



Queensland

*Nature Conservation Act 1992*

# **Nature Conservation (Administration) Regulation 2006**

**Reprinted as in force on 13 October 2006**

**Reprint No. 1B**

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

**Also see endnotes for information about—**

- **when provisions commenced**
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Queensland

# Nature Conservation (Administration) Regulation 2006

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
<b>Division 1</b>	<b>General provisions</b>	
1	Short title . . . . .	9
2	Commencement . . . . .	9
3	Relationship with management instruments. . . . .	9
<b>Division 2</b>	<b>Dictionary and aids to interpretation</b>	
4	Dictionary . . . . .	10
5	References to particular licences, permits or authorities . . . . .	10
6	References to a class of wildlife . . . . .	10
7	Meaning of character of area . . . . .	11
8	Scientific names . . . . .	12
<b>Part 2</b>	<b>Relevant authorities</b>	
<b>Division 1</b>	<b>Types of relevant authorities that may be granted</b>	
9	Permits and authorities for taking etc. cultural or natural resources of protected area . . . . .	12
10	Permits for conducting other activities in a protected area. . . . .	12
11	Licences for animals other than in a protected area. . . . .	13
12	Permits for animals other than in a protected area. . . . .	13
13	Authorities for animals other than in a protected area . . . . .	14
14	Licences for protected plants other than in a protected area . . . . .	14
15	Permits for protected plants other than in a protected area . . . . .	14
16	Authorities for protected plants other than in a protected area. . . . .	15
<b>Division 2</b>	<b>Term for relevant authority</b>	
17	Term of relevant authority . . . . .	15
18	Maximum term for permits and authorities for taking etc. cultural or natural resources of protected area. . . . .	15

*Nature Conservation (Administration) Regulation  
2006*

---

19	Maximum term for permits for conducting other activities in a protected area . . . . .	15
20	Maximum term for licences for wildlife . . . . .	16
21	Maximum term for permits for wildlife . . . . .	17
22	Maximum term for authorities for wildlife . . . . .	18
<b>Division 3</b>	<b>Obtaining relevant authority generally</b>	
<b>Subdivision 1</b>	<b>Application for relevant authority</b>	
23	General requirements for application . . . . .	18
24	Particular applications must include request for record book or approval of electronic record system . . . . .	19
<b>Subdivision 2</b>	<b>Considering and deciding application for relevant authority</b>	
25	Considering application . . . . .	20
26	Chief executive's power to require further information or document . . . . .	22
27	Amending application . . . . .	22
28	Chief executive may request public notice of application for protected area authority . . . . .	22
29	Deciding application . . . . .	23
30	Only suitable person can hold relevant authority . . . . .	24
31	Relevant authority can not be granted if management instrument restricts the grant . . . . .	24
32	Steps to be taken after application decided . . . . .	25
33	Continuing conditions of particular relevant authorities . . . . .	25
<b>Subdivision 3</b>	<b>Form of relevant authority</b>	
34	Relevant authority to be written . . . . .	26
35	General matters to be stated on relevant authority . . . . .	26
36	Additional matters to be stated on protected area authority . . . . .	27
37	Additional matters to be stated on wildlife authority . . . . .	27
<b>Subdivision 4</b>	<b>Camping tags</b>	
38	Chief executive must issue camping tags . . . . .	29
<b>Division 4</b>	<b>Obtaining camping permit for e-permit camping area or self-registration camping area</b>	
<b>Subdivision 1</b>	<b>Camping notices and tags</b>	
39	E-permit camping areas . . . . .	29
40	Camping tag must be available . . . . .	30
41	Self-registration camping areas . . . . .	31

*Nature Conservation (Administration) Regulation  
2006*

---

<b>Subdivision 2</b>	<b>When and extent to which permits granted</b>	
42	When camping permit for e-permit camping area taken to have been granted . . . . .	32
43	Extent to which e-camping permit granted . . . . .	32
44	When camping permit for self-registration camping area taken to have been granted . . . . .	33
45	Extent to which self-registered camping permit granted . . . . .	34
<b>Division 5</b>	<b>Amendment, suspension or cancellation of relevant authority</b>	
46	Minor amendments . . . . .	34
47	Amendments by application . . . . .	35
48	Other amendments other than immediately—grounds . . . . .	36
49	Other amendments other than immediately—procedure . . . . .	38
50	Immediate amendment or suspension of protected area authority for safety or conservation . . . . .	39
51	Immediate amendment or suspension of wildlife authority for safety or conservation . . . . .	40
52	Immediate amendment or suspension for failure to pay fee or royalty or give return . . . . .	41
53	Suspending relevant authority other than immediately or cancelling relevant authority—grounds . . . . .	43
54	Suspending relevant authority other than immediately or cancelling relevant authority—procedure . . . . .	44
55	When holder of amended relevant authority must return authority . . . . .	46
56	When holder of suspended relevant authority must return authority . . . . .	47
57	When holder of cancelled relevant authority must return authority . . . . .	47
<b>Division 6</b>	<b>Carrying out activities under relevant authority</b>	
58	Complying with conditions of relevant authority . . . . .	47
59	Relevant authority or identification must be available for inspection . . . . .	48
60	Display of relevant authority if animal displayed at particular places . . . . .	49
<b>Division 7</b>	<b>Other provisions about relevant authorities</b>	
61	Only apiary permits transferable . . . . .	49
62	Transfer of apiary permits . . . . .	49
63	Requirement to notify chief executive of particular changes and ask for amendment . . . . .	50
64	Replacing relevant authority . . . . .	51

*Nature Conservation (Administration) Regulation  
2006*

---

65	Surrendering relevant authority . . . . .	51
66	Particular existing relevant authorities taken to be in force while new application is considered . . . . .	52
<b>Part 3</b>	<b>Commercial activity agreements</b>	
<b>Division 1</b>	<b>Preliminary</b>	
67	Chief executive may enter into agreement . . . . .	53
68	Restrictions on entering into agreement—conservation of protected area . . . . .	53
69	Restrictions on entering into agreement—suitability of party . . . . .	54
70	Restrictions on entering into agreement—insurance . . . . .	55
71	Content of agreement. . . . .	55
72	Mandatory conditions of agreement. . . . .	56
<b>Division 2</b>	<b>Expression of interest process</b>	
73	Application of div 2 . . . . .	56
74	Invitation for expressions of interest. . . . .	57
75	Requirements for expression of interest. . . . .	58
76	Requirements for process . . . . .	58
77	Chief executive may request further information . . . . .	59
78	Amending expression of interest . . . . .	59
79	Notice to unsuccessful submitters . . . . .	60
<b>Division 3</b>	<b>Application process</b>	
80	Application of div 3 . . . . .	60
81	Applying for agreement . . . . .	60
82	Matters to be considered for application. . . . .	60
83	Chief executive may request further information . . . . .	61
84	Amending the application . . . . .	61
85	Chief executive may request public notice of application . . . . .	61
86	Negotiating application for agreement . . . . .	62
87	Steps to be taken after application decided . . . . .	62
<b>Division 4</b>	<b>Requirements applying to and nature of agreements</b>	
88	Term and review of agreements . . . . .	63
89	Nature of agreement . . . . .	63
<b>Division 5</b>	<b>Amendment, suspension and cancellation of agreement by chief executive</b>	
90	Immediate amendment or suspension for safety or conservation . . . . .	64
91	Amending agreement other than immediately . . . . .	65
92	Process for amending agreement other than immediately. . . . .	66

*Nature Conservation (Administration) Regulation  
2006*

---

93	Cancelling agreement or suspending authorisation under agreement other than immediately . . . . .	67
94	Process for cancelling agreement or suspending authorisation under agreement other than immediately . . . . .	67
<b>Division 6</b>	<b>Transfer of authorisation under agreement</b>	
95	Application to transfer authorisation . . . . .	69
96	Approval or non-approval of transfer . . . . .	69
97	Giving effect to transfer . . . . .	69
<b>Division 7</b>	<b>Requirement to have agreement or copy available for inspection</b>	
98	Agreement or copy must be available for inspection . . . . .	70
<b>Part 4</b>	<b>Review and appeal provisions</b>	
<b>Division 1</b>	<b>Preliminary</b>	
99	Appeal process starts with internal review . . . . .	71
<b>Division 2</b>	<b>Internal review</b>	
100	Applying for an internal review . . . . .	71
101	Review decision . . . . .	72
102	Stay of operation of appellable decision . . . . .	73
<b>Division 3</b>	<b>Appeals</b>	
103	Who may appeal . . . . .	74
104	How to start an appeal . . . . .	74
105	Hearing procedures . . . . .	75
106	Stay of operation of decision . . . . .	75
107	Powers of Magistrates Court on appeal . . . . .	76
108	Appeals from Magistrate Court's decision . . . . .	76
<b>Part 5</b>	<b>Provisions about dealing with seized things</b>	
109	Application of pt 5 . . . . .	76
110	General powers for seized things . . . . .	77
111	Tampering with seized thing . . . . .	78
112	Particular seized things must be destroyed . . . . .	79
113	Way seized thing must be kept . . . . .	79
114	Notice for other seized things with market value of more than \$500 . . . . .	79
115	Release of seized things . . . . .	80
116	Procedure if seized thing for which notice given is not claimed and has market value of more than \$500 . . . . .	80
117	Procedure for seized thing with market value of \$500 or less . . . . .	81
118	Application of proceeds of sale . . . . .	81

*Nature Conservation (Administration) Regulation  
2006*

---

119	Compensation not payable . . . . .	82
<b>Part 6</b>	<b>Provisions about records</b>	
120	Application of pt 6 . . . . .	82
121	How records must be kept . . . . .	82
122	Where records or copies must be kept . . . . .	83
123	How long records or copies must be kept . . . . .	85
124	General information that must be included in record . . . . .	85
125	When record particulars to be included in record . . . . .	86
126	Additional information to be included for wildlife exhibitor licences . . . . .	86
127	Information must be complete, accurate and legible . . . . .	87
128	Notice of theft, loss or destruction of, or damage to, record . . . . .	88
129	Tampering with records . . . . .	88
<b>Part 7</b>	<b>Provisions about returns of operations</b>	
130	Application of pt 7 . . . . .	89
131	Form and nature of return of operations . . . . .	89
132	When return of operations must be given and the period for which they must be given . . . . .	89
133	Information must be complete, accurate and legible . . . . .	90
134	Way and how long return of operations must be kept . . . . .	90
135	Notice of theft, loss or destruction of, or damage to, return . . . . .	91
136	Tampering with return of operations . . . . .	91
<b>Part 8</b>	<b>Fees payable under the Act</b>	
<b>Division 1</b>	<b>Fees payable</b>	
137	Fees generally . . . . .	92
138	Additional fee for recreational wildlife licence or permit to keep protected wildlife—no sample taken . . . . .	93
139	Additional fee for recreational wildlife licence or permit to keep protected wildlife—no implant inserted . . . . .	94
140	Reduced application fee for commercial activity permits or agreements . . . . .	94
141	Reduced permit fee for commercial activity permits if equivalent fee paid under another Act . . . . .	95
142	Reduced additional daily fee for commercial activity permits if equivalent fee paid under another Act . . . . .	96
143	Reduced fee for particular land-holders . . . . .	97
144	Reduced fee for commercial wildlife harvesting licence for protected plants . . . . .	98
145	When particular fees payable . . . . .	99



*Nature Conservation (Administration) Regulation  
2006*

---

<b>Division 2</b>	<b>Exemptions generally</b>	
146	Exemption for camping permit granted to particular persons . . . .	99
147	Exemption for recreational wildlife harvesting licence for lizards granted to particular persons . . . . .	100
148	Exemption for particular wildlife farming licences . . . . .	100
149	Exemption for particular permits to keep protected wildlife . . . . .	100
150	Exemption for particular collection authorities . . . . .	101
151	Exemption for recreational wildlife harvesting licence for protected plants that would be destroyed . . . . .	101
152	Exemption for recreational wildlife harvesting licence for whole protected plants that will be propagated and replanted . . .	101
153	Exemption for recreational wildlife harvesting licence for protected plant parts that will be propagated and replanted . . . .	102
<b>Division 3</b>	<b>Exemptions for particular activities directed at conservation</b>	
154	Application for exemption of fee . . . . .	102
155	Deciding fee exemption application . . . . .	102
156	Grant of exemption under fee exemption application . . . . .	103
157	Refusal of exemption under fee exemption application . . . . .	103
158	Effect of grant of exemption . . . . .	104
<b>Division 4</b>	<b>Refund of fees</b>	
159	Refund of fees . . . . .	104
<b>Part 9</b>	<b>Fees payable under the Integrated Planning Act 1997</b>	
160	Fees payable . . . . .	105
<b>Part 10</b>	<b>General provisions</b>	
161	Demerit points . . . . .	106
162	Period for which particular documents must be kept . . . . .	106
163	Particular approvals not transferable . . . . .	107
164	Prescribed class—Act, s 130 . . . . .	107
165	Approved forms . . . . .	108
<b>Part 11</b>	<b>Repeal provision</b>	
166	Repeal . . . . .	108
<b>Part 12</b>	<b>Transitional provisions</b>	
167	Definitions for pt 12. . . . .	109
168	Continuing effect of existing licences, permits and other authorities . . . . .	110
169	Existing applications for licences, permits or other authorities . . .	110
170	Existing appeals about licences, permits or other authorities . . .	110

*Nature Conservation (Administration) Regulation  
2006*

---

171	Existing declarations of restricted access areas . . . . .	111
172	Existing declarations of special activities . . . . .	111
173	References to repealed regulation . . . . .	112
<b>Schedule 1</b>	<b>Overview of regulation and management instruments . . . . .</b>	<b>113</b>
1	Overview of Protected Areas Management Regulation . . . . .	113
2	Overview of Wildlife Management Regulation and conservation plans . . . . .	113
3	Overview of this regulation and its relationship with the management instruments . . . . .	114
<b>Schedule 2</b>	<b>Matters for deciding whether person is a suitable person for relevant authority . . . . .</b>	<b>117</b>
1	Definitions for sch 2 . . . . .	117
2	Matters to which chief executive may have regard . . . . .	117
3	When person not a suitable person—protected area authorities and wildlife authorities . . . . .	118
4	When person not a suitable person—protected area authorities only . . . . .	118
5	When person not a suitable person—wildlife authorities only . . .	119
<b>Schedule 3</b>	<b>Fees . . . . .</b>	<b>122</b>
<b>Schedule 4</b>	<b>Categories of least concern plants for fees payable for seeds or other propagative material . . . . .</b>	<b>136</b>
<b>Schedule 5</b>	<b>Categories of least concern plants for fees payable for foliage, flowers or inflorescences . . . . .</b>	<b>146</b>
<b>Schedule 6</b>	<b>Fees payable under the Integrated Planning Act 1997</b>	<b>148</b>
<b>Schedule 7</b>	<b>Dictionary . . . . .</b>	<b>149</b>
 <b>Endnotes</b>		
1	Index to endnotes . . . . .	170
2	Date to which amendments incorporated . . . . .	170
3	Key . . . . .	170
4	Table of reprints . . . . .	171
5	List of legislation . . . . .	171
6	List of annotations . . . . .	172

# **Nature Conservation (Administration) Regulation 2006**

[as amended by all amendments that commenced on or before 13 October 2006]

## **Part 1 Preliminary**

### **Division 1 General provisions**

#### **1 Short title**

This regulation may be cited as the *Nature Conservation (Administration) Regulation 2006*.

#### **2 Commencement**

This regulation, other than part 15 and section 219(1) to (3), commences on 21 August 2006.

#### **3 Relationship with management instruments**

- (1) This regulation must be read together with—
  - (a) for a matter relating to a protected area—the Protected Areas Management Regulation; or
  - (b) for a matter relating to wildlife other than in a protected area—
    - (i) the Wildlife Management Regulation; and
    - (ii) any conservation plan relating to the wildlife.
- (2) Schedule 1 includes a general overview of—
  - (a) the Protected Areas Management Regulation; and
  - (b) the Wildlife Management Regulation and conservation plans; and

- (c) this regulation and its relationship with the management instruments.

## Division 2                      Dictionary and aids to interpretation

### 4                      Dictionary

Schedule 7 defines particular words used in this regulation.

### 5                      References to particular licences, permits or authorities

A reference in this regulation to a licence, permit or other authority of a type mentioned in sections 9 to 16 is a reference to a licence, permit or authority of that type and granted under part 2.

*Example—*

A reference to a commercial wildlife licence is a reference to a commercial wildlife licence granted under part 2.

### 6                      References to a class of wildlife

- (1) A reference in this regulation to an animal, a plant or wildlife of a particular class is a reference to an animal, a plant or wildlife that is prescribed as wildlife of that class under the Wildlife Regulation.

*Examples—*

- 1 A reference to a rare animal is a reference to an animal that is prescribed as rare wildlife under the Wildlife Regulation.
  - 2 A reference to a least concern amphibian is a reference to an amphibian that is prescribed as least concern wildlife under the Wildlife Regulation.
- (2) For applying subsection (1) to this regulation, a species of wildlife that is prescribed as a class of wildlife but managed, under the declared management intent for the wildlife, as another class of wildlife (the *management class*), is taken to be prescribed as the management class of wildlife.

*Nature Conservation (Administration) Regulation  
2006*

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*Example—*

Under the declared management intent for extinct in the wild wildlife, wildlife that is prescribed as extinct in the wild wildlife and is found to still exist in the wild is to be managed as if it were endangered wildlife until it is re-classified under the Wildlife Regulation.

For applying subsection (1) to this regulation, the wildlife is taken to be prescribed as endangered wildlife.

(3) In this section—

***declared management intent***, for wildlife, means the declared management intent for the wildlife under the Wildlife Regulation.

**7 Meaning of *character* of area**

- (1) The ***character*** of an area means the characteristics of the area that affect the enjoyment or experience of a person using the area for a purpose for which it is normally used.
- (2) For subsection (1), each of the following characteristics of an area affect the enjoyment or experience of a person using the area—
  - (a) the extent to which the natural condition of the area has been, or is likely to be, modified by human activity, including, for example, by—
    - (i) roads or other access routes; or
    - (ii) buildings and other structures; or
    - (iii) litter; or
    - (iv) noise from human activity;
  - (b) the extent to which a person, or a group of persons, using the area is likely to have social interaction with other persons, or groups of persons, using the area, having regard to whether the extent of social interaction would be reasonably expected for the purpose for which the area is normally used;
  - (c) the extent of regulation of activities within the area, including, in particular, through signs, regulatory notices and enforcement activities.

## **8 Scientific names**

The scientific names used for wildlife mentioned in this regulation follow the scientific reference stated for the wildlife in the Wildlife Regulation, section 5.

## **Part 2 Relevant authorities**

### **Division 1 Types of relevant authorities that may be granted**

#### **9 Permits and authorities for taking etc. cultural or natural resources of protected area**

- (1) The chief executive may grant the following permits for a protected area—
  - (a) a permit to take, use, keep or interfere with cultural or natural resources;
  - (b) an apiary permit.
- (2) The chief executive may grant the following authorities for a protected area—
  - (a) an Aboriginal tradition authority;
  - (b) an Island custom authority.

#### **10 Permits for conducting other activities in a protected area**

The chief executive may grant the following permits for a protected area—

- (a) a camping permit;
- (b) a restricted access area permit;
- (c) a stock grazing permit;
- (d) a stock mustering permit;
- (e) a travelling stock permit;

- (f) a permit to enter a national park (scientific);
- (g) a commercial activity permit;
- (h) a permit to solicit donations or information;
- (i) a group activity permit;
- (j) a permit to use recreational craft;
- (k) a special activity permit.

### **11 Licences for animals other than in a protected area**

The chief executive may grant the following licences for animals other than in a protected area—

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

### **12 Permits for animals other than in a protected area**

The chief executive may grant the following permits for animals other than in a protected area—

- (a) a damage mitigation permit;
- (b) an educational purposes permit;
- (c) a permit to keep protected wildlife;
- (d) a rehabilitation permit;

- (e) a scientific purposes permit;
- (f) a wildlife movement permit.

**13 Authorities for animals other than in a protected area**

The chief executive may grant the following authorities for animals other than in a protected area—

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

**14 Licences for protected plants other than in a protected area**

The chief executive may grant the following licences for protected plants other than in a protected area—

- (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.

**15 Permits for protected plants other than in a protected area**

The chief executive may grant the following permits for protected plants other than in a protected area—

- (a) a clearing permit;
- (b) a damage mitigation permit;
- (c) an educational purposes permit;
- (d) a scientific purposes permit;
- (e) a wildlife movement permit.



**16 Authorities for protected plants other than in a protected area**

The chief executive may grant the following authorities for protected plants other than in a protected area—

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

**Division 2 Term for relevant authority**

**17 Term of relevant authority**

- (1) A relevant authority is granted for the term stated in it.
- (2) The term must not be more than the maximum term stated in this division for the authority.
- (3) Subject to section 66,<sup>1</sup> the permit expires at the end of the term.

**18 Maximum term for permits and authorities for taking etc. cultural or natural resources of protected area**

- (1) The maximum term for a permit to take, use, keep or interfere with cultural or natural resources for a protected area is—
  - (a) if the permit is granted for a scientific purpose—3 years; or
  - (b) otherwise—1 year.
- (2) The maximum term for an apiary permit is 5 years.
- (3) The maximum term for an Aboriginal tradition authority, or an Island custom authority, for a protected area is 1 year.

