took the material—a written record of the following information—

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141 Section 473 (Period for which particular documents must be kept)

See also chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements for record books required to be kept under the Act.

- (i) the date the material was taken; and
- (ii) the place from where the material was taken; or
- (b) if the cultivator or propagator bought the material—an invoice or receipt from the seller; or
- (c) if the cultivator or propagator accepted the material from another person—a written record of the date the cultivator or propagator accepted the material from the other person.<sup>142</sup>

Maximum penalty—80 penalty units.

### **395 Assistance to conservation officers**

An authorised cultivator or propagator must give a conservation officer all necessary help to enable the officer—

- (a) to inspect each plant kept by the cultivator or propagator; and
- (b) to obtain or check any records required, under the Act, to be kept by the cultivator or propagator.<sup>143</sup>

Maximum penalty—120 penalty units.

### **396 Requirement to notify chief executive of new address**

- (1) This section applies if—
  - (a) an authorised cultivator or propagator carries out activities, under an approval of the chief executive, at a particular place; and
  - (b) the cultivator or propagator changes the place where the cultivator or propagator intends to carry out the activities under the approval.

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142 See also section 107 (Identification requirement for buying or selling protected, international or prohibited wildlife).

143 See sections 107 (Identification requirement for buying or selling protected, international or prohibited wildlife) and 394 (Requirement to keep records).

- (2) The cultivator or propagator must, within 14 days after changing the place, give written notice to the chief executive of the address of the new place.

Maximum penalty—10 penalty units.

## **Part 8                      Permit for moving wildlife**

### **Division 1                  Preliminary**

#### **397      Purpose of div 8**

The purpose of this part is to allow persons to move wildlife to or from a place for particular movements that are not otherwise authorised under the Act.

#### **398      Permit may be granted**

The chief executive may grant a wildlife movement permit for the movement of wildlife.

### **Division 2                  Restrictions on grant of wildlife movement permits**

#### **399      Restriction on animals for which permit may be granted**

The chief executive may grant a wildlife movement permit for the movement of wildlife only if the chief executive is satisfied the wildlife has been lawfully taken and kept.

#### **400      General restriction on movements for which permit may be granted generally**

- (1) The chief executive may grant a wildlife movement permit for the movement of wildlife only if—

- (a) the person from whom the wildlife is to be moved and the person to whom the wildlife is to be moved are authorised to keep the wildlife under the Act or a law of another State; and
  - (b) the chief executive is satisfied the movement will not—
    - (i) risk the health or safety of humans or livestock; or
    - (ii) adversely affect the conservation of native wildlife in the State; or
    - (iii) adversely affect the population in the wild of the wildlife being moved.
- (2) Also, the chief executive may not grant a wildlife movement permit for the movement of wildlife if the movement is prohibited under a conservation plan for the wildlife.

#### **401 Additional restriction for movements out of the State**

- (1) This section applies to a movement of wildlife from a place inside the State to a place in another State if the approval of an entity is required before the wildlife may be moved into the other State.
- (2) The chief may grant a wildlife movement permit for the movement only if—
  - (a) the approval of the entity has been given; or
  - (b) the chief executive is satisfied the approval of the entity will be given.

#### **402 Additional restriction for movements into the State**

The chief executive may grant a wildlife movement permit for the movement of wildlife from another State into the State only if—

- (a) the movement is not prohibited under a law of the other State; and
- (b) if the approval of an entity in the other State is required before the wildlife can be moved out of that State—
  - (i) the approval has been given; or

- (ii) the chief executive is satisfied the approval will be given.

### **Division 3                    Things authorised by wildlife movement permit**

#### **403    Holder may move wildlife**

- (1) A holder, or a relevant person for a holder, of a wildlife movement permit for wildlife may move the wildlife identified on the permit from and to the places stated to the permit.
- (2) However, subsection (1) only authorises the holder or relevant person to make 1 movement under the permit.

### **Part 9                            Processed products**

#### **404    Purpose of pt 9**

The purpose of this part is to declare particular products made or derived from protected wildlife as processed products that are not included in the definitions of *protected animal* or *protected plant*.

#### **405    Definition for pt 9**

In this part—

*unpack*, in relation to a product, does not include removing a mark, label, tag or other thing that has been directly placed on, or attached to, the product.

**406 Processed products made or derived from protected animals**

- (1) For the Act, schedule, definition *protected animal*, paragraph (b), the following products are a processed product that is not included in the definition—
- (a) a processed product mentioned in schedule 6, part 2;
  - (b) a product mentioned in paragraph (a) that has been unpacked;
  - (c) a product made or derived from a product mentioned in paragraph (a).
- (2) However, a processed product made or derived from an animal, other than a crocodile, ceases to be a processed product if the animal—
- (a) is included in the list of threatened species established under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth);<sup>144</sup> and
  - (b) is sold or given to a person other than the chief executive or a holder of a museum licence.

**407 Processed products made or derived from protected plants**

For the Act, schedule, definition *protected plant*, paragraph (b), the following products are a processed product that is not included in the definition—

- (a) a processed product mentioned in schedule 6, part 3;
- (b) a product mentioned in paragraph (a) that has been unpacked;
- (c) a product made or derived from a product mentioned in paragraph (a).

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<sup>144</sup> See section 178 (Listing of threatened species) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

**408 Conservation officer may ask for evidence of source used**

- (1) This section applies to a person who possesses a processed product.
- (2) If asked by a conservation officer, the person must, unless the person has a reasonable excuse, produce evidence of the source from which the processed product was made or derived.

Maximum penalty—165 penalty units.

**Part 10 General offences****409 Using poison or adhesive substance in a way that may take protected animals**

- (1) A person must not use, or direct another person to use, a poison or adhesive substance in a way that may result in the taking of a protected animal.

Maximum penalty—165 penalty units.

- (2) Subsection (1) does not apply to a holder, or relevant person for the holder, of a relevant authority for an animal using a poison or adhesive substance to take the animal if—
  - (a) the authority authorises the holder to use the poison or substance to take the animal; and
  - (b) the holder complies with any conditions of the authority, including a condition that the chief executive has written on the authority.<sup>145</sup>

- (3) In this section—

***adhesive substance*** includes birdlime or a viscid substance.

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<sup>145</sup> See, for example, sections 210 (Conditions on way animal may be taken) and 220 (Conditions on way animal may be taken)

See also, section 6 (Compliance with conditions).

*use*, in relation to a poison or adhesive substance, includes attempt to use the poison or substance.

#### **410 Interfering with animal breeding place**

- (1) A person must not, unless the person has a reasonable excuse, interfere with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring.

Maximum penalty—165 penalty units.

- (2) For subsection (1), an animal breeding place is being used by a protected animal to incubate or rear the animal's offspring if—

- (a) the animal is preparing, or has prepared, the place for incubating or rearing the animal's offspring; or
- (b) the animal is breeding, or is about to breed, and is physically occupying the place; or
- (c) the animal and the animal's offspring are physically occupying the place, even if the occupation is only periodical; or
- (d) the animal has used the place to incubate or rear the animal's offspring and is of a species generally known to return to the same place to incubate or rear offspring in each breeding season for the animal.

- (3) It is a reasonable excuse for a person to interfere with the breeding place if—

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

- (4) Also, subsection (1) does not apply to a person removing or otherwise interfering with the breeding place if—

- (a) the removal or interference is part of an approved species management program for animals of the same species; or

(b) the person holds a damage mitigation permit for the animal and the permit authorises the removal or interference.

(5) In this section—

*approved species management program*, for a species of animal, means a program about managing the population and habitat of the species of animal that is approved by the chief executive.

*interfere*, with an animal breeding place, includes damage, destroy, mark, move or dig up the breeding place.

#### **411 Feeding native animals in the wild generally**

(1) This section applies to a person even if the person holds a commercial wildlife licence (wildlife interaction) for a protected animal.

(2) A person must not feed a native animal in the wild in a way that may immediately threaten human health or safety.

Maximum penalty—165 penalty units.

(3) Without limiting subsection (2), a person feeds an animal in a way that may immediately threaten human health or safety if—

(a) the person feeds the animal in a way that causes the animal to move from the place where it is located to the place where the person is providing the food; and

(b) the movement of the animal results in danger to human health or safety.

#### **412 Feeding dangerous native animals in the wild**

(1) A person must not feed a native animal in the wild that is dangerous, venomous or capable of injuring a person.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to—

(a) the following persons performing functions under the Act in relation to the native animal—

- (i) the chief executive;
- (ii) a conservation officer, public service officer or other employee of the department acting under the chief executive's authority; or
- (b) a person who feeds a native animal under a relevant authority for the animal or an exemption under section 159.<sup>146</sup>

#### **413 Disturbing dangerous native animals in the wild**

- (1) A person must not disturb a native animal in the wild that is dangerous, venomous or capable of injuring a person.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to—
- (a) the following persons performing functions under the Act in relation to the native animal—
    - (i) the chief executive;
    - (ii) a conservation officer, public service officer or other employee of the department acting under the chief executive's authority; or
  - (b) another person who disturbs a native animal—
    - (i) under a relevant authority for the animal or an exemption under section 159;<sup>147</sup> or
    - (ii) in the course of a lawful activity that was not directed towards the disturbance if the disturbance could not have been reasonably avoided.

#### **414 Procedure for accidental taking of marine mammals and turtles**

- (1) This section applies if—

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<sup>146</sup> Section 159 (Exemption for interacting with animals in the wild)

<sup>147</sup> Section 159 (Exemption for interacting with animals in the wild)

*Nature Conservation Regulation 1994*

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- (a) a person takes a protected marine mammal or marine turtle in the course of a lawful activity that was not directed towards taking the mammal or turtle; and
  - (b) the taking could not have been reasonably avoided.
- (2) The person must—
- (a) if the animal is sick or injured or dead—
    - (i) immediately notify a conservation officer about the mammal or turtle and the circumstances in which the mammal or turtle was taken; and
    - (ii) if the officer directs the person to deal with the mammal or turtle in a particular way—deal with the mammal or turtle in the way directed; or
  - (b) otherwise—return it to the waters from which it was taken.

Maximum penalty—120 penalty units.

- (3) This section does not apply to a whale or dolphin to which the *Nature Conservation (Whales and Dolphins) Conservation Plan 1997* relates.<sup>148</sup>

**414A Procedure for taking protected sharks**

- (1) This section applies if a person takes a protected shark under section 148A.<sup>149</sup>
- (2) The person must—
- (a) if the shark is sick or injured or dead—
    - (i) as soon as practicable, notify a conservation officer about the shark and the circumstances in which the shark was taken; and
    - (ii) if the officer directs the person to deal with the shark in a particular way—deal with the shark in the way directed; or

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<sup>148</sup> See the *Nature Conservation (Whales and Dolphins) Conservation Plan 1997*, section 13 (Procedure on accidental taking of a whale or dolphin) for the procedure about dealing with a whale or dolphin to which that conservation plan relates.

<sup>149</sup> Section 148A (Exemption for protected shark in particular circumstances)

- (b) otherwise—return it to the waters from which it was taken.

Maximum penalty—120 penalty units.

- (3) A conservation officer may give a direction under subsection (2)(a)(ii) only if the direction is reasonable in the circumstances.

#### **415 Release of animals into the wild**

- (1) A person must not—
  - (a) release an animal that has been bred or kept in captivity into the wild; or
  - (b) release an animal into an area of the wild where an animal of the same species does not normally live.

Maximum penalty—165 penalty units.

- (2) However, subsection (1) does not apply to a person who releases an animal if—
  - (a) the release is authorised under an Act, including a licence, permit or other authority granted under the Act; or
  - (b) the chief executive has given the person a written approval allowing the person to release the animal; or
  - (c) the person releasing the animal expects to recover the animal after it is released.

#### **416 Spreading or releasing particular parts of non-native plants**

- (1) This section applies to a plant other than a native plant.
- (2) A person must not spread or release a reproductive material of the plant in the wild, unless the person has written approval from the chief executive allowing the person to release the material.

Maximum penalty—165 penalty units.

- (3) In this section—

**reproductive material**, of a plant, means any part of the plant that is capable of asexual or sexual reproduction.

*Examples of reproductive material of a plant—*

1. Seed or part of a seed
2. Bulb, rhizome, root, stolon, tuber or part of a bulb, rhizome, stolon or tuber.
3. Stem or leaf cutting.

#### **417 Housing wildlife other than protected wildlife**

- (1) This section applies to—
  - (a) a domestic bird other than the following—
    - (i) an ostrich;
    - (ii) a peafowl or pheasant of the family Phasianidae, other than quail indigenous to Australia;
    - (iii) a pigeon (*Columba livia*) or poultry; and
  - (b) another animal other than a domestic or protected animal.
- (2) A person must keep the bird or animal in a secure cage or enclosure that prevents the bird or animal's escape.

Maximum penalty—20 penalty units.

#### **418 Moving wildlife other than protected, international or prohibited wildlife into the State**

- (1) This section applies to a live bird, mammal, reptile or amphibian other than a protected, international, prohibited or domestic bird, mammal, reptile or amphibian.
- (2) A person must not send or move into the State the bird, mammal, reptile or amphibian unless the person holds a wildlife movement permit authorising the movement.

Maximum penalty—165 penalty units.

- (3) In this section—

**move**, a bird, mammal, reptile or amphibian, includes attempt to move the bird, mammal, reptile or amphibian.

*send*, an bird, mammal, reptile or amphibian, includes attempt to send the bird, mammal, reptile or amphibian.

## **Part 11                      Miscellaneous provisions**

### **Division 1                      Seizure of property**

#### **419      Seizure of particular vehicles or appliances for the protection of native wildlife**

- (1) This section applies if a conservation officer reasonably believes—
  - (a) a vehicle or appliance that is on land, other than land in a protected area, is—
    - (i) on the land without the consent of the land-holder; or
    - (ii) is abandoned; and
  - (b) it is necessary or desirable to remove the vehicle or appliance for the protection of native wildlife.
- (2) The conservation officer may seize the vehicle or appliance and remove the vehicle or appliance from the land.
- (3) The vehicle or appliance must be dealt with under chapter 4, part 1.<sup>150</sup>
- (4) In this section—

*vehicle* includes—

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

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<sup>150</sup> Chapter 4 (General provisions), part 1 (Provisions about dealing with seized property)

## **Division 2                      Provisions about tags**

### **420      Chief executive may supply tags for use by person**

- (1) The chief executive may supply a tag to a person for use under the Act.
- (2) Without limiting subsection (1), a tag may be supplied for any of the following purposes—
  - (a) to attach to wildlife to allow the wildlife to be identified;
  - (b) to attach to wildlife that is, or will be after the tag is attached, a processed product.
- (3) The chief executive must give the person a written notice stating the species of wildlife for which the tag is supplied.

### **421      Nature of tags supplied by the chief executive**

A tag supplied by the chief executive under this division—

- (a) is the property of the State; and
- (b) may not be transferred unless the chief executive has given a written approval for the transfer.

### **422      Chief executive may recall tags**

- (1) The chief executive may give a person a written notice directing the person to return a tag that has been supplied under this division.
- (2) The notice must state—
  - (a) the place where the tag must be returned; and
  - (b) the date and time by which the tag must be returned.
- (3) The person must, unless the person has a reasonable excuse, comply with the notice.<sup>151</sup>

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

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<sup>151</sup> See also the *Nature Conservation (Eulo Lizard Races) Conservation Plan 1995*, section 13 (Returns and return of tags).

**423 Tag must be used for species for which it is supplied**

A person must not attach a tag to a wildlife of a species other than the species for which the tag is supplied.

Maximum penalty—165 penalty units.

**424 Tags not to be used by unauthorised person**

(1) A person, other than an authorised person, must not do the following unless the person has written approval from the chief executive—

- (a) possess a tag supplied under this division;
- (b) attach a tag supplied under this division to wildlife.

Maximum penalty—165 penalty units.

(2) This section is subject to any provision of a conservation plan that provides for the persons that may attach a tag to wildlife to which the plan relates.<sup>152</sup>

(3) In this section—

*authorised person*, in relation to a tag supplied under this division, means any of the following persons—

- (a) the chief executive;
- (b) a conservation officer;
- (c) for a tag for animals—
  - (i) the person to whom the tag was supplied; or
  - (ii) a person authorised to possess or attach the tag by the person mentioned in paragraph (a); or
- (d) for a tag for protected plants—a holder of a commercial wildlife licence or commercial wildlife harvesting licence for protected plants.

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<sup>152</sup> For a conservation plan macropod, see the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 11 (Harvested macropods to be tagged).

**425 Interfering with tags**

- (1) A person must not interfere with a tag attached to wildlife unless the person has written approval from the chief executive to interfere with the tag.

Maximum penalty—80 penalty units.

- (2) Subsection (1) does not apply to a person who removes a tag from wildlife if a conservation plan states the person may remove the tag from the wildlife.<sup>153</sup>
- (3) In this section—
- interfere*, with a tag, includes to—
- (a) remove or damage the tag; or
  - (b) cover or modify the writing on the tag.

**Division 3 Conservation value for wildlife****Subdivision 1 Conservation values for protected wildlife****426 Conservation value for protected wildlife**

- (1) For section 95(1)<sup>154</sup> of the Act, the conservation value for protected wildlife is—
- (a) for presumed extinct wildlife—\$11 658.00; or
  - (b) for endangered wildlife—\$9 326.00; or
  - (c) for vulnerable wildlife—\$6 994.00; or
  - (d) for rare wildlife—\$4 662.00; or
  - (e) for common wildlife—\$1 165.00.
- (2) However, subsection (1) does not apply if a conservation plan that applies to the protected wildlife—

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153 See for example, the *Nature Conservation (Macropod Harvesting) Plan 1994*, section 13 (When tag may be removed).

154 Section 95 (Payment of conservation value) of the Act

- (a) states a different conservation value for the wildlife; or
- (b) states that no conservation value is payable for the wildlife in stated circumstances.<sup>155</sup>

## **Subdivision 2 Exemptions from payment of conservation value**

### **427 Exemption from payment of conservation value if taken under particular authorities**

A person is exempt from payment of the conservation value for protected wildlife if the person takes the wildlife under any of the following authorities for the wildlife—

- (a) a museum licence;
- (b) a damage mitigation permit;
- (c) an educational purposes permit;
- (d) a scientific purposes permit;
- (e) a rehabilitation permit;
- (f) a collection authority to take common wildlife;
- (g) a herbarium licence.

### **428 Exemption from payment of conservation value for protected scorpions or spiders**

A person is exempt from payment of conservation value for a protected scorpion or spider if the person takes the scorpion or

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<sup>155</sup> See, for example—

- for a conservation plan duck or conservation plan quail—the *Nature Conservation (Duck and Quail) Conservation Plan 1995*, section 10 (Conservation value)
- for a conservation plan macropod—the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 21 (Conservation value)
- for a problem crocodile—the *Nature Conservation (Problem Crocodile) Conservation Plan 1995*, section 10 (Conservation value not payable) and 12(4) (Procedure on taking of problem crocodile by conservation officer).

spider under a commercial wildlife harvesting licence for the scorpion or spider.

#### **429 Exemption from payment of conservation value for particular reptiles**

A person is exempt from payment of conservation value for a reptile of the family Elapidae, Hydrophiidae or Laticaudidae if the reptile is taken—

- (a) under a commercial wildlife harvesting licence for the reptile; and
- (b) for extracting venom for the production of antivenene for humans.

### **Division 4 Stop action orders**

#### **430 Application for and giving of stop action order**

- (1) A person (the *applicant*) may apply to the chief executive for the chief executive to give another person (the *respondent*) an order (a *stop action order*) requiring the respondent to stop performing the actions mentioned in the order.
- (2) The chief executive may give a stop action order to the respondent only if the chief executive is satisfied—
  - (a) the respondent's actions threaten human wellbeing; and
  - (b) the applicant has made reasonable attempts to require the respondent to stop performing the actions; and
  - (c) the respondent is unlikely to stop performing the actions unless required to stop performing the actions under a stop action order.
- (3) Also, the chief executive may give a stop action order to the respondent only if the respondent has been given reasonable opportunity to be heard in relation to the application.
- (4) For subsection (2)(a), a respondent's action that causes another person only inconvenience or annoyance does not threaten human wellbeing.

**431 Contents and form of stop action order**

- (1) A stop action order must state the following—
  - (a) the name of the applicant;
  - (b) the name and address of the respondent;
  - (c) each action the respondent is required to take or stop;
  - (d) that the respondent must comply with the order within a stated period, of at least 7 days, after the day the order takes effect;
  - (e) the day, not earlier than the day the respondent is given the order, the order takes effect;
  - (f) the period, of not more than 12 months after the day the order takes effect, for which the order has effect;
  - (g) the reasons for the giving of the order and each action required to be taken or stopped under the order;
  - (h) that the respondent may appeal against the decision to give the order to the Magistrates Court within 28 days after the day the respondent is given the order; and
  - (i) how to appeal.
- (2) The stop action order must be signed by the chief executive.

**432 Respondent must comply with stop action order**

A person who is given a stop action order under section 430 must comply with the order.

Maximum penalty—20 penalty units.

## Chapter 4      General provisions

### Part 1                      Provisions about dealing with seized property

#### 433      Application of pt 1

This part applies if property is seized (the *seized property*) under section 60, 61, 72, 76, 90 or 419.<sup>156</sup>

#### 434      Particular property must be destroyed

- (1) This section applies to seized property that is—
  - (a) an explosive within the meaning of the *Explosives Act 1999*; or
  - (b) a trap, snare, net or birdlime; or
  - (c) a decoy; or
  - (d) a poison.
- (2) The chief executive must destroy the property.

#### 435      Receipt for other seized property

- (1) This section applies to seized property, other than property to which section 434 applies.
- (2) After a conservation officer seizes the property, the chief executive must—
  - (a) give a receipt for the property to the owner of the property; or
  - (b) if the name of the owner of the property is not known—

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<sup>156</sup> Section 60 (Stray stock may be seized), 61 (General muster), 72 (Removal of unauthorised structures and works), 76 (Seizure and removal of vehicles), 90 (Seizure of particular vehicles or appliances for the protection of cultural or natural resources) or 419 (Seizure of particular vehicles or appliances for the protection of native wildlife).

- (i) leave a receipt as near as possible to the place from where the property was seized in a conspicuous position and in a reasonably secure way; and
  - (ii) publish a notice in a newspaper circulating generally in the State.
- (3) The receipt or notice must—
  - (a) describe generally the property and its condition; and
  - (b) state that the property—
    - (i) must be claimed within 2 months after the receipt is given to the owner or, if subsection (2)(b) applies, the notice is published; and
    - (ii) may be disposed of if it is not claimed within the 2 months.
- (4) This section does not apply to a thing if it would be impracticable or unreasonable to expect the chief executive to account for the thing given its condition, nature and value.