**19 Maximum term for permits for conducting other activities in a protected area**

The maximum term for a permit for a protected area, other

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<sup>1</sup> Section 66 (Particular existing relevant authorities taken to be in force while new application is considered)

*Nature Conservation (Administration) Regulation  
2006*

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than a permit mentioned in section 18, is as follows—

- (a) for a camping permit—30 days;
- (b) for a restricted access area permit—1 year;
- (c) for a stock grazing permit—10 years;
- (d) for a stock mustering permit—60 days;
- (e) for a travelling stock permit—30 days;
- (f) for a permit to enter a national park (scientific)—1 year;
- (g) for a commercial activity permit—3 years;
- (h) for a permit to solicit donations or information—1 year;
- (i) for a group activity permit—1 year;
- (j) for a permit to use recreational craft—1 year;
- (k) for a special activity permit—1 year.

**20 Maximum term for licences for wildlife**

- (1) The maximum term for a licence for wildlife other than in a protected area is as follows—
  - (a) for a commercial wildlife licence (wildlife interaction)—1 year;
  - (b) for a commercial wildlife licence—3 years;
  - (c) for a commercial wildlife licence (mobile)—3 years;
  - (d) for a recreational wildlife licence—5 years;
  - (e) for a commercial wildlife harvesting licence—1 year;
  - (f) for a recreational wildlife harvesting licence—1 year;
  - (g) for a wildlife demonstrator licence—3 years;
  - (h) for a wildlife exhibitor licence—3 years;
  - (i) for a wildlife farming licence—3 years;
  - (j) for a museum licence—5 years;
  - (k) for a herbarium licence—5 years.

- (2) This section is subject to any provision of a conservation plan about the term of a licence for wildlife to which the plan relates.

## **21 Maximum term for permits for wildlife**

- (1) The maximum term for a permit for wildlife other than in a protected area is as follows—
- (a) for a damage mitigation permit—
    - (i) if the applicant is operating under an approved property management plan for the land to which the permit relates—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—3 years;
  - (e) for a scientific purposes permit—5 years;
  - (f) for a clearing permit—6 months;
  - (g) 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 provision of a conservation plan about the term of a permit for wildlife to which the plan relates.
- (4) In this section—
- approved property management plan***, for land, means a plan that—

*Nature Conservation (Administration) Regulation  
2006*

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- (a) is about the management of the land; and
- (b) provides for the conservation of wildlife on the land; and
- (c) is approved by the chief executive.

## **22 Maximum term for authorities for wildlife**

- (1) The maximum term for an Aboriginal tradition authority, or an Island custom authority, for wildlife other than in a protected area is 1 year.
- (2) The maximum term for a collection authority for wildlife other than in a protected area is as follows—
  - (a) for a collection authority to keep a collection of dead protected animals—5 years;
  - (b) for a collection authority to take and keep least concern animals—6 months.

## **Division 3 Obtaining relevant authority generally**

### **Subdivision 1 Application for relevant authority**

#### **23 General requirements for application**

- (1) A person may apply to the chief executive for the grant of a relevant authority.
- (2) The application must—
  - (a) be in the approved form; and
  - (b) be supported by enough information to enable the application to be decided; and
  - (c) be accompanied by the relevant fee for the application; and
  - (d) comply with any other requirements for the application under—

*Nature Conservation (Administration) Regulation  
2006*

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- (i) for an application for a protected area authority—the Protected Areas Management Regulation; or
  - (ii) for an application for a wildlife authority—the Wildlife Management Regulation or a conservation plan.
- (3) Subsection (2)(a) does not apply to a camping permit.
- (4) In this section—
- relevant fee* means—
- (a) for an application for a stock grazing permit—the permit fee payable under part 8 for the permit, for the first year of the permit; or
  - (b) for an application for a commercial activity permit—the sum of—
    - (i) the application fee payable under part 8 for the application; and
    - (ii) the permit fee payable under part 8 for the permit; or
  - (c) for an application for a group activity permit—
    - (i) the application fee payable under part 8 for the permit; or
    - (ii) if persons will be camping under the permit—the sum of the fee mentioned in subparagraph (i) and the camping fee payable under part 8 for camping under the permit; or
  - (d) for an application for another relevant authority—the fee payable under part 8 for the authority.

**24 Particular applications must include request for record book or approval of electronic record system**

- (1) This section applies if—
- (a) a person makes an application for a relevant authority for which the holder of the authority must, under the Act, keep a record; and

*Nature Conservation (Administration) Regulation  
2006*

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- (b) the person does not have—
  - (i) a record book for keeping the record; or
  - (ii) an electronic record system approved by the chief executive for keeping the record.
- (2) When the application is made, the person must—
  - (a) ask the chief executive to—
    - (i) supply a record book to the person for the keeping of the record; or
    - (ii) approve an electronic record system for use by the person for the keeping of the record; and
  - (b) pay the prescribed fee for the record book or approval.
- (3) In this section—

*record book* includes a record and return book.

## **Subdivision 2      Considering and deciding                                  application for relevant authority**

### **25      Considering application**

- (1) In considering an application for a relevant authority, the chief executive must have regard to each of the following—
  - (a) the impact the activities that may be carried out under the authority may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
  - (b) the effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
  - (c) any contribution the applicant proposes to make to the conservation of nature;
  - (d) any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement;

*Nature Conservation (Administration) Regulation  
2006*

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- (e) the precautionary principle;
- (f) public health and safety;
- (g) the public interest;
- (h) for an application for a relevant authority other than a camping permit—whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2;
- (i) any recovery plan for wildlife to which the authority applies;
- (j) any other matter stated in a management instrument as a matter the chief executive must have regard to when considering an application for the authority.

*Notes—*

- 1 For protected area authorities, see for example, the Protected Areas Management Regulation, sections 17, 34, 40 and 49.
  - 2 For wildlife authorities, see for example, the Wildlife Management Regulation, sections 224, 230, 291 and 295.
- (2) Without limiting subsection (1), the chief executive may have regard to anything else the chief executive considers appropriate to achieve the object of the Act.
  - (3) In this section—

***precautionary principle*** means the principle that, if there are threats of serious or irreversible environmental damage, lack of full scientific certainty must not be used as a reason for postponing measures to prevent threatening processes.

***recovery plan—***

- 1 A *recovery plan*, for wildlife, is a document stating what research and management is necessary to stop the decline, support the recovery, or enhance the chance of long-term survival in the wild, of the wildlife.
- 2 A *recovery plan* may be a recovery plan made or adopted under the *Environment Protection and Biodiversity Act 1999* (Cwlth), section 269A.

**26 Chief executive's power to require further information or document**

- (1) Before deciding an application for a relevant authority, the chief executive may ask the applicant for any further information or document the chief executive reasonably requires to decide the application.
- (2) The chief executive may require the information or document to be verified by a statutory declaration.
- (3) The chief executive may give the applicant a notice asking the applicant to give the information or document by the day stated in the notice.
- (4) A notice given under subsection (3) must—
  - (a) be given to the applicant within 20 business days after the chief executive receives the application; and
  - (b) state a reasonable period of at least 20 business days after it is given within which the information or document must be given.
- (5) The applicant is taken to have withdrawn the application if the applicant does not comply with the request within—
  - (a) if the chief executive has given a notice to the applicant under subsection (3)—the period stated in the notice; or
  - (b) otherwise—a reasonable period.
- (6) The chief executive may extend a period mentioned in subsection (5).

**27 Amending application**

If the chief executive agrees, the applicant may amend the application before the chief executive has finished considering it.

**28 Chief executive may request public notice of application for protected area authority**

- (1) This section applies if the chief executive considers the grant of an application for a protected area authority may restrict the



*Nature Conservation (Administration) Regulation  
2006*

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reasonable use of a part of the protected area to which it applies, by persons other than the applicant.

- (2) The chief executive may give the applicant a notice stating—
  - (a) the applicant must give public notice of the application within a stated period; and
  - (b) the information that must be included in the public notice; and
  - (c) the number of times, being not more than 2, the public notice must be given.
- (3) The applicant must give the public notice and ensure it—
  - (a) includes the stated information; and
  - (b) invites interested persons to make written submissions to the chief executive, in relation to the application—
    - (i) at an address stated in the notice; and
    - (ii) within a stated period of at least 20 business days.
- (4) Before deciding whether or not to grant the relevant authority, the chief executive must consider any written submissions received by the chief executive in response to the public notice.

## **29 Deciding application**

- (1) The chief executive must consider each application for a relevant authority and decide—
  - (a) to grant the authority, with or without conditions decided by the chief executive; or
  - (b) to refuse the application.
- (2) Subsection (3) applies if the application is for a new relevant authority to commence immediately after an existing relevant authority of the same type expires.
- (3) Without limiting subsection (1), when deciding the application, the chief executive may refuse the application if the chief executive reasonably believes—
  - (a) the existing relevant authority was obtained on the basis

*Nature Conservation (Administration) Regulation  
2006*

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- of incorrect or misleading information; or
- (b) the holder of the existing relevant authority, or a relevant person for the holder, has contravened a condition of the authority.
- (4) The chief executive must make the decision—
- (a) if, under section 26, the chief executive asks for further information or a document—within 40 business days after receiving the information or document; or
  - (b) if, under section 28, the chief executive asks the applicant to give public notice of the application—within 40 business days after the end of the period within which interested persons may make submissions in response to the notice; or
  - (c) otherwise—within 40 business days after receiving the application.

**30 Only suitable person can hold relevant authority**

- (1) This section applies to a relevant authority other than a camping permit.
- (2) The chief executive may grant the relevant authority only if the chief executive is satisfied the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2.

**31 Relevant authority can not be granted if management instrument restricts the grant**

The chief executive can not—

- (a) grant a protected area authority to a person if the Protected Areas Management Regulation states the chief executive can not grant the authority to the person or to any person; or
- (b) grant a wildlife authority to a person if the Wildlife Management Regulation or a conservation plan states the chief executive can not grant the authority to the person or to any person.

*Nature Conservation (Administration) Regulation  
2006*

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*Note—*

See also section 137<sup>2</sup> of the Act.

### **32 Steps to be taken after application decided**

- (1) If the chief executive decides to grant a relevant authority, the chief executive must, as soon as practicable after making the decision, give the applicant—
  - (a) the authority; and
  - (b) for a relevant authority, other than a camping permit, on which a condition imposed by the chief executive is stated—an information notice about the decision to impose the condition.
- (2) Subsection (1)(b) does not apply for a condition that the applicant has requested or permitted in the application.

*Example for subsection (2)—*

The applicant has applied for a commercial activity permit for carrying out a commercial activity for 30 persons and the chief executive issues a commercial activity permit with the condition that it only authorises the holder of the permit to carry out the commercial activity for 30 persons.

- (3) If the chief executive decides to refuse the application, the chief executive must, as soon as practicable after making the decision—
  - (a) for a camping permit—tell the applicant about the refusal; or
  - (b) for another relevant authority—give the applicant an information notice about the decision.

### **33 Continuing conditions of particular relevant authorities**

- (1) This section applies to a relevant authority that authorises a person to take, or buy or accept, a live protected animal in the State if the animal is to be lawfully moved to another State.
- (2) The chief executive may impose on the authority a condition

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<sup>2</sup> Section 137 (Licences to be consistent with management principles, and management intent or plan) of the Act

that imposes an obligation on the holder of the authority, or a relevant person for the holder, that continues after the authority expires if—

- (a) the obligation is about the purpose for which the animal, or a progeny of the animal, may be used, or the way the animal, or a progeny of the animal, must be kept, after the authority expires; and
  - (b) the chief executive reasonably believes imposing the obligation is necessary to achieve the object of the Act.
- (3) In this section—

*holder*, of a relevant authority that has expired, means the person who held the authority immediately before its expiry.

### **Subdivision 3 Form of relevant authority**

#### **34 Relevant authority to be written**

- (1) A relevant authority granted under this division must be written.
- (2) The chief executive may use 1 document for the grant of 2 or more relevant authorities.

#### **35 General matters to be stated on relevant authority**

- (1) A relevant authority granted under this division must state each of the following—
  - (a) the type of relevant authority;
  - (b) the date it was granted;
  - (c) if it does not commence on the date it was granted—its commencement date;
  - (d) either its term or its expiry date;
  - (e) the name of the holder of the authority and, if the holder is a corporation, its ABN or ACN;
  - (f) for a relevant authority other than a camping permit—the address of the holder of the authority;

- (g) for an Aboriginal tradition authority or an Island custom authority—the names of the individuals who may carry out activities under the authority;
  - (h) any conditions imposed by the chief executive on the authority.
- (2) For subsection (1)(g), the individuals stated on an Aboriginal tradition authority or an Island custom authority can only be individuals named in the application for the authority.

**36 Additional matters to be stated on protected area authority**

A protected area authority granted under this division must also state the following—

- (a) the protected area that may be entered or used under the authority;
- (b) the purpose for which the entry or use is authorised;
- (c) if the authority authorises the holder to take, use, keep or interfere with the cultural or natural resources of the area—the cultural or natural resources that may be taken, used, kept or interfered with under the authority;
- (d) if the authority is granted to a corporation—the name of the individual in charge of the activity to be carried out under the authority.

**37 Additional matters to be stated on wildlife authority**

- (1) A wildlife authority granted under this division must also—
- (a) identify the wildlife to which it applies; and
  - (b) state the following—
    - (i) the place that is the licensed premises for the authority;
    - (ii) if the authority is a commercial wildlife licence (mobile)—the registration number for the mobile facility for which the licence is granted;
    - (iii) if the authority authorises the holder to take

*Nature Conservation (Administration) Regulation  
2006*

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wildlife—the place from where the wildlife may be taken;

- (iv) if the authority is a wildlife movement permit—the place from and to where wildlife may be moved under the permit;
  - (v) if the authority is granted to a corporation—the name of the individual in charge of the activity to be carried out under the authority or, if the activity is to be carried out at the licensed premises for the authority, the person in charge of the premises.
- (2) However, subsection (1)(a) 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)(a), if a relevant authority applies 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, or a part of a schedule, of the Wildlife Management Regulation or Wildlife Regulation; or
  - (d) stating the name of a harvest period notice on the authority; or
  - (e) if it is not practicable to identify the multiple species by using an approach mentioned in paragraphs (a) to (d)—describing the species of wildlife on the authority—
    - (i) by using plain English; and
    - (ii) in a way that reasonably identifies all of the species.

*Example for paragraph (e)—*

writing ‘leaf litter’ on the authority to identify protected plant parts of all protected plants in a particular area

- (4) For subsection (3)(d), stating the name of a harvest period

notice on the authority identifies all the species of wildlife to which the harvest period notice applies.

(5) In this section—

*registration number*, for a mobile facility, means the registration number for the facility under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*.

## **Subdivision 4      Camping tags**

### **38      Chief executive must issue camping tags**

- (1) This section applies if the chief executive grants a person a camping permit under this division.
- (2) The chief executive must issue the person a camping tag for use with the permit when the permit is granted.

## **Division 4              Obtaining camping permit for e-permit camping area or self-registration camping area**

### **Subdivision 1      Camping notices and tags**

#### **39      E-permit camping areas**

- (1) The chief executive may erect or display, at the entrance of a protected area, a notice (an *e-permit camping notice*) stating that, in a stated period, the area is an e-permit camping area.
- (2) An e-permit camping notice for an e-permit camping area must state the following—
  - (a) in general terms, the procedures to be followed by a person intending to camp in the area;
  - (b) the conditions applying to a person camping in the area;
  - (c) the penalty for camping in the area without a camping

permit;

- (d) the e-permit distribution points for the area.
- (3) The chief executive may also erect or display an additional conditions notice for the e-permit camping area.

#### **40 Camping tag must be available**

- (1) The chief executive must make camping tags available in an accessible and conspicuous position in or near each e-permit distribution point stated on the e-permit camping notice for an e-permit camping area.
- (2) Each tag must include a space for the person to write the following on it—
  - (a) the person's name;
  - (b) the number for identifying 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 notified of the location of each e-permit distribution point for the area.
- (4) Without limiting subsection (3), the chief executive must—
  - (a) publish on the department's website the location of each e-permit distribution point for the area; and
  - (b) for a camping permit taken to be granted under section 42(1)—ensure the notice given under section 42(1) includes the location of each e-permit distribution point for the e-permit camping area to which the permit applies; and
  - (c) for a camping permit taken to be granted under section 42(2)—ensure the person to whom the permit is granted is advised of the location of each e-permit distribution point for the e-permit camping area to which the permit applies.



## **41 Self-registration camping areas**

- (1) The chief executive may erect or display, at the entrance of a protected area, a notice (a *self-registration camping notice*) stating that, in a stated period, the area is a self-registration camping area.
- (2) A self-registration camping notice for a self-registration camping area must state the following—
  - (a) in general terms, the procedures to be followed by a person intending to camp in the area;
  - (b) the conditions applying to a person camping in the area;
  - (c) the camping fee payable for camping in the area;
  - (d) the penalty for camping in the area without a camping permit.
- (3) The chief executive must make forms (*camping forms*) and a sealed, secure container (a *camping fee container*) available for use for camping in the area.
- (4) The camping forms and camping fee container must be in an easily accessible and conspicuous position in the area.
- (5) The camping form must—
  - (a) state the procedures a person using the form must follow; and
  - (b) include a detachable envelope (a *camping fee envelope*); and
  - (c) include a detachable camping tag with—
    - (i) the number for identifying the permit written on it; and
    - (ii) a space for writing the person's name on it; and
  - (d) include, on the camping fee envelope, a section for use for credit card payment of camping fees.

## **Subdivision 2      When and extent to which permits granted**

### **42      When camping permit for e-permit camping area taken to have been granted**

- (1) A person who applies for a camping permit for an e-permit camping area by way of the website authorised by the chief executive is taken to have been granted a camping permit for the area when the following steps have been completed—
  - (a) the person pays the camping fee by giving the person's credit card details;
  - (b) the person receives a notice stating the number identifying the permit.

*Note—*

For provisions about giving or receiving information through electronic communications, see the *Electronic Transactions (Queensland) Act 2001*.

- (2) A person who applies for a camping permit for an e-permit camping area by phone is taken to have been granted a camping permit for the area when all of the following steps have been completed—
  - (a) the person gives the information required on the approved form;
  - (b) the person states that the person understands and accepts the conditions of the permit;
  - (c) the person pays the camping fee by giving the person's credit card details;
  - (d) the person is issued a number identifying the permit.

### **43      Extent to which e-camping permit granted**

- (1) A camping permit for an e-permit camping area is taken to have been granted only—
  - (a) for the number of people stated by the person when applying for the permit; and

*Nature Conservation (Administration) Regulation  
2006*

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- (b) for a time when the area, the subject of the permit, is an e-permit camping area; and
  - (c) for the number of days stated by the person when applying for the permit; and
  - (d) for not longer than 30 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.
- (2) The conditions stated on the e-permit camping notice, and any additional conditions notice, for the area are taken to be conditions of the camping permit.

**44 When camping permit for self-registration camping area taken to have been granted**

- (1) A person who applies for a camping permit for a self-registration camping area by filling in a camping form for the area is taken to have been granted a camping permit for the area when all of the following steps have been completed—
- (a) the person fills in the camping form in the way stated on the form;
  - (b) the person either—
    - (i) places the camping fee in cash or a cheque in the camping fee envelope for the form and seals the envelope; or
    - (ii) properly completes and signs the credit card payment section of the form;
  - (c) the person puts the envelope in the camping fee container.
- (2) However, the camping permit is taken not to have been granted if—
- (a) the person pays the prescribed fee by cheque and the cheque is dishonoured; or

*Nature Conservation (Administration) Regulation  
2006*

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- (b) the person completes the credit card payment section of the camping fee envelope and the person's financial institution does not authorise the payment.

**45 Extent to which self-registered camping permit granted**

- (1) A camping permit for a self-registration camping area is taken to have been granted only—
  - (a) for the number of people stated on the camping form; and
  - (b) for not more than the number of people stated on the self-registration camping notice for the area as the maximum number of persons that can camp under a camping permit for the area; and
  - (c) for the time when the area, the subject of the permit, is a self-registration camping area; and
  - (d) for the number of days stated on the camping form; and
  - (e) for not longer than 30 days or, if the self-registration camping notice for the area states a shorter period as the longest period for which anyone may camp in the area, the shorter period.
- (2) The conditions stated on the self-registration camping notice for the area are taken to be conditions of the camping permit.

**Division 5 Amendment, suspension or  
cancellation of relevant authority**

**46 Minor amendments**

- (1) This section applies if—
  - (a) the chief executive reasonably believes a relevant authority should be amended; and
  - (b) the proposed amendment is a minor amendment.
- (2) The chief executive may amend the authority by—
  - (a) for a camping permit—advising the holder of the permit

*Nature Conservation (Administration) Regulation  
2006*

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- of the amendment; or
- (b) for another relevant authority—giving the holder of the authority notice of the amendment.
- (3) The advice or notice must state the reasons for the amendment.
- (4) Sections 48 to 52 do not apply to the amendment.
- (5) The amendment takes effect on the later of the following days—
- (a) the day when the advice or notice is given to the holder;
- (b) the day of effect advised or stated in the notice.
- (6) The effect of the amendment does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 55.

- (7) In this section—
- minor amendment*** means an amendment that—
- (a) omits a condition, if the omission does not adversely affect the holder's interests; or
- (b) corrects an error; or
- (c) makes another change, other than a change of substance, that does not adversely affect the holder's interests.

## **47 Amendments by application**

- (1) The holder of a relevant authority may apply to the chief executive for an amendment of the authority.
- (2) The application must be—
- (a) accompanied by the prescribed fee for the amendment; and
- (b) if the application relates to a relevant authority other than a camping permit—
- (i) written; and
- (ii) made at least 10 business days before the holder of

*Nature Conservation (Administration) Regulation  
2006*

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the authority intends for the amendment to take effect.

- (3) However, the chief executive may consider an application for an amendment even if the application does not comply with subsection (2).
- (4) If the chief executive decides to make the amendment, the chief executive must—
  - (a) for a camping permit—advise the holder of the amendment; or
  - (b) for another relevant authority—give the holder notice of the amendment.
- (5) The amendment takes effect on the later of the following days—
  - (a) the day when the advice or notice is given to the holder;
  - (b) the day of effect advised or stated in the notice.
- (6) The effect of the amendment does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 55.

- (7) If the chief executive decides to refuse the application, the chief executive must as soon as practicable after making the decision—
  - (a) for a camping permit—advise the holder of the decision; or
  - (b) for another relevant authority—give the holder an information notice about the decision.

#### **48 Other amendments other than immediately—grounds**

The chief executive may, by complying with section 49, amend a relevant authority—

- (a) if the chief executive reasonably believes—
  - (i) the authority was obtained because of incorrect or misleading information; or

*Nature Conservation (Administration) Regulation  
2006*

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- (ii) the holder of the authority has contravened a condition of the authority; or
  - (iii) for a relevant authority other than a camping permit—the holder of the authority is not, or is no longer, a suitable person to hold the authority, having regard to the matters mentioned in schedule 2; or
  - (iv) the amendment is necessary having regard to the object of the Act; or
- (b) if the holder of the authority has failed to—
- (i) pay a prescribed fee, or a royalty required to be paid under the Act for the authority, by the date or within the period during which the fee or royalty must be paid; or
  - (ii) give the chief executive information required to be given under the Act for the authority, by the date or within the period during which the information must be given; or
- (c) if the holder is convicted of an offence against the Act and the activities of the holder that lead to the conviction are relevant to the holder's ability to carry out activities under the authority in a competent and ethical way; or
- (d) to secure the safety of a person or a person's property; or
- (e) to conserve or protect the cultural or natural resources of a protected area; or
- (f) to conserve or protect native wildlife; or
- (g) if the area to which the authority applies is declared, after the grant of the authority, to be a restricted access area or an area closed to the public under the Protected Areas Management Regulation; or
- (h) if the activity to which the authority applies is declared, after the grant of the authority, as a prescribed commercial activity or a special activity under the Protected Areas Management Regulation.

#### **49 Other amendments other than immediately—procedure**

- (1) If the chief executive proposes to make an amendment under section 48, the chief executive must notify the holder of the following—
  - (a) the proposed amendment;
  - (b) the ground for the proposed amendment;
  - (c) an outline of the facts and circumstances forming the basis for the ground;
  - (d) an invitation to make representations, within a stated period, about why the proposed amendment should not be made.
- (2) For a relevant authority other than a camping permit—
  - (a) the notification must be written; and
  - (b) the stated period must be at least 20 business days after the notification is given; and
  - (c) the representations must be written.
- (3) The chief executive may amend the authority if, after considering any representations made within the stated period, the chief executive still believes the amendment should be made—
  - (a) in the way notified; or
  - (b) in another way, having regard to the representations.
- (4) If the chief executive amends the authority, the chief executive must—
  - (a) for a camping permit—advise the holder of the amendment; or
  - (b) for another relevant authority—give the holder an information notice about the decision.
- (5) The amendment takes effect on the later of the following days—
  - (a) the day when the advice or information notice is given to the holder;
  - (b) the day of effect stated in the advice or information



*Nature Conservation (Administration) Regulation  
2006*

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notice.

- (6) The effect of the amendment does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 55.

- (7) If the chief executive decides not to make the amendment, the chief executive must as soon as practicable after making the decision—

- (a) for a camping permit—advise the holder of the decision; or  
(b) for another relevant authority—give the holder notice of the decision.

- (8) Subsections (1) to (3) and (7) apply to a camping permit only if the address of the holder of the permit is stated on the permit.

**50 Immediate amendment or suspension of protected area authority for safety or conservation**

- (1) This section applies if—
- (a) the chief executive reasonably believes a protected area authority should be amended or suspended—
- (i) to secure the safety of a person or a person's property; or  
(ii) because of a fire or other natural disaster; or  
(iii) to conserve or protect the cultural or natural resources of the protected area to which the authority applies; or
- (b) the area to which a protected area authority applies is declared, after the grant of the authority, to be a restricted access area, or an area closed to the public, under the Protected Areas Management Regulation.
- (2) The chief executive may, verbally if practicable, or by signs, advise the holder of the authority that, until the chief executive otherwise decides—

*Nature Conservation (Administration) Regulation  
2006*

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- (a) the authority is amended in the way the chief executive advises; or
  - (b) the authority is suspended to the extent the chief executive advises.
- (3) If the chief executive acts under subsection (2), the amendment or suspension takes effect immediately after the holder is advised of the amendment or suspension and continues until the chief executive decides the reason for the amendment or suspension no longer exists.
- (4) The effect of an amendment under this section does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 55.

- (5) The chief executive must as soon as practicable after the amendment or suspension ends—
- (a) advise the holder of the authority that the amendment or suspension no longer applies; or
  - (b) put a notice on the department’s website advising that the amendment or suspension no longer applies.
- (6) In this section—
- sign*** includes a sign erected—
- (a) at or near a usual access point to the protected area; or
  - (b) in a position that would normally be seen by a person accessing the area.

**51 Immediate amendment or suspension of wildlife authority for safety or conservation**

- (1) This section applies if the chief executive reasonably believes a wildlife authority should be amended or suspended to—
- (a) secure the safety of a person or a person’s property; or
  - (b) conserve or protect native wildlife.
- (2) The chief executive may amend or suspend the authority.
- (3) If the chief executive acts under subsection (2)—

*Nature Conservation (Administration) Regulation  
2006*

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- (a) the chief executive must give the holder of the authority an information notice about the decision; and
  - (b) if the action is suspension, the information notice must state the suspension period; and
  - (c) the amendment or suspension takes effect on the later of the following days—
    - (i) the day the notice is given to the holder;
    - (ii) the day of effect stated in the notice; and
  - (d) if the action is suspension, it continues until the end of the suspension period stated in the notice.
- (4) However, if the decision is to suspend the authority for the immediate protection of life or property—
- (a) subsection (3) does not apply; and
  - (b) the suspension—
    - (i) takes effect immediately after the holder is advised of the suspension; and
    - (ii) continues until the chief executive decides the reason for the suspension no longer exists; and
  - (c) the chief executive must as soon as practicable after the amendment or suspension ends—
    - (i) advise the holder of the authority that the amendment or suspension no longer applies; or
    - (ii) put a notice on the department's website advising that the amendment or suspension no longer applies.
- (5) The effect of an amendment under this section does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 55.

**52 Immediate amendment or suspension for failure to pay fee or royalty or give return**

- (1) This section applies if—

*Nature Conservation (Administration) Regulation  
2006*

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- (a) the holder of a relevant authority has failed to—
    - (i) pay a prescribed fee, or a royalty required to be paid under the Act for the authority, by the date or within the period during which the fee or royalty must be paid; or
    - (ii) give the chief executive a return of operations required to be given under the Act for the authority, by the date or within the period during which the return must be given; and
  - (b) the chief executive has given the holder a notice stating that—
    - (i) the holder must pay the fee or royalty or give the return to the chief executive by a day, at least 10 business days after the holder receives the notice, stated in the notice; and
    - (ii) if the holder does not pay the fee or royalty or give the return to the chief executive by the stated day, the chief executive may amend or suspend the authority under this section; and
  - (c) the holder does not pay the fee or royalty or give the return to the chief executive by the stated day.
- (2) The chief executive may amend or suspend the authority.
- (3) However, if the authority is a wildlife authority that authorises the holder of the authority to keep an animal under the authority—
- (a) the chief executive may only amend the authority; and
  - (b) the amendment must not have the effect of removing the authorisation to keep the animal under the authority.
- (4) If the chief executive acts under this section—
- (a) the chief executive must give the holder of the authority an information notice about the decision; and
  - (b) if the action is suspension, the information notice must state the suspension period; and
  - (c) the amendment or suspension takes effect on the later of the following days—

*Nature Conservation (Administration) Regulation  
2006*

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- (i) the day the notice is given to the holder;
- (ii) the day of effect stated in the notice; and
- (d) if the action is suspension, it continues until the earlier of the following—
  - (i) the day the holder pays the outstanding fee or royalty or gives the chief executive the outstanding return;
  - (ii) the end of the suspension period stated in the information notice.
- (5) The effect of an amendment under this section does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 55.

**53 Suspending relevant authority other than immediately or cancelling relevant authority—grounds**

The chief executive may, by complying with section 54, suspend or cancel a relevant authority—

- (a) for a reason mentioned in—
  - (i) for a protected area authority—section 50(1) or 52(1); or
  - (ii) for a wildlife authority—section 51(1) or 52(1); or
- (b) if the chief executive reasonably believes—
  - (i) the authority was obtained because of incorrect or misleading information; or
  - (ii) the holder of the authority has contravened a condition of the authority; or
  - (iii) for a relevant authority other than a camping permit—the holder of the authority is not, or is no longer, a suitable person to hold the authority, having regard to the matters mentioned in schedule 2; or
- (c) if the holder of the authority is convicted of an offence against the Act and the activities of the holder that lead

*Nature Conservation (Administration) Regulation  
2006*

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- to the conviction are relevant to the holder's ability to carry out activities under the authority in a competent and ethical way; or
- (d) if the holder of the authority has failed to give the chief executive information, other than information required to be given in a return of operations, required to be given under the Act for the authority, by the date or within the period during which the information must be given; or
  - (e) for a wildlife authority for an animal—if the chief executive reasonably believes the place where the animal is kept is not or is no longer appropriate, or does not or no longer has the appropriate facilities, for keeping the animal; or
  - (f) if the chief reasonably believes the activities being carried out under the authority are having an unacceptable impact on the character or amenity of a protected area or its adjacent areas; or
  - (g) if the chief executive reasonably believes the activities being carried out under the relevant authority are threatening public health or safety; or
  - (h) if the chief executive reasonably believes the suspension or cancellation is necessary to ensure the fair and equitable access to nature.

*Example for paragraph (h)—*

environmental factors have affected the availability of public access to a protected area for which the relevant authority is granted and the relevant authority currently restricts the remaining public access to the area

**54 Suspending relevant authority other than immediately or cancelling relevant authority—procedure**

- (1) If the chief executive proposes to take action (the *proposed action*) under section 53, the chief executive must notify the holder of the authority of each of the following—
  - (a) the proposed action;
  - (b) the ground for the proposed action;

*Nature Conservation (Administration) Regulation  
2006*

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- (c) an outline of the facts and circumstances forming the basis for the ground;
  - (d) if the proposed action is suspension of the authority—the proposed suspension period;
  - (e) an invitation to make representations, within a stated period, about why the proposed action should not be taken.
- (2) For a relevant authority other than a camping permit—
- (a) the notification must be written; and
  - (b) the stated period must be at least 20 business days after the notification is given; and
  - (c) the representations must be written.
- (3) If, after considering any representations made within the stated period, the chief executive still considers the ground to take the proposed action exists, the chief executive may decide—
- (a) if the proposed action was to suspend the authority—to suspend it for not longer than the proposed suspension period; or
  - (b) if the proposed action was to cancel the authority—either to cancel it or to suspend it for a period.
- (4) If the chief executive decides to suspend or cancel the authority, the chief executive must—
- (a) for a camping permit—advise the holder of the decision; or
  - (b) for another relevant authority—give the holder an information notice about the decision.
- (5) A decision to suspend or cancel the authority takes effect on the later of the following days—
- (a) the day when the advice or information notice is given to the holder;
  - (b) the day of effect stated in the advice or information notice.

*Nature Conservation (Administration) Regulation  
2006*

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- (6) If the chief executive decides not to take the proposed action, the chief executive must as soon as practicable after making the decision—
  - (a) for a camping permit—advise the holder of the decision; or
  - (b) for another relevant authority—give the holder notice of the decision.
- (7) Despite subsections (4) and (5), if a relevant authority is suspended because of the conviction of a person for an offence and the conviction is quashed, the suspension period ends on the day the conviction is quashed.
- (8) Despite subsections (4) and (5), if a relevant authority is cancelled because of the conviction of a person for an offence and the conviction is quashed, the cancellation has no further effect.
- (9) Subsections (1) to (3) and (6) apply to a camping permit only if the address of the holder of the permit is stated on the permit.

**55 When holder of amended relevant authority must return authority**

- (1) The chief executive may, by notice, ask the holder of a relevant authority that has been amended under this division to return the authority to the chief executive by a day, at least 10 business days after the day the holder receives the notice, stated in the notice.
- (2) The holder must, unless the holder has a reasonable excuse, return the authority to the chief executive by the stated day.  
Maximum penalty—20 penalty units.
- (3) The chief executive must as soon as practicable after receiving the authority—
  - (a) note the amendment on the authority; and
  - (b) give the authority back to the holder.



**56 When holder of suspended relevant authority must return authority**

- (1) The chief executive may, by notice, ask the holder of a relevant authority that has been suspended under this division to return the authority to the chief executive by a day, at least 10 business days after the day the holder receives the notice, stated in the notice.
- (2) The holder must, unless the holder has a reasonable excuse, return the authority to the chief executive by the stated day.  
Maximum penalty—20 penalty units.
- (3) The chief executive must give the authority back to the holder on or before the day the period of suspension ends.

**57 When holder of cancelled relevant authority must return authority**

The holder of a relevant authority that has been cancelled under this division must, unless the holder has a reasonable excuse, return the authority to the chief executive within 10 business days after cancellation takes effect.

Maximum penalty—20 penalty units.

**Division 6 Carrying out activities under relevant authority**

**58 Complying with conditions of relevant authority**

- (1) The holder of a relevant authority, or a relevant person for the holder, must comply with the conditions of the authority, unless the holder or relevant person has a reasonable excuse.  
Maximum penalty—80 penalty units.
- (2) For subsection (1), the holder is taken to comply with a condition of the authority if a relevant person for the holder complies with the condition for the holder.
- (3) This section does not apply to a camping permit.

*Nature Conservation (Administration) Regulation  
2006*

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*Note—*

For camping permits, see the Protected Areas Management Regulation, section 83.

(4) In this section—

***holder***, of a relevant authority that has expired, means the person who held the authority immediately before its expiry.

**59 Relevant authority or identification must be available for inspection**

(1) A person carrying out an activity under a relevant authority, other than a camping permit or stock grazing permit, must, while carrying out the activity—

(a) have the following available for inspection—

(i) if the person is the holder of the authority—the authority or a copy of the authority;

(ii) if the person is not the holder of the authority—

(A) a copy of the authority endorsed by the holder of the authority with the person's name and residential address; and

(B) if the authority is a wildlife authority—a form of identification that shows a recent colour photograph of the person; and

(b) if asked by a conservation officer, produce the authority, copy or identification for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

(2) For this section, a copy of the relevant details of a commercial activity permit is taken to be a copy of the permit.

(3) In this section—

***relevant details***, of a commercial activity permit, means the details needed to identify the following matters—

(a) if the permit number for the permit is stated on the permit—the permit number;

(b) the name of the holder of the permit;

- (c) the term of the permit;
- (d) the protected area to which the permit applies;
- (e) the activity authorised under the permit.

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

- (1) This section applies to a person displaying an animal under a wildlife 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.

**Division 7 Other provisions about relevant authorities**

**61 Only apiary permits transferable**

A relevant authority other than an apiary permit is not transferable.

**62 Transfer of apiary permits**

- (1) The chief executive may, on the making of an application, transfer an apiary permit.
- (2) The application must be—
  - (a) in the approved form; and
  - (b) made by the holder of the permit and the proposed transferee; and
  - (c) accompanied by the prescribed fee for the transfer.

*Nature Conservation (Administration) Regulation  
2006*

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- (3) The provisions of division 3, subdivision 2<sup>3</sup> apply for the application as if—
- (a) it were an application for the permit; and
  - (b) a reference in the provisions to the applicant were a reference to the proposed transferee.

**63 Requirement to notify chief executive of particular changes and ask for amendment**

- (1) This section applies to the holder of a relevant authority if a change of any of the following happens—
- (a) the holder's name;
  - (b) the holder's postal, residential or business address stated on the authority;
  - (c) if the holder is a corporation—
    - (i) for a protected area authority—the person in charge of the activity carried out under the authority; or
    - (ii) for a wildlife authority—the person in charge of the activity carried out under the authority or, if the activity is carried out at the licensed premises for the authority, the person in charge of the premises;
  - (d) if the authority is a wildlife authority—the licensed premises for the authority.
- (2) The holder must before, or immediately after, the change happens—
- (a) give the chief executive a notice stating the nature of the change; and
  - (b) apply to the chief executive for an amendment of the authority to reflect the change.

Maximum penalty—10 penalty units.

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3 Division 3 (Obtaining relevant authority generally), subdivision 2 (Considering and deciding application for relevant authority)

*Note—*

For the provisions about amending a relevant authority by application, see section 47.

## **64 Replacing relevant authority**

- (1) The holder of a relevant authority may apply to the chief executive for the replacement of a damaged, destroyed, lost or stolen authority.
- (2) The application must be—
  - (a) written; and
  - (b) accompanied by the prescribed fee for the application.
- (3) The chief executive must grant the application if the chief executive is satisfied the authority has been—
  - (a) damaged in a way that requires its replacement; or
  - (b) destroyed, lost or stolen.
- (4) If the chief executive grants the application, the chief executive must give another relevant authority to the holder to replace the damaged, destroyed, lost or stolen authority.
- (5) If the chief executive refuses the application, the chief executive must give the applicant an information notice about the decision within 14 days after the decision is made.

## **65 Surrendering relevant authority**

- (1) The holder of a relevant authority may surrender it by returning it and giving a notice of surrender to the chief executive.
- (2) A relevant authority surrendered under subsection (1) no longer has effect from—
  - (a) the day for surrender stated in the notice; or
  - (b) if paragraph (a) does not apply—the day the notice is received by the chief executive.

**66 Particular existing relevant authorities taken to be in force while new application is considered**

- (1) This section applies if—
  - (a) the holder of an existing relevant authority makes an application for a new relevant authority of the same type; and
  - (b) the existing relevant authority is—
    - (i) a commercial activity permit; or
    - (ii) a wildlife authority, other than a wildlife authority authorising the holder to take protected wildlife; and
  - (c) the new relevant authority is intended to commence immediately after the expiry of the existing relevant authority.
- (2) The existing relevant authority is taken to continue in force from its otherwise expiration day until the day on which the earliest of the following happens—
  - (a) the chief executive grants the new relevant authority;
  - (b) the chief executive decides to refuse the application and gives the applicant an information notice about the decision;
  - (c) the applicant is taken to have withdrawn the application under section 26;
  - (d) the existing relevant authority has continued for 3 months after its otherwise expiration day.
- (3) If the chief executive grants the new relevant authority—
  - (a) the existing authority is taken to have expired on its otherwise expiration day; and
  - (b) the new relevant authority is taken to have commenced immediately after the existing relevant authority's otherwise expiration day; and
  - (c) for the period during which the existing relevant authority is taken to have continued in force under subsection (2), the new relevant authority is taken to be

subject to the same conditions and authorise the same activities as the existing relevant authority.

- (4) Subsection (2) does not stop the existing relevant authority from being suspended or cancelled under this regulation.
- (5) In this section—  
*otherwise expiration day*, for an existing relevant authority, means the day it would have expired but for subsection (2).

## **Part 3                      Commercial activity    agreements**

### **Division 1                Preliminary**

#### **67            Chief executive may enter into agreement**

- (1) The chief executive may, for the State, enter into an agreement (a *commercial activity agreement*) with a person authorising the person to conduct a commercial activity in a protected area.
- (2) The chief executive may enter into the agreement in any 1 or more of the following ways—
  - (a) by using an expression of interest process under division 2 for entering into the agreement;
  - (b) by using an application process under division 3 for entering into the agreement;
  - (c) by entering into the agreement with the holder of a commercial activity permit for the activity for the area.

#### **68            Restrictions on entering into agreement—conservation    of protected area**

- (1) A commercial activity agreement must be consistent with—
  - (a) the management principles for the protected area to

*Nature Conservation (Administration) Regulation  
2006*

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which it applies; and

- (b) the interim or declared management intent, or management plan, for the protected area to which it applies.
- (2) Also, a commercial activity agreement must not—
- (a) create an interest in land in a protected area; or
  - (b) authorise the carrying out of major earthworks, or the installation of a permanent structure, in a protected area; or
  - (c) otherwise provide for a matter for which a lease, agreement, licence, permit or other authority made or given under section 34, 35 or 36 of the Act would be more appropriate.

*Example for paragraph (c)—*

It would be more appropriate to enter into a lease, agreement, licence, permit or other authority made or given under section 34, 35 or 36 of the Act for the installation of a sewage pipeline or communications tower in a national park.

- (3) In this section—

***major earthworks*** means earthworks that cause a major disturbance to the cultural or natural resources of a protected area.

*Examples of major earthworks—*

construction of a road or drainage channel

## 69 **Restrictions on entering into agreement—suitability of party**

- (1) The chief executive may enter into a commercial activity agreement with a person only if the chief executive is satisfied the person is a suitable person to be a party to the agreement.
- (2) In deciding whether a person is a suitable person to be a party to a commercial activity agreement, the chief executive may have regard to any matter relevant to the person's ability to carry out the activities for which the agreement is sought in a competent and ethical way.