### **436 Return of claimed property**

- (1) This section applies if—
  - (a) the chief executive has, under section 435, given a receipt, or published a notice, for seized property; and
  - (b) a person makes a claim for the seized property within 2 months after the receipt is given or notice is published.
- (2) The chief executive may return the property to the person only if—
  - (a) the chief executive is satisfied the person has a right to the property; and
  - (b) the person pays the chief executive the reasonable costs of—
    - (i) seizing, removing and holding the property; and
    - (ii) giving a receipt or publishing a notice for the seizure.

**437 Dealing with unclaimed property**

- (1) This section applies if—
  - (a) the chief executive has, under section 435, given a receipt, or published a notice, for seized property; and
  - (b) the owner of the property has not claimed the property within 2 months after the receipt was given or notice was published.
- (2) The chief executive may sell the property by auction.
- (3) However, the chief executive must, at least 7 days before the auction, publish a notice in a newspaper circulating generally within the State stating—
  - (a) the details about the property; and
  - (b) that the property is to be sold by auction; and
  - (c) the date, time and place of the auction.

**438 Application of proceeds of sale**

- (1) This section applies if the chief executive sells seized property under section 437.
- (2) The proceeds of the sale must be applied in the following order—
  - (a) payment of the reasonable expenses of the chief executive incurred in the sale;
  - (b) payment of the reasonable cost of—
    - (i) seizing, removing and holding the property; and
    - (ii) giving a receipt or publishing a notice for the seizure;
  - (c) if the property is a structure or work—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) payment of any balance to the owner of the property.

**439 Compensation not payable**

Compensation is not payable for a sale or disposal of property under this part.

**Part 2 Demerit points for particular offences****440 Demerit points**

- (1) This section applies if—
  - (a) a person is given an infringement notice under the *State Penalties and Enforcement Act 1999* for an infringement notice offence against the Act, this regulation or a conservation plan; and
  - (b) the person 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 as follows—
  - (a) for an offence for which the maximum penalty is no more than 20 penalty units—1 demerit point;
  - (b) for an offence for which the maximum penalty is more than 20 but no more than 50 penalty units—2 demerit points;
  - (c) for an offence for which the maximum penalty is more than 50 but no more than 80 penalty units—3 demerit points;
  - (d) for an offence for which the maximum penalty is more than 80 but not more than 120 penalty units—4 demerit points;
  - (e) for an offence for which the maximum penalty is more than 120 but not more than 165 penalty units—5 demerit points.

## Part 3 Provisions about record books

### 441 Application of pt 3

This part applies if a person is required, under the Act, to keep a record book.

### 442 Definitions for pt 3

In this part—

*animal record particulars*, for an animal kept by a person, means each of the following—

- (a) the particulars of each animal kept by the person;
- (b) if the person is a holder of a commercial wildlife harvesting licence—the particulars of each animal taken under the licence;
- (c) if the person obtains or disposes of an animal kept by the person under a transaction—the particulars of the transaction;
- (d) if an animal kept by the person escapes or dies—the particulars of the escape or death;
- (e) if an animal kept by the person produces offspring—the particulars for the offspring.

*commercial activity permit* means a commercial activity permit granted under chapter 2, other than a commercial activity permit for filming or photography.

*prescribed day*, for a record particular, means—

- (a) for a record particular relating to activities carried out under a commercial activity permit—the day the activities are carried out; or
- (b) for a record particular relating to animals—
  - (i) for the particulars of animals kept by a person—on the day the animal is taken or obtained by the person; or

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- (ii) for the particulars of animals taken under a commercial wildlife harvesting licence—on the day the animal is taken under the licence; or
- (iii) for the particulars of a transaction under which an animal is obtained or disposed of—on the day of the transaction; or
- (iv) for the particulars of an escape or death of an animal—on the day of the escape or death; or
- (v) for the particulars about an offspring of an animal—
  - (A) if the offspring is raised by the offspring's parents—the day the offspring becomes independent of the offspring's parents; or
  - (B) if the offspring is raised by hand or artificial incubation—the day the offspring is separated from the offspring's parents; or
- (c) for a record particular relating to whole protected plants—
  - (i) for the particulars of the whole protected plant—on the day the plant was obtained; or
  - (ii) for the particulars of a transaction under which a whole protected plant is obtained or disposed of—on the day of the transaction; or
  - (ii) for the particulars of a natural increase or artificial propagation—on the day of the increase or propagation; or
  - (iii) for the particulars of a death of the plant—on the day of the death; or
- (d) for a record particular relating to protected plant parts—
  - (i) for the particulars of the plant part—on the day the plant part was obtained; or
  - (ii) for the particulars of a transaction under which a protected plant part is obtained or disposed of—on the day of the transaction; or
  - (iii) for the particulars of a loss or destruction of the plant part—on the day of the loss or destruction.

***prescribed protected plant part*** means a protected plant part other than a seed or spore of a protected plant other than a type B restricted plant taken in the wild.

***protected plant parts record particulars***, for holder of a commercial wildlife licence for protected plants, means the following—

- (a) the particulars of each prescribed protected plant part kept by the holder;
- (b) if the holder obtains or disposes of a prescribed protected plant part under the licence under a transaction—
  - (i) the particulars of the transaction; and
  - (ii) if the protected plant part was sold and an official tag was attached to the protected plant part when it was sold—the identification code for the tag; or
- (c) if the seeds or spores of a type B restricted plant kept by the holder are lost or destroyed—particulars about how the loss or destruction happened.

***record book*** includes a record and return book.

***relevant record particulars***, for a person, means—

- (a) for a holder of a commercial activity permit—details about the activities carried out, under the permit, by the holder of the permit, including the number of persons taking part in the activities; and
- (b) for a person who keeps a prescribed exempt bird under section 149<sup>157</sup>—the animal record particulars for each prescribed exempt bird kept by the person; or
- (c) for a holder of a relevant authority for an animal, other than a museum licence or a permit to keep protected wildlife—the animal record particulars for each animal kept by the holder under the licence; or
- (d) for a holder of a museum licence—the animal record particulars for each live animal kept by the holder under the licence; or

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157 Section 149 (Exemption for exempt animals)

- (e) for a holder of a permit to keep protected wildlife—the animal record particulars for each animal, kept by the holder under the permit, that is breeding or has bred while being kept by the holder under the permit; or
- (f) for a holder of a relevant authority for protected plants—
  - (i) if the holder keeps whole type A restricted plants—the whole protected plants record particulars; or
  - (ii) if the holder keeps protected plant parts—the protected plant parts record particulars.

***whole protected plants record particulars***, for holder of a commercial wildlife licence for protected plants, means—

- (a) the particulars of each whole type A restricted plant kept by the holder;
- (b) if the holder obtains or disposes of a whole type A restricted plant under the licence under a transaction—
  - (i) the particulars of the transaction; and
  - (ii) if an official tag was attached to, or moved with, the plant that was sold—the identification code of the tag; or
- (c) if the number of whole type A restricted plants kept by the holder increases because of natural increase or artificial propagation—an estimate of the number of plants produced by the natural increase or artificial propagation; or
- (d) if a whole type A restricted plant kept by the holder dies—
  - (i) the plant has died; and
  - (ii) if an official tag was attached to, or accompanied, the plant—the identification code for the tag.

#### **443 Record books property of the State**

A record book supplied by the chief executive is the property of the State.

**444 Where and for how long record book must be kept**

- (1) A person who keeps a record book under the Act must keep the record book—
- (a) in a secure way—
    - (i) for a holder of a commercial activity permit—in the vehicle used for the activity being carried out under the permit; or
    - (ii) for a person who keeps a prescribed exempt bird—at the place the person keeps the bird; or
    - (iii) for a holder of the relevant authority other than a commercial activity permit—
      - (A) at the licensed premises for the authority; or
      - (B) if the holder is a corporation and the licensed premises for the authority are not open for business—at an office of the corporation that is in the State; and
  - (b) for the period required under section 473.<sup>158</sup>

Maximum penalty—120 penalty units

- (2) However, if a holder of a wildlife demonstrator licence or a wildlife exhibitor licence is displaying animals under the licence, the holder must, while displaying the animal, keep the record book in a secure way in the holder's possession.

Maximum penalty—120 penalty units.

- (3) Also, subsection (1) is subject to any provision of a conservation plan that requires the person to keep the record book at a different place.<sup>159</sup>

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158 Section 473 (Period for which particular documents must be kept)

See also chapter 4 (General provisions), part 3 (Provisions about record books) for the requirements for record books required to be kept under the Act.

159 See the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, sections 18(3) (Records—commercial wildlife harvesting licence) and 19(3) (Records—commercial wildlife licence).

**445 General information that must be included in record book**

A person required to keep a record book under the Act must include, in the record book, the relevant record particulars for the person.<sup>160</sup>

Maximum penalty—

- (a) for a holder of a commercial activity permit—50 penalty units; or
- (b) for another person—120 penalty units.

**446 When record particulars to be included in record book**

- (1) A person required to include a record particular in a record book must include the particular on the prescribed day for the particular.

Maximum penalty—120 penalty units.

- (2) However, subsection (1) does not apply if a conservation plan requires the person to include the record particular on a different day.<sup>161</sup>

**447 Additional information to be included for wildlife exhibitor licences**

- (1) This section applies only to a holder of a wildlife exhibitor licence if the holder, or a relevant person for the holder, keeps a sick, injured or orphaned animal under the licence.
- (2) The holder must include the following information about the animal in the record book for the licence on the day required under subsection (3)—
  - (a) if the animal is sick or injured—
    - (i) the nature of the sickness or injury;
    - (ii) any treatment administered to the animal;

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<sup>160</sup> See also, section 99 (Procedure if wildlife stolen).

<sup>161</sup> See, for licences for conservation plan macropods, the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 18 (Records—commercial wildlife harvesting licence) and 19 (Records—commercial wildlife licence).

- (b) if the animal was orphaned—the place from where the animal was taken;
- (c) if the animal is released into the wild—the day the animal is released into the wild.

Maximum penalty—120 penalty units.

- (3) For subsection (2), the day the information is required to be included is as follows—
  - (a) if subsection (2)(a)(i) applies—the day the person becomes aware of the nature of the sickness or injury;
  - (b) if subsection (2)(a)(ii) applies—the day the treatment is administered;
  - (c) if subsection (2)(b) applies—the day the animal was taken;
  - (d) if subsection (2)(c) applies—the day the animal of the release.

#### **448 Information must be complete, accurate and legible**

- (1) This section applies to a person who enters information into a record book supplied by the chief executive.
- (2) The person must ensure the information entered in the book—
  - (a) is complete and accurate; and
  - (b) is legible; and
  - (c) is in ink.

Maximum penalty—100 penalty units.

#### **449 Requirement to produce or surrender record book**

- (1) This section applies to a person who keeps a record book under the Act.
- (2) The person must—
  - (a) if asked by a conservation officer, produce the record book for inspection by the officer; and

- (b) if asked, in writing, by the chief executive, surrender the book to the chief executive.

Maximum penalty—120 penalty units.

#### **450 Requirement to notify chief executive of loss etc.**

- (1) This section applies if—
  - (a) a person keeps a record book under the Act; and
  - (b) the record book is stolen, lost, destroyed or damaged.
- (2) The person must, immediately after becoming aware of the theft, loss, destruction or damage, give the chief executive a written notice stating the record book has been stolen, lost, destroyed or damaged.

Maximum penalty—120 penalty units.

#### **451 Persons must not interfere with record books**

- (1) A person must not interfere with a record book supplied by the chief executive.

Maximum penalty—120 penalty units.

- (2) However, subsection (1) does not apply to a person who removes, from a record book, a page that is a copy of a return of operations if the person gives the page to the chief executive.

- (3) In this section—

*interfere with*, a record book, includes—

- (a) removing a page from the record book; and
- (b) covering, erasing or modifying an entry in the record book.

## Part 4 Provisions about return of operations

### 452 Application of pt 4

This part applies to a person required to give the chief executive a return of operations under the Act.

### 453 Definition for pt 4

In this part—

*commercial activity permit* means a commercial activity permit granted under chapter 2, other than a commercial activity permit for filming or photography.

*prescribed period* means—

- (a) for a commercial activity permit—each month, or part month, for which the permit is in force; or
- (b) for a commercial wildlife licence for an animal, wildlife demonstrator licence, wildlife exhibitor licence, museum licence, educational purposes permit or scientific purposes permit—
  - (i) each period of 1 year starting after the licence is granted; and
  - (ii) if the licence ends within a year mentioned in subparagraph (i)—the period—
    - (A) starting on the day after the end of the year immediately preceding the year in which the licence ended; and
    - (B) ending on the day the licence ends; or
- (c) for a commercial wildlife harvesting licence, recreational wildlife harvesting licence, damage mitigation permit or collection authority to take and keep common wildlife—
  - (i) each period of 3 months starting after the licence is granted; and

- (ii) if the licence ends within a 3 month period mentioned in subparagraph (i)—the period starting on the day after the 3 month period immediately preceding the period and ending on the day the licence ends; or
- (d) for a permit to keep protected wildlife—
  - (i) if the holder of the permit is required to keep a record book for an animal kept under the permit—
    - (A) each period of 1 year starting after the permit is issued; and
    - (B) if the permit ends within a year mentioned in subsubparagraph (A)—the period starting on the day after the end of the year immediately preceding the year in which the permit ended and ending on the day the permit ends; or
  - (ii) otherwise—the day the animal dies or escapes; or
- (e) for a commercial wildlife licence for protected plants—
  - (i) each period of 6 months starting after the licence is granted; and
  - (ii) if the licence ends within a 6 month period mentioned in subparagraph (i)—the period—
    - (A) starting on the day after the end of the 6 month period immediately preceding the 6 month period in which the licence ended; and
    - (B) ending on the day the licence ends.

#### **454 Form and nature of return of operations**

- (1) This section applies to a person required to give the chief executive a return of operations under the Act.
- (2) The return must be in the approved form.
- (3) The return is the property of the State.

**455 When return of operations must be given and the period for which they must be given**

- (1) This section applies to a holder of a relevant authority who is required, under the Act, to give the chief executive a return of operations for the authority.
- (2) The person must give the return to the chief executive—
  - (a) for each prescribed period for the authority; and
  - (b) within—
    - (i) for a return for a commercial activity permit—30 days after each prescribed period for the permit; or
    - (ii) for another relevant authority—14 days after each prescribed period for the authority.

Maximum penalty—120 penalty units.

- (3) Subsection (2) applies even if no relevant event for the return happened during the prescribed period.
- (4) However, subsection (2) does not apply if a conservation plan requires the holder to give the return for a different period or by a different day.<sup>162</sup>
- (5) In this section—  
***relevant event***, for a return of operations, means an event the particulars of which must be included in the return.

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162 See—

- for a recreational wildlife harvesting licence for a conservation plan duck or conservation plan quail—the *Nature Conservation (Duck and Quail) Conservation Plan 1995*, section 9 (Returns)
- for a recreational wildlife harvesting licence for a conservation plan lizard—the *Nature Conservation (Eulo Lizard Races) Conservation Plan 1995*, section 13 (Returns and return of tags)
- for a commercial wildlife harvesting licence or a recreational wildlife harvesting licence for a conservation plan macropod—the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 20 (Returns).

**456 Information must be complete, accurate and legible**

- (1) This section applies to a person required to give the chief executive a return of operations under the Act.
- (2) The person must ensure the information included in the return—
  - (a) is complete and accurate; and
  - (b) is legible; and
  - (c) is in ink.

Maximum penalty—100 penalty units.

**457 Requirement about way and period for which return of operations must be kept**

- (1) This section applies to a person required to give the chief executive a return of operations under the Act.
- (2) The person must keep a copy of the return—
  - (a) in a secure way at the licensed premises for the relevant authority for which it is given; and
  - (b) for the period required under section 473.<sup>163</sup>

Maximum penalty—120 penalty units.

**458 Requirement to produce return of operations for inspection**

- (1) This section applies to a person required to give the chief executive a return of operations under the Act.
- (2) The person must, if asked by a conservation officer, produce a copy of the return for inspection by the officer.

Maximum penalty—120 penalty units.

**459 Requirement to notify chief executive of loss etc.**

- (1) This section applies if—

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<sup>163</sup> Section 473 (Period for which particular documents must be kept)

- (a) a person keeps a return of operations under the Act; and
  - (b) the return is stolen, lost, destroyed or damaged.
- (2) The person must, immediately after becoming aware of the theft, loss, destruction or damage, give the chief executive a written notice stating the return has been stolen, lost, destroyed or damaged.

Maximum penalty—120 penalty units.

- (3) In this section—  
*return of operations* includes a copy of the return of operations.

#### **460 Interfering with return of operations**

- (1) A person must not interfere with a return of operations.

Maximum penalty—120 penalty units.

- (2) In this section—

*interfere with*, a return of operations, includes covering, erasing or modifying an entry on the return.

*return of operations* includes a copy of the return of operations.

## **Part 5 Fees**

### **Division 1 Fees payable**

#### **461 Fees generally**

The fees payable under the Act are stated in schedule 7.

**462 Additional fee for particular licences and permits**

- (1) This section applies to a holder of a recreational wildlife licence or a permit to keep protected wildlife for any of the following animals—
  - (a) glossy black cockatoo (*Calyptorhynchus funereus*);
  - (b) palm cockatoo (*Probosciger aterrimus*);
  - (c) green python of the Australian population (*Morelia viridis*).
- (2) If the holder has not done either of the following, the holder must pay twice the fee stated, in schedule 7, for the licence or permit—
  - (a) taken a biological tissue sample from the animal and given it to an approved scientific institution;
  - (b) inserted an approved electromagnetic implant into the animal and given the identification code for the implant to the chief executive.

**463 Reduced fee for particular land-holders**

- (1) This section applies to the following licences—
  - (a) a commercial wildlife licence for macropods;
  - (b) a commercial wildlife harvesting licence for macropods;
  - (c) a commercial wildlife licence for protected plants;
  - (d) a commercial wildlife harvesting licence for protected plants.
- (2) If the licence is granted to a prescribed person for the land from where the macropods or plants are to be taken, the fee payable for the licence is half the fee stated, in schedule 7, for the licence.
- (3) In this section—

*close relative*, of an individual, means the individual's—

  - (a) parent or grandparent;
  - (b) brother or sister; or
  - (c) child or grandchild.

**controlling member**, of a corporation, means a person who—

- (a) is a member of the corporation; and
- (b) has a controlling role in the management of the corporation.

**prescribed person**, for land, means—

- (a) if the land-holder of the land is a corporation—the following persons—
  - (i) the corporation if a controlling member of the corporation lives on the land;
  - (ii) a controlling member of the corporation if the controlling member lives on the land; or
- (b) if the land-holder of the land is an individual—the following persons—
  - (i) a corporation for which the individual is a controlling member if the individual lives on the land;
  - (ii) the individual if the individual lives on the land;
  - (iii) a close relative of the individual if the close relative lives on the land;

#### **464 Reduced fee if royalty payable under another permit**

- (1) This section applies to a commercial wildlife harvesting licence for protected plants if the licence is granted to a person for taking a protected plant for which a royalty is payable under a permit under the *Forestry Act 1959*, section 56.
- (2) The fee payable for the licence is half the fee stated, in schedule 7, for the licence.

## **Division 2 Exemptions**

#### **465 Exemption from fee for camping permit for particular persons**

No fee is payable for a camping permit for a person who is in a national park to prepare a claim to, or a management plan

for, the national park under the *Aboriginal Land Act 1991* or *Torres Strait Islander Land Act 1991*.

**466 Exemption from fee for particular holders of recreational wildlife harvesting licence for lizards**

- (1) This section applies to a recreational wildlife harvesting licence for a conservation plan lizard that is granted to the secretary of the committee of the Cunnamulla–Eulo Festival of Opals.
- (2) No fee is payable for the licence.
- (3) Also, no fee is payable for a tag supplied to the secretary under chapter 3, part 10, division 2.

**467 Exemption from fee for particular wildlife farming licences**

No fee is payable for a wildlife farming licence for an animal if—

- (a) the licence is granted to a research or educational institution; and
- (b) the animal is to be used for genuine scientific research or educational purposes relating to wildlife farming.

**468 Exemption from fee permits to keep protected wildlife**

No fee is payable for a permit to keep protected wildlife that is granted for the life of an animal.

**469 Exemption from fee for particular collection authorities**

- (1) This section applies to a collection authority for dead protected wildlife if granted to or for any of the following—
  - (a) the Queensland Ambulance Service;
  - (b) a non-profit organisation that is an incorporated association;
  - (c) a school, college, university or university college.
- (2) No fee is payable for the authority.

**470 Exemption from fee for recreational wildlife harvesting licence for protected plants that would be destroyed**

No fee is payable for a recreational wildlife harvesting licences for a protected plant if—

- (a) the licence is granted to a recreational plant society or a member of a recreational plant society; and
- (b) the plant would have, or is likely to have, been destroyed under an Act, if the licence were not granted.

*Examples for paragraph (b) of when a plant would have or is likely to have been destroyed under an Act—*

1. A person holds a clearing permit under the Act that allows the person to destroy the plant.
2. A person holds a tree clearing permit under the *Land Act 1994* that allows the person to destroy the plant.
3. A development approval under the *Integrated Planning Act 1997* for the clearing of vegetation allows a person to destroy the plant.

**471 Exemption from fee for recreational wildlife harvesting licence for whole protected plants that will be propagated and replanted**

No fee is payable for a recreational wildlife harvesting licences for a whole protected plant if—

- (b) the licence is granted to a voluntary conservation organisation; and
- (b) the plant is to be propagated and replanted in the area from where it is taken.

**472 Exemption from fee for recreational wildlife harvesting licence for protected plant parts that will be propagated and replanted**

No fee is payable for a recreational wildlife harvesting licences for a seed or other propagating material of a vulnerable, rare or common plant if the seed or material is to be propagated and replanted in the area from where it is taken.

## **Part 6**                      **Other general provisions**

### **473**    **Period for which particular documents must be kept**

- (1) This section applies to—
  - (a) a person required to keep a record book, or a record and return book, supplied by the chief executive; and
  - (b) a person required to keep a document under section 99, 105, 107, 177, 226, 246, 394 or 457.<sup>164</sup>
- (2) The person must keep the document for—
  - (a) if the document relates to wildlife kept under a relevant authority—at least 2 years after the person ceases to hold any relevant authority for the wildlife; or
  - (b) otherwise—at least 2 years after the person ceases to keep the wildlife to which the document relates.

### **474**    **Requirement to notify chief executive of particular matters**

- (1) This section applies to a holder of a relevant authority if the holder changes the holder's—
  - (a) name; or
  - (b) postal, residential or business address.
- (2) The holder must immediately after changing the name or address give the chief executive a written notice stating—
  - (a) the holder has made a change to the person's name or address; and

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<sup>164</sup> Section 99 (Procedure if wildlife stolen), 105 (Requirement to keep and produce movement advice), 107 (Identification requirement for buying or selling protected, international or prohibited wildlife), 177 (Requirement to keep report about activities under licence), 226 (Condition about minimum number of displays), 246 (Particular holders must keep report about particular activities), 394 (Requirement to keep records) or 457 (Requirement about way and period for which return of operations must be kept)

See also section 444 (Where and for how long record book must be kept).

(b) the new name or address.

Maximum penalty—10 penalty units.

#### **475 Prescribed class—Act, s 130**

For section 130<sup>165</sup> of the Act, a person is an officer of a *prescribed class* if the person—

- (a) is an officer of another department; and
- (b) has an identity card issued by the department stating the person is a conservation officer under the Act.

#### **476 Approved forms**

The chief executive may approve forms for use under the Act.

## **Chapter 5 Transitional provisions for Nature Conservation and Other Legislation Amendment Regulation (No. 3) 2003**

### **Division 1 Definitions**

#### **477 Definitions for ch 5**

In this chapter—

*amending regulation* means the *Nature Conservation and Other Legislation Amendment Regulation (No. 3) 2003*.

*unamended regulation* means the *Nature Conservation Regulation 1994* as in force before the commencement of section 478.

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<sup>165</sup> Section 130 (Identity cards) of the Act

## **Division 2                      Continuing force of particular authorities**

### **478      Continuing force of particular existing licences**

- (1) This section applies to the following licences (each an *existing licence*) in force immediately before the commencement of this section or granted under section 487—
  - (a) a recreational wildlife (specialist) licence;
  - (b) an international wildlife licence.
- (2) From the commencement, the existing licence, and any conditions of the existing licence, have force as if the existing licence were a recreational wildlife licence for the wildlife identified on the existing licence.
- (3) Subsection (2) has effect only for the term of the existing licence.

### **479      Continuing force of existing rescue permits**

- (1) This section applies to a rescue permit, in force immediately before the commencement of this section or granted under section 487.
- (2) From the commencement, the rescue permit, and any conditions of the rescue permit, have force as if the rescue permit were a rehabilitation permit for the wildlife identified on the rescue permit.
- (3) Subsection (2) has effect only for the term of the rescue permit.

## **Division 3                      Effect of commencement on particular applications in progress**

### **480      Applications in progress for particular licences**

- (1) This section applies to an application for either of the following if the application is not finally decided before the commencement of this section—

- (a) a recreational wildlife (specialist) licence for an animal;
  - (b) an international wildlife licence for an animal.
- (2) From the commencement, the application is taken to be an application for a recreational wildlife licence for the animal.

#### **481 Applications in progress for rescue permits**

- (1) This section applies to an application for a rescue permit for an animal if the application is not finally decided before the commencement of this section.
- (2) From the commencement, the application is taken to be an application for a rehabilitation permit for the animal.

### **Division 4                      Effect of commencement on particular appeals**

#### **482 Definitions for div 4**

In this subdivision—

*continuing appeal* see section 483.

#### **483 Application of div 4**

This division applies to an appeal (a *continuing appeal*) to the Magistrates Court if—

- (a) the decision being appealed against in the appeal is the refusal to grant—
  - (i) a recreational wildlife (specialist) licence or international wildlife licence for an animal; or
  - (ii) a rescue permit for an animal; and
- (b) the appeal was started but not decided before the commencement of this section.

**484 Appeal to be decided under provisions before commencement**

The court must decide the continuing appeal under the unamended regulation.

**485 Effect of court decision to grant licence or permit**

If the court decides that the licence or permit must be granted, the chief executive must grant—

- (a) for an application for a recreational wildlife (specialist) licence or international wildlife licence for an animal—a recreational wildlife licence for the animal; or
- (b) for an application for a rescue permit for an animal—a rehabilitation permit for the animal.

**486 Effect of court decision to return matter back to chief executive**

- (1) This section applies if the court returns the matter to the chief executive with directions.
- (2) The application is taken to be—
  - (a) for an application for a recreational wildlife (specialist) licence or international wildlife licence for an animal—a recreational wildlife licence for the animal; or
  - (b) for an application for a rescue permit for an animal—a rehabilitation permit for the animal.
- (3) The chief executive must follow the court's directions to the extent possible.

**487 Effect of court decision to not grant licence or permit**

If the court confirms the decision being appealed against, despite the commencement of the amending regulation—

- (a) the application continues to be an application for—



## **Schedule 1      Powers of trustees of conservation parks or resources reserves**

section 26

### **Part 1                      Conservation parks**

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

- (1) The trustees of the Anderson Street Conservation Park or the Kamerunga Conservation Park have, for the park for which they are the trustee, the powers of the chief executive under chapters 1 and 2.
- (2) However, the trustees do not have power—
  - (a) to charge a fee for entry to the park; or
  - (b) 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.

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

- (1) The trustees of each of the following conservation parks have, for the conservation park for which they are the trustee, the powers of the chief executive under chapters 1 and 2—
  - Beachmere Conservation Park
  - Buckleys Hole Conservation Park
  - Byron Creek Conservation Park
  - Neurum Creek Conservation Park

**Schedule 1 (continued)**

- Sheep Station Creek Conservation Park
  - Wararba Creek Conservation Park.
- (2) However, the trustees do not have power—
- (a) to charge a fee for entry to the park; or
  - (b) 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
  - (c) to approve the use of a herbicide or pesticide.

**3 Bukkulla Conservation Park**

- (1) The trustees of Bukkulla Conservation Park have, for the conservation park, the powers of the chief executive under chapters 1 and 2.
- (2) However, the trustees do not have power—
- (a) to charge a fee for entry to the park; or
  - (b) 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 resources.

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

- (1) The trustees of each of the following conservation parks have, for the conservation park for which they the trustee, the powers of the chief executive under chapters 1 and 2—

**Schedule 1 (continued)**

- Denmark Hill Conservation Park
  - Flinders Peak Conservation Park
  - Ipswich Pteropus Conservation Park
  - Mount Beau Brummell Conservation Park
  - White Rock Conservation Park
  - White Rock (Limited Depth) Conservation Park.
- (2) However, the trustees do not have power—
- (a) to charge a fee for entry to the park; or
  - (b) 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
  - (c) to approve the use of a herbicide or pesticide.

**5 Lake Broadwater Conservation Park**

- (1) The trustees of Lake Broadwater Conservation Park have, for the conservation park, the powers of the chief executive under chapters 1 and 2.
- (2) However, the trustees do not have power—
- (a) to charge a fee for entry to the park; or
  - (b) 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; or
  - (c) to approve—

**Schedule 1 (continued)**

- (i) the use of a herbicide or pesticide; or
  - (ii) the landing of an aircraft or recreational craft.
- (3) Also, the trustees may grant a commercial activity permit only—
- (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.

**6 Lark Quarry Conservation Park**

- (1) The trustees of Lark Quarry Conservation Park have, for the conservation park, the powers of the chief executive under chapters 1 and 2.
- (2) However, the trustees do not have power—
- (a) to charge a fee for entry to the park; or
  - (b) 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
  - (c) to approve the use of a herbicide or pesticide.

**7 Mount Whitfield Conservation Park**

- (1) The trustees of Mount Whitfield Conservation Park have, for the conservation park, the powers of the chief executive under chapters 1 and 2.
- (2) However, the trustees do not have power—
- (a) to charge a fee for entry to the park; or

**Schedule 1 (continued)**

- (b) 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.
- (3) Also, the trustees may grant—
  - (a) a commercial activity permit only for a commercial activity associated with the conduct of rock climbing at the Aeroglen quarry; and
  - (b) a special activities permit only for a special activity associated with the conduct of rock climbing at the Aeroglen quarry.

**8 Springwood Conservation Park**

- (1) The trustees of Springwood Conservation Park have, for the conservation park, the powers of the chief executive under chapters 1 and 2.
- (2) However, the trustees do not have power—
  - (a) to charge a fee for entry to the park; or
  - (b) 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
  - (c) to approve the use of a herbicide or pesticide.

## Schedule 1 (continued)

**Part 2                      Resources reserves****9                      Blackbraes, Cudmore, Flat Top Range, Moonstone Hill  
and Stones Country Resources Reserves**

- (1) The trustees of each of the following resources reserves have, for the resources reserve for which they are the trustee, the powers of the chief executive under chapters 1 and 2—
- Blackbraes Resources Reserve
  - Cudmore Resources Reserve
  - Flat Top Range Resources Reserve
  - Moonstone Hill Resources Reserve
  - Stones Country Resources Reserve.
- (2) However, the trustees do not have power—
- (a) to charge a fee for entry to the reserve; or
  - (b) 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
  - (c) 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 where fish, mud crabs and invertebrate animals may be 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 area, inland of the Bruce Highway
Bushy Island National Park	all tidal areas
Cape Melville National Park	all areas
Cape Palmerston National Park	all tidal areas
Cape Upstart National Park	all tidal areas and Station Creek
Cedar Bay National Park	all areas

## Schedule 2 (continued)

<b>National park</b>	<b>Areas within national park where fish, mud crabs and invertebrate animals may be taken</b>
Conway National Park	(a) all tidal areas other than in Repulse Creek; and (b) Repulse Creek, from its mouth upstream to a line between the western bank of Boulder Creek at its junction with 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

## Schedule 2 (continued)

<b>National park</b>	<b>Areas within national park where fish, mud crabs and invertebrate animals may be taken</b>
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
Jardine River National Park	all areas other than— (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 (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

## Schedule 2 (continued)

<b>National park</b>	<b>Areas within national park where fish, mud crabs and invertebrate animals may be taken</b>
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
Smith Islands National Park	all tidal areas
South Cumberland Islands National Park	all tidal areas
South Island 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

## Schedule 2 (continued)

**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
  - (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 3      Permitted uses in prescribed national parks**

section 27A

### **Column 1**

#### **Prescribed national park or part of prescribed national park**

Barron Gorge National Park

Capricornia Cays National Park—the part of Lady Musgrave Island shown as lots 1 and 2 on CP 882206, containing an area of 1 276 m<sup>2</sup>

Claremont Isles National Park—the part of Fife Island shown as lot 1 on CP 882212, containing an area of 267 m<sup>2</sup>

Denham Group National Park—the part of Cairncross Island shown as lot 10 on CP 898341, containing an area of 1 682 m<sup>2</sup>

### **Column 2**

#### **Permitted use**

Construction, maintenance and use of the following facilities for the extraction of not more than 50 ML of water a day from Lake Placid—

- (a) a submerged water intake tower in Lake Placid
- (b) a vehicle access bridge from Barron Gorge Road to the water intake tower
- (c) a pump station on the north bank of the Barron River
- (d) a water mains under Barron Gorge Road<sup>a</sup>

A marine navigation use

A marine navigation use

A marine navigation use

## Schedule 3 (continued)

<b>Column 1</b> <b>Prescribed national park or part of prescribed national park</b>	<b>Column 2</b> <b>Permitted use</b>
Dularcha National Park	Construction, maintenance and use of an underground sewer rising main constructed in accordance with drawing numbers 10606000–003 to 10606000–012 showing the route and construction details for the main <sup>b</sup>
Flinders Group National Park—the part of King Island shown as lot 3 on CP 882215, containing an area of 282 m <sup>2</sup>	A marine navigation use
Goold Island National Park	Construction, maintenance and use of a communications tower and supporting structures, constructed on an area of 6 m diameter at the point 18.1607525 south and 146.1665211 east, for the operation of a radio repeater, seaphone repeater and radio link
Great Sandy National Park	Construction, maintenance and use of underground cabling for the following— (a) an electricity distribution network and a communications facility in accordance with orthophoto maps 15993-A1 and 15994-A1 and works plan 1100532; <sup>c</sup> (b) a communications facility in accordance with drawing 254913F1 <sup>d</sup> .

## Schedule 3 (continued)

<b>Column 1</b> <b>Prescribed national park or part of prescribed national park</b>	<b>Column 2</b> <b>Permitted use</b>
Green Island National Park	Construction and use of support structures for an extension of the tower that was situated on the Commonwealth land on 18 October 1996 to allow the operation of a ship reporting radar device
Holbourne Island National Park—the part shown as lot 115 on CP882203, containing an area of 203 m <sup>2</sup>	A marine navigation use
Howick Group National Park—the part of South Barrow Island shown as lot 1 on CP 882197, containing an area of 212 m <sup>2</sup>	A marine navigation use
Lizard Island National Park—the part of Palfrey Island shown as lot 1 on CP 882213, containing an area of 220 m <sup>2</sup>	A marine navigation use
Orpheus Island National Park—the part of White Rock shown as lot 11 on CP 882221, containing an area of 326 m <sup>2</sup>	A marine navigation use
Percy Isles National Park—the following parts—	
(a) the part of Pine Peak Island shown as lot 4 on CP 882204, containing an area of 319 m <sup>2</sup> ;	A marine navigation use
(b) the part of Vernon Rocks shown as lot 1 on CP 882205, containing an area of 235m <sup>2</sup>	A marine navigation use

## Schedule 3 (continued)

Column 1	Column 2
<b>Prescribed national park or part of prescribed national park</b>	<b>Permitted use</b>
Possession Island National Park—Eborac Island, shown as lot 11 on plan SO7, containing an area of about 4.45 ha	A marine navigation use
Restoration Island National Park—Restoration Rock, shown as lot 1 on plan WMT5, containing an area of about 2 024 m <sup>2</sup>	A marine navigation use
Three Islands Group National Park—the part of Three Isles shown as lot 1 on CP 882196, containing an area of 406 m <sup>2</sup>	A marine navigation use
Turtle Group National Park—the part of Petherbridge Island shown as lot 1 on CP 882190, containing an area of 235 m <sup>2</sup>	A marine navigation use
Whitsunday Islands National Park—the following parts—	
(a) the part of Edward Island shown as lot 7 on CP 882207, containing an area of 392 m <sup>2</sup> ;	A marine navigation use
(b) the part of Hook Island shown as lot 6 on CP 882209, containing an area of 261 m <sup>2</sup>	A marine navigation use

## Schedule 3 (continued)

Column 1	Column 2
Prescribed national park or part of prescribed national park	Permitted use
Wild Cattle Island National Park	<p>Construction, maintenance and use of the following facilities by Queensland Transport for the Port of Gladstone—</p> <ul style="list-style-type: none"> <li>(a) a shipping navigation leads tower and associated solar power equipment</li> <li>(b) a firebreak around the tower</li> <li>(c) a sight line of trimmed vegetation across the island</li> <li>(d) a vehicle access track within the sight line<sup>e</sup></li> </ul>
<hr/> <ul style="list-style-type: none"> <li>a A copy of a plan showing the location of the facilities may be inspected, free of charge, during business hours, at the department's offices at 160 Ann Street, Brisbane and 10–12 McLeod Street, Cairns.</li> <li>b A copy of the drawings may be inspected, free of charge, during business hours, at the department's office at 160 Ann Street, Brisbane.</li> <li>c A copy of the orthophoto maps and the works plan may be inspected, free of charge, during business hours, at the department's office at 160 Ann Street, Brisbane.</li> <li>d A copy of the drawing showing the location of the underground cabling may be inspected, free of charge, during business hours, at the department's offices at 160 Ann Street, Brisbane.</li> <li>e A copy of a plan showing the location of the facilities may be inspected, free of charge, during business hours, at the department's offices at 160 Ann Street, Brisbane and Level 3, 136 Goondoon Street, Gladstone.</li> </ul>	

## **Schedule 4      Permitted uses in national parks**

section 27B

### **1      Pioneer Peaks National Park**

(1) The construction, use and maintenance of approved facilities are permitted uses for Pioneer Peaks National Park.

(2) In this section—

*approved facilities* means telecommunications, broadcasting and radio communications facilities in Pioneer Peaks National Park on land described as lot 410 on plan Ci 2614 in the Parish of Ossa, County of Carlisle.

## **Schedule 5      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
- Tryon Island
- Wilson Island.

## Schedule 6      Processed products

sections 406 and 407

### Part 1                      Definitions

#### 1            Definitions for sch 6

In this schedule—

*approved tag* means a tag that the chief executive has supplied, under chapter 3, part 11, division 2, for attaching to an animal to identify the animal as a processed product.

*export permit* means a permit to export issued under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

*natural product*, of an animal, means a product that is shed, lost or excreted by the animal without any human inducement or other human intervention.

*Examples of natural products—*

1. Feathers of a bird that the bird naturally sheds or loses.
2. Skin of a snake that is naturally shed by the snake.
3. Teeth of a snake that is naturally passed in the faeces of the snake.

### Part 2                      Processed products made or derived from protected animals

#### 2            Processed products made or derived from particular protected birds

A dried, freeze-dried, skinned, or chemically treated dead recreational or restricted bird if the bird was lawfully taken, kept and used and either—

- (a) a holder of a commercial wildlife licence has—

## Schedule 6 continued)

- (i) mounted the dead bird; and
- (ii) attached an approved tag to the dead bird; or
- (b) the bird was taken, kept and used in another State and is lawfully moved into the State.

**3 Processed products made or derived from particular protected butterflies**

- (1) A dead protected butterfly if—
  - (a) a holder of a commercial wildlife licence or wildlife farming licence has—
    - (i) mounted the dead butterfly; or
    - (ii) placed the dead butterfly in resin or a resin-like substance; or
  - (b) the butterfly was taken, kept and used in another State and is lawfully moved into the State.

- (2) In this section—

*protected butterfly* means—

- (a) a protected butterfly that—
  - (i) is a farm animal kept by a holder of a wildlife farming licence for the butterfly; and
  - (ii) was lawfully taken or bred from a butterfly that was lawfully taken; and
  - (iii) if the butterfly was taken or bred in another State—was lawfully moved into the State; or
- (b) a protected butterfly that was lawfully taken, kept and used in a place outside the State.

**4 Processed products made or derived from particular protected crocodiles**

- (1) The following processed products—
  - (a) the skinned carcass, or meat, of a dead protected crocodile obtained by a person if—

**Schedule 6 (continued)**

- (i) the carcass or meat is obtained from a holder of a commercial wildlife licence or wildlife farming licence; and
  - (ii) the way the carcass or meat is packed complies with the requirements for packing the carcass or meat under the *Food Production (Safety) Act 2000*; and
  - (iii) the carcass or meat was lawfully moved from the holder to the person; and
- (b) the skinned carcass, or meat, of a dead protected crocodile obtained by a person if—
- (i) the carcass or meat is lawfully obtained from a person in another State; and
  - (ii) the way the carcass or meat is packed complies with any applicable law of the other State; and
  - (iii) the carcass or meat is lawfully moved into the State to the person.
- (c) a fully tanned skin of a dead protected crocodile obtained by a person from a person outside the State if the skin has an export permit lawfully attached to it; or
- (d) a fully tanned skin of a dead protected crocodile obtained by a person from a holder of a commercial wildlife licence or wildlife farming licence; or
- (e) an egg of a dead protected crocodile if the egg—
- (i) has had its contents removed; and
  - (ii) has an export permit lawfully attached to it;
- (f) the whole skin of a dead protected crocodile if—
- (i) the skin is mounted in a way to display the crocodile in whole form; and
  - (ii) the skin is mounted by either of the following persons—
    - (A) a holder of a commercial wildlife licence;

## Schedule 6 (continued)

- (B) a person in another State who is authorised, under a law of that State, to mount the skin; and
  - (iii) the skin has an export permit lawfully attached to it;
  - (g) the skull of a dead protected crocodile if the skull—
    - (i) is prepared or mounted by 1 of the following persons—
      - (A) a holder of a commercial wildlife licence;
      - (B) a person outside the State who is authorised, under a law of that State, to prepare or mount the skull; and
    - (ii) has an export permit lawfully attached to it;
  - (h) another product of a dead protected crocodile if—
    - (i) the product has an export permit lawfully attached to it; or
    - (ii) if the product is packed in a container—the container—
      - (A) is transparent; and
      - (B) has an export permit lawfully attached to it.
- (2) In this section—
- protected crocodile*** means—
- (a) a protected crocodile that—
    - (i) is a farm animal kept by a holder of a wildlife farming licence for the crocodile; and
    - (ii) was lawfully taken or bred from a crocodile that was lawfully taken; and
    - (iii) if the crocodile was taken or bred in another State—was lawfully moved into the State; or
  - (b) a protected crocodile that was lawfully taken, kept and used in a place outside the State.

## Schedule 6 (continued)

**5 Processed products made of or derived from particular protected emus**

- (1) The following processed products—
- (a) the skinned carcass, or meat, of a dead protected emu obtained by a person if—
    - (i) the carcass or meat is obtained from a holder of a commercial wildlife licence or wildlife farming licence for the emu; and
    - (ii) the way the carcass or meat is packed complies with the requirements about packing the carcass or meat under the *Food Production (Safety) Act 2000*; and
    - (iii) the carcass or meat is lawfully moved from the holder to the person;
  - (b) the skinned carcass, or meat, of a dead protected emu obtained by a person if—
    - (i) the carcass or meat is lawfully obtained from a person in another State; and
    - (ii) the way the carcass or meat is packed complies with any applicable law of the other State; and
    - (iii) the carcass or meat is lawfully moved into the State;
  - (c) the whole skin of a dead protected emu if the skin is fleshed and tanned at the licensed premises for a commercial wildlife licence or wildlife farming licence for emus;
  - (d) the whole skin of a dead protected emu if—
    - (i) the skin is mounted in a way to display the emu in whole form; and
    - (ii) the skin is mounted by a holder of a commercial wildlife licence for a dead protected emu or a person in another State who is authorised, under a law of that other State, to mount the skin; and
    - (iii) the skin has an approved tag lawfully attached to it:

## Schedule 6 (continued)

- (e) the skin from the leg of a dead protected emu if the skin is fleshed and tanned at the licensed premises for a commercial wildlife licence or wildlife farming licence for emus;
- (f) an egg of a live or dead protected emu if the egg—
  - (i) has had its contents removed; and
  - (ii) has an approved mark on it;
- (g) a feather from a live or dead protected farm emu;
- (h) oil or fat derived from a dead protected farm emu;
- (i) a beak, foot or bone of a protected farm emu if the beak, foot or bone is in a sealed container with an approved label lawfully attached to it.

(2) In this section—

***approved label*** means a label that—

- (a) is of a size required for a product label under the emu code; and
- (b) includes all the information required for a product label under the emu code.

***approved mark*** means a mark that—

- (a) is of a size and format approved by the chief executive for a shell mark under the emu code; and
- (b) includes all the information required for a shell mark under the emu code.

***protected emu*** means—

- (a) a protected emu that—
  - (i) is a farm animal kept by a holder of a wildlife farming licence for the emu; and
  - (ii) was lawfully taken or bred from an emu that was lawfully taken; and
  - (iii) if the emu was taken or bred in another State—was lawfully moved into the State; or

## Schedule 6 (continued)

- (b) a protected emu that was lawfully taken, kept and used in a place outside the State.