- (3) A person is not a suitable person to be a party to a commercial activity agreement if the person would not be, having regard to the matters mentioned in schedule 2, a suitable person to hold a commercial activity permit for conducting the activities for which the agreement is sought, if the person applied for the permit under part 2.

## **70 Restrictions on entering into agreement—insurance**

- (1) The chief executive may enter into a commercial activity agreement with a person only if the chief executive is satisfied there is adequate insurance cover for the activities authorised under the agreement.
- (2) However, subsection (1) does not apply if the chief executive considers insurance cover is not required having regard to the nature of the activities, including whether insurance is commonly available for the activities.
- (3) In this section—

*insurance cover*, for activities authorised under a commercial activity agreement, means a policy of insurance that insures the other party to the agreement against a claim for damage, injury or loss to a person, and damage to property, arising from the activities to be conducted under the agreement.

## **71 Content of agreement**

- (1) A commercial activity agreement must be written and include each of the following details—
- (a) the name of the protected area to which it applies;
  - (b) the date the agreement is entered into;
  - (c) its term;
  - (d) the name of the person with whom it is entered into and, if the person is a corporation, its ABN or ACN;
  - (e) the person's place of business;
  - (f) the activities authorised under the agreement;
  - (g) any conditions of the agreement;

*Nature Conservation (Administration) Regulation  
2006*

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- (h) the amount payable to the State under the agreement, or a way of working out the amount.
- (2) Subsection (1) does not limit the matters that may be included in the agreement.
- (3) The parties to the agreement may, by agreement, amend it at any time.

*Note—*

See also division 5 for provisions about amendment, suspension and cancellation of commercial activity agreements by the chief executive.

## **72 Mandatory conditions of agreement**

- (1) This section applies if the chief executive reasonably believes a commercial activity agreement should be subject to a condition that will assist in achieving the object of the Act (a ***conservation condition***).

*Note—*

See section 5 of the Act for how the object of the Act is to be achieved.

- (2) The chief executive must not enter into the agreement unless—
  - (a) the agreement is made subject to the condition; and
  - (b) the agreement identifies the condition as a conservation condition and states that a breach of the condition is an offence against the Protected Areas Management Regulation, section 97.

## **Division 2 Expression of interest process**

### **73 Application of div 2**

This division applies if the chief executive uses an expression of interest process for entering into a commercial activity agreement for conducting a commercial activity in a protected area.

## **74 Invitation for expressions of interest**

- (1) The chief executive may invite expressions of interest for a commercial activity agreement for the activity for the area from—
  - (a) only the holders of a commercial activity permit for the activity for the area; or
  - (b) the members of the public the chief executive reasonably believes would be interested in submitting an expression of interest for the agreement.
- (2) The invitation must be made in the way the chief executive considers appropriate having regard to the need to ensure the invitees—
  - (a) are made aware that the process is being conducted; and
  - (b) have enough time to submit an appropriate expression of interest.
- (3) The invitation must state the following—
  - (a) the commercial activity and the protected area that will be the subject of the agreement;
  - (b) if the commercial activity is a prescribed commercial activity for the area—
    - (i) the commercial activity is a prescribed commercial activity for the area; and
    - (ii) that, under the Protected Areas Management Regulation, section 96(2),<sup>4</sup> a person may only conduct the prescribed commercial activity in the area under a commercial activity agreement;
  - (c) if the expression of interest process is only open to the holders of a commercial activity permit for the activity for the area—that only those holders may submit an expression of interest for the agreement;
  - (d) how the expression of interest may be submitted to the chief executive;

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<sup>4</sup> Protected Areas Management Regulation, section 96 (Unlawfully conducting commercial activity)

*Nature Conservation (Administration) Regulation  
2006*

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- (e) the day and time by which the expression of interest must be submitted to the chief executive;
- (f) that a fee prescribed under this regulation is payable for submitting the expression of interest, and the amount of the fee;
- (g) that details of each the following are available at a stated place—
  - (i) the matters the chief executive will consider to decide whether to enter into the agreement;
  - (ii) any proposed conditions of the agreement that are likely to impact on the conducting of the activity under the agreement.

## **75 Requirements for expression of interest**

An expression of interest for a commercial activity agreement must be—

- (a) written; and
- (b) accompanied by the prescribed fee for submitting the expression of interest; and
- (c) submitted in the way, and by the day and time, stated in the invitation under section 74.

## **76 Requirements for process**

- (1) Subject to the restrictions about entering into a commercial activity agreement mentioned in division 1, any process the chief executive considers appropriate may be used to decide which expressions of interest should be further negotiated toward a commercial activity agreement.
- (2) Without limiting subsection (1), in considering an expression of interest, the chief executive must have regard to—
  - (a) the matters the chief executive must have regard to for considering an application for a commercial activity permit; and
  - (b) any other matter the chief executive reasonably

*Nature Conservation (Administration) Regulation  
2006*

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considers relevant.

*Note—*

For the matters the chief executive must have regard to for considering an application for a commercial activity permit, see—

- (a) part 2 of this regulation; and
- (b) the Protected Areas Management Regulation, chapter 4, parts 1 and 8.

## **77 Chief executive may request further information**

- (1) Without limiting section 76(1), the chief executive may, by notice, ask the submitter of an expression of interest to give the chief executive further reasonable information by the date, at least 20 business days after the submitter receives the notice, stated in the notice.
- (2) If the submitter does not, without reasonable excuse, give the chief executive the further information by the stated day—
  - (a) the expression of interest is taken to have been withdrawn; and
  - (b) the chief executive must give the submitter a notice stating that—
    - (i) under this section the expression of interest is taken to be withdrawn; and
    - (ii) the submitter may submit another expression of interest.
- (3) The chief executive may extend the period for the submitter to give the further information.

## **78 Amending expression of interest**

If the chief executive agrees, the submitter may amend the expression of interest before the chief executive has finished considering it.

## **79 Notice to unsuccessful submitters**

The chief executive must, within 14 business days after making a decision under section 76, give each unsuccessful submitter of an expression of interest a notice for the decision.

## **Division 3 Application process**

### **80 Application of div 3**

This division applies if the chief executive uses an application process for entering into a commercial activity agreement for conducting a commercial activity in a protected area.

### **81 Applying for agreement**

- (1) A person may apply to the chief executive for a commercial activity agreement for conducting a commercial activity in a protected area.
- (2) The application must be—
  - (a) written; and
  - (b) accompanied by the prescribed fee for the application.

### **82 Matters to be considered for application**

In considering the application, the chief executive must have regard to—

- (a) the matters the chief executive must have regard to for considering an application for a commercial activity permit; and
- (b) any other matter the chief executive reasonably considers relevant.

*Note—*

For the matters the chief executive must have regard to for considering an application for a commercial activity permit, see—

*Nature Conservation (Administration) Regulation  
2006*

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- (a) part 2 of this regulation; and
- (b) the Protected Areas Management Regulation, chapter 4, parts 1 and 8.

**83 Chief executive may request further information**

- (1) The chief executive may, by notice, ask the applicant to give the chief executive further reasonable information by the date, at least 20 business days after the applicant receives the notice, stated in the notice.
- (2) If the applicant does not, without reasonable excuse, give the chief executive the further information by the stated day—
  - (a) the application is taken to have been withdrawn; and
  - (b) the chief executive must give the applicant a notice stating that—
    - (i) under this section, the application is taken to be withdrawn; and
    - (ii) the applicant may make a new application.
- (3) The chief executive may extend the period for the applicant to give the further information.

**84 Amending the application**

If the chief executive agrees, the applicant may amend the application before the chief executive has finished considering it.

**85 Chief executive may request public notice of application**

- (1) This section applies if the chief executive considers entering into a commercial activity agreement the subject of the application may restrict the reasonable use of a protected area by persons other than the applicant.
- (2) The chief executive may give the applicant a notice stating—
  - (a) the applicant must give public notice of the application within a stated period; and
  - (b) the information that must be included in the public

- notice; and
- (c) the number of times, being not more than 2, the public notice must be given.
- (3) The applicant must give the public notice and ensure it—
- (a) includes the stated information; and
  - (b) invites interested persons to make written submissions to the chief executive, in relation to the application—
    - (i) at an address stated in the notice; and
    - (ii) within a stated period of at least 20 business days.
- (4) Before deciding whether or not to further negotiate toward entering into the agreement, the chief executive must consider any written submissions received by the chief executive in response to the public notice.

## **86 Negotiating application for agreement**

- (1) The chief executive must consider each application for a commercial activity agreement and decide—
- (a) to negotiate the signing of a commercial activity agreement for the application; or
  - (b) to refuse to negotiate the signing of a commercial activity agreement for the application.
- (2) The chief executive must give the applicant a notice of the decision within 10 business days of making the decision.
- (3) If the decision is a refusal under subsection (1)(b), the notice must be an information notice.

## **87 Steps to be taken after application decided**

- (1) If, after negotiation, the chief executive decides to enter into a commercial activity agreement, the chief executive must, as soon as practicable after making the decision, enter into the agreement with the applicant.
- (2) If, after negotiation, the chief executive decides to refuse to enter into the commercial activity agreement, the chief



executive must, within 10 business days after making the decision, give the applicant an information notice for the decision.

## Division 4                      Requirements applying to and nature of agreements

### 88            Term and review of agreements

- (1) A commercial activity agreement must not be for a term longer than 10 years from the day the agreement commences.
- (2) The agreement may allow for the term of the agreement to be extended at any time, so long as the term of the agreement is not, at any time, longer than 10 years.
- (3) The agreement may also provide for—
  - (a) reviews of the agreement to be conducted at stated intervals; and
  - (b) the matters to be considered at the review.

### 89            Nature of agreement

A commercial activity agreement—

- (a) authorises the party to the agreement other than the chief executive (the *other party* to the agreement) to conduct, subject to the conditions stated in the agreement, the commercial activity stated in the agreement in the protected area stated in the agreement; and
- (b) may be transferred in the way mentioned in division 6.

## **Division 5                      Amendment, suspension and cancellation of agreement by chief executive**

### **90            Immediate amendment or suspension for safety or conservation**

- (1) This section applies if—
  - (a) the chief executive reasonably believes a commercial activity agreement should be amended or the authorisation under it suspended—
    - (i) to secure the safety of a person or a person's property; or
    - (ii) because of a fire or other natural disaster; or
    - (iii) to conserve or protect the cultural or natural resources of the protected area to which the agreement applies; or
  - (b) the area to which a commercial activity agreement applies is declared, after the agreement was entered into, to be a restricted access area, or an area closed to the public, under the Protected Areas Management Regulation.
- (2) The chief executive may, verbally if practicable, or by signs, advise the other party to a commercial activity agreement that, until the chief executive otherwise decides—
  - (a) the agreement is amended in the way the chief executive advises; or
  - (b) the authorisation under the agreement is suspended, to the extent the chief executive advises.
- (3) If the chief executive acts under subsection (2), the amendment or suspension takes effect immediately after the other party is advised of the amendment or suspension and continues until the chief executive decides the reason for the amendment or suspension no longer exists.
- (4) The effect of an amendment under this section does not depend on the amendment being noted on the agreement.

*Nature Conservation (Administration) Regulation  
2006*

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- (5) The chief executive must as soon as practicable after the amendment or suspension ends—
  - (a) advise the other party that the amendment or suspension no longer applies; or
  - (b) put a notice on the department’s website advising that the amendment or suspension no longer applies.
- (6) In this section—

*sign* includes a sign erected—

  - (a) at or near a usual access point to a protected area; or
  - (b) in a position that would normally be seen by a person accessing the area.

**91 Amending agreement other than immediately**

The chief executive may, by complying with section 92, amend a commercial activity agreement—

- (a) for a reason mentioned in section 90(1); or
- (b) if the chief executive reasonably believes—
  - (i) the agreement was entered into on the basis of incorrect or misleading information; or
  - (ii) the other party to the agreement has contravened a condition of the agreement; or
  - (iii) the other party to the agreement is not, or is no longer, a suitable person to be a party to the agreement under section 69; or
  - (iv) the amendment is necessary having regard to the object of the Act; or
- (c) if the other party to the agreement is convicted of an offence against the Act and the activities of the other party that lead to the conviction are relevant to the other party’s ability to carry out activities under the agreement in a competent and ethical way; or
- (d) if the agreement applies to an activity that has been declared as a special activity under the Protected Areas Management Regulation.

## **92 Process for amending agreement other than immediately**

- (1) Before amending the agreement under section 91, the chief executive must give the other party to the agreement a notice stating each of the following—
  - (a) the proposed amendment;
  - (b) the ground for the proposed amendment;
  - (c) an outline of the facts and circumstances forming the basis for the ground;
  - (d) an invitation to make written representations, within a stated period of at least 20 business days after the notice is given, about why the proposed amendment should not be made.
- (2) If, after considering any written representations made within the stated period, the chief executive still considers the amendment should be made, the chief executive may amend the agreement—
  - (a) in the way stated in the notice; or
  - (b) in another way, having regard to the representations.
- (3) If the chief executive amends the agreement, the chief executive must give the other party an information notice about the decision.
- (4) The amendment takes effect on the later of the following days—
  - (a) the day when the information notice is given to the other party;
  - (b) the day of effect stated in the information notice.
- (5) The effect of the amendment does not depend on the amendment being noted on the agreement.
- (6) If the chief executive decides not to make the amendment, the chief executive must as soon as practicable after making the decision give the other party notice of the decision.

**93 Cancelling agreement or suspending authorisation under agreement other than immediately**

The chief executive may, by complying with section 94, cancel a commercial activity agreement or suspend the authorisation under the agreement—

- (a) for a reason mentioned in section 91; or
- (b) if the chief reasonably believes the impact the activities being conducted under the agreement are having an unacceptable impact on the character or amenity of the protected area to which it applies or adjacent areas; or
- (c) if the chief executive reasonably believes the activities being conducted under the agreement are threatening public health or safety; or
- (d) if the chief executive reasonably believes the cancellation or suspension is necessary to ensure the fair and equitable access to the protected area to which the agreement applies.

*Example for paragraph (d)—*

environmental factors have affected the availability of public access to the protected area to which a commercial activity agreement applies and the agreement currently restricts the remaining public access to the area

**94 Process for cancelling agreement or suspending authorisation under agreement other than immediately**

- (1) Before taking action (the *proposed action*) under section 93, the chief executive must give the other party to the agreement a notice stating each of the following—
  - (a) the proposed action;
  - (b) the ground for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the ground;
  - (d) if the proposed action is suspension of the agreement—the proposed suspension period;
  - (e) an invitation to make written representations, within a stated period of at least 20 business days after the notice

*Nature Conservation (Administration) Regulation  
2006*

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is given, about why the proposed action should not be taken.

- (2) If, after considering any written representations made within the stated period, the chief executive still considers the ground to take the proposed action exists, the chief executive may decide—
  - (a) if the proposed action was to suspend the authorisation under the agreement—to suspend the authorisation for not longer than the proposed suspension period; or
  - (b) if the proposed action was to cancel the agreement—either to cancel it or to suspend the authorisation under it for a period.
- (3) If the chief executive cancels the agreement, or suspends the authorisation under it, the chief executive must give the other party to the agreement an information notice about the decision.
- (4) The cancellation or suspension takes effect on the later of the following days—
  - (a) the day when the information notice is given to the other party to the agreement;
  - (b) the day of effect stated in the information notice.
- (5) If the chief executive decides not to take the proposed action, the chief executive must as soon as practicable after making the decision give the other party to the agreement notice of the decision.
- (6) Despite subsections (3) and (4), if a commercial activity agreement is cancelled because of the conviction of a person for an offence and the conviction is quashed, the cancellation has no further effect.
- (7) Despite subsections (3) and (4), if the authorisation under a commercial activity agreement is suspended because of the conviction of a person for an offence and the conviction is quashed, the suspension period ends on the day the conviction is quashed.

## **Division 6                      Transfer of authorisation under agreement**

### **95            Application to transfer authorisation**

- (1) The other party to a commercial activity agreement (the *seller*) may transfer the authorisation under the agreement to another person (the *buyer*).
- (2) The seller and the buyer must apply to the chief executive to—
  - (a) approve the transfer; and
  - (b) if the chief executive approves the transfer, give effect to the transfer under this division.

### **96            Approval or non-approval of transfer**

- (1) The chief executive may approve the transfer only if the chief executive is satisfied the buyer is a suitable person to be a party to the commercial activity agreement the subject of the authorisation.

*Note—*

See section 69 for the matters the chief executive may have regard to in deciding whether a person is a suitable person to be a party to a commercial activity agreement.

- (2) If the chief executive refuses to approve the transfer, the chief executive must give the seller and the buyer an information notice for the decision.

### **97            Giving effect to transfer**

- (1) This section applies if—
  - (a) the chief executive approves the transfer; and
  - (b) if the buyer has to enter into a commercial activity agreement with the chief executive—the prescribed fee for an application for the commercial activity agreement has been paid; and
  - (c) all amounts payable by the seller under the seller's

*Nature Conservation (Administration) Regulation  
2006*

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commercial activity agreement have been paid.

- (2) If the seller transfers all of the authorisation under the agreement, the chief executive must give effect to the transfer by cancelling the seller's agreement and—
  - (a) if the buyer is the other party to another commercial activity agreement—amending the other agreement to reflect the transfer; or
  - (b) if the buyer is not the other party to another commercial agreement—entering into, with the buyer, a commercial activity agreement for the conducting of the commercial activity the subject of the authorisation.
- (3) If the seller transfers only part of the authorisation under the agreement, the chief executive must give effect to the transfer by amending the seller's commercial activity agreement to reflect the transfer and—
  - (a) if the buyer is the other party to another commercial activity agreement—amending the other agreement to reflect the transfer; or
  - (b) if the buyer is not the other party to another commercial activity agreement—entering into, with the buyer, a commercial activity agreement for the conducting of the commercial activity the subject of the authorisation.

## **Division 7                      Requirement to have agreement or copy available for inspection**

### **98            Agreement or copy must be available for inspection**

- (1) A person acting under a commercial activity agreement must—
  - (a) have the following available for inspection—
    - (i) if the person is a party to the agreement—the agreement, a copy of the agreement or a copy of the relevant details for the agreement;
    - (ii) if the person is not a party to the agreement—a copy of the agreement, or a copy of the relevant



details for the agreement, endorsed by a party to the agreement with the person's name and residential address; and

- (b) if asked by a conservation officer, produce the agreement or copy for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) In this section—

*relevant details*, for a commercial activity agreement, means the details needed to identify the following matters—

- (a) the names of the parties to the agreement;
- (b) the date on which the agreement was entered into;
- (c) the protected area to which the agreement applies;
- (d) the activity authorised under the agreement.

## **Part 4                      Review and appeal provisions**

### **Division 1                  Preliminary**

#### **99            Appeal process starts with internal review**

Every appeal against an appellable decision must be, in the first instance, by way of an application for internal review.

### **Division 2                  Internal review**

#### **100        Applying for an internal review**

- (1) An application for internal review must be in the approved form and—
  - (a) made to the chief executive within 20 business days after—

*Nature Conservation (Administration) Regulation  
2006*

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- (i) for an appellable decision for which an information notice is given—the day the person is given the information notice; or
  - (ii) for another appellable decision—the day the person the subject of the decision is notified of the decision; and
- (b) supported by enough information to enable the chief executive to decide the application.
- (2) The chief executive may extend the time for applying for the internal review.
- (3) The application does not stay the appellable decision.
- (4) The application must not be dealt with by—
  - (a) the person who made the appellable decision; or
  - (b) a person in a less senior office than the person who made the appellable decision.
- (5) Subsection (4)—
  - (a) applies despite the *Acts Interpretation Act 1954*, section 27A;<sup>5</sup> and
  - (b) does not apply to an appellable decision made by the chief executive.

## 101 Review decision

- (1) If the chief executive is satisfied the applicant has complied with section 100, the chief executive must, within 28 days after receiving the application—
  - (a) review the appellable decision; and
  - (b) make a decision (the *review decision*) to—
    - (i) confirm the appellable decision; or
    - (ii) amend the appellable decision; or
    - (iii) substitute another decision for the appellable decision.

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<sup>5</sup> *Acts Interpretation Act 1954*, section 27A (Delegation of functions or powers)

*Nature Conservation (Administration) Regulation  
2006*

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- (2) Within 14 days after making the review decision, the chief executive must give the applicant a notice (the *review notice*) of the review decision.
- (3) The review notice must also state—
  - (a) the reasons for the review decision; and
  - (b) that the applicant may, within 20 business days after the day the applicant is given the notice, appeal against the review decision to a Magistrates Court; and
  - (c) how to appeal.
- (4) If the chief executive does not comply with subsection (1) or (2), the chief executive is taken to have made a decision confirming the appellable decision.
- (5) For the purpose of an appeal to a Magistrates Court—
  - (a) if the review decision confirms the appellable decision, the appellable decision is taken to be the review decision; or
  - (b) if the review decision amends the appellable decision, the appellable decision as amended is taken to be the review decision.

## **102 Stay of operation of appellable decision**

- (1) If an application is made for an internal review of an appellable decision, the applicant may immediately apply for a stay of the appellable decision to a Magistrates Court.
- (2) The court may stay the appellable decision to secure the effectiveness of the review and any later appeal to the court.
- (3) The stay—
  - (a) may be given on conditions the court considers appropriate; and
  - (b) operates for the period fixed by the court; and
  - (c) may be revoked or amended by the court.
- (4) The period of the stay must not extend past the time when the chief executive makes a review decision about the appellable

decision and any later period the court allows the applicant to enable the applicant to appeal against the review decision.

- (5) The application affects the appellable decision, or carrying out of the decision, only if the decision is stayed.
- (6) This section does not apply to a decision of the chief executive to suspend or cancel a relevant authority that authorises the holder of the authority to—
  - (a) take or interfere with the cultural or natural resources of a protected area; or
  - (b) take protected wildlife.

## **Division 3                      Appeals**

### **103      Who may appeal**

A person who has applied for the review of an appellable decision under division 2 and is dissatisfied with the review decision may appeal to the Magistrates Court against the review decision.

### **104      How to start an appeal**

- (1) An appeal may be started by—
  - (a) filing a notice of appeal with the registrar of—
    - (i) the Magistrates Court at the place where the appellant resides or carries on a business; or
    - (ii) the Magistrates Court at Brisbane; and
  - (b) complying with the rules of court applicable to the appeal.
- (2) Subsection (1) does not limit a provision of another law providing for where a proceeding may be started in a Magistrates Court.
- (3) The notice of appeal must be filed within 28 days after—
  - (a) the day the appellant is given a review notice for the review decision; or

*Nature Conservation (Administration) Regulation  
2006*

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- (b) if paragraph (a) does not apply—the day the appellant otherwise becomes aware of the review decision.
- (4) Within 7 days after filing the notice of appeal, the appellant must serve notice of the appeal on the chief executive.
- (5) The court may, at any time, extend the period for filing the notice of appeal.

### **105 Hearing procedures**

- (1) In deciding the appeal, the Magistrates Court—
  - (a) has the same powers as the entity that made the review decision; and
  - (b) is not bound by the rules of evidence; and
  - (c) must comply with natural justice.
- (2) The appeal is by way of rehearing, unaffected by the review decision, on the material before the entity that made the decision and any further evidence allowed by the court.

### **106 Stay of operation of decision**

- (1) The Magistrates Court may grant a stay of the operation of the review decision appealed against to secure the effectiveness of the appeal.
- (2) A stay—
  - (a) may be given on the conditions the court considers appropriate; and
  - (b) operates for the period fixed by the court; and
  - (c) may be revoked or amended by the court.
- (3) The period of the stay must not extend past the time when the court decides the appeal.
- (4) The appeal affects the decision, or carrying out of the decision, only if the decision is stayed.
- (5) This section does not apply to a review decision confirming a decision of the chief executive to suspend or cancel a relevant authority that authorises the holder of the authority to—

- (a) take or interfere with the cultural or natural resources of a protected area; or
- (b) take protected wildlife.

### **107 Powers of Magistrates Court on appeal**

- (1) In deciding the appeal, the Magistrates Court may—
  - (a) confirm the review decision appealed against; or
  - (b) set aside the review decision appealed against and substitute another decision; or
  - (c) set aside the review decision appealed against and return the matter to the chief executive with the directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for this regulation other than this part, and each management instrument, taken to be the decision of the chief executive.
- (3) The court may make an order for costs it considers appropriate.

### **108 Appeals from Magistrate Court's decision**

An appeal to the District Court against a decision of the Magistrates Court may be made only on a question of law.

## **Part 5 Provisions about dealing with seized things**

### **109 Application of pt 5**

This part applies if a thing is seized (the *seized thing*) under any of the following provisions—

- (a) the Protected Areas Management Regulation, section 145 or chapter 8;<sup>6</sup>
- (b) the Wildlife Management Regulation, section 346.<sup>7</sup>

## 110 General powers for seized things

- (1) Having seized the thing, a conservation officer may—
  - (a) move it from the place where it was seized (the *place of seizure*); or
  - (b) leave it at the place of seizure, but take reasonable action to restrict access to it.

*Examples of restricting access to a thing—*

- 1 brand, mark, seal, tag or otherwise identify it to show access to it is restricted
- 2 sealing the entrance to a room or other area where the thing is situated and marking it to show access to it is restricted

- (2) If the seized thing is equipment, the conservation officer may also make it inoperable.

*Example of making equipment inoperable—*

dismantling equipment or removing a component of equipment without which the equipment is not capable of being used

- (3) If the seized thing is an animal, the conservation officer may also do 1 or more of the following as is appropriate to ensure its survival—
  - (a) take it to a place the conservation officer considers appropriate;
  - (b) give it accommodation, food, rest, water or other appropriate living conditions;
  - (c) if the conservation officer reasonably believes it requires veterinary or other treatment—arrange for the treatment;

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<sup>6</sup> Protected Areas Management Regulation, section 145 (Conducting general muster) or chapter 8 (Seizure of things in protected area)

<sup>7</sup> Wildlife Management Regulation, section 346 (Seizure of particular things for the protection of native wildlife)

*Nature Conservation (Administration) Regulation  
2006*

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- (d) leave it at the place of seizure and take any action mentioned in paragraphs (a) to (c);
- (e) if it is left at the place of seizure—give the person from whom it was seized a direction to—
  - (i) start keeping, or continue to keep, the animal in the person’s custody; and
  - (ii) look after, or continue to look after, the animal;
- (f) if the animal is left at the place of seizure and the person from whom it was seized does not comply with a direction under paragraph (e)—take any action mentioned in paragraphs (a) to (c).

### **111 Tampering with seized thing**

- (1) This section does not apply to a person from whom an animal was seized if the person—
  - (a) is complying with a direction under section 110(3)(e); and
  - (b) does not, without the written approval of a conservation officer, move the animal from the place where it was seized.
- (2) A person, other than a conservation officer or a person authorised by a conservation officer for the purpose, must not do, or attempt to do, any of the following unless the person has a reasonable excuse—
  - (a) tamper with a seized thing or something done under section 110(1)(b) to restrict access to it;
  - (b) enter, or be at, the place where the seized thing is being kept;
  - (c) move a seized thing from the place where it is being kept;
  - (d) have a seized thing in the person’s possession.

Maximum penalty—100 penalty units.



**112 Particular seized things must be destroyed**

- (1) This section applies to a seized thing 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 thing.
- (3) The thing must be destroyed at the time the chief executive considers appropriate having regard to the reason for the seizure and any other relevant matter.

**113 Way seized thing must be kept**

- (1) This section applies—
  - (a) to a seized thing, other than a seized thing to which section 112 applies; and
  - (b) whether or not the thing is removed from the place from where it was seized.
- (2) The chief executive must ensure the thing is kept in a reasonably secure way at all times until it is returned to the owner or otherwise dealt with under this part.

**114 Notice for other seized things with market value of more than \$500**

- (1) This section applies to a seized thing, other than a seized thing to which section 112 applies.
- (2) If the conservation officer who seized the thing reasonably believes the thing has a market value of more than \$500, the officer must give the owner of the thing notice of its seizure.
- (3) If the owner's name is not known, the notice—
  - (a) must be given in a newspaper circulating throughout the State; and
  - (b) may, in addition, be given by displaying it in a

prominent position on a permanent fixture as close as possible to the place where the thing was found.

- (4) The notice must state that—
  - (a) the owner may claim the thing within the claim period for the thing; and
  - (b) the thing may be disposed of if not claimed within the claim period.

### **115 Release of seized things**

- (1) If a person claims a seized thing, the chief executive may release it to the person only if the person—
  - (a) satisfies the chief executive the person has a right to the thing; and
  - (b) pays the chief executive's reasonable costs of—
    - (i) seizing, removing and holding the thing; and
    - (ii) giving notice of the seizure; and
    - (iii) if notice is given of the sale of the thing—giving the notice; and
    - (iv) restoring the place from which the thing was removed as nearly as practicable, to its former state.
- (2) The chief executive may require a person to verify the person's right to the thing by a statutory declaration before releasing the thing to the person.

### **116 Procedure if seized thing for which notice given is not claimed and has market value of more than \$500**

- (1) This section applies if—
  - (a) a conservation officer has given a seizure notice for a seized thing; and
  - (b) the owner of the thing does not claim it within the claim period for the thing; and
  - (c) the chief executive reasonably believes the thing has a

market value of more than \$500.

- (2) The chief executive may sell it in the way the chief executive considers will best realise its market value.
- (3) Before selling the thing, the chief executive must publish a notice in a newspaper circulating throughout the State—
  - (a) identifying the thing; and
  - (b) stating how and when it is to be sold.
- (4) The time when the thing may be sold must not be less than 20 business days after the notice is published.
- (5) If the thing is not sold, the chief executive may dispose of it in the way the chief executive considers appropriate.

**117 Procedure for seized thing with market value of \$500 or less**

- (1) This section applies to a seized thing—
  - (a) if the chief executive reasonably believes the thing does not have a market value of more than \$500; and
  - (b) whether or not a conservation officer has given a seizure notice for the seized thing; and
  - (c) if a conservation officer has given a seizure notice for the seized thing, the owner of the thing does not claim it within the claim period for the thing.
- (2) The chief executive may—
  - (a) sell it in the way the chief executive considers will best realise its market value; or
  - (b) if the chief executive considers it does not have a market value—dispose of it.

**118 Application of proceeds of sale**

If the chief executive sells a seized thing, the proceeds of the sale must be applied in the following order—

- (a) in payment of the reasonable expenses of the chief executive incurred in the sale;

- (b) in payment of the reasonable cost of—
  - (i) seizing, removing and holding the thing; and
  - (ii) giving notice of the seizure;
- (c) in payment of the reasonable cost of work necessary to restore the site from which the thing was removed as nearly as practicable to its former state;
- (d) in payment of any balance to the owner of the thing.

### **119 Compensation not payable**

Compensation is not payable for a sale or disposal of a thing under this part.

## **Part 6 Provisions about records**

### **120 Application of pt 6**

This part applies to—

- (a) a record required to be kept under the Act for a commercial activity permit other than for filming or photography; and
- (b) a record (a *prescribed exempt bird record*) required to be kept for a prescribed exempt bird under the Wildlife Management Regulation, section 44;<sup>8</sup> and
- (c) a record required to be kept under the Act for a wildlife authority.

### **121 How records must be kept**

- (1) A record to which this part applies must be kept—
  - (a) for a record for a commercial activity permit or a prescribed exempt bird record—in either—

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<sup>8</sup> Wildlife Management Regulation, section 44 (Keeping and using exempt animals)

*Nature Conservation (Administration) Regulation  
2006*

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- (i) a record book or record and return book; or
- (ii) an electronic record system approved by the chief executive; or
- (b) for a wildlife authority—
  - (i) if a conservation plan states how the record must be kept—in the way stated in the conservation plan; or
  - (ii) otherwise—in either—
    - (A) a record book or record and return book; or
    - (B) an electronic record system approved by the chief executive.

*Note—*

- 1 See the Macropod Conservation Plan for how a record for particular wildlife authorities for macropods must be kept.
  - 2 See the Protected Plants Conservation Plan for how a record for a commercial wildlife harvesting licence for protected plants must be kept.
- (2) For subsection (1)(a)(ii) and (b)(ii)(B), if a record is kept in an approved electronic record system and the system is not working on the day particular information must be included in the record—
- (a) the information must be recorded in a document in a form approved by the chief executive; and
  - (b) the document is taken to be a part of the system.
- (3) A record book or a record and return book is the property of the State.

## **122 Where records or copies must be kept**

- (1) The person who, under the Act, keeps a record to which this part applies must keep the record, or a copy of the record, in a secure way at the following place—
  - (a) for a record for a commercial activity permit—
    - (i) if the chief executive has given the holder of the permit a notice stating the place where the record is

*Nature Conservation (Administration) Regulation  
2006*

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- to be kept—the stated place; or
- (ii) otherwise—at the holder’s place of business;
- (b) for a prescribed exempt bird record—at the place the bird to which the record relates is kept;
- (c) for a record for a commercial wildlife licence (mobile)—
  - (i) for a time the mobile facility for which the licence is granted is being used to carry out activities under the licence, the particulars of which are to be included in the record—in the facility; or
  - (ii) for another time—at the licensed premises for the licence;
- (d) for a record for a wildlife authority other than a commercial wildlife licence (mobile)—
  - (i) if a conservation plan states the place where the record or copy must be kept—at the place stated in the conservation plan; or
  - (ii) otherwise—
    - (A) at the licensed premises for the authority; or
    - (B) if the holder of the authority 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.

*Note—*

See the Macropod Conservation Plan for where a record for a commercial wildlife harvesting licence for harvest macropods, or a copy of the record, must be kept.

**Maximum penalty—120 penalty units**

- (2) However, subsection (1) does not apply if a provision of a conservation plan—
  - (a) states where a record, or a part of a record, kept for a relevant authority must be kept; and
  - (b) contains an offence applying to a person contravening the provision.

*Nature Conservation (Administration) Regulation  
2006*

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*Note for subsection (2)—*

See the Protected Plants Conservation Plan for where a record and return book for a commercial wildlife harvesting licence for protected plants must be kept.

### **123 How long records or copies must be kept**

- (1) The person who, under the Act, keeps, a record to which this part applies must—
  - (a) ensure the record or a copy of the record is kept for the period required under section 162;<sup>9</sup> and
  - (b) if asked by a conservation officer, produce the record or copy for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

- (2) If asked, in writing, by the chief executive, the person must, unless the person has a reasonable excuse, surrender the record or copy to the chief executive.

Maximum penalty—120 penalty units.

### **124 General information that must be included in record**

The person who, under the Act, keeps a record to which this part applies must ensure the following information is included in the record—

- (a) if a conservation plan states the information that must be included in the record—the stated information;
- (b) otherwise—the relevant record particulars for the record.

*Notes—*

- 1 See the Macropod Conservation Plan for the information that must be included in a record for particular wildlife authorities for macropods.
- 2 See the Wildlife Management Regulation, section 345, for other information that is required to be included in particular records.

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<sup>9</sup> Section 162 (Period for which particular documents must be kept)

Maximum penalty—

- (a) for a record for a commercial activity permit—50 penalty units; or
- (b) for another record—120 penalty units.

## **125 When record particulars to be included in record**

The person who, under the Act, keeps a record to which this part applies must ensure the information to be included in the record is included on—

- (a) for information stated in a conservation plan as the information that must be included in the record—the day stated in the conservation plan; or
- (b) for a relevant record particular—
  - (i) if a conservation plan states the day the particular must be included—the stated day; or
  - (ii) otherwise—the prescribed day for the particular.

*Notes—*

- 1 See the Macropod Conservation Plan for when information must be included in a record for particular wildlife authorities for macropods.
- 2 See the Protected Plants Conservation Plan for when information must be included in a record for a commercial wildlife harvesting licence for protected plants.

Maximum penalty—120 penalty units.

## **126 Additional information to be included for wildlife exhibitor licences**

- (1) This section applies to a record for a wildlife exhibitor licence if the holder of the licence, or a relevant person for the holder, obtains and keeps a sick, injured or orphaned animal under the licence.
- (2) The holder must ensure the following information about the animal is included in the record on the day required under subsection (3)—
  - (a) if the animal is sick or injured—



*Nature Conservation (Administration) Regulation  
2006*

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- (i) the nature of the sickness or injury; and
  - (ii) any treatment administered to the animal;
- (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—
  - (a) if subsection (2)(a)(i) applies—the day the person becomes aware of the nature of the sickness or injury; or
  - (b) if subsection (2)(a)(ii) applies—the day the treatment is administered; or
  - (c) if subsection (2)(b) applies—the day the animal was taken; or
  - (d) if subsection (2)(c) applies—the day the animal was released.
- (4) In this section—

*obtain*, an animal, means take the animal or accept the animal from another person.

**127 Information must be complete, accurate and legible**

- (1) A person who, under the Act, keeps a record to which this part applies must ensure the information included in the record is—
  - (a) complete and accurate; and
  - (b) legible; and
  - (c) in ink.

Maximum penalty—100 penalty units.

- (2) However, subsection (1)(c) does not apply to information recorded in electronic form.

**128 Notice of theft, loss or destruction of, or damage to, record**

- (1) This section applies if a record or a copy of a record required to be kept under the Act is stolen, lost, destroyed or damaged.
- (2) The person required to keep the record under the Act must immediately after becoming aware of the theft, loss, destruction or damage, give the chief executive a notice stating the record or copy has been stolen, lost, destroyed or damaged.

Maximum penalty—120 penalty units.

- (3) If the person who keeps the record under the Act is not the person mentioned in subsection (2), the person must, immediately after becoming aware of the theft, loss, destruction or damage, notify the person mentioned in subsection (2) of the theft, loss, destruction or damage.

Maximum penalty—40 penalty units.

**129 Tampering with records**

- (1) A person must not, without reasonable excuse—
  - (a) deface, erase or obliterate an entry in a record kept under the Act; or
  - (b) otherwise remove or modify an entry from the record.

Maximum penalty—120 penalty units.

- (2) However, subsection (1) does not apply to a person who removes, from a record book or a record and return 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—

*record* includes a copy of the record.

## **Part 7 Provisions about returns of operations**

### **130 Application of pt 7**

This part applies to a return of operations required, under the Act, to be given to the chief executive for a relevant authority.

### **131 Form and nature of return of operations**

- (1) A return of operations required to be given to the chief executive under the Act must be in the approved form.
- (2) To remove any doubt, it is declared that the approved form may be an electronic form.
- (3) A return of operations given to the chief executive under the Act is the property of the State.

### **132 When return of operations must be given and the period for which they must be given**

- (1) The person required, under the Act, to give a return of operations to which this part applies must ensure the return is given to the chief executive—
  - (a) for each prescribed period for the relevant authority for which it is given; and
  - (b) within—
    - (i) for a return for a commercial activity permit—20 business days after each prescribed period for the permit; or
    - (ii) for a return for another relevant authority—10 business days after each prescribed period for the authority.

Maximum penalty—120 penalty units.

- (2) Subsection (1) applies even if no relevant event for the return happened during the prescribed period.
- (3) However, subsection (1) does not apply if a provision of a

conservation plan—

- (a) states when a return of operations must be given for a relevant authority, and the period for which it must be given; and
- (b) contains an offence applying to a person contravening the provision.

*Notes—*

- 1 See the Macropod Conservation Plan for when a return of operations for particular wildlife authorities for macropods must be given and the period for which it must be given.
- 2 See the Protected Plants Conservation Plan for when a return of operations for particular wildlife authorities for protected plants must be given and the period for which it must be given.

(4) In this section—

***relevant event***, for a return of operations, means an event the particulars of which must be included in the return.

### **133 Information must be complete, accurate and legible**

- (1) The person required, under the Act, to give a return of operations to which this part applies must ensure the information included in the return is—
  - (a) complete and accurate; and
  - (b) legible; and
  - (c) in ink.

Maximum penalty—100 penalty units.

- (2) However, subsection (1)(c) does not apply to a return that is given in electronic form.

### **134 Way and how long return of operations must be kept**

- (1) The person required, under the Act, to give a return of operations to which this part applies must keep a copy of the return in a secure way at—
  - (a) if the return is given for a commercial activity permit—the place of business of the holder of the

*Nature Conservation (Administration) Regulation  
2006*

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permit; or

- (b) otherwise—the licensed premises for the relevant authority for which it is given.

Maximum penalty—120 penalty units.

- (2) The person must—
  - (a) keep the copy for the period required under section 162;<sup>10</sup> and
  - (b) if asked by a conservation officer, produce the copy for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

**135 Notice of theft, loss or destruction of, or damage to, return**

- (1) This section applies if—
  - (a) a person keeps a return of operations given 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 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.

**136 Tampering with return of operations**

- (1) A person must not, without reasonable excuse—
  - (a) deface, erase or obliterate an entry in a return of operations; or

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<sup>10</sup> Section 162 (Period for which particular documents must be kept)

- (b) otherwise remove or modify an entry from the return.  
Maximum penalty—120 penalty units.
- (2) In this section—  
*return of operations* includes a copy of the return of operations.

## **Part 8                      Fees payable under the Act**

### **Division 1                Fees payable**

#### **137      Fees generally**

- (1) The fees payable under the Act are stated in schedule 3.
- (2) To remove any doubt, it is declared that a fee payable under the Act is a debt due to the State.
- (3) A proceeding may be instituted against a person for the recovery of a fee, or part of a fee, payable under the Act whether or not—
  - (a) a prosecution has been instituted against the person for an offence in relation to the nonpayment; or
  - (b) the person has been convicted of an offence in relation to the nonpayment.
- (4) For schedule 3—
  - (a) a least concern plant mentioned in schedule 4, column 1, is of the category of the number stated opposite the plant in schedule 4, column 2; and
  - (b) a least concern plant mentioned in schedule 5, column 1, is of the category of the letter stated opposite the plant in schedule 5, column 2.
- (5) To remove any doubt, it is declared that, subject to section 6, a reference to a whole species of plant in schedule 4 or 5 is a reference to only the plants within the species that are

*Nature Conservation (Administration) Regulation  
2006*

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prescribed as a least concern plant under the Wildlife Regulation.

*Example for subsection (5)—*

The reference in schedule 4 to *Eucalyptus* spp. is a reference to plants of a species within the genus of *Eucalyptus* that are prescribed as least concern plants under the Wildlife Regulation.

It does not include the plants of a species within the genus of *Eucalyptus* that are prescribed as an endangered, vulnerable, rare or near threatened plant.

**138 Additional fee for recreational wildlife licence or permit to keep protected wildlife—no sample taken**

- (1) This section applies—
  - (a) to the holder of a recreational wildlife licence or a permit to keep protected wildlife for any of the following animals—
    - (i) glossy black cockatoo (*Calyptorhynchus funereus*);
    - (ii) palm cockatoo (*Probosciger aterrimus*);
    - (iii) green python (Australian population) (*Chondropython viridis*); and
  - (b) if—
    - (i) the Minister has approved a scientific institution as an approved scientific institution for animal; and
    - (ii) the holder has not taken a biological tissue sample from the animal and given it to the institution.
- (2) The holder must pay twice the fee stated, in schedule 3, for the licence or permit.
- (3) However, this section does not apply if—
  - (a) the Minister has approved an electromagnetic implant as an approved electromagnetic implant; and
  - (b) the holder has inserted the implant into the animal and given the identification code for it to the chief executive.