**6 Processed products made or derived from particular protected macropods**

- (1) The following processed products—
  - (a) the skinned carcass, or meat, of a dead protected macropod obtained by a person if—
    - (i) the carcass or meat is obtained from a holder of a commercial wildlife licence or wildlife farming licence for the macropod; and
    - (ii) the way the carcass or meat is packed complies with the requirements about packing the carcass or meat under the *Food Production (Safety) Act 2000*; and
    - (iii) the carcass or meat is lawfully moved from the holder to the person; and
  - (b) the skinned carcass, or meat, of a dead protected macropod obtained by a person if—
    - (i) the carcass or meat is lawfully obtained from a person in another State; and
    - (ii) the way the carcass or meat is packed complies with any applicable law of the other State; and
    - (iii) the carcass or meat is lawfully moved into the State.
  - (c) the skin of a dead protected macropod if—
    - (i) the skin was fleshed at a commercial tannery if—
      - (A) the tannery is the licensed premises for a commercial wildlife licence for dead macropods; and
      - (B) the operations at the tannery are the subject of a development approval under the *Integrated Planning Act 1997*; or

## Schedule 6 (continued)

- (ii) for skin obtained by a person from a place outside the State—
    - (A) the skin was fleshed at a commercial tannery in the State in which it was taken; and
    - (B) the skin was lawfully moved into the State;
  - (d) a bone, claw, ligament, paw, scrotum, tendon, or the tail meat or tail skin, of a dead protected macropod if the bone, claw, ligament, paw, scrotum, tendon, meat or skin is in a sealed container with an approved label for the macropod attached to it.
- (2) In this section—

***approved label***, for a macropod, means a label that includes the following information—

- (a) if the macropod is taken under a licence, permit or other authority under the Act—the number, or other identification details, for the licence, permit or authority;
- (b) the date the macropod was taken;
- (c) the place from which the macropod was taken;
- (d) if the macropod was taken in the State—
  - (i) the identification code of the tag that was attached to the macropod when it was taken; and
  - (ii) any other details required to be stated on the label under a notice declaring a harvest period for the macropod.

***protected macropod*** means a macropod of the family Macropodidae that—

- (a) was taken under a commercial wildlife harvesting licence for macropods; or
- (b) was lawfully taken, kept and used in a place outside the State.

## Schedule 6 (continued)

**7 Processed products made or derived from other protected animals**

- (1) This section applies to a dead protected animal other than an animal to which sections 2 to 6 of this schedule apply.
- (2) The following processed products—
  - (a) the skinned carcass, or meat, of a dead protected animal obtained by a person if—
    - (i) the carcass or meat is obtained from a holder of a commercial wildlife licence for the animal; and
    - (ii) the way the carcass or meat is packed complies with the requirements about packing the carcass or meat under the *Food Production (Safety) Act 2000*; and
    - (iii) the carcass or meat is lawfully moved from the holder to the person;
  - (b) the skinned carcass, or meat, of a dead protected animal obtained by the person if—
    - (i) the animal was lawfully taken, kept and used in another State; and
    - (ii) the carcass or meat is lawfully obtained from a person in another State; and
    - (iii) the way the carcass or meat is packed complies with any applicable law of the other State; and
    - (iv) the carcass or meat is lawfully moved into the State;
  - (c) the skin of the dead protected animal if the animal was lawfully taken, kept and used and—
    - (i) the skin was fully tanned by the holder of a commercial wildlife licence or a recreational wildlife harvesting licence for the animal; or
    - (ii) the skin was obtained by a person from a place outside the State and the skin—



## Schedule 7 Fees

sections 461 to 464

### Part 1 Fees for permits for protected areas

	\$
1 Camping permit other than if a commercial activity permit is required—each night—	
(a) for each person 5 years or older taking part in an educational tour or camp of a type approved by the chief executive . . . . .	2.25
(b) for each other person 5 years or older . . . . .	4.00
(c) maximum for a family . . . . .	16.00
2 Commercial activity permit for filming or photography—no structures involved—	
(a) only 1 or 2 people involved in the filming or photography—	
(i) application fee . . . . .	nil
(ii) daily site fee . . . . .	22.90
(b) only 3 to 5 people involved in the filming or photography—	
(i) application fee . . . . .	114.50
(ii) daily site fee . . . . .	56.60
(c) 6 or more people involved in the filming or photography—	
(i) application fee . . . . .	228.00
(ii) daily site fee . . . . .	114.50
3 Commercial activity permit for filming or photography—structure involved—	
(a) only 1 to 5 people involved in the filming or photography—	
(i) application fee . . . . .	114.50
(ii) daily site fee . . . . .	114.50

## Schedule 7 (continued)

		\$
	(b) only 6 to 25 people involved in the filming or photography—	
	(i) application fee.....	571.00
	(ii) daily site fee .....	571.00
	(c) only 26 to 50 people involved in the filming or photography—	
	(i) application fee.....	1 142.00
	(ii) daily site fee .....	1 142.00
	(d) 51 or more people involved in the filming or photography—	
	(i) application fee.....	2 286.00
	(ii) daily site fee .....	2 286.00
4	Commercial activity permit other than for filming or photography—	
	(a) application fee .....	217.00
	(b) application fee for renewal of permit.....	108.60
	(c) permit fee—	
	(i) 3 months or less .....	43.50
	(ii) more than 3 months but not more than 1 year..	174.40
	(iii) more than 1 year but not more than 2 years ...	348.00
	(iv) more than 2 years .....	496.00
	(d) additional daily fee for each client of the holder of the permit taking part in the activity—	
	(i) for an activity lasting less than 3 hours.....	1.30
	(ii) for an activity lasting 3 hours or more .....	2.50
	(e) camping fee for each client of the holder of the permit taking part in the activity .....	4.00
5	Group activity permit—	
	(a) application fee .....	21.70
	(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.....	3.30
	(ii) a people-based activity—each person .....	1.65

## Schedule 7 (continued)

	\$
6 Permit to take, use, keep or interfere with cultural or natural resources for an apiary for not more than 150 hives—	
(a) for 6 months or less . . . . .	47.90
(b) for more than 6 months but not more than 1 year . . .	70.70
(c) for more than 1 year but not more than 2 years . . . . .	126.00
(d) for more than 2 years . . . . .	179.70

## **Part 2 Fees for licences, permits or other authorities other than for protected areas**

### **Division 1 Licences for animals**

	\$
1 Commercial wildlife licence (wildlife interaction) . . . . .	103.50
2 Commercial wildlife licence for animals—	
(a) for only commercial birds or only commercial reptiles—	
(i) for 1 month or less . . . . .	87.10
(ii) for more than 1 month but not more than 1 year	435.00
(iii) for more than 1 year . . . . .	1 240.00
(b) for only commercial birds and commercial reptiles—	
(i) for 1 month or less . . . . .	138.40
(ii) for more than 1 month but not more than 1 year	538.00
(iii) for more than 1 year . . . . .	1 527.00
(c) for only commercial scorpions and commercial spiders—	
(i) for 1 month or less . . . . .	20.50

## Schedule 7 (continued)

	\$
(ii) for more than 1 month but not more than 1 year	102.50
(iii) for more than 1 year . . . . .	287.00
(d) for only commercial scorpions and commercial spiders and either, but not both, commercial birds or commercial reptiles—	
(i) for 1 month or less . . . . .	98.50
(ii) for more than 1 month but not more than 1 year	451.00
(iii) for more than 1 year . . . . .	1 283.00
(e) for only commercial scorpions and commercial spiders and commercial birds and commercial reptiles—	
(i) for 1 month or less . . . . .	149.80
(ii) for more than 1 month but not more than 1 year	553.00
(iii) for more than 1 year . . . . .	1 570.00
(f) for only dead macropods—	
(i) for 1 year or less—	
(A) until the end of 31 December 2004. . . . .	446.00
(B) on and from 1 January 2005 . . . . .	457.00
(ii) for more than 1 year—	
(A) until the end of 31 December 2004. . . . .	1 261.00
(B) on and from 1 January 2005 . . . . .	1 292.00
(g) for other commercial wildlife licences—	
(i) for 1 month or less . . . . .	87.10
(ii) for more than 1 month but not more than 1 year	435.00
(iii) for more than 1 year . . . . .	1 240.00
(h) for adding only commercial birds or only commercial reptiles to licence granted for commercial scorpions and commercial spiders—	
(i) for 1 month or less . . . . .	78.00
(ii) for more than 1 month but not more than 1 year	348.00
(iii) for more than 1 year . . . . .	996.00
(i) for adding commercial birds and commercial reptiles to licence granted for commercial scorpions and commercial spiders—	
(i) for 1 month or less . . . . .	129.30

## Schedule 7 (continued)

	\$
(ii) for more than 1 month but not more than 1 year	451.00
(iii) for more than 1 year . . . . .	1 283.00
(j) for adding commercial scorpions and commercial spiders to licence granted for only commercial birds or only commercial reptiles or only commercial birds and commercial reptiles—	
(i) for 1 month or less . . . . .	11.40
(ii) for more than 1 month but not more than 1 year	15.40
(iii) for more than 1 year . . . . .	43.00
(k) for adding commercial birds to licence granted for only commercial reptiles or adding commercial reptiles to licence granted for only commercial birds—	
(i) for 1 month or less . . . . .	51.20
(ii) for more than 1 month but not more than 1 year	102.50
(iii) for more than 1 year . . . . .	287.00
3 Recreational wildlife licence for animals—	
(a) standard fee . . . . .	51.20
(b) additional fee if the licence is for restricted animals.	153.70
(c) additional fee if the licence is for international animals. . . . .	11.40
(d) for adding restricted animals to a licence granted for animals other than restricted animals . . . . .	153.70
(e) for adding international animals to a licence granted for animals other than international animals . . . . .	11.40
4 Commercial wildlife harvesting licence for animals—	
(a) for macropods—	
(i) until the end of 31 December 2004. . . . .	101.00
(ii) on and from 1 January 2005 . . . . .	103.50
(b) for spiders or scorpions . . . . .	210.00
(c) for other animals . . . . .	217.00
5 Recreational wildlife harvesting licence for animals—	
(a) for ducks and quails. . . . .	49.00
(b) for macropods . . . . .	49.00
(c) for other animals . . . . .	49.00

## Schedule 7 (continued)

	\$
6 Wildlife demonstrator licence—	
(a) for 1 month or less . . . . .	114.50
(b) for more than 1 month but not more than 1 year . . . . .	560.00
(c) for more than 1 year . . . . .	1 594.00
7 Wildlife exhibitor licence—	
(a) for 1 month or less . . . . .	168.50
(b) for more than 1 month but not more than 1 year . . . . .	849.00
(c) for more than 1 year . . . . .	2 422.00
8 Wildlife farming licence—	
(a) for butterflies—	
(i) for 1 year or less . . . . .	114.50
(ii) for more than 1 year . . . . .	326.00
(b) for crocodiles—	
(i) for 1 year or less . . . . .	898.00
(ii) for more than 1 year . . . . .	2 558.00
(c) for emus—	
(i) for 1 year or less . . . . .	337.00
(ii) for more than 1 year . . . . .	963.00
(d) for reptiles of the family Elapidae, Hydrophiidae or Laticaudidae—	
(i) for 1 year or less . . . . .	228.00
(ii) for more than 1 year . . . . .	653.00
(e) for water buffalos—	
(i) for 1 year or less . . . . .	326.00
(ii) for more than 1 year . . . . .	931.00

**Division 2****Permits for animals**

	\$
9 Permit to keep protected wildlife . . . . .	51.20
10 Commercial whale watching permit—	
(a) if boat length is 15 m or less . . . . .	544.00

## Schedule 7 (continued)

	\$
(b) if boat length is more than 15 m but not more than 20 m . . . . .	871.00
(c) if boat length is more than 20 m . . . . .	1 632.00
(d) daily fee—each passenger—	
(i) if passenger less than 5 years . . . . .	nil
(ii) if passenger 5 years or more but less than 15 years . . . . .	1.30
(iii) if passenger 15 years or more . . . . .	2.50

**Division 3                      Collection authorities for animals**

	\$
11 Collection authority to keep a collection of dead protected wildlife . . . . .	51.20
12 Collection authority to take and keep common wildlife . . . . .	65.30

**Division 4                      Licences for protected plants**

	\$
13 Commercial wildlife licence for protected plants—	
(a) for 1 month or less . . . . .	87.10
(b) for more than 1 month but not more than 1 year . . . . .	435.00
(c) for more than 1 year . . . . .	1 240.00
14 Recreational wildlife licence for protected plants . . . . .	51.20
15 Commercial wildlife harvesting licence for protected plants . . . . .	217.80
16 Recreational wildlife harvesting licence for protected plants . . . . .	49.00

## Schedule 7 (continued)

**Division 5                      Permit and movement advice for  
moving wildlife**

	\$
17 Wildlife movement permit. . . . .	10.80
18 Movement advice. . . . .	2.55

**Part 3                              Fees for tags**

	\$
1 Tag for a farm crocodile skin. . . . .	1.35
2 Tag for a farm emu skin. . . . .	0.95
3 Tag for a macropod skin or carcass—	
(a) for a commercial wildlife harvesting licence for macropods—each lot of 500 tags—	
(i) until the end of 31 December 2004. . . . .	303.00
(ii) on and from 1 January 2005 . . . . .	310.00
(b) for a recreational wildlife harvesting licence for macropods—each tag . . . . .	0.65
4 Tag for a restricted plant . . . . .	0.35
5 Tag that is an approved mark of the department . . . . .	5.60



## Schedule 7 (continued)

**Part 6                      Other amendments**

- |   |  |       |
|---|--|-------|
| 1 | For an amendment, other than a change of address or an amendment already mentioned in this schedule, of a licence, permit or other authority for which a fee is payable that is requested by the holder of the licence, permit or authority— |       |
|   | (a) for an amendment of a camping permit granted, under section 42E or 42F, for an e-permit camping area. . . . .  | nil   |
|   | (b) for another amendment—each amendment. . . . .  | 11.40 |

## Schedule 8 Domestic animals

schedule 10, definition *domestic animal*

- 1 An alpaca, banteng cattle (*Bos banteng*), cattle (*Bos taurus* or *Bos indicus*), deer, llama or sheep.
- 2 An apiary bee other than an indigenous bee.
- 3 A camel, cat (*Felis catus*), dog (*Canis familiaris*), donkey, goat, guinea pig, horse, mule or pig.
- 4 A captive bred domestic chicken, duck, goose or turkey, other than a chicken, duck, goose or turkey that is indigenous to Australia.
- 5 The captive bred domestic form of the house mouse (*Mus musculus*) and brown rat (*Rattus norvegicus*).
- 6 The larval stage of *Ambystoma mexicanum*, commonly known as the Mexican walking fish or Axolotl.
- 7 An ostrich, a peafowl or pheasant of the family Phasianidae, other than quail indigenous to Australia.
- 8 The following birds—

Common Name	Scientific Name
Abyssinian yellow-rumped seedeater	<i>Serinus xanthopygius</i>
African silverbill	<i>Lonchura cantans</i>
Alexandrine parakeet	<i>Psittacula eupatria</i>
barred parakeet	<i>Bolborhynchus lineola</i>
black lory	<i>Chalcopsitta atra</i>
black-and-white munia	<i>Lonchura bicolor</i>
black-capped lory	<i>Lorius lory</i>
black-capped parakeet	<i>Yrrhura rupicola</i>
black-capped siskin	<i>Carduelis atriceps</i>
black-headed munia	<i>Lonchura malacca</i>
black-headed parrot	<i>Pionites melanocephala</i>
black-headed siskin	<i>Carduelis notata</i>
black-rumped waxbill	<i>Estrilda troglodytes</i>
black-winged lory	<i>Eos cyanogenia</i>

## Schedule 8 (continued)

<b>Common Name</b>	<b>Scientific Name</b>
blossom-headed parakeet	<i>Psittacula roseata</i>
blue-and-yellow macaw	<i>Ara ararauna</i>
blue-black grassquit	<i>Volatinia jacarina</i>
blue-crowned hanging-parrot	<i>Loriculus galgulus</i>
blue-crowned parakeet	<i>Aratinga acuticaudata</i>
blue-fronted parrot	<i>Amazona aestiva</i>
blue-streaked lory	<i>Eos reticulata</i>
blue-throated parakeet	<i>Pyrrhura cruentata</i>
blue-winged macaw	<i>Ara maracana</i>
bronze munia	<i>Lonchura cucullata</i>
burrowing parakeet	<i>Cyanoliseus patagonus</i>
California quail	<i>Callipepla californica</i>
Canada goose	<i>Branta canadensis</i>
cardinal lory	<i>Chalcopsitta cardinalis</i>
chattering lory	<i>Lorius garrulus</i>
chestnut-fronted macaw	<i>Ara severa</i>
chukar	<i>Alectoris chukar</i>
common pheasant	<i>Phasianus colchicus</i>
common quail	<i>Coturnix coturnix</i>
common redpoll	<i>Carduelis flammea</i>
common waxbill	<i>Estrilda astrild</i>
cordons bleus	<i>Uraeginthus spp.</i>
crimson-bellied parakeet	<i>Pyrrhura rhodogaster</i>
cuban grassquit	<i>Tiaris canora</i>
Cuban parrot	<i>Amazona leucocephala</i>
cut-throat	<i>Amadina fasciata</i>
derbyan parakeet	<i>Psittacula derbiana</i>
doves, including ruddy turtle, senegal laughing, harlequin and pink-headed	<i>Streptopelia spp.</i>
dusky lory	<i>Pseudeos fuscata</i>
dusky-headed parakeet	<i>Aratinga weddellii</i>
Dybowski's twinspot	<i>Euschistospiza dybowskii</i>

## Schedule 8 (continued)

<b>Common Name</b>	<b>Scientific Name</b>
eastern paradise whydah	<i>Vidua paradisaea</i>
Edwards' pheasant	<i>Lophura edwardsi</i>
Egyptian goose	<i>Alopochen aegyptiacus</i>
Eurasian linnet	<i>Carduelis cannabina</i>
Eurasian siskin	<i>Carduelis spinus</i>
Eurasian skylark	<i>Alauda arvensis</i>
European goldfinch	<i>Carduelis carduelis</i>
European greenfinch	<i>Carduelis chloris</i>
European serin	<i>Serinus serinus</i>
fan-tailed widowbird	<i>Euplectes axillaris</i>
fiery-shouldered parakeet	<i>Pyrrhura egregia</i>
golden parakeet	<i>Aratinga guarouba</i>
golden-capped parakeet	<i>Aratinga auricapilla</i>
goldie's lorikeet	<i>Psitteuteles goldiei</i>
great green macaw	<i>Ara ambigua</i>
green avadavat	<i>Amandava formosa</i>
green peafowl	<i>Pavo muticus</i>
green-cheeked parakeet	<i>Pyrrhura molinae</i>
green-winged pytilia	<i>Pytilia melba</i>
grey parrot	<i>Psittacus erithacus</i>
grey-capped greenfinch	<i>Carduelis sinica</i>
grey-headed munia	<i>Lonchura caniceps</i>
greylag goose	<i>Anser anser</i>
helmeted guineafowl	<i>Numida meleagris</i>
hooded siskin	<i>Carduelis magellanica</i>
house sparrow	<i>Passer domesticus</i>
hyacinth macaw	<i>Anodorhynchus hyacinthinus</i>
Indian peafowl	<i>Pavo cristatus</i>
island canary	<i>Serinus canaria</i>
jandaya parakeet	<i>Aratinga jandaya</i>
japanese quail	<i>Coturnix japonica</i>

## Schedule 8 (continued)

<b>Common Name</b>	<b>Scientific Name</b>
java sparrow	<i>Padda oryzivora</i>
javan munia	<i>Lonchura leucogastroides</i>
Joby Island dove	<i>Gallicolumba jobiensis</i>
kalij pheasant	<i>Lophura leucomelanos</i>
lavender waxbill	<i>Estrilda caerulescens</i>
lilac-crowned parrot	<i>Amazona finschi</i>
love birds	<i>Agapornis spp.</i>
luzon bleeding-heart	<i>Gallicolumba luzonica</i>
Madagascar red fody	<i>Foudia madagascariensis</i>
magpie munia	<i>Lonchura fringilloides</i>
malabar parakeet	<i>Psittacula columboides</i>
mallard	<i>Anas platyrhynchos</i>
mandarin duck	<i>Aix galericulata</i>
maroon-bellied parakeet	<i>Pyrrhura frontalis</i>
maroon-tailed parakeet	<i>Pyrrhura melanura</i>
meyer's parrot	<i>Poicephalus meyeri</i>
military macaw	<i>Ara militaris</i>
mindanao lorikeet	<i>Trichoglossus johnstoniae</i>
moluccan king-parrot	<i>Alisterus amboinensis</i>
monk parakeet	<i>Myiopsitta monachus</i>
muscovy duck	<i>Cairina moschata</i>
mute swan	<i>Cygnus olor</i>
namaqua dove	<i>Oena capensis</i>
nanday parakeet	<i>Nandayus nenday</i>
New Zealand scaup	<i>Aythya novaeseelandiae</i>
nicobar pigeon	<i>Caloenas nicobarica</i>
northern bobwhite	<i>Colinus virginianus</i>
olive-headed lorikeet	<i>Trichoglossus euteles</i>
orange-cheeked waxbill	<i>Estrilda melpoda</i>
orange-winged parrot	<i>Amazona amazonica</i>
oriental magpie-robin	<i>Copsychus saularis</i>

## Schedule 8 (continued)

<b>Common Name</b>	<b>Scientific Name</b>
ornate lorikeet	<i>Trichoglossus ornatus</i>
Pacific parrotlet	<i>Forpus coelestis</i>
painted parakeet	<i>Pyrrhura picta</i>
paradise shelduck	<i>Tadorna variegata</i>
peach-fronted parakeet	<i>Aratinga aurea</i>
pearly parakeet	<i>Pyrrhura perlata</i>
pin-tailed parrotfinch	<i>Erythrura prasina</i>
pin-tailed whydah	<i>Vidua macroura</i>
plain-backed sparrow	<i>Passer flaveolus</i>
plum-headed parakeet	<i>Psittacula cyanocephala</i>
purple-naped lory	<i>Lorius domicella</i>
razor-billed curassow	<i>Mitu tuberosa</i>
red avadavat	<i>Amandava amandava</i>
red bishop	<i>Euplectes orix</i>
red junglefowl	<i>Gallus gallus</i>
red lory	<i>Eos bornea</i>
red siskin	<i>Carduelis cucullata</i>
red-and-blue lory	<i>Eos histrio</i>
red-and-green macaw	<i>Ara chloropterus</i>
red-bellied macaw	<i>Ara manilata</i>
red-bellied parrot	<i>Poicephalus rufiventris</i>
red-billed firefinch	<i>Lagonosticta senegala</i>
red-billed leiothrix	<i>Leiothrix lutea</i>
red-breasted parakeet	<i>Psittacula alexandri</i>
red-crested cardinal	<i>Paroaria coronata</i>
red-crested finch	<i>Coryphospingus cucullatus</i>
red-crowned parrot	<i>Amazona viridigenalis</i>
red-faced pytilia	<i>Pytilia hypogrammica</i>
red-fan parrot	<i>Deroptyus accipitrinus</i>
red-fronted macaw	<i>Ara rubrogenys</i>
red-fronted parakeet	<i>Cyanoramphus novaezelandiae</i>