**139 Additional fee for recreational wildlife licence or permit to keep protected wildlife—no implant inserted**

- (1) This section applies—
  - (a) to the holder of a recreational wildlife licence or a permit to keep protected wildlife for any of the following animals—
    - (i) glossy black cockatoo (*Calyptorhynchus funereus*);
    - (ii) palm cockatoo (*Probosciger aterrimus*);
    - (iii) green python (Australian population) (*Chondropython viridis*); and
  - (b) if—
    - (i) the Minister has approved an electromagnetic implant as an approved electromagnetic implant; and
    - (ii) the holder has not inserted the implant into the animal and given the identification code for it to the chief executive.
- (2) The holder must pay twice the fee stated, in schedule 3, for the licence or permit.
- (3) However, this section does not apply if—
  - (a) the Minister has approved a scientific institution as an approved scientific institution for animal; and
  - (b) the holder has taken a biological tissue sample from the animal and given it to the institution.

**140 Reduced application fee for commercial activity permits or agreements**

- (1) This section applies to an application for a commercial activity permit or a commercial activity agreement (each a *NCA application*) if—
  - (a) the commercial activity for which the permit or agreement is sought is to be conducted in a protected area and 1 or more of the following—
    - (i) a forest reserve that was, immediately before its



*Nature Conservation (Administration) Regulation  
2006*

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- dedication as a forest reserve, a State forest under the *Forestry Act 1959*;
- (ii) a recreation area under the *Recreation Areas Management Act 1988*;
  - (iii) a State forest under the *Forestry Act 1959*; and
- (b) the applicant has also made an application for an authority (however called) for conducting the activity in the forest reserve, recreation area or State forest (a ***related application***); and
  - (c) the chief executive is satisfied the NCA application and related application can be considered together.

*Example—*

A person applies for a commercial activity permit for conducting a commercial tour that is to be conducted in the Cooloola Section of the Great Sandy National Park and the Fraser Island Recreation Area.

The day before the application was made, the person applied, under the *Recreation Areas Management Act 1988*, for a commercial tour operator permit for conducting the tour in the Fraser Island Recreation Area and the chief executive has not started considering that application under that Act.

- (2) The chief executive may waive all or part of the application fee payable for the NCA application.
- (3) However, subsection (2) only applies if the holder has paid an application fee (however called) for the related application.
- (4) Also, if the application fee payable for the NCA application is higher than the application fee paid for the related application, the chief executive can only waive an amount equivalent to the application fee paid for the related application.

**141 Reduced permit fee for commercial activity permits if equivalent fee paid under another Act**

- (1) This section applies if—
  - (a) the chief executive waives all or part of the application fee payable for an application for a commercial activity permit under section 140(2); and
  - (b) the holder of the permit has paid a permit fee (however

called) for the authority mentioned in section 140(1)(b) (the *equivalent authority*).

- (2) The chief executive must also waive—
- (a) if the permit fee paid for the equivalent authority is the same or higher than the permit fee stated in schedule 3 for the commercial activity permit—the permit fee stated in schedule 3 for the commercial activity permit; or
  - (b) if the permit fee paid for the equivalent authority is lower than the permit fee stated in schedule 3 for the commercial activity permit—the amount of the permit fee for the commercial activity permit equivalent to the permit fee paid for the equivalent authority.

**142 Reduced additional daily fee for commercial activity permits if equivalent fee paid under another Act**

- (1) This section applies if—
- (a) the holder of a commercial activity permit other than for filming or photography, or a relevant person for the holder, conducts the commercial activity authorised under the permit in the protected area to which the permit applies and 1 or more of the following—
    - (i) a forest reserve that was, immediately before its dedication as a forest reserve, a State forest under the *Forestry Act 1959*;
    - (ii) a recreation area under the *Recreation Areas Management Act 1988*;
    - (iii) a State forest under the *Forestry Act 1959*; and
  - (b) the activity is conducted for the same clients in the protected area and the forest reserve, recreation area or State forest under an equivalent permit (however called); and
  - (c) the holder or relevant person has paid a daily fee (however called) for conducting the activity under the equivalent permit.

*Nature Conservation (Administration) Regulation  
2006*

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- (2) The additional daily fee payable under the Act for conducting the activity under the commercial activity permit is the amount worked out by deducting the amount of the daily fee paid for conducting the activity under the equivalent permit from the additional daily fee stated in schedule 3 for the commercial activity permit.
- (3) To remove any doubt, it is declared that a deduction under subsection (2) may result in the additional daily fee payable under the Act being nil.

*Example—*

The holder of a commercial activity permit conducts a commercial tour lasting more than 3 hours for 10 clients in Glasshouse Mountains National Park and Bribie Island Recreation Area and the holder has paid a daily fee of \$25.50 (\$2.55 for each client) under the *Recreation Areas Management Act 1988* for conducting the tour in the recreation area under a commercial tour operator permit.

The additional daily fee payable under the Act for conducting the commercial tour in the national park under the commercial activity permit is nil, being the additional daily fee stated in schedule 3 for conducting the tour (\$2.55 for each client) reduced by \$25.55, being the daily fee paid under the *Recreation Areas Management Act 1988* for conducting the tour in Bribie Island Recreation Area under a commercial tour operator permit under that Act.

- (4) In this section—  
*daily fee* does not include a fee payable for camping overnight.

### **143 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 3, for

the licence.

(3) In this section—

**close relative**, of an individual, means the individual's—

- (a) spouse; or
- (b) parent or grandparent; or
- (c) brother or sister; or
- (d) 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.

#### **144 Reduced fee for commercial wildlife harvesting licence for protected plants**

- (1) This section applies to a commercial wildlife harvesting licence for protected plants 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 3, for the licence.

#### **145 When particular fees payable**

- (1) The holder of a stock grazing permit must pay the permit fee stated in schedule 3 for the permit on each anniversary of the first day of the term of the permit.
- (2) The holder of a commercial activity permit other than for filming or photography must pay the additional daily fee and camping fee stated in schedule 3 for the permit, when the holder gives the chief executive a return of operations for the period during which the activities for which the fees are payable are conducted.

*Note—*

For the requirement to give the return of operations and pay the daily fee, see the Protected Areas Management Regulation, section 65.

- (3) The holder of a group activity permit for which special access is to be allowed, special supervision is needed, or an area reserved for use, for an activity carried out under the permit, must pay the additional daily fee stated in schedule 3 for the permit within 20 business days after the day the activity is carried out.

*Note—*

For the requirement to pay the additional daily fee, see the Protected Areas Management Regulation, section 99.

## **Division 2 Exemptions generally**

#### **146 Exemption for camping permit granted to particular persons**

No fee is payable for a camping permit granted to 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 the *Torres Strait Islander Land Act 1991*.

**147 Exemption for recreational wildlife harvesting licence for lizards granted to particular persons**

- (1) No fee is payable for a recreational wildlife harvesting licence for a racing lizard if—
  - (a) it is granted to the secretary of the committee of the Cunnamulla–Eulo Festival of Opals; and
  - (b) the lizard is to be used for racing at the festival.
- (2) Also, no fee is payable for a tag supplied to the secretary, under the Wildlife Management Regulation, chapter 8, part 2,<sup>11</sup> for attaching to the lizard while it is being used for racing at the festival.
- (3) In this section—

*racing lizard* means—

  - (a) *Trachydosaurus rugosus* (shingle back); or
  - (b) *Pogona vitticeps*.

**148 Exemption 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 related to wildlife farming.

**149 Exemption for particular permits to keep protected wildlife**

No fee is payable for a permit to keep protected wildlife granted for the life of an animal.

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<sup>11</sup> Wildlife Management Regulation, chapter 8 (Miscellaneous provisions), part 2 (Provisions about tags)

### **150 Exemption for particular collection authorities**

No fee is payable for a collection authority to keep a collection of dead protected animals 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.

### **151 Exemption for recreational wildlife harvesting licence for protected plants that would be destroyed**

No fee is payable for a recreational wildlife harvesting licence 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 development approval under the *Integrated Planning Act 1997* for the clearing of vegetation allows a person to destroy the plant.

### **152 Exemption for recreational wildlife harvesting licence for whole protected plants that will be propagated and replanted**

No fee is payable for a recreational wildlife harvesting licence for a whole protected plant if—

- (a) 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.

**153 Exemption for recreational wildlife harvesting licence for protected plant parts that will be propagated and replanted**

No fee is payable for a recreational wildlife harvesting licence for a seed or other propagative material of a vulnerable, rare, near threatened or least concern plant if the seed or material is to be propagated and replanted in the area from where it is taken.

**Division 3 Exemptions for particular activities directed at conservation**

**154 Application for exemption of fee**

- (1) A person may apply to the chief executive for an exemption (a *fee exemption application*) from the payment of a fee for a protected area authority.
- (2) The fee exemption application must—
  - (a) be written; and
  - (b) include details about the contribution the activities to be carried out under the authority will make to—
    - (i) the conservation of nature generally; or
    - (ii) the conservation or presentation of the cultural or natural resources of the protected area to which the authority applies, or another protected area; or
    - (iii) the management of the protected area to which the authority applies or to another protected area; and
  - (c) be made before or when the application for the relevant authority is made.

**155 Deciding fee exemption application**

- (1) The chief executive must consider each fee exemption application and either—
  - (a) grant the exemption, with or without conditions; or



- (b) refuse the application.
- (2) However, the chief executive may grant the exemption only if the chief executive is satisfied—
  - (a) the activities to be carried out under the relevant authority for which the application is made will make a significant contribution to—
    - (i) the conservation of nature generally; or
    - (ii) the conservation or presentation of the cultural or natural resources of the protected area to which the authority applies or to another protected area; or
    - (iii) the management of the protected area to which the authority applies or to another protected area; and
  - (b) any commercial or recreational aspect of the activities is not the primary purpose for carrying out the activities.

### **156 Grant of exemption under fee exemption application**

If the chief executive decides to grant the exemption to which a fee exemption application relates, the chief executive must give the applicant a notice stating—

- (a) the relevant authority to which it applies; and
- (b) if the chief executive has imposed any conditions on the exemption—
  - (i) the conditions; and
  - (ii) the reasons for the conditions.

*Example of a condition that may be imposed—*

The exemption from payment of a fee for a relevant authority is granted on the condition that the activities carried out under the relevant authority are carried out for a stated purpose that is consistent with the object of the Act.

### **157 Refusal of exemption under fee exemption application**

If the chief executive decides to refuse a fee exemption application, the chief executive must give the applicant a notice stating—

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

### **158 Effect of grant of exemption**

- (1) This section applies if the chief executive has granted an exemption to which a fee exemption application relates.
- (2) The applicant is not required to pay the fee to which the exemption relates.
- (3) However, if the chief executive has imposed conditions on the exemption, subsection (2) applies only if the applicant complies with the conditions.

## **Division 4 Refund of fees**

### **159 Refund of fees**

- (1) This section applies if a relevant authority has been—
  - (a) amended to an extent that the fee paid for the authority is higher than the fee that would be payable for the authority in its amended form; or
  - (b) suspended or cancelled for a ground mentioned in section 53(f), (g) or (h); or
  - (c) surrendered under section 65.
- (2) The chief executive may refund all or part of a fee paid for the authority if the chief executive considers the refund is appropriate having regard to—
  - (a) the nature of the amendment, suspension, cancellation or surrender; and
  - (b) any other relevant matter.
- (3) The chief executive may refund the fee in the way the chief executive considers appropriate.

*Examples of ways chief executive may refund fee—*

- 1 by giving the person a cheque for the amount refunded

- 2 by deducting the amount refunded from another fee the person is required to pay under the Act
- (4) If a person applies to the chief executive for a refund under this section, the chief executive may deduct the refund processing fee from the amount refunded.
- (5) In this section—
- refund processing fee***, for an application for a refund, means the fee—
- (a) decided by the chief executive, being not more than the reasonable cost of—
- (i) considering the application; and
- (ii) refunding the fee or part fee to the applicant; and
- (b) published on the department's website.

## Part 9 Fees payable under the Integrated Planning Act 1997

### 160 Fees payable

- (1) For the *Integrated Planning Act 1997*, section 3.3.3(1)(c), the fees payable to the chief executive for assessing, as a concurrency agency, a koala development application against the purposes of the Act are stated in schedule 6.
- (2) In this section—
- concurrency agency*** see the *Integrated Planning Act 1997*, schedule 10.
- development*** see the *Integrated Planning Act 1997*, section 1.3.2.
- koala development application*** means a development application for development in a koala conservation area or a koala sustainability area.

## Part 10                      General provisions

### 161      Demerit points

- (1) This section applies to a person who is given an infringement notice under the *State Penalties and Enforcement Act 1999* for an offence against the Act and either—
  - (a) pays the infringement notice penalty for the offence; or
  - (b) is convicted of 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 not more than 20 penalty units—1 demerit point;
  - (b) for an offence for which the maximum penalty is more than 20 but not more than 50 penalty units—2 demerit points;
  - (c) for an offence for which the maximum penalty is more than 50 but not 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;
  - (f) for an offence for which the maximum penalty is more than 165 penalty units—7 demerit points.

### 162      Period for which particular documents must be kept

- (1) This section applies to a person required, under the Act, to keep any of the following documents—
  - (a) a record or a copy of a record;
  - (b) a return of operations or a copy of a return of operations;

*Nature Conservation (Administration) Regulation  
2006*

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- (c) a document required to be kept under the Wildlife Management Regulation, section 76, 129, 149, 302, 329, 337, 338 or 345.<sup>12</sup>
- (2) The person must keep the document for—
  - (a) if a conservation plan states the period for which the document must be kept—the period stated in the conservation plan; or
  - (b) if paragraph (a) does not apply—
    - (i) for a document about an animal kept, or a protected plant taken or otherwise obtained, under a relevant authority—at least 2 years after the person ceases to hold any relevant authority for the animal or plant; or
    - (ii) for another document—at least 2 years after the person ceases to carry out the activity, or possess the wildlife, to which the document relates.

### **163 Particular approvals not transferable**

A written approval of the chief executive, other than a written approval given to the other party to a commercial activity agreement, is not transferable.

### **164 Prescribed class—Act, s 130**

For section 130(1)(a)<sup>13</sup> of the Act, a person is an officer of a *prescribed class* if the person—

- (a) is an officer of another department; and

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12 Wildlife Management Regulation, section 76 (Keeping report about activities under licence), 129 (Minimum number of displays), 149 (Particular holders must keep report about particular activities), 302 (Keeping records), 329 (Keeping and producing movement advice), 337 (Record of identification of person selling or giving away protected, international or prohibited wildlife), 338 (Record of identification of person buying or accepting protected, international or prohibited wildlife) or 345 (Procedure if wildlife stolen)

13 Section 130 (Identity cards) of the Act

- (b) has an identity card issued by the department stating the person is a conservation officer under the Act.

### **165 Approved forms**

- (1) The chief executive may approve forms for use under the Act.
- (2) The approved form for a movement advice given under the Wildlife Management Regulation must include—
  - (a) a part that is marked ‘part 1’ that is to be given to the chief executive by the person who fills in the advice (the *sender*); and
  - (b) a part that is marked ‘part 2’ that is to accompany the wildlife for which it is filled in while the wildlife is being moved under the advice; and
  - (c) a part that is marked ‘part 3’ that is to be—
    - (i) given, by the sender, to the person (the *receiver*) who is to receive the wildlife for which it is filled in; and
    - (ii) given to the chief executive by the receiver after the receiver receives the wildlife; and
  - (d) a part that is marked ‘part 4’ that is to be kept by the sender.

## **Part 11 Repeal provision**

### **166 Repeal**

The Nature Conservation Regulation 1994 SL No. 473 is repealed.

## Part 12                      Transitional provisions

### 167      Definitions for pt 12

In this part—

***equivalent authority***, for a licence, permit or other authority given under the repealed regulation, means a licence, permit or other authority under this regulation that—

- (a) is of the same, or substantially the same, nature; and

*Examples—*

- the equivalent authority for a written approval under the repealed regulation is a written approval under this regulation
- the equivalent authority for a written authorisation under the repealed regulation is a written authorisation under this regulation

- (b) authorises the same, or substantially the same, activity authorised under the licence, permit or other authority given under the repealed regulation; and

- (c) is subject to the same, or substantially the same, conditions imposed on the licence, permit or other authority given under the repealed regulation; and

- (d) if the licence, permit or other authority given under the repealed regulation has a name—is of the same, or substantially the same, name.

*Examples for paragraph (d)—*

- the equivalent authority for a group activity permit under the repealed regulation is a group activity permit under this regulation
- the equivalent authority for a commercial wildlife licence under the repealed regulation is a commercial wildlife licence under this regulation

***repealed regulation*** means the repealed *Nature Conservation Regulation 1994* as in force before its repeal.

**168 Continuing effect of existing licences, permits and other authorities**

- (1) A licence, permit or other authority in force under the repealed regulation immediately before 21 August 2006, or granted under section 170—
  - (a) continues in force; and
  - (b) is taken to be its equivalent authority under this regulation.
- (2) Subsection (1) has effect only for the term of the licence, permit or authority.

**169 Existing applications for licences, permits or other authorities**

- (1) An application for a licence, permit or other authority under the repealed regulation that is not decided before 21 August 2006 is taken to have been made under this regulation for the equivalent authority for the licence, permit or other authority.
- (2) This section does not apply to an application for a written approval or authorisation under the repealed regulation.

**170 Existing appeals about licences, permits or other authorities**

- (1) This section applies to an appeal to the Magistrates Court if—
  - (a) the decision being appealed against in the appeal is the refusal to grant a licence, permit or other authority under the repealed regulation; and
  - (b) the appeal was started but not decided before 21 August 2006.
- (2) The Magistrates Court must decide the appeal under the repealed regulation.
- (3) If the court decides that the licence, permit or other authority the subject of the appeal must be granted under this regulation, the chief executive must grant the licence, permit or authority.



- (4) If the court refers the matter to the chief executive with directions—
  - (a) the application is taken to be an application for an equivalent authority for the licence, permit or other authority; and
  - (b) the chief executive must follow the court's directions to the extent possible.
- (5) If the court confirms the decision being appealed against, despite the repeal of the repealed regulation—
  - (a) the application continues to be an application for a licence, permit or other authority under the repealed regulation; and
  - (b) any further decision about the application must be made under the repealed regulation.

### **171 Existing declarations of restricted access areas**

- (1) This section applies to an area declared to be a restricted access area under the repealed regulation, if the declaration was in force immediately before 21 August 2006.
- (2) From 21 August 2006, the area is taken to be a restricted access area declared under the Protected Areas Management Regulation, section 73.

### **172 Existing declarations of special activities**

- (1) This section applies to an activity designated, under a regulatory notice erected or placed under the repealed regulation, as a special activity for a protected area, or a part of a protected area, if the declaration was in force immediately before 21 August 2006.
- (2) From 21 August 2006, the activity is taken to be declared a special activity for the area or part under a regulatory notice erected or displayed under the Protected Areas Management Regulation, section 78.

### **173 References to repealed regulation**

In subordinate legislation, a relevant authority, a licence permit, or other authority under another Act, or another document, a reference to the repealed regulation is taken, if the context permits, to be a reference to the following—

- (a) this regulation;
- (b) for a reference related to a protected area—this regulation and the Protected Areas Management Regulation;
- (c) for a reference related to wildlife other than in a protected area—this regulation and the Wildlife Management Regulation.

## **Schedule 1      Overview of regulation and management instruments**

section 3(2)

### **1      Overview of Protected Areas Management Regulation**

- (1) This section states a general overview of the Protected Areas Management Regulation.
- (2) The Protected Areas Management Regulation provides for the management of protected areas by—
  - (a) requiring the trustees of particular conservation parks and resources reserves to manage the park or reserve; and
  - (b) permitting particular uses of protected areas under the Act; and
  - (c) prescribing restrictions on the grant of particular protected area authorities; and
  - (d) stating the activities authorised under each protected area authority; and
  - (e) regulating activities carried out under particular protected area authorities; and
  - (f) prohibiting particular conduct in protected areas; and
  - (g) authorising particular taking, using, keeping or interfering with the cultural or natural resources of a protected area other than under a protected area authority; and
  - (h) providing for the seizure of particular things in protected areas.

### **2      Overview of Wildlife Management Regulation and conservation plans**

- (1) This section states a general overview of the Wildlife Management Regulation and conservation plans.

### Schedule 1 (continued)

- (2) The Wildlife Management Regulation provides for the management of wildlife, other than wildlife in a protected area, by—
  - (a) prescribing restrictions on the grant of particular wildlife authorities; and
  - (b) stating the activities authorised under each wildlife authority; and
  - (c) regulating activities carried out under particular wildlife authorities; and
  - (d) authorising particular taking, keeping, using and moving of wildlife other than under a wildlife authority, including by declaring particular products to be processed products for the definition of *protected animal* and *protected plant* under the Act; and
  - (e) prohibiting particular activities relating to wildlife; and
  - (f) providing for the seizure of particular things for the protection of native wildlife; and
  - (g) providing for the supply or approval of tags for attaching to wildlife; and
  - (h) prescribing the conservation value payable for particular wildlife.
- (3) Conservation plans provide for the management of wildlife, other than wildlife in a protected area, by doing 1 or more things mentioned in subsection (2).

### **3 Overview of this regulation and its relationship with the management instruments**

- (1) This section states a general overview of this regulation and its relationship with the management instruments.
- (2) Part 2 provides for the administrative matters relating to the grant, amendment, suspension, cancellation, surrender and replacement of relevant authorities.
- (3) The management instruments include—

**Schedule 1 (continued)**

- (a) additional matters the chief executive must have regard to in considering an application for particular relevant authorities; and
  - (b) additional restrictions on the grant of particular relevant authorities to a person or to any person.
- (4) The Protected Areas Management Regulation states the activities that are authorised under each protected area authority.
  - (5) The Wildlife Management Regulation states the activities that are authorised under each wildlife authority, which may be limited or extended by a conservation plan.
  - (6) Part 2 also includes requirements applying to carrying out activities under a relevant authority that apply to most or all relevant authorities.
  - (7) The management instruments include additional requirements applying to the carrying out of activities under particular relevant authorities.
  - (8) Part 3 provides for the administrative matters relating to entering into, amending, suspending authorisations under, and cancelling, commercial activity agreements.
  - (9) Part 4 provides for the review of, and appeal against, particular decisions, including decisions of the chief executive, or a conservation officer, under a management instrument.
  - (10) Part 5 states the procedures applying after a thing is seized under the Protected Areas Management Regulation or the Wildlife Management Regulation.
  - (11) Part 6 states the requirements for records required to be kept under the Act, which are required to be kept under the management instruments.
  - (12) Part 7 states the requirements for returns of operations required to be given to the chief executive under the Act, which are required to be given under the management instruments.

Schedule 1 (continued)

- (13) Part 8 provides for the fees that are payable under the Act.
- (14) Part 9 provides for the fees payable to the chief executive for assessing, as a concurrence agency, particular development applications under the *Integrated Planning Act 1997*.
- (15) Part 10 provides for some general matters applying to all persons acting under the Act.

## **Schedule 2      Matters for deciding whether person is a suitable person for relevant authority**

sections 25(1)(h), 30(2), 48(a)(iii), 53(b)(iii) and 69(3)

### **1      Definitions for sch 2**

In this schedule—

*associated person*, of a person, means—

- (a) if the person is a corporation—each executive officer of the corporation; or
- (b) if the person is an individual—a person who—
  - (i) is regularly or usually in charge of the individual's business; or
  - (ii) regularly directs staff of the business in their duties; or
  - (iii) is in a position to control or substantially influence the business.

*relevant day*, for a person, means—

- (a) in relation to deciding whether or not the person is a suitable person to hold a relevant authority—the day the person applied for the authority under part 2 of this regulation; or
- (b) in relation to deciding whether or not the holder of a relevant authority is not, or is no longer, a suitable person to hold the authority—the day the decision is made.

### **2      Matters to which chief executive may have regard**

In deciding whether a person is a suitable person to hold a relevant authority, the chief executive may have regard to any matter relevant to the person's ability to carry out activities under the authority in a competent and ethical way.

Schedule 2 (continued)

**3 When person not a suitable person—protected area authorities and wildlife authorities**

- (1) A person is not a suitable person to hold a relevant authority if any of the following circumstances exist—
  - (a) the person, or an associated person of the person, accumulated 10 or more demerit points on a day that is within the 3 years immediately before the relevant day;
  - (b) the person, or an associated person of the person, is the former holder of a relevant authority and the authority was cancelled within the 2 years immediately before the relevant day because the person or associated person accumulated 10 or more demerit points;
  - (c) the person, or an associated person of the person, has had an equivalent relevant authority (however called) in another State or country suspended or cancelled in the 3 years immediately before the relevant day.
- (2) However, subsection (1) applies only if the chief executive is satisfied the circumstances are relevant to the person's ability to carry out activities under the relevant authority in a competent and ethical way.

**4 When person not a suitable person—protected area authorities only**

- (1) A person is not a suitable person to hold a protected area authority if the person, or an associated person of the person, has, in the 3 years immediately before the relevant day, been convicted of—
  - (a) an offence against the Act; or
  - (b) an animal welfare offence under the *Animal Care and Protection Act 2001* or an offence relating to wildlife against another Act; or
  - (c) an offence against the *Recreation Areas Management Act 1988* relating to a recreation area; or



**Schedule 2 (continued)**

- (d) an offence against the *Forestry Act 1959* relating to a State forest or timber reserve; or
  - (e) an offence against the *Marine Parks Act 2004* relating to a marine park; or
  - (f) an offence, however described, equivalent to an offence mentioned in paragraphs (a) to (e) in another State or country.
- (2) However, subsection (1) applies only if the chief executive is satisfied the activity of the person that lead to the person's conviction is of the same nature as the activity for which the protected area authority is sought.

*Examples—*

- 1 The person was convicted of an offence against section 62 of the Act for taking a cultural or natural resource of a protected area and the person has applied for a protected area authority authorising the taking of the cultural or natural resources of a protected area.
  - 2 The person was convicted of an offence against section 88 of the Act for taking a protected animal and the person has applied for a protected area authority authorising the taking of an animal that is a natural resource of a protected area.
- (3) Also, this section does not apply if the person's conviction is for an offence for which the person was given an infringement notice under the *State Penalties and Enforcement Act 1999*.

**5 When person not a suitable person—wildlife authorities only**

- (1) A person is not a suitable person to hold a wildlife authority if the person, or an associated person of the person, has, in the 3 years immediately before the relevant day, been convicted of—
- (a) an offence against the Act; or
  - (b) an animal welfare offence under the *Animal Care and Protection Act 2001* or an offence relating to wildlife against another Act; or

### Schedule 2 (continued)

- (c) an offence, however described, equivalent to an offence mentioned in paragraph (a) or (b) in another State or country.
- (2) Subsection (1) applies to a person's conviction only if the chief executive is satisfied the activity of the person that lead to the person's conviction is of the same nature as the activity for which the wildlife authority is sought.

*Examples—*

- 1 The person was convicted of an offence against section 88 of the Act for taking a protected animal and the person has applied for a wildlife authority authorising the taking of a protected animal.
- 2 The person was convicted of an offence against section 62 of the Act for taking an animal that was a natural resource of a protected area and the person has applied for a wildlife authority authorising the taking of a protected animal.
- (3) Also, subsection (1) does not apply to a person's conviction for an offence for which the person was given an infringement notice under the *State Penalties and Enforcement Act 1999*.
- (4) Further subsection (1) does not apply to a person applying for a damage mitigation permit if—
  - (a) the conviction mentioned in subsection (1) of the person, or an associated person of the person, happened after the commencement of this section; and
  - (b) the chief executive considers the person to be a suitable person to hold the permit having regard to—
    - (i) the person's ability to carry out activities under the permit in a competent and ethical way; and
    - (ii) the nature of the offence the subject of the conviction, including whether it is against a provision of an Act or a provision of subordinate legislation under an Act; and
    - (iii) any previous conviction, other than a spent conviction, of the person, or an associated person for the person, for an offence mentioned in subsection (1); and

Schedule 2 (continued)

- (iv) the classification of any wildlife the subject of the conviction mentioned in paragraph (a) or subparagraph (iii) under the law of the State in which the conviction happened.
- (5) In this section—
- spent conviction*** means a conviction—
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
  - (b) that is not revived as prescribed under section 11 of that Act.

## Schedule 3      Fees

part 8, division 1

### Part 1                      Fees for protected area    authorities and commercial    activity agreements

#### Division 1                      Fees for permit to take, keep, use or    interfere with cultural or natural    resources

\$

- |   |  |       |
|---|--|-------|
| 1 | Permit to take, use, keep or interfere with cultural or natural resources authorising the taking of a seed or other propagative material of a least concern plant— |       |
|   | (a) for each kg of seed, or each linear metre of other propagative material, of a least concern plant mentioned in schedule 4—                                     |       |
|   | (i) if the plant is a category 1 least concern plant   | 1.24  |
|   | (ii) if the plant is a category 2 least concern plant  | 2.52  |
|   | (iii) if the plant is a category 3 least concern plant   | 5.09  |
|   | (iv) if the plant is a category 4 least concern plant  | 7.67  |
|   | (v) if the plant is a category 5 least concern plant   | 10.24 |
|   | (vi) if the plant is a category 6 least concern plant  | 12.82 |
|   | (vii) if the plant is a category 7 least concern plant   | 15.39 |
|   | (viii) if the plant is a category 8 least concern plant  | 17.95 |
|   | (ix) if the plant is a category 9 least concern plant  | 20.55 |
|   | (x) if the plant is a category 10 least concern plant  | 23.10 |
|   | (xi) if the plant is a category 11 least concern plant   | 25.68 |
|   | (xii) if the plant is a category 12 least concern plant  | 28.25 |

Schedule 3 (continued)

	<b>\$</b>
(xiii) if the plant is a category 13 least concern plant	30.83
(xiv) if the plant is a category 14 least concern plant	33.41
(xv) if the plant is a category 15 least concern plant	35.96
(xvi) if the plant is a category 16 least concern plant	38.54
(xvii) if the plant is a category 17 least concern plant	44.98
(xviii) if the plant is a category 18 least concern plant	51.41
(xix) if the plant is a category 19 least concern plant	57.84
(xx) if the plant is a category 20 least concern plant	64.28
(xxi) if the plant is a category 21 least concern plant	70.69
(xxii) if the plant is a category 22 least concern plant	77.14
(xxiii) if the plant is a category 23 least concern plant	83.58
(xxiv) if the plant is a category 24 least concern plant	90.02
(xxv) if the plant is a category 25 least concern plant	96.43
(xxvi) if the plant is a category 26 least concern plant	102.86
(xxvii) if the plant is a category 27 least concern plant	109.28
(xxviii) if the plant is a category 28 least concern plant	115.72
(xxix) if the plant is a category 29 least concern plant	122.75
(xxx) if the plant is a category 30 least concern plant	128.60
(xxxi) if the plant is a category 31 least concern plant	154.32
(xxxii) if the plant is a category 32 least concern plant	180.06
(xxxiii) if the plant is a category 33 least concern plant	205.78
(xxxiv) if the plant is a category 34 least concern plant	231.52
(xxxv) if the plant is a category 35 least concern plant	257.24
(xxxvi) if the plant is a category 36 least concern plant	282.98
 (b) for each kg of seed of a least concern plant not mentioned in schedule 4—	
(i) if there are not more than 10 seeds of the plant in the kg . . . . .	1.24
(ii) if there are more than 11 but not more than 1000 seeds of the plant in the kg. . . . .	2.52

**Schedule 3 (continued)**

		\$
	(iii) if there are more than 1000 but not more than 10000 seeds of the plant in the kg. . . . .	7.67
	(iv) if there are more than 10000 but not more than 50000 seeds of the plant in the kg. . . . .	12.82
	(v) if there are more than 50000 but not more than 100000 seeds of the plant in the kg. . . . .	20.55
	(vi) if there are more than 100000 seeds of the plant in the kg . . . . .	28.25
	(c) for each linear metre of other propagative material of a least concern plant not mentioned in schedule 4. . . . .	1.24
2	Permit to take, use, keep or interfere with cultural or natural resources authorising the taking of foliage, flowers or inflorescences of a least concern plant—	
	(a) for each kg of foliage, flowers or inflorescences of a least concern plant mentioned in schedule 5—	
	(i) if the plant is a category A least concern plant . . . . .	1.10
	(ii) if the plant is a category B least concern plant . . . . .	1.31
	(iii) if the plant is a category C least concern plant . . . . .	1.65
	(b) for each kg of foliage, flowers or inflorescences of a least concern plant not mentioned in schedule 5. . . . .	1.58
3	Apiary permit—for each apiary site—	
	(a) for a term of 6 months or less . . . . .	68.19
	(b) for a term of more than 6 months but not more than 1 year . . . . .	101.77
	(c) for a term of more than 1 year but not more than 2 years. . . . .	183.18
	(d) for a term of more than 2 years but not more than 3 years. . . . .	259.51
	(e) for a term of more than 3 years but not more than 4 years. . . . .	325.66
	(f) for a term of more than 4 years . . . . .	381.63
4	Transfer of apiary permit. . . . .	51.38

Schedule 3 (continued)

**Division 2                      Fees for other permits for protected areas**

		\$
5	Camping permit other than if a commercial activity permit is required—	
	(a) for each night that the camp the subject of the permit is attended—	
	(i) for each person 5 years or older taking part in an educational tour or camp of a type approved by the chief executive . . . . .	2.50
	(ii) for each other person 5 years or older. . . . .	4.50
	(b) for each night that the camp the subject of the permit is unattended . . . . .	4.50
	(c) maximum for a family for each night . . . . .	18.00
6	Permit fee for stock grazing permit—for each year—	
	(a) for each head—	
	(i) for an area with a stock carrying capacity between 1 head each hectare and 1 head each 4ha	20.00
	(ii) for an area with a stock carrying capacity between 1 head each 4ha and 1 head each 10ha	13.83
	(iii) for an area with a stock carrying capacity between 1 head each 10ha and 1 head each 15ha	7.66
	(iv) for an area with a stock carrying capacity between 1 head each 15ha and 1 head each 25ha	6.12
	(v) for an area with a stock carrying capacity greater than 1 head each 25ha. . . . .	4.43
	(b) minimum fee payable . . . . .	84.27
7	Travelling stock permit—	
	(a) for cattle or horses—for each 1km, for each 20 head or part of 20 head. . . . .	.07
	(b) for other stock—for each 1km, for each 150 head or part of 150 head. . . . .	.07

Schedule 3 (continued)

		\$
8	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) permit fee—for each day for which activities are carried out under the permit . . . . .	24.20
	(b) only 3 to 5 people involved in the filming or photography—	
	(i) application fee. . . . .	120.90
	(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	59.75
	(c) 6 or more people involved in the filming or photography—	
	(i) application fee. . . . .	240.70
	(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	120.90
9	Commercial activity permit for filming or photography—structure involved—	
	(a) only 1 to 5 people involved in the filming or photography—	
	(i) application fee. . . . .	120.90
	(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	120.90
	(b) only 6 to 25 people involved in the filming or photography—	
	(i) application fee. . . . .	601.00
	(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	601.00
	(c) only 26 to 50 people involved in the filming or photography—	
	(i) application fee. . . . .	1 204.00
	(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	1 204.00



Schedule 3 (continued)

	\$
(d) 51 or more people involved in the filming or photography—	
(i) application fee. . . . .	2 413.00
(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	2 413.00
10 Commercial activity permit other than for filming or photography—	
(a) application fee—	
(i) if the permit is the same or substantially the same as a commercial activity permit held by the applicant within the previous 3 months . . . . .	114.60
(ii) otherwise. . . . .	229.10
(b) permit fee—	
(i) for a term of 3 months or less. . . . .	46.05
(ii) for a term of more than 3 months but not more than 1 year . . . . .	183.00
(iii) for a term of more than 1 year but not more than 2 years. . . . .	367.40
(iv) for a term of more than 2 years . . . . .	522.00
(c) additional daily fee for each client 5 years or older, of the holder of the permit, taking part in the activity carried out under the permit—	
(i) for an activity lasting less than 3 hours . . . . .	1.40
(ii) for an activity lasting 3 hours or more . . . . .	2.60
(d) camping fee for each client 5 years or older, of the holder of the permit, taking part in the activity carried out under the permit—for each night camped under the permit. . . . .	4.50
11 Group activity permit—	
(a) application fee . . . . .	22.90
(b) additional daily fee if special access is to be allowed, special supervision is needed, or an area reserved for use, for the activity carried out under permit—for each day on which activities are carried out under the permit—	

### Schedule 3 (continued)

	\$
(i) for a vehicle-based activity—for each vehicle used for the activity . . . . .	3.50
(ii) for a people-based activity—for each person taking part in the activity . . . . .	1.75
(c) camping fee for each night camped under the permit—	
(i) for each person 5 years or older taking part in the activity carried out under the permit—	
(A) if the activity is an educational tour or camp of a type approved by the chief executive. . .	2.50
(B) otherwise. . . . .	4.50
(ii) maximum for a family . . . . .	18.00

## **Division 3                      Fees for commercial activity agreements**

	\$
12 Commercial activity agreement—	
(a) for submission of an expression of interest . . . . .	229.10
(b) for an application. . . . .	229.10
(c) for entering into the agreement in another way. . . . .	nil

## **Part 2                              Fees for wildlife authorities**

### **Division 1                      Licences for animals**

	\$
1 Commercial wildlife licence (wildlife interaction) . . . . .	109.30
2 Commercial wildlife licence for live animals—	

Schedule 3 (continued)

	\$
(a) for live birds but not live reptiles or live scorpions and live spiders—	
(i) for a term of 1 month or less . . . . .	91.95
(ii) for a term of more than 1 month but not more than 1 year . . . . .	459.20
(iii) for a term of more than 1 year . . . . .	1 308.00
(b) for live reptiles but not live birds or live scorpions and live spiders—	
(i) for a term of 1 month or less . . . . .	91.95
(ii) for a term of more than 1 month but not more than 1 year . . . . .	459.20
(iii) for a term of more than 1 year . . . . .	1 308.00
(c) for live birds and live reptiles but not live scorpions and live spiders—	
(i) for a term of 1 month or less . . . . .	146.10
(ii) for a term of more than 1 month but not more than 1 year . . . . .	568.00
(iii) for a term of more than 1 year . . . . .	1 611.00
(d) for live scorpions and live spiders but not live birds or live reptiles—	
(i) for a term of 1 month or less . . . . .	21.60
(ii) for a term of more than 1 month but not more than 1 year . . . . .	108.20
(iii) for a term of more than 1 year . . . . .	303.00
(e) for live scorpions and live spiders and either, but not both, live birds or live reptiles—	
(i) for a term of 1 month or less . . . . .	104.00
(ii) for a term of more than 1 month but not more than 1 year . . . . .	476.20
(iii) for a term of more than 1 year . . . . .	1 354.00
(f) for live scorpions and live spiders and live birds and live reptiles—	
(i) for a term of 1 month or less . . . . .	158.20
(ii) for a term of more than 1 month but not more than 1 year . . . . .	583.00

**Schedule 3 (continued)**

	\$
(iii) for a term of more than 1 year. . . . .	1 656.00
(g) for adding only live birds, only live reptiles, only live scorpions and live spiders or adding a combination of live birds, live reptiles or live scorpions and live spiders to licence . . . . .	the CWL addition fee
<b>3 Commercial wildlife licence for dead animals—</b>	
(a) for dead macropods—	
(i) for a term of 1 year or less—	
(A) until the end of 31 December 2006. . . . .	468.00
(B) on and from 1 January 2007. . . . .	481.50
(ii) for a term of more than 1 year—	
(A) until the end of 31 December 2006. . . . .	1 325.00
(B) on and from 1 January 2007. . . . .	1 363.00
(b) for other dead animals—	
(i) for a term of 1 month or less. . . . .	91.95
(ii) for a term of more than 1 month but not more than 1 year. . . . .	459.20
(iii) for a term of more than 1 year . . . . .	1 308.00
(iii) for a term of more than 1 year . . . . .	302.50
<b>4 Commercial wildlife licence (mobile) . . . . .</b>	<b>4 000.00</b>
<b>5 Recreational wildlife licence for animals—</b>	
(a) standard fee . . . . .	54.05
(b) additional fee if the licence is for restricted animals. . . . .	162.30
(c) additional fee if the licence is for international animals. . . . .	12.05
(d) for adding restricted animals to a licence granted for animals other than restricted animals . . . . .	162.30
(e) for adding international animals to a licence granted for animals other than international animals . . . . .	12.05
<b>6 Commercial wildlife harvesting licence for animals—</b>	
(a) for macropods—	
(i) until the end of 31 December 2006. . . . .	106.20
(ii) on and from 1 January 2007. . . . .	109.30

Schedule 3 (continued)

		\$
	(b) for spiders or scorpions .....	221.70
	(c) for other animals .....	229.10
7	Recreational wildlife harvesting licence for animals—	
	(a) for macropods .....	51.70
	(b) for other animals .....	51.70
8	Wildlife demonstrator licence—	
	(a) for a term of 1 month or less .....	120.90
	(b) for a term of more than 1 month but not more than 1 year .....	590.00
	(c) for a term of more than 1 year .....	1 682.00
9	Wildlife exhibitor licence—	
	(a) for a term of 1 month or less .....	177.90
	(b) for a term of more than 1 month but not more than 1 year .....	896.00
	(c) for a term of more than 1 year .....	2 557.00
10	Wildlife farming licence—	
	(a) for butterflies—	
	(i) for a term of 1 year or less .....	120.90
	(ii) for a term of more than 1 year .....	344.20
	(b) for crocodiles—	
	(i) for a term of 1 year or less .....	947.00
	(ii) for a term of more than 1 year .....	2 700.00
	(c) for emus—	
	(i) for a term of 1 year or less .....	355.80
	(ii) for a term of more than 1 year .....	1 016.00
	(d) for reptiles of the family Elapidae, Hydrophiidae or Laticaudidae—	
	(i) for a term of 1 year or less .....	240.70
	(ii) for a term of more than 1 year .....	689.00
	(e) for water buffalos—	
	(i) for a term of 1 year or less .....	344.20
	(ii) for a term of more than 1 year .....	982.00

Schedule 3 (continued)

**Division 2**

**Permits for animals**

	\$
11 Permit to keep protected wildlife. . . . .	54.05

**Division 3**

**Collection authorities for animals**

	\$
12 Collection authority to keep a collection of dead protected animals. . . . .	54.05
13 Collection authority to take and keep least concern animals. . . . .	68.95