## Schedule 8 (continued)

<b>Common Name</b>	<b>Scientific Name</b>
red-fronted parrot	<i>Poicephalus gulielmi</i>
red-headed finch	<i>Amadina erythrocephala</i>
red-headed fody	<i>Foudia eminentissima</i>
red-headed parrotfinch	<i>Erythrura cyaneovirens</i>
red-lored parrot	<i>Amazona autumnnalis</i>
red-shouldered macaw	<i>Ara nobilis</i>
red-throated parrotfinch	<i>Erythrura psittacea</i>
red-winged pytilia	<i>Pytilia phoenicoptera</i>
rock partridge	<i>Alectoris graeca</i>
rock pigeon	<i>Columba livia</i>
rose-ringed parakeet	<i>Psittacula krameri</i>
ruddy ground-dove	<i>Columbina talpacoti</i>
ruddy shelduck	<i>Tadorna ferruginea</i>
saffron finch	<i>Sicalis flaveola</i>
salmon-crested cockatoo	<i>Cacatua moluccensis</i>
scaly-breasted munia	<i>Lonchura punctulata</i>
scarlet macaw	<i>Ara macao</i>
senegal parrot	<i>Poicephalus senegalus</i>
Siamese fireback	<i>Lophura diardi</i>
silver pheasant	<i>Lophura nycthemera</i>
silver-eared mesia	<i>Leiothrix argenteauris</i>
slaty-headed parakeet	<i>Psittacula himalayana</i>
southern yellow-rumped seedeater	<i>Serinus atrogularis</i>
Sudan golden-sparrow	<i>Passer luteus</i>
sun parakeet	<i>Aratinga solstitialis</i>
swan goose	<i>Anser cygnoides</i>
swinhoe's pheasant	<i>Lophura swinhoii</i>
thick-billed parrot	<i>Rhynchopsitta pachyrhyncha</i>
tricolored parrotfinch	<i>Erythrura tricolor</i>
Victoria crowned-pigeon	<i>Goura victoria</i>
violet-necked lory	<i>Eos squamata</i>

## Schedule 8 (continued)

<b>Common Name</b>	<b>Scientific Name</b>
white cockatoo	<i>Cacatua alba</i>
white-bellied canary	<i>Serinus dorsostriatus</i>
white-bellied parrot	<i>Pionites leucogaster</i>
white-bibbed ground-dove	<i>Gallicolumba jobiensis</i>
white-eared parakeet	<i>Pyrrhura leucotis</i>
white-fronted parrot	<i>Amazona albifrons</i>
white-headed munia	<i>Lonchura maja</i>
white-rumped munia	<i>Lonchura striata</i>
white-rumped seedeater	<i>Serinus leucopygius</i>
white-rumped shama	<i>Copsychus malabaricus</i>
white-throated munia	<i>Lonchura malabarica</i>
wild turkey	<i>Meleagris gallopavo</i>
wood duck	<i>Aix sponsa</i>
yellow canary	<i>Serinus flaviventris</i>
yellow cardinal	<i>Gubernatrix cristata</i>
yellow-bibbed lory	<i>Lorius chlorocercus</i>
yellow-billed cardinal	<i>Paroaria capitata</i>
yellow-billed lorikeet	<i>Neopsittacus musschenbroekii</i>
yellow-breasted greenfinch	<i>Carduelis spinoides</i>
yellow-collared macaw	<i>Ara auricollis</i>
yellow-crowned bishop	<i>Euplectes afer</i>
yellow-crowned parrot	<i>Amazona ochrocephala</i>
yellow-fronted canary	<i>Serinus mozambicus</i>
yellow-fronted parakeet	<i>Cyanoramphus auriceps</i>
yellow-rumped siskin	<i>Carduelis uropygialis</i>
zebra waxbill	<i>Amandava subflava</i> .

## Schedule 9 Relevant protected animals

schedule 10, definitions *exempt animal*, *controlled animal*, *commercial animal*, *recreational animal*, *relevant protected animal* and *restricted animal*

### Part 1 Exempt animals

#### 1 Birds

The following birds are exempt birds—

Common Name	Scientific Name
Australian ringneck or twenty-eight parrot	<i>Barnardius zonarius semitorquatus</i>
Bourke's parrot	<i>Neophema bourkii</i>
brown quail	<i>Coturnix ypsilophora</i>
budgerigar	<i>Melopsittacus undulates</i>
cockatiel or quarrion	<i>Nymphicus hollandicus</i>
diamond dove	<i>Geopelia cuneata</i>
elegant parrot	<i>Neophema elegans</i>
galah	<i>Cacatua roseicapilla</i>
Gouldian finch	<i>Erythrura gouldiae</i>
king quail	<i>Coturnix chinensis</i>
little corella	<i>Cacatua sanguinea</i>
long-billed corella	<i>Cacatua tenuirostris</i>
peaceful dove	<i>Geopelia striata</i>
princess parrot or Alexandra's parrot	<i>Polytelis alexandrae</i>
rainbow lorikeet	<i>Trichoglossus haematodus haematodus</i>
red-rumped parrot	<i>Psephotus haematonotus</i>
scarlet-chested parrot	<i>Neophema splendida</i>
star finch, other than the eastern subspecies	<i>Neochmia ruficauda</i> , other than <i>N. r. ruficauda</i>
stubble quail	<i>Coturnix pectoralis</i>

## Schedule 9 (continued)

<b>Common Name</b>	<b>Scientific Name</b>
sulphur-crested cockatoo	<i>Cacatua galerita</i>
western corella	<i>Cacatua pastinator</i>
zebra finch	<i>Taeniopygia guttata</i>

## Part 2                      Controlled animals

### 1            Birds

The following birds are controlled birds—

<b>Common Name</b>	<b>Scientific Name</b>
Adelaide rosella	<i>Platycercus elegans adelaidae</i>
bar-shouldered dove	<i>Geopelia humeralis</i>
black-throated finch	<i>Poephila cincta</i>
blue-faced parrot finch	<i>Erythrura trichroa</i>
chestnut-breasted mannikin	<i>Lonchura castaneothorax</i>
common bronzewing	<i>Phaps chalcoptera</i>
crested pigeon	<i>Ocyphaps (Geophaps) lophotes</i>
crimson rosella	<i>Platycercus elegans elegans</i>
diamond firetail	<i>Stagonopleura guttata</i>
double-barred finch	<i>Taeniopygia bichenovii</i>
eastern rosella	<i>Latycercus eximius</i>
emerald dove	<i>Chalcophaps indica</i>
hooded parrot	<i>Psephotus dissimilis</i>
little button-quail	<i>Turnix velox</i>
long-tailed finch	<i>Poephila acuticauda</i>
masked finch	<i>Poephila personata</i>
painted button-quail	<i>Turnix varia</i>
painted finch	<i>Emblema pictum</i>
pale-headed rosella	<i>Platycercus adscitus</i>

## Schedule 9 (continued)

<b>Common Name</b>	<b>Scientific Name</b>
Port Lincoln ringneck	<i>Barnardius zonarius zonarius</i>
rainbow (red-collared) lorikeet	<i>Trichoglossus haematodus rubritorquatus</i>
red-capped parrot	<i>Purpureicephalus spurius</i>
scaly-breasted lorikeet	<i>Trichoglossus chlorolepidotus</i>
turquoise parrot	<i>Neophema pulchella</i>
western rosella	<i>Platycercus icterotis</i>
yellow rosella	<i>Platycercus elegans flaveolus</i>

## Part 3 Commercial animals

### 1 Birds

The following birds are commercial birds—

<b>Common Name</b>	<b>Scientific Name</b>
Australian ringneck or Cloncurry parrot	<i>Barnardius zonarius macgillivrayi</i>
beautiful firetail	<i>Stagonopleura bellum</i>
black-breasted button-quail	<i>Turnix melanogaster</i>
blue bonnet, other than the narethae subspecies	<i>Northiella haematogaster</i> , other than <i>N.h. narethae</i>
blue-winged parrot	<i>Neophema chrysostoma</i>
brown cuckoo-dove	<i>Macropygia amboinensis</i>
brush bronzewing	<i>Phaps elegans</i>
chestnut quilled rock-pigeon	<i>Petrophassa rufipennis</i>
crimson finch	<i>Neochmia phaeton</i>
flock bronzewing	<i>Phaps histrionica</i>
golden-shouldered parrot	<i>Psephotus chrysopterygius</i>
king parrot	<i>Alisterus scapularis</i>
little lorikeet	<i>Glossopsitta pusilla</i>

## Schedule 9 (continued)

<b>Common Name</b>	<b>Scientific Name</b>
mulga parrot	<i>Psephotus varius</i>
musk lorikeet	<i>Glossopsitta concinna</i>
northern rosella	<i>Platycercus venustus</i>
pictorella mannikin	<i>Heteromunia pectoralis</i>
pied imperial-pigeon	<i>Ducula bicolor</i>
plum-headed finch	<i>Neochmia modesta</i>
purple-crowned lorikeet	<i>Glossopsitta porphyrocephala</i>
red-backed button-quail	<i>Turnix maculosa</i>
red-browed finch	<i>Neochmia temporalis</i>
red-chested button-quail	<i>Turnix pyrrhothorax</i>
red-winged parrot	<i>Aprosmictus erythropterus</i>
regent parrot	<i>Polytelis anthopeplus</i>
rock parrot	<i>Neophema petrophila</i>
spinifex pigeon	<i>Geophaps plumifera</i>
squatter pigeon	<i>Geophaps scripta</i>
superb parrot	<i>Polytelis swainsonii</i>
varied lorikeet	<i>Psitteuteles versicolor</i>
white-headed pigeon	<i>Columba leucomela</i>
white-quilled rock-pigeon	<i>Petrophassa albipennis</i>
wonga pigeon	<i>Leucosarcia melanoleuca</i>
yellow-rumped mannikin	<i>Lonchura flaviprymna</i>

**2 Invertebrates**

The following invertebrates are commercial invertebrates—

All protected spiders.

All protected scorpions.

## Schedule 9 (continued)

**3 Reptiles**

The following reptiles are commercial reptiles—

**Common Name****Scientific Name**

The following reptiles of the family Agamidae—

central netted dragon

*Ctenophorus nuchalis*

inland bearded dragon

*Pogona vitticeps*

The following reptiles of the family Scincidae—

pink-tongued lizard

*Hemisphaeriodon gerrardii*

eastern blue-tongued lizard

*Tiliqua scincoides*

Cunningham's skink

*Egernia cunninghami*

The following reptiles of the family Chelidae—

eastern snake-necked turtle

*Chelodina longicollis*

saw-shelled turtle

*Elseya latisternum*

Kreffft's river turtle

*Emydura krefftii*

Murray turtle

*Emydura macquarii*

The following reptiles of the family Geckonidae—

thick-tailed gecko

*Underwoodisaurus milii*

rough knob-tailed gecko

*Nephrurus asper*

smooth knob-tailed gecko

*Nephrurus laevissimus*

The following reptiles of the family Boidae—

children's python

*Liasis childreni*

spotted python

*Liasis maculosus*

Stimpson's python

*Liasis stimpsoni*

## Schedule 9 (continued)

**Part 4                      Recreational animals****1            Amphibians**

Each common amphibian is a recreational amphibian.

**2            Birds**

The following birds are recreational birds—

<b>Common Name</b>	<b>Scientific Name</b>
Australasian shoveler	<i>Anas rhynchotis</i>
Australian shelduck	<i>Tadorna tadornoides</i>
beautiful firetail	<i>Stagonopleura bella</i>
black duck	<i>Anas superciliosa</i>
black swan	<i>Cygnus atratus</i>
blue-billed duck	<i>Oxyura australis</i>
Cape Barren goose	<i>Cereopsis novaehollandiae</i>
chestnut teal	<i>Anas castanea</i>
green pygmy-goose	<i>Nettapus pulchellus</i>
grey teal	<i>Anas gracilis</i>
hardhead	<i>Aythya australis</i>
magpie goose	<i>Anseranas semipalmata</i>
maned duck or wood duck	<i>Chenonetta jubata</i>
pink-eared duck	<i>Malacorhynchus membranaceus</i>
plumed whistling-duck	<i>Dendrocygna eytoni</i>
radjah shelduck	<i>Tadorna radjah</i>
wandering whistling-duck	<i>Dendrocygna arcuata</i>

**3            Reptiles**

Each common reptile, other than a reptile that is a restricted reptile, is a recreational reptile.

## Schedule 9 (continued)

**Part 5**                      **Restricted animals****1**            **Amphibians**

A threatened or rare amphibian is a restricted amphibian.

**2**            **Birds**

The following birds are restricted birds—

<b>Common Name</b>	<b>Scientific Name</b>
Australian magpie (black-backed)	<i>Gymnorhina tibicen tibicen</i>
banded lapwing	<i>Vanellus tricolor</i>
buff-breasted button-quail	<i>Turnix olivii</i>
eclectus parrot (Australian subspecies)	<i>Eclectus roratus macgillivrayi</i>
gang gang cockatoo	<i>Callocephalon fimbriatum</i>
glossy black-cockatoo	<i>Calyptorhynchus lathami</i>
green rosella	<i>Platycercus caledonicus</i>
long-billed black-cockatoo	<i>Calyptorhynchus baudinii</i>
Major Mitchell's cockatoo (pink cockatoo)	<i>Cacatua leadbeateri</i>
mallee ringneck	<i>Barnardius zonarius barnardi</i>
masked lapwing	<i>Vanellus miles</i>
naretha blue bonnet	<i>Northiella haematogaster naretha</i>
partridge pigeon	<i>Geophaps smithii</i>
red wattlebird	<i>Anthochaera carunculata</i>
red-eared firetail	<i>Tagonopleura oculata</i>
red-tailed black-cockatoo	<i>Alyptorhynchus banksii</i>
rose-crowned fruit-dove	<i>Ptilinopus regina</i>
scarlet honeyeater	<i>Myzomela sanguinolenta</i>
short-billed (white-tailed) black-cockatoo	<i>Calyptorhynchus latirostris</i>
silvereve (grey-backed)	<i>Zosterops lateralis</i>
splendid fairy-wren	<i>Malurus splendens</i>
spotted pardalote	<i>Pardalotus punctatus</i>

## Schedule 9 (continued)

<b>Common Name</b>	<b>Scientific Name</b>
superb fairy-wren	<i>Malurus cyaneus</i>
superb fruit-dove	<i>Ptilinopus superbus</i>
swift parrot	<i>Lathamus discolor</i>
topnot pigeon	<i>Lopholaimus antarcticus</i>
variegated fairy-wren	<i>Malurus lamberti</i>
white-winged fairy-wren	<i>Malurus leucopterus</i>
wompoo fruit-dove	<i>Ptilinopus magnificus</i>
yellow-tailed black-cockatoo	<i>Calyptorhynchus funereus</i>

**3 Reptiles**

The following reptiles are restricted reptiles—

<b>Common Name</b>	<b>Scientific Name</b>
The following reptiles of the family Elapidae—	
black snakes	<i>Pseudechis spp</i>
broad-headed snakes	<i>Hoplocephalus spp</i>
brown snakes	<i>Pseudonaja spp</i>
Collett's snake	<i>Pseudechis colletti</i>
copperheads	<i>Austrelaps spp</i>
death adders	<i>Acanthopis spp</i>
eastern small-eyed snake	<i>Rhinoplocephalus nigriscens</i>
rough scaled snake	<i>Tropidechis carinatus</i>
taipans	<i>Oxyuranus spp</i>
tiger snakes	<i>Notechis spp</i>

The following reptiles of the family Hydrophiidae—  
all species

The following reptiles of the family Laticaudidae—  
all species

**Schedule 9 (continued)**

All threatened or rare reptiles other than the following—

- reptiles of the family Cheloniidae
- reptiles of the family Dermochelydiae
- freshwater crocodile *Crocodylus johnstoni*
- saltwater crocodile *Crocodylus porosus*

## Schedule 10 Dictionary

### section 3

*Aborigine particularly concerned with the land* has the meaning given by the *Aboriginal Land Act 1991*, section 4.

*accept*, an animal, for chapter 3, see section 93.

*additional conditions notice*, for chapter 2, part 3, division 2, see section 42C(3).

*animal breeding place*, for chapter 3, see section 93.

*animal record particulars*, for chapter 4, part 3, see section 442.

*approved display purpose*, for chapter 3, see section 93.

*approved electromagnetic implant* means an electromagnetic implant approved by the Minister for use on animals for identification purposes.

*approved interaction plan*, for chapter 3, see section 93.

*approved scientific institution*, for an animal, means a scientific institution approved by the Minister for accepting biological tissue samples of animals.

*approved tag*, for schedule 6, see schedule 6, section 1.

*approved way*—

- (a) for chapter 3, part 7, division 3, subdivision 3—see section 344; or
- (b) for chapter 3, part 7, division 3, subdivision 4—see section 349.

*attach*, for an official tag or propagator's tag to a plant, means any of the following—

- (a) insert into, or fasten to the outside of, the individual tube or pot containing the plant;
- (b) attach to the stem of the plant;
- (c) fasten to the board or other material on which the plant is mounted;

## Schedule 10 (continued)

- (d) insert between the board or other material on which the plant is mounted and any backing material for the board or other material in a way that allows the tag to be seen.

**authorised buyer**, for chapter 3, see section 93.

**authorised cultivator** means a person approved under section 391 to be an authorised cultivator.

**authorised interstate seller**, for chapter 3, see section 93.

**authorised premises**, for chapter 3, see section 93.

**authorised propagator** means a person approved under section 391 to be an authorised propagator.

**bioprospecting activity**—

1. *Bioprospecting activity* means an activity that—
  - (a) is carried out for a commercial purpose using biological material, or a derivative of the material, obtained from a protected, international or prohibited animal, or a protected plant; and
  - (b) is characterised by the systematic search for new sources of chemical compounds, genes, proteins and other products found in nature.
2. The term does not include obtaining genetic material or a chemical if—
  - (a) the material or chemical is obtained for a taxonomic study; and
  - (b) the material or chemical is given to a State or Commonwealth government museum or herbarium; and
  - (c) the results of the study are public domain and available to the public.

**camp** includes—

- (a) pitch, place or erect a tent, caravan or camping structure; and

## Schedule 10 (continued)

- (b) place other camping equipment or a vehicle 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.

***commercial activity***—

1. *Commercial activity* means 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. A *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 period and on payment of a stated amount.

***commercial activity permit*** see—

- (a) for chapter 4, part 3—section 442; or
- (b) for chapter 4, part 4—section 453.

## Schedule 10 (continued)

**commercial animal** means a protected animal mentioned in schedule 9, part 3.

**commercial purpose**, for chapter 3, see section 94.

**common amphibian** means an amphibian that is common wildlife.

**common animal** means an animal that is common wildlife.

**common plant** means a plant that is common wildlife.

**Commonwealth land**, for schedule 3, 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.

**conservation plan duck** means a duck of a species mentioned in the *Nature Conservation (Duck and Quail) Conservation Plan 1995*, section 2, definition *duck*.

**conservation plan lizard** means a lizard of a species mentioned in the *Nature Conservation (Eulo Lizard Races) Conservation Plan 1995*, section 4, definition *lizard*.

**conservation plan macropod** means a macropod of a species mentioned in the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*, section 3, definition *macropod*.

**conservation plan quail** means a quail of a species mentioned in the *Nature Conservation (Duck and Quail) Conservation Plan 1995*, section 2, definition *quail*.

**controlled animal** means a protected animal mentioned in schedule 9, part 2.

**corporation**, for chapter 3, see section 93.

**demerit point** means a demerit point accumulated under section 440.

**deposit** includes drop, leave, place or throw.

**display**, in relation to an animal, includes to demonstrate the animal.

**disturb**, an animal, includes—

## Schedule 10 (continued)

- (a) approach, harass, lure, pursue or tease the animal; or
- (b) attempt to do an act mentioned in paragraph (a).

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

**domestic animal** means an animal mentioned in schedule 8.

**emu code** means the document called ‘Code of Practice—Emu Farming’, approved by chief executive under section 174A<sup>166</sup> of the Act.

**endangered animal** means an animal that is endangered wildlife.

**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.

**e-permit agency**, for chapter 2, part 3, division 2, see section 42A.

**e-permit camping area** means a protected area, or part of a protected area, to which an e-permit camping notice relates.

**e-permit camping notice**, for chapter 2, part 3, division 2, see section 42B.

**e-permit camping tag** see section 42D(1).

**e-permit distribution point**, for chapter 2, part 3, division 2, see section 42A.

**e-permit number** see section 42A.

**exempt animal** means a protected animal mentioned in schedule 9, part 1.

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166 Section 174A (Chief executive may make codes of practice) of the Act

Note, a copy of the code of practice is open for public inspection, during office hours on business days, at the department’s head office at 160 Ann Street, Brisbane and each regional office of the department (see section 174A(3) of the Act).

## Schedule 10 (continued)

**exhibition code**, for chapter 3, see section 93.

**export permit**, for schedule 6, see schedule 6, section 1.

**farm animal**—

1. An animal of a species mentioned in paragraph 2 is a farm animal if the animal—
  - (a) is wild by nature and is taken from the wild under a licence, permit or other authority granted under the Act that allows the animal to be taken; or
  - (b) is farmed; or
  - (c) has been, or is being, lawfully moved into the State for use for farming.
2. For paragraph 1, the species are as follows—
  - (a) birdwing butterfly (*Ornithoptera* sp.);
  - (b) emu (*Dromaius novaehollandiae*);
  - (c) freshwater crocodile (*Crocodylus johnstoni*);
  - (d) a reptile of the family Elapidae, Hydrophiidae or Laticaudidae;
  - (e) saltwater crocodile (*Crocodylus porosus*);
  - (f) Ulysses butterfly (*Papilio ulysses*);
  - (g) water buffalo (*Bubalus bubalis*).

**farm crocodile** means a crocodile that is a farm animal.

**farm emu** means an emu that is a farm animal.

**feed**, in relation to a native animal, includes—

- (a) use food to tease or lure the animal; and
- (b) attempt to feed the animal.

**government entity**, for chapter 2, part 3, division 2, see section 42A.

**Great Barrier Reef Marine Park** means the Great Barrier Reef Marine Park established under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

## Schedule 10 (continued)

**group activity**—

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.

*Example*—

1. A concert, rally or public meeting.
  2. A religious activity.
  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.

**harvest period**, for wildlife, means a period declared under a conservation plan for the wildlife as the period during which a person may take the wildlife.

**identification code** means—

- (a) for an electromagnetic implant—a sequence of letters and numbers produced by the implant to identify the implant; or
- (b) for a tag—a sequence of letters and numbers that identify the tag.

**incorporated association** means an association incorporated under the *Associations Incorporation Act 1981*.<sup>167</sup>

**interact**, with an animal, for chapter 3, see section 93.

**lake** includes lagoon, swamp, marsh and any other natural collection of water.

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<sup>167</sup> *Associations Incorporation Act 1981*, section 2—

**association** means an association, society, body or other entity formed, or carried on, for a lawful purpose.

## Schedule 10 (continued)

**lawfully**, in relation to doing an act, means to do the act in a way that is authorised under an Act or a law of another State.

**licence**, for chapter 1, part 2, see section 3C.

**licensed premises**, for a licence, permit or other authority granted under the Act, means the premises stated on the licence, permit or authority as the licensed premises for the licence, permit or authority.

**licensee**, for chapter 1, part 2, see section 3C.

**litter** includes broken glass.

**litter bin** means a receptacle for litter provided by the chief executive.

**manufactured fuel**, for chapter 2, part 8, division 2, see section 69.

**marine mammal** means a dolphin, dugong or whale.

**marine navigation use**, for schedule 3, means the construction, maintenance and use of buildings, structures and other improvements as part of, or for, a facility for assisting marine navigation.

**marine turtle** means a turtle of the family Cheloniidae or Dermochelyidae.

**meat**, of an animal, includes the flesh and offal of the animal.

**member**, of the Australian Defence Force, see the *Defence Act 1903* (Cwlth), section 4.<sup>168</sup>

**military standing order** means a standing order that—

- (a) is a general order under the *Defence Force Discipline Act 1982* (Cwlth); and

<sup>168</sup> *Defence Act 1903* (Cwlth), section 4—

**member** includes any officer, sailor, soldier and airman.

## Schedule 10 (continued)

- (b) includes provisions relating to training members of a part of the Australian Defence Force about survival in the wild.<sup>169</sup>

**minimum distance**, for chapter 3, part 5, division 7, see section 314.

**month** means a period—

- (a) starting at the beginning of any day of a calendar month; and
- (b) ending—
- (i) immediately before the beginning of the corresponding day of the following calendar month; or
- (ii) if there is no corresponding day in the following calendar month—at the end of the following calendar month.

**native animal** means any taxon or species of animal indigenous to Australia, including, for example, a dingo (*Canis familiaris dingo*).

**natural product**, for schedule 6, see schedule 6, section 1.

**notice**, in relation to a notice erected or displayed in or near a protected area, includes a notice, sign, pictograph or other device, made of any material, erected or displayed by the chief executive in or near the area.

**officer**, of an incorporated association, see *Associations Incorporation Act 1981*, section 2, definition *officer*.

**official tag**, for a protected plant, means—

- (a) a tag supplied by the chief executive, under chapter 3, part 11, division 2, for attaching to the plant; or
- (b) for a tag used for attaching to the plant under a law of another State—a tag that complies with the

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<sup>169</sup> A copy of the relevant military standing orders may be inspected at the department's head office.

## Schedule 10 (continued)

requirements, for the tag, of any applicable law of the other State.

**official traffic sign** see *Transport Operations (Road Use Management) Act 1995*, schedule 4.<sup>170</sup>

**poison** means—

- (a) a poison mentioned in the *Health (Drugs and Poisons) Regulation 1996*, appendix 6A; and
- (b) any other substance that operates in a similar way to a poison mentioned in paragraph (a).

**prescribed cooking or heating appliance**, for chapter 2, part 8, division 2, see section 69.

**prescribed criteria**, for chapter 3, see section 93.

**prescribed day**, for chapter 4, part 3, see section 442.

**prescribed period**, for chapter 4, part 4, see section 453.

**prescribed protected plant part**, for chapter 4, part 3, see section 442.

**previous use authority** means an authority granted, by the chief executive, under section 36<sup>171</sup> of the Act.

**propagator's tag**, for a whole protected plant, means a tag supplied by the authorised propagator who propagated the plant that—

- (a) is of a design approved by the chief executive; and
- (b) is a minimum of 100 mm by 10 mm in size; and
- (c) includes the following information—
  - (i) the scientific name and, if the plant has a common name, the common name of the plant;
  - (ii) the authorisation number for the propagator; and

<sup>170</sup> *Transport Operations (Road Use Management) Act 1995*, schedule 4—

**official traffic sign** means a sign, marking, light or device placed or erected to regulate, warn or guide traffic.

<sup>171</sup> Section 36 (Authorities for new national park or national park (recovery)) of the Act

## Schedule 10 (continued)

(iii) the year in which the plant was propagated.

**protected plant part** includes a stem, phyllode, foliage, bud, flower, spore, seed, fruit, bark, oil, root, rhizome, resin, gum, exudate, gall, genetic material, chemical and any other structural component or constituent, of a protected plant.

**protected plant parts record particulars**, for chapter 4, part 3, see section 442.

**public land**, for chapter 3, see section 93.

**rare animal** means an animal that is rare wildlife.

**rare plant** means a plant that is rare wildlife.

**reasonably** means on grounds that are reasonable in all the circumstances.

**record book**, for chapter 4, part 3, see section 442.

**recreational animal** means a protected animal mentioned in schedule 9, part 4.

**recreational craft** includes a hot-air balloon, hang-glider, para glider and an ultra light aircraft.

**recreational animal** means a protected animal mentioned in schedule 9, part 4.

**recreational plant society** means a society that—

- (a) is an incorporated association; and
- (b) has, as one of its main functions, the conservation of plants.

**regulatory notice** means a regulatory notice erected or displayed, under section 91B.

**relevant authority** means—

- (a) for chapter 3—see section 93; or
- (b) otherwise—a licence, permit or other authority granted under the Act.

**relevant code of practice**, for an animal, means a code of practice that—

## Schedule 10 (continued)

- (a) relates to animals of the same type as the animal, to the extent the code of practice provides for the way in which the animals must be kept or used; and
- (b) has been approved or made by the chief executive under section 174A<sup>172</sup> of the Act.

**relevant person**, for chapter 3, see section 93.

**relevant protected animal** means an animal mentioned in schedule 9.

**relevant record particulars**, for chapter 4, part 3, see section 442.

**repealed Act** means—

- (a) in relation to a protected area—the *National Parks and Wildlife Act 1975*; or
- (b) in relation to a protected animal—the *Fauna Conservation Act 1974*.

**reptile and amphibian code**, for chapter 3, see section 93.

**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—

- (a) declared to be a restricted access area under this regulation; or
- (b) stated in a regulatory notice as a restricted access area.

**restricted animal** means a protected animal mentioned in schedule 9, part 5.

**restricted plant** means a protected plant mentioned in schedule 10.

**scientific purpose** includes an archaeological, anthropological or sociological purpose.

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172 Section 174A (Chief executive may make codes of practice) of the Act

## Schedule 10 (continued)

**scientific research**, for chapter 3, part 5, division 7, see section 314.

**seized property** see section 433.

**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.

**shark** means a cartilaginous fish of the superorder Euselachii.

**sick**, in relation to a protected animal, includes suffering from the behavioural disorder in animals known as human imprinting.

**skinned carcass**, of an animal, means the carcass of the animal with the skin removed.

**special activity**—

1. A *special activity* is an activity that—
  - (a) may have an unusual or significant impact on cultural or natural resources; or
  - (b) needs special training or supervision before a person can safely engage in the activity; or
  - (c) may involve risk to the public.
2. A *special activity* includes hang-gliding, hot-air ballooning, rock climbing and white water rafting.

**special native animal**, for chapter 3, see section 93.

**State museum**, for chapter 3, part 4, division 10, see section 263.

**stock** means—

- (a) cattle, horses or sheep; or
- (b) for a general muster—see section 61.

**stock plant** means a plant taken in the wild—

## Schedule 10 (continued)

- (a) under a commercial wildlife harvesting licence for stock plants; and
- (b) for providing propagating material by—
  - (i) dividing the plant; or
  - (ii) removing the seed, cuttings or propagating material from the plant.

**stop action order** see section 430(1).

**tag** includes a band, ring, implant, label or other thing that may be attached to wildlife.

**temporary display**, for chapter 3, see section 93.

**threatened animal** means an animal that is threatened wildlife.

**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.

**type A restricted plant** means any of the following plants—

- (a) a plant of the family Orchidaceae (other than *Spathoglottis plicata*);
- (b) a plant of the genus *Xanthorrhoea*;
- (c) a plant of the genus *Myrmecodia*;
- (d) a plant of the genus *Hydnophytum*;
- (e) a plant of the family *Cycadaceae*;
- (f) a plant of the family *Zamiaceae*;
- (g) a plant of the genus *Huperzia*;
- (h) a plant of the genus *Platynerium*.

**type B restricted plant** means any of the following plants—

- (a) an endangered plant;

## Schedule 10 (continued)

- (b) a vulnerable plant;
- (c) a plant of the family Cycadaceae;
- (d) a plant of the family Zamiaceae.

**unauthorised interaction**, for chapter 3, see section 95.

**unpack**, for part 9, see section 405.

**use**, an animal or plant, for chapter 3, see section 93.

**veterinary surgeon** means a person registered as a veterinary surgeon under *Veterinary Surgeons Act 1936*.

**voluntary conservation organisation** means an organisation that—

- (a) is an incorporated association; and
- (b) has, as one of its objects or functions, the conservation of native plants.

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

- (a) that is an incorporated association; 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.

**vulnerable animal** means an animal that is vulnerable wildlife.

**vulnerable plant** means a plant that is vulnerable wildlife.

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

**weapon** see *Weapons Act 1990*, schedule 2.<sup>173</sup>

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

## Schedule 10 (continued)

**whole**, for a protected plant, includes—

- (a) a seedling, but not an ungerminated seed; and
- (b) if a person divides a plant into 1 or more viable plants—each viable plant.

**whole protected plants record particulars**, for chapter 4, part 3, see section 442.

**year** means a period of 12 months—

- (a) starting at the beginning of any day of a calendar year; and
- (b) ending—
  - (i) immediately before the beginning of the corresponding day of the following calendar year; or
  - (ii) if the year started on 29 February of a year—at the end of 28 January of the following calendar year.





## 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 July 2004. 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

Key	Explanation	Key	Explanation
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	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Reprint date
1	to 1996 SL No. 129	14 June 1996	5 July 1996
1A	to 1996 SL No. 337	25 November 1996	6 February 1997
2	to 1998 SL No. 36	13 March 1998	3 April 1998
2A	to 1998 SL No. 362	1 January 1999	8 January 1999
2B	to 1999 SL No. 335	1 February 2000	2 February 2000
2C	to 2000 SL No. 129	1 July 2000	5 July 2000
3	to 2000 SL No. 264	13 October 2000	3 November 2000
3A	to 2000 SL No. 354	1 January 2001	10 January 2001
3B	to 2001 SL No. 36	27 April 2001	11 May 2001
3C	to 2001 SL No. 112	20 July 2001	2 August 2001
3D	to 2001 SL No. 215	23 November 2001	7 December 2001
3E	to 2001 SL No. 283	21 December 2001	4 January 2002
3F	to 2002 SL No. 143	14 June 2002	18 June 2002
4	to 2002 SL No. 143	14 June 2002	14 June 2002
			(Column discontinued)
			Notes
4A	to 2002 SL No. 372	20 December 2002	
4B	to 2003 SL No. 82	9 May 2003	
4C	to 2003 SL No. 137	1 July 2003	
4D	to 2003 SL No. 177	8 August 2003	
4E	to 2003 SL No. 259	31 October 2003	
4F	to 2003 SL No. 330	12 December 2003	
4G	to 2003 SL No. 375	1 March 2004	
4H	to 2003 SL No. 376	8 March 2004	
4I	to 2004 SL No. 116	2 July 2004	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1
Corrected minor errors	1, 3
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)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**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 SL No. 436  
 pts 1–2**

notfd gaz 12 December 1997 pp 1631–4  
 commenced on date of notification

**Nature Conservation Legislation Amendment Regulation (No. 1) 1998 SL No. 36  
pts 1–2**

notfd gaz 13 March 1998 pp 1117–8  
commenced on date of notification

**Nature Conservation Amendment Regulation (No. 1) 1998 SL No. 362**

notfd gaz 18 December 1998 pp 1551–7  
ss 1, 3 commenced on date of notification  
remaining provisions commenced 1 January 1999 (see s 3)

**Nature Conservation Legislation Amendment Regulation (No. 1) 1999 SL No. 279  
pts 1–2**

notfd gaz 12 November 1999 pp 1007–9  
commenced on date of notification

**Road Transport Reform Regulation 1999 SL No. 286 ss 1, 2(2), 4 sch 2**

notfd gaz 19 November 1999 pp 1149–52  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 December 1999 (see s 2(2))

**Nature Conservation Legislation Amendment Regulation (No. 2) 1999 SL No. 335  
pts 1–2**

notfd gaz 17 December 1999 pp 1586–9  
ss 1–2 commenced on date of notification  
ss 7–8 commenced 1 February 2000 (see s 2(1))  
s 9 commenced 1 July 2000 (see s 2(2))  
s 20 commenced 19 December 1994 (see s 2(3))  
ss 24, 55 commenced 1 January 2000 (see s 2(4))  
remaining provisions commenced on date of notification

**Environmental Legislation Amendment Regulation (No. 1) 2000 SL No. 129 pts 1–2**

notfd gaz 23 June 2000 pp 652–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2000 (see s 2)

**Nature Conservation Amendment Regulation (No. 1) 2000 SL No. 264**

notfd gaz 13 October 2000 pp 565–6  
commenced on date of notification

**Nature Conservation and Other Legislation Amendment Regulation (No. 1) 2000  
SL No. 354 pts 1–2 s 3 sch**

notfd gaz 15 December 2000 pp 1478–83  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2001 (see s 2)

**Nature Conservation Amendment Regulation (No. 1) 2001 SL No. 36**

notfd gaz 27 April 2001 pp 1690–1  
commenced on date of notification

**Nature Conservation Amendment Regulation (No. 2) 2001 SL No. 112**

notfd gaz 20 July 2001 pp 1138–40  
commenced on date of notification

**Nature Conservation Amendment Regulation (No. 3) 2001 SL No. 153**

notfd gaz 31 August 2001 pp 1618–19  
commenced on date of notification

**Nature Conservation Legislation Amendment Regulation (No. 1) 2001 SL No. 215  
pts 1–2**

notfd gaz 23 November 2001 pp 1088–91  
commenced on date of notification

**Environmental Legislation Amendment Regulation (No. 1) 2001 SL No. 283 s 1, pt 7**

notfd gaz 21 December 2001 pp 1482–8  
commenced on date of notification

**Environmental Legislation Amendment Regulation (No. 1) 2002 SL No. 143 pts 1, 3**

notfd gaz 14 June 2002 pp 697–700  
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notfd gaz 20 December 2002 pp 1359–63  
commenced on date of notification

**Nature Conservation Legislation Amendment Regulation (No. 1) 2003 SL No. 82  
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notfd gaz 9 May 2003 pp 125–6  
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notfd gaz 27 June 2003 pp 749–56  
ss 1–2 commenced on date of notification  
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notfd gaz 31 October 2003 pp 691–4  
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**Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2003  
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notfd gaz 12 December 2003 pp 1203–7  
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notfd gaz 19 December 2003 pp 1307–13

ss 1–2 commenced on date of notification  
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 Note—An explanatory note was prepared

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- s 168C**     ins 2000 SL No. 354 s 4  
               om 2003 SL No. 375 s 22

**Division 4—Commercial use of protected plant parts**

- div hdg**    ins 2000 SL No. 354 s 4  
               om 2003 SL No. 375 s 22

**Authorisation for particular government officers or employees to move dead international or prohibited animals**

- s 169**       sub 2000 SL No. 354 s 4; 2003 SL No. 375 s 22

**Changes in number or species of protected plant parts kept**

- s 169A**     ins 2000 SL No. 354 s 4  
               om 2003 SL No. 375 s 22

**Restrictions on holder of authority or permit**

- s 169B**     ins 2000 SL No. 354 s 4  
               om 2003 SL No. 375 s 22

**Division 5—Commercial wildlife licence for protected plants**

**div hdg** ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Division 6—Recreational keeping and use of protected plants**

**div hdg** ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Division 7—Exemptions for using protected plants**

**div hdg** ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Division 8—Approval of authorised cultivators and propagators**

**div hdg** ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**PART 4—LICENCES FOR TAKING, KEEPING OR USING ANIMALS**

**pt hdg** sub 2003 SL No. 375 s 22

**Division 1—Preliminary**

**div hdg** ins 1999 SL No. 335 s 26  
sub 2003 SL No. 375 s 22

**Licences that may be granted**

**s 170** amd 1995 SL No. 352 s 48; 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 49  
sub 2000 SL No. 354 s 4; 2003 SL No. 375 s 22

**Restriction on sale of protected plants by licensee under commercial wildlife licence**

**s 170A** ins 1999 SL No. 335 s 21  
sub 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Obligations of licensee under commercial wildlife licence**

**s 170B** ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Division 2—Commercial wildlife licence (wildlife interaction)**

**div hdg** ins 1999 SL No. 335 s 29  
sub 2003 SL No. 375 s 22

**Subdivision 1—Purpose of division**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Purpose of div 2**

**s 171** amd 1995 SL No. 352 s 49; 1995 SL No. 406 s 11; 1996 SL No. 72 s 11  
sub 2000 SL No. 354 s 4; 2003 SL No. 375 s 22

**Subdivision 2—Restrictions on grant of commercial wildlife licence (wildlife interaction)**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Sale of particular restricted plants by licensee under recreational wildlife licence**

**s 171A** ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Recreational wildlife harvesting licences and recreational wildlife licences for protected plants**

s 171B ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Restriction on animals for which licence may be granted**

s 172 amd 1999 SL No. 335 s 22  
sub 2000 SL No. 354 s 4  
amd 2001 SL No. 112 s 4  
sub 2003 SL No. 375 s 22

**Exemption for retail sale for whole protected plants**

s 172A ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Exemption for using protected plant parts**

s 172B ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Exemption for selling protected plants propagated for recreational purposes**

s 172C ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Exemption for using protected plants registered under Plant Breeder's Rights Act 1994 (Cwlth)**

s 172D ins 2000 SL No. 354 s 4  
om 2003 SL No. 375 s 22

**Restriction of persons to whom licence may be granted**

s 173 amd 1996 SL No. 72 s 12; 1997 SL No. 436 s 50  
sub 2000 SL No. 354 s 4  
amd 2001 SL No. 112 s 5  
sub 2003 SL No. 375 s 22

**Restriction on activities for which licence may be granted**

s 174 amd 1995 SL No. 352 s 50; 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 51  
sub 2000 SL No. 354 s 4; 2003 SL No. 375 s 22

**Subdivision 3—Things authorised by commercial wildlife licence (wildlife interaction)**

sdiv hdg ins 2003 SL No. 375 s 22

**PART 3A—PROTECTED PLANTS IN TRADE**

pt hdg ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Division 1—Preliminary**

div hdg ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Definitions for pt 3A**

prov hdg sub 1999 No. 335 s 23(1)  
s 174A ins 1998 SL No. 362 s 6  
amd 1999 SL No. 335 s 23(2)  
om 2000 SL No. 354 s 4

**Purpose of part**

s 174B ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Application of part**

s 174C ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Division 2—Taking, using and keeping protected plants**

div hdg ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Harvest period for protected plants**

s 174D ins 1998 SL No. 362 s 6  
amd 1999 SL No. 335 s 24  
om 2000 SL No. 354 s 4

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

s 174E ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Condition of licence**

s 174EA ins 1999 SL No. 335 s 25  
om 2000 SL No. 354 s 4

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

s 174F ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

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

s 174G ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Harvested restricted plants to be tagged**

s 174H ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

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

s 174I ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

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

s 174J ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Division 3—Records and returns**

div hdg ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Records to be kept**

s 174K ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Returns**

s 174L ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Division 4—Miscellaneous**

**div hdg** ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Conservation value**

**s 174M** ins 1998 SL No. 362 s 6  
om 2000 SL No. 354 s 4

**Holder may engage in unauthorised interaction**

**prov hdg** sub 1999 No. 335 s 27(1)  
**s 175** sub 2003 SL No. 375 s 22  
def “**code**” sub 1996 SL No. 72 s 13  
def “**licensee**” om 1999 SL No. 335 s 27(2)  
def “**use**” amd 1995 SL No. 352 s 51; 1999 SL No. 335 s 27(3)

**Subdivision 4—Conditions of commercial wildlife licence (wildlife interaction)**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Compliance with approved interaction plan**

**s 176** amd 1995 SL No. 352 s 52; 1999 SL No. 335 s 28  
sub 2003 SL No. 375 s 22

**Requirement to keep report about activities under licence**

**s 177** sub 2003 SL No. 375 s 22

**Definition for div 2**

**s 177A** ins 1999 SL No. 335 s 29  
om 2003 SL No. 375 s 22

**Effect of licence**

**s 177B** ins 1999 SL No. 335 s 29  
om 2003 SL No. 375 s 22

**Condition of licence**

**s 177C** ins 1999 SL No. 335 s 29  
om 2003 SL No. 375 s 22

**Change in number or species of reptiles**

**s 177D** ins 1999 SL No. 335 s 29  
om 2003 SL No. 375 s 22

**Delivery of dead reptiles**

**s 177E** ins 1999 SL No. 335 s 29  
om 2003 SL No. 375 s 22

**Return of operations**

**s 177F** ins 1999 SL No. 335 s 29  
om 2003 SL No. 375 s 22

**Definition for div 3**

**s 177G** ins 1999 SL No. 335 s 29  
om 2003 SL No. 375 s 22

**Division 3—Commercial wildlife licences**

**div hdg** ins 1999 SL No. 335 s 29  
sub 2003 SL No. 375 s 22

**Subdivision 1—Purpose of division****sdiv hdg** ins 2003 SL No. 375 s 22**Purpose of div 3****s 178** amd 1995 SL No. 352 s 53; 1999 SL No. 335 s 30  
sub 2003 SL No. 375 s 22**Subdivision 2—Restrictions on grant of commercial wildlife licences****sdiv hdg** ins 2003 SL No. 375 s 22**Restriction on animals for which licence may be granted****s 179** sub 2003 SL No. 375 s 22**Restriction if recreational wildlife licence granted for birds or reptiles****prov hdg** sub 1995 SL No. 352 s 54(1)**s 180** amd 1995 SL No. 352 s 54(2)–(3); 1996 SL No. 283 s 2 sch  
sub 2003 SL No. 375 s 22**Additional restriction for licence for birds****s 181** sub 2003 SL No. 375 s 22**Additional restriction for licence for reptiles****s 182** sub 2003 SL No. 375 s 22**Subdivision 3—Things authorised by commercial wildlife licences****sdiv hdg** ins 2003 SL No. 375 s 22**Holder may keep and use particular animals****s 183** amd 1996 SL No. 283 s 2 sch  
sub 2003 SL No. 375 s 22**Holder may process particular animals****s 184** amd 1999 SL No. 335 s 31  
sub 2003 SL No. 375 s 22**PART 4A—COMMERCIAL WILDLIFE LICENCES****pt hdg** ins 1995 SL No. 352 s 55  
om 2003 SL No. 375 s 22**Application of part****s 184A** ins 1995 SL No. 352 s 55  
om 2003 SL No. 375 s 22**Definition for pt 4A****s 184B** ins 1995 SL No. 352 s 55  
sub 1999 SL No. 335 s 32  
om 2003 SL No. 375 s 22**Effect of licence****s 184C** ins 1995 SL No. 352 s 55  
om 2003 SL No. 375 s 22**Changes in numbers of animals kept****s 184D** ins 1995 SL No. 352 s 55  
amd 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 52  
om 2003 SL No. 375 s 22

**Return of operations**

- s 184E** ins 1995 SL No. 352 s 55  
 sub 1997 SL No. 436 s 53  
 om 1999 SL No. 335 s 33

**Animal to be identified**

- s 184F** ins 1995 SL No. 352 s 55  
 om 2003 SL No. 375 s 22

**Holder may keep dead macropods in storage**

- s 185** sub 2003 SL No. 375 s 22

**Chief executive may issue commercial or recreational wildlife harvesting licence**

- s 185A** ins 1995 SL No. 352 s 56  
 om 1999 SL No. 335 s 34

**Commercial wildlife harvesting licence for protected plants**

- s 185B** ins 1997 SL No. 436 s 54  
 om 2003 SL No. 375 s 22

**Holder may move animal to and from residence to provide care**

- s 186** prev s 186 om 1997 SL No. 436 s 55  
 pres s 186 ins 2003 SL No. 375 s 22

**Holder may breed protected birds**

- s 187** prev s 187 om 1997 SL No. 436 s 55  
 pres s 187 ins 2003 SL No. 375 s 22

**Subdivision 4—Conditions of commercial wildlife licence**

- sdiv hdg** ins 2003 SL No. 375 s 22

**General requirement about way animal must be kept and used**

- s 188** prev s 188 amd 1996 SL No. 283 s 2 sch  
 om 1997 SL No. 436 s 55  
 pres s 188 ins 2003 SL No. 375 s 22

**Requirement about identifying dead animals kept under licence**

- s 189** prev s 189 om 1997 SL No. 436 s 55  
 pres s 189 ins 2003 SL No. 375 s 22

**Compliance with harvest period notice conditions**

- s 189A** ins 1996 SL No. 129 s 4  
 exp 31 October 1996 (see s 189A(3))

**Requirement to keep record book**

- s 190** sub 2003 SL No. 375 s 22

**Requirement to give return of operations**

- s 191** sub 2003 SL No. 375 s 22

**Division 4—Recreational wildlife licences**

- div hdg** ins 2003 SL No. 375 s 22

**Subdivision 1—Purpose of division**

- sdiv hdg** ins 2003 SL No. 375 s 22

**Purpose of div 4**

s 192      amd 1997 SL No. 436 s 56  
             sub 2003 SL No. 375 s 22

**Subdivision 2—Restrictions on grant for recreational wildlife licences**

sdiv hdg    ins 2003 SL No. 375 s 22

**Restriction on animals for which licence may be granted**

s 193      amd 1999 SL No. 335 s 35  
             sub 2003 SL No. 375 s 22

**Restriction on grant of licence to children**

s 194      sub 2003 SL No. 375 s 22

**Restriction on grant of licence for restricted birds**

s 195      amd 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 57  
             sub 2003 SL No. 375 s 22

**Demonstration of wildlife by employees**

s 195A     ins 1999 SL No. 335 s 36  
             om 2003 SL No. 375 s 22

**Restriction on grant of licence for restricted reptiles or amphibians**

s 196      sub 2003 SL No. 375 s 22

**Restriction if commercial wildlife licence granted for birds or reptiles**

s 197      amd 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 58; 1999 SL No. 335 s 37  
             sub 2003 SL No. 375 s 22

**Subdivision 3—Things authorised by recreational wildlife licences**

sdiv hdg    ins 2003 SL No. 375 s 22

**Holder may keep or use particular animals**

s 198      sub 1997 SL No. 436 s 59; 2003 SL No. 375 s 22

**Holder may take particular reptiles to feed other reptiles**

prov hdg    sub 1999 SL No. 335 s 38(1)  
 s 199      sub 2003 SL No. 375 s 22  
             def “code” sub 1999 SL No. 335 s 38(2)  
             def “use” sub 1999 SL No. 335 s 38(2)

**Holder may breed protected birds**

s 200      sub 2003 SL No. 375 s 22

**Subdivision 4—Conditions of recreational wildlife licences**

sdiv hdg    ins 2003 SL No. 375 s 22

**General requirement about way animal must be kept and used**

s 201      sub 1999 SL No. 335 s 39  
             amd 2003 SL No. 329 s 12  
             sub 2003 SL No. 375 s 22

**Requirement to keep particular animals for minimum period**

s 202      amd 1999 SL No. 335 s 40  
             sub 2003 SL No. 375 s 22

**Requirement to keep record book**

**s 203** sub 1995 SL No. 352 s 57; 1997 SL No. 436 s 60; 2003 SL No. 375 s 22

**Division 5—Commercial wildlife harvesting licences**

**div hdg** ins 2003 SL No. 375 s 22

**Subdivision 1—Purpose of division**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Purpose of div 5**

**s 204** amd 1995 SL No. 352 s 58; 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 61;  
1999 SL No. 335 s 41  
sub 2003 SL No. 375 s 22

**Subdivision 2—Restriction on grant of commercial wildlife harvesting licences**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Display of wildlife by employees**

**s 204A** ins 1997 SL No. 436 s 62  
sub 1999 SL No. 335 s 42  
om 2003 SL No. 375 s 22

**Restriction on animals for which licence may be granted**

**s 205** sub 2003 SL No. 375 s 22

**Restriction on grant of licence to children if weapons involved**

**s 206** amd 1995 SL No. 352 s 59; 1997 SL No. 436 s 63  
sub 2003 SL No. 375 s 22

**Restriction on grant of licence for macropods**

**s 207** amd 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 64; 1999 SL No. 335 s 37  
sub 2003 SL No. 375 s 22

**Restriction on grant of licence for whales or dolphins**

**s 208** sub 1997 SL No. 436 s 65; 2003 SL No. 375 s 22

**Subdivision 3—Things authorised by commercial wildlife harvesting licence**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Holder may take, keep and sell or give away particular protected animals**

**s 209** sub 2003 SL No. 375 s 22  
def “code” sub 1996 SL No. 72 s 14  
def “licensee” sub 1995 SL No. 352 s 60

**Subdivision 4—Conditions of commercial wildlife harvesting licence**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Conditions on way animal may be taken**

**s 210** sub 2003 SL No. 375 s 22

**Requirements about carcasses of animals taken under licence**

**s 211** sub 2003 SL No. 375 s 22

**Conditions of wildlife farming licence**

**s 211A** ins 1996 SL No. 72 s 15  
om 2003 SL No. 375 s 22

**Requirement to keep record book**

**s 212** sub 1995 SL No. 352 s 61; 2003 SL No. 375 s 22

**Requirement to give return of operations**

**s 213** amd 1995 SL No. 352 s 62; 1996 SL No. 129 s 5; 1996 SL No. 283 s 2 sch;  
1999 SL No. 335 s 43  
sub 2003 SL No. 375 s 22

**Division 6—Recreational wildlife harvesting licences**

**div hdg** ins 2003 SL No. 375 s 22

**Subdivision 1—Purpose of division**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Purpose of div 6**

**prov hdg** sub 1997 SL No. 436 s 66(1)

**s 214** amd 1996 SL No. 72 s 16; 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 66(2)  
sub 2003 SL No. 375 s 22

**Handling of wildlife**

**s 214A** ins 1995 SL No. 352 s 63  
om 2003 SL No. 375 s 22

**Autopsy or delivery of snake if it is dead farm wildlife**

**s 214B** ins 1996 SL No. 72 s 17  
om 2003 SL No. 375 s 22

**Subdivision 2—Restriction on grant of recreational wildlife harvesting licences**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Restriction on grant of licence to children if weapons involved**

**prov hdg** sub 1995 SL No. 352 s 64  
**s 215** sub 2003 SL No. 375 s 22

**Restriction on grant of licence for macropods**

**s 216** sub 2003 SL No. 375 s 22

**PART 8A—MUSEUM AND HERBARIUM LICENCES**

**pt hdg** ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Division 1—Preliminary**

**div hdg** ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Definitions for pt 8A**

**s 216A** ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Purpose of pt 8A**

**s 216B** ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Division 2—Museum licences**

**div hdg** ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Definition for div 2**

s 216C ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Effect of licence**

s 216D ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Display of live wildlife**

s 216E ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Display of wildlife by employees**

s 216F ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

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

s 216G ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Handling wildlife**

s 216H ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Disposal of dead wildlife**

s 216I ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Conditions of museum licence**

s 216J ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Change in number or species of live wildlife**

s 216K ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Return of operations**

s 216L ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Dealing with wildlife without approval**

s 216M ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Division 3—Herbarium licences**

div hdg ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Definition for div 3**

s 216N ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Effect of licence**

s 216O ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

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

**s 216P** ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Dealing with protected plants without approval**

**s 216Q** ins 1999 SL No. 335 s 44  
om 2003 SL No. 375 s 22

**Restriction on grant of licence for ducks and quails**

**s 217** sub 2003 SL No. 375 s 22

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

**s 217A** ins 1997 SL No. 436 s 67  
amd 1999 SL No. 335 s 45  
om 2003 SL No. 375 s 22

**Subdivision 3—Things authorised by recreational wildlife harvesting licence**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Holder may take, keep, use and process particular animals**

**s 218** sub 2003 SL No. 375 s 22

**Holder may move particular macropods to place of processing**

**s 219** om 1995 SL No. 352 s 65  
sub 2003 SL No. 375 s 22

**Subdivision 4—Conditions of recreational wildlife harvesting licence**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Conditions on way animal may be taken**

**s 220** amd 1997 SL No. 436 s 68; 1999 SL No. 335 s 46  
sub 2003 SL No. 375 s 22

**Movement of protected animal**

**s 220A** ins 1997 SL No. 436 s 69  
om 2003 SL No. 375 s 22

**Requirements about carcasses of animals taken under licence**

**prov hdg** sub 1997 SL No. 436 s 70(1)

**s 221** amd 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 70(2)–(3); 1999 SL No. 335  
s 37  
sub 2003 SL No. 375 s 22

**Requirement to give return of operations**

**prov hdg** sub 1995 SL No. 352 s 66  
**s 222** amd 1997 SL No. 436 s 222  
sub 2003 SL No. 375 s 22

**Division 7—Wildlife demonstrator licences**

**div hdg** ins 2003 SL No. 375 s 22

**Subdivision 1—Purpose of division**

**sdiv hdg** ins 2003 SL No. 375 s 22

**Purpose of div 7**

**s 223** sub 2003 SL No. 375 s 22

**Subdivision 2—Things authorised by wildlife demonstrator licence****sdiv hdg** ins 2003 SL No. 375 s 22**Holder may keep and use particular animals****s 224** sub 2003 SL No. 375 s 22  
def “code” sub 1996 SL No. 72 s 18**Subdivision 3—Conditions of wildlife demonstrator licence****sdiv hdg** ins 2003 SL No. 375 s 22**Restriction on number of live animals that may be kept under licence****s 225** amd 1999 SL No. 335 s 47  
sub 2003 SL No. 375 s 22**Taking, keeping and using protected animals under rescue permit****s 225A** ins 1997 SL No. 436 s 72  
om 2003 SL No. 375 s 22**Condition about minimum number of displays****s 226** amd 1995 SL No. 352 s 67; 1996 SL No. 283 s 2 sch  
sub 2003 SL No. 375 s 22**Condition about way animal may be displayed****s 227** sub 1995 SL No. 352 s 68  
amd 1996 SL No. 283 s 2 sch  
sub 2003 SL No. 375 s 22**Requirement to supervise animal while being displayed****s 228** amd 1995 SL No. 352 s 69; 1997 SL No. 436 s 73; 1999 SL No. 335 s 48  
sub 2003 SL No. 375 s 22**Taking protected wildlife under a permit for educational or scientific purposes****s 228A** ins 1997 SL No. 436 s 74  
amd 1998 SL No. 36 s 13  
om 2003 SL No. 375 s 22**Restriction on acts animal may be required to do****s 229** amd 1995 SL No. 352 s 70  
sub 2003 SL No. 375 s 22**Condition about handling dangerous animals****prov hdg** sub 1995 SL No. 352 s 71  
**s 230** amd 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 75; 1999 SL No. 335 s 49  
sub 2003 SL No. 375 s 22**Requirement to keep record book****s 231** amd 2003 SL No. 82 s 8  
sub 2003 SL No. 375 s 22**Requirement to give return of operations****s 232** sub 2003 SL No. 375 s 22**Division 8—Wildlife exhibitor licences****div hdg** ins 2003 SL No. 375 s 22

**Subdivision 1—Purpose of division****sdiv hdg** ins 2003 SL No. 375 s 22**Purpose of div 8****s 233** sub 2003 SL No. 375 s 22**Subdivision 2—Additional application requirements****sdiv hdg** ins 2003 SL No. 375 s 22**Requirement to give particular information for application****s 234** amd 1996 SL No. 283 s 2 sch; 1997 SL No. 436 s 75  
sub 2003 SL No. 375 s 22**Subdivision 3—Restrictions on grant for wildlife exhibitor licences****sdiv hdg** ins 2003 SL No. 375 s 22**Exhibit must meet particular criteria****s 235** sub 1997 SL No. 436 s 76  
amd 1998 SL No. 36 s 14  
sub 2003 SL No. 375 s 22**Subdivision 4—Things authorised by wildlife exhibitor licence****sdiv hdg** ins 2003 SL No. 375 s 22**Holder may keep and use animals****s 236** amd 1996 SL No. 283 s 2 sch  
sub 2003 SL No. 375 s 22**Holder may take and keep sick, injured or orphaned animals****s 237** amd 2001 SL No. 215 s 4  
sub 2003 SL No. 375 s 22**Disturbing native animals****s 237A** ins 2001 SL No. 215 s 5  
om 2003 SL No. 375 s 22**Holder may take and use protected plant parts****s 238** sub 1997 SL No. 436 s 77  
amd 1998 SL No. 36 s 15  
sub 2003 SL No. 375 s 22**Holder may engage in unauthorised interaction in particular circumstances****s 239** sub 2003 SL No. 375 s 22**Holder may move animal to or from licensed premises for secondary authorities****prov hdg** amd 2000 SL No. 354 s 5(1)  
**s 240** amd 1996 SL No. 283 s 2 sch; 1999 SL No. 335 s 50; 2000 SL No. 354 s 5(2)  
sub 2003 SL No. 375 s 22**Subdivision 5—Conditions of wildlife exhibitor licence****sdiv hdg** ins 2003 SL No. 375 s 22**Condition about way animal may be displayed****s 241** sub 2003 SL No. 375 s 22

**Requirement to supervise animal while being displayed**

s 242      amd 2001 SL No. 112 s 10  
             sub 2003 SL No. 375 s 22

**Restriction on acts animal may be required to do**

s 243      amd 1995 SL No. 352 s 72  
             sub 1996 SL No. 283 s 10; 2003 SL No. 375 s 22

**Condition about handling dangerous animals**

s 244      amd 1995 SL No. 352 s 73  
             sub 2003 SL No. 375 s 22

**Particular holders must comply with approved interaction plan  
prov hdg**

            sub 1995 SL No. 352 s 74(1)  
             amd 1997 SL No. 436 s 78(1)  
 s 245      amd 1995 SL No. 352 s 74(2); 1997 SL No. 436 s 78(2)  
             sub 2003 SL No. 375 s 22

**Particular holders must keep report about particular activities**

s 246      amd 1997 SL No. 436 s 79  
             sub 2003 SL No. 375 s 22

**Requirement to keep record book**

s 247      amd 1996 SL No. 283 s 2 sch  
             sub 2003 SL No. 375 s 22

**Requirement to give return of operations**

s 248      sub 2003 SL No. 375 s 22

**Division 9—Wildlife farming licences**

div hdg    ins 2003 SL No. 375 s 22

**Subdivision 1—Purpose of division**

sdiv hdg   ins 2003 SL No. 375 s 22

**Purpose of div 9**

s 249      amd 1995 SL No. 352 s 75; 2001 SL No. 112 ss 6, 10  
             sub 2003 SL No. 375 s 22

**Subdivision 2—Restriction on grant of wildlife farming licences**

sdiv hdg   ins 2003 SL No. 375 s 22

**Restriction on animals for which licence may be granted**

s 250      amd 1997 SL No. 436 s 80  
             sub 2003 SL No. 375 s 22

**Restriction on grant of licence for particular reptiles**

s 251      amd 1995 SL No. 352 s 76; 1997 SL No. 436 s 81  
             sub 2003 SL No. 375 s 22

**Subdivision 3—Things authorised by wildlife farming licences**

sdiv hdg   ins 2003 SL No. 375 s 22

**Holder may keep, use and process animals**

s 252      amd 1995 SL No. 352 s 77; 1997 SL No. 436 s 82  
             sub 2003 SL No. 375 s 22

**Subdivision 4—Conditions of wildlife farming licence****sdiv hdg** ins 2003 SL No. 375 s 22**Requirement about identifying animal taken from the wild****s 253** amd 1995 SL No. 352 s 78; 1997 SL No. 436 s 83  
sub 2003 SL No. 375 s 22**Condition about sampling or implanting particular reptiles****s 254** sub 2003 SL No. 375 s 22**Condition about complying with relevant code****s 255** sub 2003 SL No. 375 s 22**Condition about way animal may be displayed****s 256** sub 2003 SL No. 375 s 22**Animal must be supervised while being displayed****s 257** amd 1997 SL No. 436 s 84  
sub 2003 SL No. 375 s 22**Restriction on acts animal may be required to do****s 258** amd 1995 SL No. 352 s 79; 1996 SL No. 283 ss 11, 2 sch; 1998 SL No. 36  
s 16  
sub 2003 SL No. 375 s 22**Condition about handling dangerous animals****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  
sub 2003 SL No. 375 s 22**Requirement to keep record book****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  
sub 2003 SL No. 375 s 22**Requirement to give return of operations****s 261** sub 2003 SL No. 375 s 22**Division 10—Museum licences****div hdg** ins 2003 SL No. 375 s 22**Subdivision 1—Preliminary****sdiv hdg** ins 2003 SL No. 375 s 22**Purpose of div 10****s 262** amd 2003 SL No. 137 s 9  
sub 2003 SL No. 375 s 22**Definition for div 10****s 263** amd 2003 SL No. 137 s 9  
sub 2003 SL No. 375 s 22**Subdivision 2—Restrictions on grant of museum licences****sdiv hdg** ins 2003 SL No. 375 s 22

**Restriction on persons to whom licence may be granted**

s 264 prev s 264 exp 19 December 1999 (see s 265)  
pres s 264 ins 2003 SL No. 375 s 22

**Restriction on animals for which licence may be granted**

s 265 prev s 265 exp 19 December 1999 (see s 265)  
pres s 265 ins 2003 SL No. 375 s 22

**Restriction on grant of licence authorising display**

s 266 ins 2003 SL No. 375 s 22

**Subdivision 3—Things authorised by museum licences**

sdiv hdg ins 2003 SL No. 375 s 22

**Holder may take, keep, use and process particular animals**

s 267 ins 2003 SL No. 375 s 22

**Subdivision 4—Conditions of museum licences**

sdiv hdg ins 2003 SL No. 375 s 22

**Where animals may be displayed**

s 268 ins 2003 SL No. 375 s 22

**Condition about way animal may be displayed**

s 269 ins 2003 SL No. 375 s 22

**Requirement to supervise animal while being displayed**

s 270 ins 2003 SL No. 375 s 22

**Restriction on acts animal may be required to do**

s 271 ins 2003 SL No. 375 s 22

**Condition about handling dangerous animals**

s 272 ins 2003 SL No. 375 s 22

**Requirement to keep record book**

s 273 ins 2003 SL No. 375 s 22

**Requirement to give return of operations**

s 274 ins 2003 SL No. 375 s 22

**PART 5—PERMITS FOR TAKING, KEEPING OR USING ANIMALS**

pt hdg sub 2003 SL No. 375 s 22

**Division 1—Preliminary**

div 1 (s 275) ins 2003 SL No. 375 s 22

**Division 2—General restrictions on grant for all permits**

div 2 (ss 276–277) ins 2003 SL No. 375 s 22

**Division 3—Damage mitigation permits**

div 3 (ss 278–284) ins 2003 SL No. 375 s 22

**Division 4—Educational purposes permits**

div 4 (ss 285–289) ins 2003 SL No. 375 s 22

**Division 5—Permit to keep protected wildlife**

div 5 (ss 290–302) ins 2003 SL No. 375 s 22

**Division 6—Rehabilitation permits****div 6 (ss 303–312)** ins 2003 SL No. 375 s 22**Division 7—Scientific purposes permit****div 7 (ss 313–319)** ins 2003 SL No. 375 s 22**Division 8—Commercial whale watching permit****div 8 (ss 320–323)** ins 2003 SL No. 375 s 22**PART 6—AUTHORITIES FOR TAKING, KEEPING OR USING ANIMALS****pt hdg** sub 2003 SL No. 375 s 22**Division 1—Preliminary****div 1 (s 324)** ins 2003 SL No. 375 s 22**Division 2—Aboriginal tradition and Island custom authorities****div 2 (ss 325–329)** ins 2003 SL No. 375 s 22**Division 3—Collection authority to keep collection of dead protected wildlife****div 3 (s 330)** ins 2003 SL No. 375 s 22**Division 4—Collection authority to take and keep common wildlife****div 4 (ss 331–335)** ins 2003 SL No. 375 s 22**PART 7—TAKING OR USING PROTECTED PLANTS****pt hdg** sub 2003 SL No. 375 s 22**Division 1—Purpose of part****div 1 (s 336)** ins 2003 SL No. 375 s 22**Division 2—Restrictions about using protected plants****div 2 (ss 337–340)** ins 2003 SL No. 375 s 22**Division 3—Exemptions for using protected plants****div 3 (ss 341–355)** ins 2003 SL No. 375 s 22**Division 4—Licences, permits and other authorities for taking or using protected plants****div 4 (ss 356–390)** ins 2003 SL No. 375 s 22**Division 5—Provisions about authorised cultivators and propagators****div 5 (ss 391–396)** ins 2003 SL No. 375 s 22**PART 8—PERMIT FOR MOVING WILDLIFE****pt hdg** sub 2003 SL No. 375 s 22**Division 1—Preliminary****div hdg** sub 2003 SL No. 375 s 22**Purpose of div 8****s 397** ins 2003 SL No. 375 s 22**Permit may be granted****s 398** ins 2003 SL No. 375 s 22**Division 2—Restrictions on grant of wildlife movement permits****div hdg** sub 2003 SL No. 375 s 22

**Restriction on animals for which permit may be granted**

s 399 ins 2003 SL No. 375 s 22

**General restriction on movements for which permit may be granted generally**

s 400 ins 2003 SL No. 375 s 22

**Additional restriction for movements out of the State**

s 401 ins 2003 SL No. 375 s 22

**Additional restriction for movements into the State**

s 402 ins 2003 SL No. 375 s 22

**Division 3—Things authorised by wildlife movement permit**

div hdg ins 2003 SL No. 375 s 22

**Holder may move wildlife**

s 403 ins 2003 SL No. 375 s 22

**PART 9—PROCESSED PRODUCTS**

pt hdg sub 2003 SL No. 375 s 22

**Division 1—Damage mitigation permits**

div hdg om 2003 SL No. 375 s 22

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

div hdg om 2003 SL No. 375 s 22

**Division 3—Rescue permits**

div hdg om 2003 SL No. 375 s 22

**Division 4—Permits for educational or scientific purposes**div hdg ins 1997 SL No. 436 s 74  
om 2003 SL No. 375 s 22**Purpose of pt 9**

s 404 ins 2003 SL No. 375 s 22

**Definition for pt 9**

s 405 ins 2003 SL No. 375 s 22

**Processed products made or derived from protected animals**

s 406 ins 2003 SL No. 375 s 22

**Processed products made or derived from protected plants**

s 407 ins 2003 SL No. 375 s 22

**Conservation officer may ask for evidence of source used**

s 408 ins 2003 SL No. 375 s 22

**PART 10—GENERAL OFFENCES**

pt hdg sub 2003 SL No. 375 s 22

**Using poison or adhesive substance in a way that may take protected animals**

s 409 ins 2003 SL No. 375 s 22

**Interfering with animal breeding place**

s 410 ins 2003 SL No. 375 s 22

**Feeding native animals in the wild generally**

s 411 ins 2003 SL No. 375 s 22

**Feeding dangerous native animals in the wild**

s 412 ins 2003 SL No. 375 s 22

**Disturbing dangerous native animals in the wild**

s 413 ins 2003 SL No. 375 s 22

**Procedure for accidental taking of marine mammals and turtles**

s 414 ins 2003 SL No. 375 s 22

**Procedure for taking protected sharks**

s 414A ins 2003 SL No. 376 s 5

**Release of animals into the wild**

s 415 ins 2003 SL No. 375 s 22

**Spreading or releasing particular parts of non-native plants**

s 416 ins 2003 SL No. 375 s 22

**Housing wildlife other than protected wildlife**

s 417 ins 2003 SL No. 375 s 22

**Moving wildlife other than protected, international or prohibited wildlife into the State**

s 418 ins 2003 SL No. 375 s 22

**PART 11—MISCELLANEOUS PROVISIONS**

pt hdg sub 2003 SL No. 375 s 22

**Division 1—Seizure of property**

div 1 (s 419) ins 2003 SL No. 375 s 22

**Division 2—Provisions about tags**

div 2 (ss 420–425) ins 2003 SL No. 375 s 22

**Division 3—Conservation value for wildlife**

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**Subdivision 1—Conservation values for protected wildlife**

sdiv hdg ins 2003 SL No. 375 s 22

**Conservation value for protected wildlife**s 426 ins 2003 SL No. 375 s 22  
amd 2004 SL No. 116 s 10**Subdivision 2—Exemptions from payment of conservation value**

sdiv 2 (ss 427–429) ins 2003 SL No. 375 s 22

**Division 4—Stop action orders**

div 4 (ss 430–432) ins 2003 SL No. 375 s 22

**PART 12—OFFENCES**

pt hdg om 2003 SL No. 375 s 22

**PART 13—GENERAL**

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**CHAPTER 4—GENERAL PROVISIONS****ch hdg** sub 2003 SL No. 375 s 22**PART 1—PROVISIONS ABOUT DEALING WITH SEIZED PROPERTY****pt hdg** sub 2003 SL No. 375 s 22**Application of pt 1****s 433** ins 2003 SL No. 375 s 22**Particular property must be destroyed****s 434** ins 2003 SL No. 375 s 22**Receipt for other seized property****s 435** ins 2003 SL No. 375 s 22**Return of claimed property****s 436** ins 2003 SL No. 375 s 22**Dealing with unclaimed property****s 437** ins 2003 SL No. 375 s 22**Application of proceeds of sale****s 438** ins 2003 SL No. 375 s 22**Compensation not payable****s 439** ins 2003 SL No. 375 s 22**PART 2—DEMERIT POINTS FOR PARTICULAR OFFENCES****pt hdg** sub 2003 SL No. 375 s 22**Demerit points****s 440** ins 2003 SL No. 375 s 22**PART 3—PROVISIONS ABOUT RECORD BOOKS****pt hdg** sub 2003 SL No. 375 s 22**Application of pt 3****s 441** ins 2003 SL No. 375 s 22**Definitions for pt 3****s 442** ins 2003 SL No. 375 s 22**Record books property of the State****s 443** ins 2003 SL No. 375 s 22**Where and for how long record book must be kept****s 444** ins 2003 SL No. 375 s 22**General information that must be included in record book****s 445** ins 2003 SL No. 375 s 22**When record particulars to be included in record book****s 446** ins 2003 SL No. 375 s 22**Additional information to be included for wildlife exhibitor licences****s 447** ins 2003 SL No. 375 s 22

**Information must be complete, accurate and legible**

s 448 ins 2003 SL No. 375 s 22

**Requirement to produce or surrender record book**

s 449 ins 2003 SL No. 375 s 22

**Requirement to notify chief executive of loss etc.**

s 450 ins 2003 SL No. 375 s 22

**Persons must not interfere with record books**

s 451 ins 2003 SL No. 375 s 22

**PART 4—PROVISIONS ABOUT RETURN OF OPERATIONS**

pt 4 (ss 452–460) ins 2003 SL No. 375 s 22

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pt 5 (ss 461–472) ins 2003 SL No. 375 s 22

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**CHAPTER 5—TRANSITIONAL PROVISIONS FOR NATURE CONSERVATION  
AND OTHER LEGISLATION AMENDMENT REGULATION (No. 3) 2003**

ch hdg sub 2003 SL No. 375 s 22

**PART 1—RECORDS AND RETURNS**

pt hdg om 2003 SL No. 375 s 22

**Division 1—Definitions**

div hdg ins 2003 SL No. 375 s 22

**Definitions for ch 5**

s 477 ins 2003 SL No. 375 s 22

**Division 2—Continuing force of particular authorities**

div hdg ins 2003 SL No. 375 s 22

**Continuing force of particular existing licences**

s 478 ins 2003 SL No. 375 s 22

**Continuing force of existing rescue permits**

s 479 ins 2003 SL No. 375 s 22

**Division 3—Effect of commencement on particular applications in progress**

div hdg ins 2003 SL No. 375 s 22

**Applications in progress for particular licences**

s 480 ins 2003 SL No. 375 s 22

**Applications in progress for rescue permits**

s 481 ins 2003 SL No. 375 s 22

**Division 4—Effect of commencement on particular appeals**

div hdg ins 2003 SL No. 375 s 22

**Definitions for div 4**

s 482 ins 2003 SL No. 375 s 22

**Application of div 4**

s 483 ins 2003 SL No. 375 s 22

**Appeal to be decided under provisions before commencement**

s 484 ins 2003 SL No. 375 s 22

**Effect of court decision to grant licence or permit**

s 485 ins 2003 SL No. 375 s 22

**Effect of court decision to returns matter back to chief executive**

s 486 ins 2003 SL No. 375 s 22

**Effect of court decision to not grant licence or permit**

s 487 ins 2003 SL No. 375 s 22

**Division 5—References to rescue permits in Acts or documents**

div hdg ins 2003 SL No. 375 s 22

**References to rescue permits**

s 488 ins 2003 SL No. 375 s 22

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pt hdg om 2003 SL No. 375 s 22

**PART 3—TRANSITIONAL**

pt hdg om 2003 SL No. 375 s 22

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

sch hdg sub 1999 SL No. 279 s 3; 2002 SL No. 372 s 17

**PART 1—CONSERVATION PARKS**pt hdg ins 1999 SL No. 279 s 3  
sub 2002 SL No. 372 s 17**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; 2002 SL No. 372 s 17**Beachmere, Buckleys Hole, Byron Creek, Neurum Creek, Sheep Station Creek and Wararba Creek Conservation Parks**prov hdg amd 2003 SL No. 177 s 12(1)  
s 2 orig s 2 ins 1997 SL No. 418 s 3(3)  
sub 1999 SL No. 279 s 3; 2002 SL No. 372 s 17  
amd 2003 SL No. 177 s 12(1)**Bukkulla Conservation Park**s 3 orig s 3 ins 1997 SL No. 418 s 3(3)  
sub 1999 SL No. 279 s 3; 2002 SL No. 372 s 17  
amd 2003 SL No. 177 s 12(2)**Denmark Hill, Flinders Peak, Ipswich Pteropus, Mount Beau Brummell, White Rock and White Rock (Limited Depth) Conservation Parks**prov hdg amd 2003 SL No. 177 s 12(3)–(4)  
s 4 orig s 4 ins 1997 SL No. 418 s 3(3)

sub 1999 SL No. 279 s 3; 2002 SL No. 372 s 17  
amd 2003 SL No. 177 s 12(3)–(4)

**Lake Broadwater Conservation Park**

s 5 orig s 5 ins 1997 SL No. 418 s 3(3)  
amd 1998 SL No. 36 s 17  
sub 1999 SL No. 279 s 3; 2002 SL No. 372 s 17

**Lark Quarry Conservation Park**

s 6 prev s 6 ins 1999 SL No. 279 s 3  
sub 2002 SL No. 372 s 17

**Mount Whitfield Conservation Park**

s 7 prev s 7 ins 1999 SL No. 279 s 3  
sub 2002 SL No. 372 s 17

**Springwood Conservation Park**

s 8 ins 2002 SL No. 372 s 17

**PART 2—RESOURCES RESERVES**

pt hdg ins 1999 SL No. 279 s 3  
sub 2002 SL No. 372 s 17

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

s 9 ins 2002 SL No. 372 s 17

**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 3—PERMITTED USES IN PRESCRIBED NATIONAL PARKS**

sch hdg ins 1996 SL No. 283 s 12  
sub 2001 SL No. 153 s 5  
sch 3 (prev s 2A) sub 2002 SL No. 372 s 18  
amd 2003 SL No. 259 s 7; 2003 SL No. 330 s 10  
renum 2003 SL No. 375 s 23

**Green Island National Park**

s 1 ins 1996 SL No. 283 s 12  
om 2002 SL No. 372 s 18

**Barron Gorge National Park**

s 2 ins 2000 SL No. 264 s 3  
om 2002 SL No. 372 s 18

**Goold Island National Park**

s 3 ins 2001 SL No. 36 s 3  
om 2002 SL No. 372 s 18

**Dularcha National Park**

s 4 ins 2001 SL No. 112 s 7  
om 2002 SL No. 372 s 18

**SCHEDULE 4—PERMITTED USES IN NATIONAL PARKS**

prev s 4 sub 1995 SL No. 352 s 84(1)

om 2003 SL No. 375 s 24  
 pres sch 4 (prev s 2B) ins 2001 SL No. 153 s 6  
 renum 2003 SL No. 375 s 23

**Definition**

**s 1** om 2003 SL No. 375 s 24  
 def “**macropod**” om 1995 SL No. 352 s 84(2)

**Application of schedule**

**s 2** om 2003 SL No. 375 s 24

**Museums and herbariums**

**s 3** sub 1999 SL No. 335 s 52(1)  
 om 2003 SL No. 375 s 24

**Commercial wildlife licence**

**s 4** amd 1999 SL No. 335 s 52(2)  
 om 2003 SL No. 375 s 24

**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)  
 om 2003 SL No. 375 s 24

**Wildlife demonstrator licence**

**s 6** amd 1995 SL No. 352 s 84(6)–(7)  
 om 2003 SL No. 375 s 24

**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)  
 om 2003 SL No. 375 s 24

**Wildlife farming licence**

**s 8** amd 1999 SL No. 335 s 52(2)  
 om 2003 SL No. 375 s 24

**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)  
 om 2003 SL No. 375 s 24

**Movement of 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  
 sub 2000 SL No. 354 s 6  
 amd 2001 SL No. 112 s 8  
 om 2003 SL No. 375 s 24

**Movement of live amphibians**

**s 11** sub 1995 SL No. 352 s 84(13)  
 om 2003 SL No. 375 s 24

**Movement of live reptiles**

**s 12** 1995 SL No. 352 s 84(13)  
om 2003 SL No. 375 s 24

**Movement of dead macropods**

**s 13** om 2003 SL No. 375 s 24

**Movement of other wildlife**

**s 14** amd 1997 SL No. 436 s 88(9)  
om 2003 SL No. 375 s 24

**Movement of wildlife by wholesalers**

**s 15** amd 1995 SL No. 352 s 84(14)–(15)  
om 2003 SL No. 375 s 24

**Movement advice to be given**

**s 16** amd 1998 SL No. 36 s 19(2)  
om 2003 SL No. 375 s 24

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

**sch hdg** om 2003 SL No. 375 s 24

**Scientific names**

**s 1** ins 1997 SL No. 436 s 89  
om 2003 SL No. 375 s 24

**Birds**

**s 2** ins 1997 SL No. 436 s 89  
amd 1998 SL No. 36 s 20; 1999 SL No. 335 s 53  
om 2003 SL No. 375 s 24

**SCHEDULE 5—MINIMUM FLYING HEIGHT OVER NATIONAL PARKS**

prev sch 5 om 2003 SL No. 375 s 24  
(prev s 3) amd 1995 SL No. 352 s 83; 1996 SL No. 129 s 6  
renum 2003 SL No. 375 s 23

**Definitions**

**s 1** om 2003 SL No. 375 s 24

**Birds**

**s 2** om 2003 SL No. 375 s 24

**Butterflies**

**s 3** amd 1995 SL No. 352 s 85(1)  
om 2003 SL No. 375 s 24

**Crocodiles**

**s 4** om 2003 SL No. 375 s 24

**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  
om 2003 SL No. 375 s 24

**Macropods**

**s 6** amd 1997 SL No. 436 s 90(3)–(6); 1998 SL No. 36 s 22  
om 2003 SL No. 375 s 24

**Plants**

**s 7** amd 1997 SL No. 436 s 90(7)  
om 2003 SL No. 375 s 24

**Other protected animals**

**s 8** amd 1996 SL No. 72 s 20; 1997 SL No. 436 s 90(8)  
om 2003 SL No. 375 s 24

**SCHEDULE 6—PROCESSED PRODUCTS**

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; 2000 SL No. 129 s 5; 2000 SL No. 354 s 7  
sub 2001 SL No. 283 s 14  
amd 2002 SL No. 143 s 6  
sub 2003 SL No. 137 s 10  
amd 2003 SL No. 329 s 13  
sub 2003 SL No. 375 s 24

**SCHEDULE 7—FEES**

amd 1996 SL No. 283 s 13  
sub 2003 SL No. 375 s 24; 2004 SL No. 116 s 11

**Scientific names**

**s 1** sub 1997 SL No. 436 s 91  
om 2003 SL No. 375 s 24

**Birds**

**s 2** sub 1997 SL No. 436 s 91  
amd 1998 SL No. 36 s 24  
om 2003 SL No. 375 s 24

**SCHEDULE 8—DOMESTIC ANIMALS**

amd 1996 SL No. 283 s 14  
sub 2003 SL No. 375 s 24

**PART 1—BIRDS**

**pt hdg** sub 1997 SL No. 436 s 92  
om 2003 SL No. 375 s 24

**Scientific names**

**s 1** sub 1997 SL No. 436 s 92  
om 2003 SL No. 375 s 24

**Birds**

**s 2** sub 1997 SL No. 436 s 92  
amd 1998 SL No. 36 s 25  
om 2003 SL No. 375 s 24

**PART 2—REPTILES****pt hdg** om 2003 SL No. 375 s 24**Scientific names****s 3** sub 1995 SL No. 352 s 87  
om 2003 SL No. 375 s 24**Reptiles****s 4** om 2003 SL No. 375 s 24**SCHEDULE 8A—PLANTS FOR TRADE**ins 1998 SL No. 362 s 7  
om 2000 SL No. 2000 s 8**SCHEDULE 9—RELEVANT PROTECTED ANIMALS**amd 1995 SL No. 352 s 88; 1996 SL No. 283 s 15  
sub 2003 SL No. 375 s 24**SCHEDULE 10—DICTIONARY**sub 1996 SL No. 72 s 22  
amd 1996 SL No. 283 s 16  
sub 2003 SL No. 375 s 24  
def “shark” ins 2003 SL No. 376 s 6**SCHEDULE 11—RECREATIONAL WILDLIFE**amd 1996 SL No. 283 s 17  
om 2003 SL No. 375 s 24**PART 1—BIRDS****pt hdg** sub 1997 SL No. 436 s 93  
om 2003 SL No. 375 s 24**Scientific names****s 1** sub 1997 SL No. 436 s 93  
om 2003 SL No. 375 s 24**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  
om 2003 SL No. 375 s 24**PART 2—REPTILES****pt hdg** om 2003 SL No. 375 s 24**Reptiles****s 3** om 2003 SL No. 375 s 24**SCHEDULE 12—RESTRICTED WILDLIFE**amd 1996 SL No. 283 s 18(1)  
om 2003 SL No. 375 s 24**PART 1—AMPHIBIANS****pt hdg** om 2003 SL No. 375 s 24

**Amphibians**

s 1 om 2003 SL No. 375 s 24

**PART 2—BIRDS**

pt hdg sub 1997 SL No. 436 s 94  
om 2003 SL No. 375 s 24

**Scientific names**

s 2 sub 1997 SL No. 436 s 94  
om 2003 SL No. 375 s 24

**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  
om 2003 SL No. 375 s 24

**PART 3—PLANTS**

pt hdg sub 1997 SL No. 436 s 94; 2000 SL No. 354 s 9  
om 2003 SL No. 375 s 24

**Scientific names**

s 4 sub 1997 SL No. 436 s 94; 2000 SL No. 354 s 9  
om 2003 SL No. 375 s 24

**Type A restricted 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)  
sub 2000 SL No. 354 s 9  
amd 2001 SL No. 112 s 9(1)  
om 2003 SL No. 375 s 24

**Type B restricted plants**

s 6 (prev s 5A) ins 2000 SL No. 354 s 9  
renum 2001 SL No. 112 s 9(2)  
om 2003 SL No. 375 s 24

**PART 4—REPTILES****Scientific names**

s 7 (prev s 6) sub 1995 SL No. 352 s 90(8)  
renum 2001 SL No. 112 s 9(2)  
om 2003 SL No. 375 s 24

**Restricted reptiles**

s 8 (prev s 7) renum 2001 SL No. 112 s 9(2)  
om 2003 SL No. 375 s 24

**SCHEDULE 13—SECTIONAL DEFINITIONS**

amd 1996 SL No. 283 s 19  
om 2003 SL No. 375 s 24

**Meaning of “commercial activity”**

s 1 om 2003 SL No. 375 s 24

**Meaning of “group activity”**

s 2 om 2003 SL No. 375 s 24

**General meaning of “licence”**

s 3 amd 1995 SL No. 352 s 91; 1997 SL No. 436 s 95; 1998 No. 36 s 13;  
2001 SL No. 112 s 10  
om 2003 SL No. 375 s 24

**Meaning of “special activity”**

s 4 om 2003 SL No. 375 s 24

**SCHEDULE 14—DICTIONARY**

om 2003 SL No. 375 s 24

def “**additional conditions notice**” ins 2003 SL No. 329 s 14(2)

def “**attach**” ins 2000 SL No. 354 s 10

def “**authorised cultivator**” ins 2000 SL No. 354 s 10

def “**authorised propagator**” ins 2000 SL No. 354 s 10

def “**camp**” amd 1995 SL No. 352 s 92(1); 2003 SL No. 329 s 14(1)

def “**code**” amd 1996 SL No. 72 s 24; 1996 SL No. 283 s 20(3); 2003  
SL No. 82 s 9(1)–(2)

def “**common plant**” ins 2003 SL No. 329 s 14(2)

def “**Commonwealth land**” ins 2002 SL No. 372 s 19

def “**cultural or natural resources permit**” ins 2000 SL No. 354 s 10

def “**disturb**” ins 2001 SL No. 215 s 6

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 “**e-permit agency**” ins 2003 SL No. 329 s 14(2)

def “**e-permit camping area**” ins 2003 SL No. 329 s 14(2)

def “**e-permit camping notice**” ins 2003 SL No. 329 s 14(2)

def “**e-permit camping tag**” ins 2003 SL No. 329 s 14(2)

def “**e-permit distribution point**” ins 2003 SL No. 329 s 14(2)

def “**e-permit number**” ins 2003 SL No. 329 s 14(2)

def “**feed**” ins 2001 SL No. 215 s 6

def “**government entity**” ins 2003 SL No. 329 s 14(2)

def “**herbarium**” amd 1999 SL No. 335 s 58(2)

def “**licensee**” sub 1999 SL No. 335 s 58(1)

amd 2003 SL No. 82 s 9(3)

def “**manufactured fuel**” ins 2003 SL No. 329 s 14(2)

def “**marine navigation use**” ins 2002 SL No. 372 s 19

def “**macropod**” sub 2003 SL No. 82 s 9(4)

def “**movement advice**” sub 1995 SL No. 352 s 92(3)

def “**native animal**” ins 2003 SL No. 329 s 14(2)

def “**official tag**” ins 2000 SL No. 354 s 10

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 “**prescribed cooking or heating appliance**” ins 2003 SL No. 329 s 14(2)

def “**previous use authority**” ins 2000 SL No. 354 s 10

def “**private land**” om 1996 SL No. 283 s 20(1)

def “**propagator’s tag**” ins 2000 SL No. 354 s 10

def “**property**” om 1996 SL No. 283 s 20(1)

- def “**protected area**” om 1996 SL No. 283 s 20(1)
- def “**protected plant part**” ins 2000 SL No. 354 s 10
- def “**records**” ins 2000 SL No. 354 s 10
- 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 “**stock plant**” ins 2000 SL No. 354 s 10
- def “**type A restricted plant**” ins 2000 SL No. 354 s 10
- def “**type B restricted plant**” ins 2000 SL No. 354 s 10
- def “**use**” ins 2000 SL No. 354 s 10
- def “**voluntary conservation organisation**” ins 2000 SL No. 354 s 10
- def “**voluntary wildlife care association**” ins 1999 SL No. 335 s 58(1)
- def “**whale**” ins 1997 SL No. 379 s 8
- def “**whole**” ins 2000 SL No. 354 s 10
- def “**wildlife**” sub 1996 SL No. 283 s 20(1)–(2); 1999 SL No. 335 s 58(1)