**Division 4**

**Licences for protected plants**

	\$
14 Commercial wildlife licence for protected plants—	
(a) for a term of 1 month or less . . . . .	91.95
(b) for a term of more than 1 month but not more than 1 year . . . . .	459.20
(c) for a term of more than 1 year . . . . .	1 308.00
15 Recreational wildlife licence for protected plants . . . . .	54.05
16 Commercial wildlife harvesting licence for protected plants . . . . .	229.90
17 Recreational wildlife harvesting licence for protected plants . . . . .	51.70

Schedule 3 (continued)

**Division 5                      Permit or movement advice for  
   moving wildlife**

	\$
18 Wildlife movement permit. . . . .	11.40
19 Movement advice. . . . .	2.70

**Part 3                              Fees for tags**

	\$
1 Tag for a farm crocodile skin. . . . .	1.45
2 Tag for a farm emu skin. . . . .	1.05
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 2006. . . . .	318.00
(ii) on and from 1 January 2007 . . . . .	327.20
(b) for a recreational wildlife harvesting licence for macropods—each tag . . . . .	.70
4 Tag for a type A restricted plant or a type B restricted plant. . . . .	.40
5 Tag that is an approved mark of the department . . . . .	5.90

Schedule 3 (continued)

**Part 4**

**Fees for sampling or  
implanting animals**

		\$
1	An approved electromagnetic implant . . . . .	12.15
2	Consumable used to obtain a biological tissue sample of an animal and storage of the sample by an approved scientific institution . . . . .	23.55

**Part 5**

**Fees for record books and  
record and return books**

		\$
1	Record and return book for holder of commercial wildlife licence, or commercial wildlife licence (mobile), for macropods—	
	(a) until the end of 31 December 2006 . . . . .	22.90
	(b) on and from 1 January 2007 . . . . .	23.55
2	Record and return book for holder of commercial wildlife harvesting licence for macropods—	
	(a) until the end of 31 December 2006 . . . . .	5.75
	(b) on and from 1 January 2007 . . . . .	5.90
3	Record and return book for holder of commercial wildlife harvesting licence for protected plants . . . . .	11.75
4	Record book for another licence or a permit to keep protected wildlife—	
	(a) for a book with 20 pages . . . . .	5.90
	(b) for a book with 50 pages . . . . .	14.35



Schedule 3 (continued)

**Part 6                      Fees for other amendments**

	\$
1 For an amendment of a relevant authority for which a fee is payable, other than a change of address or an amendment already mentioned in this schedule, requested by the holder of the authority—	
(a) for an amendment of a camping permit taken to be granted, under section 42, <sup>a</sup> for an e-permit camping area—	
(i) for every third amendment . . . . .	10.00
(ii) for every other amendment . . . . .	nil
(b) for an amendment of another camping permit. . . . .	nil
(c) for another amendment—each amendment. . . . .	12.05

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a Section 42 (When camping permit for e-permit camping area taken to have been granted)

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## Schedule 4      Categories of least concern plants for fees payable for seeds or other propagative material

section 137 and schedule 3, part 1, division 1, item 1

Least concern plant (scientific name)	Category
<i>Acacia adunca</i>	7
<i>Acacia aneura</i>	5
<i>Acacia aulacocarpa</i>	11
<i>Acacia auriculiformis</i>	18
<i>Acacia bakeri</i>	21
<i>Acacia bancroftiorum</i>	11
<i>Acacia bidwillii</i>	12
<i>Acacia buxifolia</i> subsp. <i>buxifolia</i>	7
<i>Acacia cincinnata</i>	18
<i>Acacia complanata</i>	7
<i>Acacia conferta</i>	8
<i>Acacia crassa</i>	9
<i>Acacia crassicarpa</i>	18
<i>Acacia deanei</i> subsp. <i>deanei</i>	6
<i>Acacia decora</i>	9
<i>Acacia excelsa</i>	14
<i>Acacia falciformis</i>	8
<i>Acacia fasciculifera</i>	12
<i>Acacia fimbriata</i>	7
<i>Acacia flavescens</i>	6
<i>Acacia floribunda</i>	7

## Schedule 4 (continued)

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Acacia glaucocarpa</i>	14
<i>Acacia harpophylla</i>	12
<i>Acacia holosericea</i>	10
<i>Acacia hubbardiana</i>	14
<i>Acacia irrorata</i> subsp. <i>irrorata</i>	9
<i>Acacia ixiophylla</i>	11
<i>Acacia julifera</i>	14
<i>Acacia leiocalyx</i>	9
<i>Acacia leptocarpa</i>	9
<i>Acacia leptoloba</i>	9
<i>Acacia macradenia</i>	8
<i>Acacia mangium</i> found north of latitude 15° south	21
<i>Acacia mangium</i> found south of latitude 15° south	19
<i>Acacia melanoxylon</i>	10
<i>Acacia nuperrima</i> subsp. <i>cassitera</i>	21
<i>Acacia oshanesii</i>	12
<i>Acacia pendula</i>	12
<i>Acacia penninervis</i>	7
<i>Acacia platycarpa</i>	14
<i>Acacia podalyriifolia</i>	5
<i>Acacia salicina</i>	12
<i>Acacia semilunata</i>	9
<i>Acacia semirigida</i>	9
<i>Acacia simsii</i>	9
<i>Acacia sophorae</i>	5
<i>Acacia spectabilis</i>	6

## Schedule 4 (continued)

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Acacia</i> spp. other than a species of least concern plants not already mentioned in this schedule	12
<i>Acacia stenophylla</i>	13
<i>Acacia suaveolens</i>	9
<i>Acmena</i> spp.	4
<i>Agathis atropurpurea</i>	31
<i>Agathis robusta</i>	17
<i>Albizia</i> spp.	5
<i>Allocasuarina inophloia</i>	14
<i>Allocasuarina littoralis</i>	7
<i>Allocasuarina luehmannii</i>	12
<i>Allocasuarina torulosa</i>	11
<i>Alloxylon</i> spp.	21
<i>Alphitonia excelsa</i>	11
<i>Alphitonia petriei</i>	11
<i>Alstonia scholaris</i>	14
<i>Angophora leiocarpa</i>	14
<i>Angophora</i> spp. other than <i>Angophora leiocarpa</i>	18
<i>Araucaria bidwillii</i>	1
<i>Araucaria cunninghamii</i> var. <i>cunninghamii</i>	4
<i>Argyrodendron</i> spp.	9
<i>Asteromyrtus symphyocarpa</i>	21
<i>Athertonia diversifolia</i>	4
<i>Auranticarpa rhombifolia</i>	14
<i>Auranticarpa</i> spp. other than <i>Auranticarpa rhombifolia</i>	12
<i>Baekkea</i> spp.	18
<i>Banksia</i> spp.	18

## Schedule 4 (continued)

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Blepharocarya involucrigera</i>	21
<i>Bowenia serrulata</i>	3
<i>Bowenia spectabilis</i>	6
<i>Brachychiton</i> spp.	6
<i>Buckinghamia celsissima</i>	18
<i>Callistemon montanus</i>	9
<i>Callistemon pachyphyllus</i>	12
<i>Callistemon rigidus</i>	10
<i>Callistemon salignus</i>	9
<i>Callistemon sieberi</i>	10
<i>Callistemon</i> spp. other than a species of least concern plants already mentioned in this schedule	12
<i>Callistemon viminalis</i>	11
<i>Callitris columellaris</i>	16
<i>Callitris macleayana</i>	18
<i>Callitris rhomboidea</i>	11
<i>Callitris</i> spp. other than a species of least concern plants already mentioned in this schedule	16
<i>Cardwellia sublimis</i>	9
<i>Cassia</i> spp.	6
<i>Castanospermum australe</i>	1
<i>Casuarina cristata</i>	14
<i>Casuarina cunninghamiana</i>	9
<i>Casuarina equisetifolia</i>	12
<i>Casuarina glauca</i>	10
<i>Corymbia abergiana</i>	18
<i>Corymbia citriodora</i>	18
<i>Corymbia gummifera</i>	14

## Schedule 4 (continued)

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Corymbia henryi</i>	18
<i>Corymbia intermedia</i>	14
<i>Corymbia papuana</i>	19
<i>Corymbia peltata</i>	12
<i>Corymbia polycarpa</i>	14
<i>Corymbia setosa</i>	19
<i>Corymbia</i> spp. other than a species of least concern plants already mentioned in this schedule	14
<i>Corymbia tessellaris</i>	19
<i>Corymbia torelliana</i>	21
<i>Corymbia trachyphloia</i>	14
<i>Cupaniopsis</i> spp.	5
<i>Cycas media</i> subsp. <i>banksii</i>	1
<i>Cycas media</i> subsp. <i>media</i>	1
<i>Cycas</i> spp. other than a species of least concern plants already mentioned in this schedule	3
<i>Darlingia darlingiana</i>	14
<i>Darlingia ferruginea</i>	14
<i>Dysoxylum</i> spp.	4
<i>Elaeocarpus grandis</i>	3
<i>Erythrina vespertilio</i>	6
<i>Erythrophleum chlorostachys</i>	9
<i>Eucalyptus acmenoides</i>	12
<i>Eucalyptus andrewsii</i>	12
<i>Eucalyptus baileyana</i>	14
<i>Eucalyptus bakeri</i>	14
<i>Eucalyptus bancroftii</i>	14
<i>Eucalyptus caleyi</i> subsp. <i>caleyi</i>	13

## Schedule 4 (continued)

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Eucalyptus camaldulensis</i> found north of latitude 18° south	13
<i>Eucalyptus camaldulensis</i> found south of latitude 18° south	7
<i>Eucalyptus cambageana</i>	12
<i>Eucalyptus carnea</i>	12
<i>Eucalyptus cloeziana</i>	7
<i>Eucalyptus conica</i>	14
<i>Eucalyptus crebra</i>	13
<i>Eucalyptus deanei</i>	12
<i>Eucalyptus decorticans</i>	17
<i>Eucalyptus drepanophylla</i>	12
<i>Eucalyptus eugenioides</i>	12
<i>Eucalyptus exserta</i>	12
<i>Eucalyptus fibrosa</i>	13
<i>Eucalyptus grandis</i> found north of latitude 20° south	18
<i>Eucalyptus grandis</i> found south of latitude 20° south	11
<i>Eucalyptus intertexta</i>	19
<i>Eucalyptus laevopinea</i>	10
<i>Eucalyptus leptophleba</i>	12
<i>Eucalyptus major</i>	9
<i>Eucalyptus melanophloia</i>	13
<i>Eucalyptus melliodora</i>	11
<i>Eucalyptus microcarpa</i>	11
<i>Eucalyptus microcorys</i>	9
<i>Eucalyptus microtheca</i>	9
<i>Eucalyptus miniata</i>	21
<i>Eucalyptus moluccana</i>	12
<i>Eucalyptus normantonensis</i>	12

## Schedule 4 (continued)

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Eucalyptus nova-anglica</i>	16
<i>Eucalyptus ochrophloia</i>	18
<i>Eucalyptus orgadophila</i>	12
<i>Eucalyptus pellita</i>	18
<i>Eucalyptus phoenicea</i>	21
<i>Eucalyptus pilligaensis</i>	12
<i>Eucalyptus pilularis</i>	6
<i>Eucalyptus planchoniana</i>	11
<i>Eucalyptus platyphylla</i>	12
<i>Eucalyptus populnea</i>	18
<i>Eucalyptus propinqua</i>	9
<i>Eucalyptus pruinosa</i>	18
<i>Eucalyptus quadrangulata</i>	14
<i>Eucalyptus racemosa</i> subsp. <i>racemosa</i>	9
<i>Eucalyptus resinifera</i>	13
<i>Eucalyptus robusta</i>	7
<i>Eucalyptus saligna</i>	11
<i>Eucalyptus shirleyi</i>	14
<i>Eucalyptus siderophloia</i>	12
<i>Eucalyptus sideroxylon</i>	12
<i>Eucalyptus</i> spp. other than a species of least concern plants already mentioned in this schedule	14
<i>Eucalyptus staigeriana</i>	18
<i>Eucalyptus tenuipes</i>	12
<i>Eucalyptus tereticornis</i> found north of latitude 18° south	13
<i>Eucalyptus tereticornis</i> found south of latitude 18° south	10
<i>Eucalyptus thozetiana</i>	19



## Schedule 4 (continued)

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Eucalyptus youmanii</i>	14
<i>Euodia</i> spp.	6
<i>Ficus</i> spp.	12
<i>Flindersia</i> spp.	17
<i>Gmelina</i> spp.	7
<i>Grevillea banksii</i>	14
<i>Grevillea glauca</i>	19
<i>Grevillea longistyla</i>	19
<i>Grevillea parallela</i>	19
<i>Grevillea pteridifolia</i>	19
<i>Grevillea robusta</i>	21
<i>Grevillea</i> spp. other than a species of least concern plants already mentioned in this schedule	19
<i>Grevillea whiteana</i>	19
<i>Hakea</i> spp.	21
<i>Hardenbergia violacea</i>	12
<i>Harpullia</i> spp.	6
<i>Hovea</i> spp.	14
<i>Hymenosporum flavum</i>	16
<i>Jagera pseudorhus</i>	5
<i>Kunzea</i> spp.	14
<i>Lepidozamia hopei</i>	4
<i>Leptospermum liversidgei</i>	6
<i>Leptospermum petersonii</i>	7
<i>Leptospermum polygalifolium</i>	5
<i>Leptospermum</i> spp. other than a species of least concern plants already mentioned in this schedule	9
<i>Lophostemon confertus</i>	6

## Schedule 4 (continued)

Least concern plant (scientific name)	Category
<i>Lophostemon suaveolens</i>	7
<i>Lysiphyllum</i> spp.	6
<i>Macrozamia lucida</i>	2
<i>Macrozamia moorei</i>	1
<i>Macrozamia</i> spp. other than a species of least concern plants already mentioned in this schedule	2
<i>Melaleuca argentea</i>	16
<i>Melaleuca bracteata</i>	12
<i>Melaleuca cajuputi</i> subsp. <i>platyphylla</i>	18
<i>Melaleuca dealbata</i>	16
<i>Melaleuca decora</i>	13
<i>Melaleuca lanceolata</i>	9
<i>Melaleuca leucadendra</i>	13
<i>Melaleuca linariifolia</i>	12
<i>Melaleuca minutifolia</i>	18
<i>Melaleuca nervosa</i>	16
<i>Melaleuca nodosa</i>	14
<i>Melaleuca quinquenervia</i>	12
<i>Melaleuca sieberi</i>	14
<i>Melaleuca</i> spp. other than a species of least concern plants already mentioned in this schedule	12
<i>Melaleuca stenostachya</i>	13
<i>Melaleuca styphelioides</i>	12
<i>Melaleuca thymifolia</i>	16
<i>Melaleuca viridiflora</i>	18
<i>Melia azedarach</i>	3
<i>Myristica insipida</i>	3
<i>Pittosporum</i> spp. other than <i>Pittosporum undulatum</i>	12

## Schedule 4 (continued)

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Pittosporum undulatum</i>	7
<i>Placospermum coriaceum</i>	14
<i>Pleiogynium timorense</i>	2
<i>Podocarpus elatus</i>	3
<i>Podocarpus grayae</i>	3
<i>Podocarpus smithii</i>	21
<i>Pultenaea</i> spp.	21
<i>Rhodosphaera rhodanthema</i>	5
<i>Schefflera actinophylla</i>	5
<i>Stenocarpus</i> spp.	14
<i>Sundacarpus amarus</i>	3
<i>Syncarpia glomulifera</i> subsp. <i>glomulifera</i>	5
<i>Syncarpia hillii</i>	6
<i>Syzygium</i> spp.	4
<i>Toona ciliata</i>	16
<i>Tristaniopsis</i> spp.	9
<i>Xanthorrhoea</i> spp.	12
<i>Xanthostemon</i> spp.	19

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## Schedule 5      Categories of least concern plants for fees payable for foliage, flowers or inflorescences

section 137 and schedule 3, part 1, division 1, item 2

Least concern plant (scientific name)	Category
<i>Babingtonia</i> spp.	A
<i>Baeckea frutescens</i>	A
<i>Baloskion pallens</i>	B
<i>Baloskion tetraphyllum</i>	B
<i>Banksia</i> spp.	A
<i>Calochlaena dubia</i>	C
<i>Caustis blakei</i>	B
<i>Caustis flexuosa</i>	B
<i>Caustis recurvata</i>	B
<i>Dicranopteris linearis</i>	C
<i>Gahnia sieberiana</i>	B
<i>Gleichenia dicarpa</i>	C
<i>Hakea actites</i>	A
<i>Lepidozamia peroffskyana</i>	A
<i>Leptospermum petersonii</i>	A
<i>Leptospermum polygalifolium</i>	A
<i>Lomandra longifolia</i>	B
<i>Persoonia virgata</i>	A
<i>Petrophile canescens</i>	A
<i>Petrophile shirleyae</i>	A
<i>Pteridium esculentum</i>	C

## Schedule 5 (continued)

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Sticherus</i> spp.	C
<i>Strangea linearis</i>	A
<i>Xanthorrhoea</i> spp.	A

## **Schedule 6      Fees payable under the Integrated Planning Act 1997**

section 160

		\$
1	Assessing development application for reconfiguring a lot or operational work in a koala conservation area or koala sustainability area .....	211.10
2	Assessing development application for a material change of use of premises in a koala conservation area or koala sustainability area—	
	(a) if the change of use is for services provided, or activities conducted, by a volunteer community organisation .....	211.10
	(b) if—	
	(i) the change of use is not for a purpose mentioned in paragraph (a); and	
	(ii) the change of use is for community infrastructure or will result in extracting gravel, rock or sand from an area greater than 5000m <sup>2</sup> ; and	
	(iii) the new use of the land the subject of the change of use is not consistent with the stated use for the land under the local government planning scheme applying to the land .....	791.00
	(c) otherwise .....	211.10

## Schedule 7      Dictionary

### section 4

***additional conditions notice***, for an e-permit camping area, means a notice erected or displayed near an e-permit camping notice for the area stating conditions, applying to a person camping in the area, additional to the conditions stated on the e-permit camping notice.

***animal record particulars***, for an animal, means each of the following—

- (a) the particulars of the animal;
- (b) if the animal was obtained by taking the animal—the particulars of the taking;
- (c) if the animal was obtained, or is disposed of, under a transaction—the particulars of the transaction;
- (d) if the animal escapes or dies—the particulars of the escape or death;
- (e) if the animal produces offspring—the particulars for the offspring.

***appellable decision*** means the following decisions of the chief executive—

- (a) a decision for which an information notice must be given;
- (b) a decision to refuse to give an approval or authorisation under a management instrument;
- (c) a decision to impose a condition on an approval or authorisation given under a management instrument;

Schedule 7 (continued)

- (d) a decision to give a notice under the Wildlife Management Regulation, section 331(2).<sup>14</sup>

**approved electromagnetic implant** means an electromagnetic implant approved by the Minister for use on animals for identification purposes.

**approved scientific institution**, for an animal, means a scientific institution approved by the Minister for accepting biological tissue samples of the animal.

**associated person**, for schedule 2, see schedule 2, section 1.

**at**, the entrance of a protected area, includes in or near the entrance of the area.

**attach**, 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;
- (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.

**authorisation**, in relation to a commercial activity agreement, means—

- (a) the commercial activity authorised to be conducted under the agreement; and
- (b) the obligations under the agreement for, and the conditions relating to, the conduct of the activity.

**buyer**, for part 3, division 6, see section 95(1).

**camp** includes each of the following—

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<sup>14</sup> Wildlife Management Regulation, section 331 (Housing and care of live protected animals)



### Schedule 7 (continued)

- (a) to pitch, place or erect a tent, caravan or another structure that may be used for camping for the purpose of staying overnight by using the tent, caravan or structure;
- (b) to place other equipment that may be used for camping or a vehicle in position for the purpose of staying overnight by using the equipment or vehicle;
- (c) to keep a tent, caravan or another structure or other equipment that may be used for camping in position overnight, whether or not the tent, caravan, structure or equipment is unattended;
- (d) to stay overnight, other than—
  - (i) in a place that is the subject of a relevant arrangement; or
  - (ii) as part of an activity that—
    - (A) does not involve the use of any camping equipment; and
    - (B) is generally not considered to be camping.

*camping fee* means the prescribed fee for camping in a protected area.

*camping fee container* see section 41(3).

*camping fee envelope* see section 41(5)(b).

*camping form* see section 41(3).

*character*, of an area, see section 7.

*claim period*, for a seized thing, means—

- (a) for seized stock—2 weeks after the seizure notice is given for the stock; or
- (b) for another seized thing—2 months after the seizure notice is given for the thing.

*commercial activity*—

- 1 A *commercial activity* is an activity conducted for gain.

### Schedule 7 (continued)

*Examples of activities conducted for gain—*

- the hire or sale of goods or services
- commercial photography
- a guided tour, safari, scenic flight, cruise or excursion
- advertising or promoting the use of a protected area as part of a tour, safari, scenic flight, cruise or excursion
- advertising or promoting the use of a protected area as a feature associated with a resort or tourist facility on land adjoining the area

2 **A commercial activity** does not include—

- (a) an exempt activity; or
- (b) an exempt media activity.

**commercial activity agreement** see section 67(1).

**community infrastructure** means community infrastructure mentioned in the *Integrated Planning Act 1997*, schedule 5.

**condition**, in relation to a relevant authority, includes a condition of a relevant authority that has expired if the condition imposed an obligation that continues to apply after the authority has expired.

**corporation** see the Corporations Act, section 57A.

**CWL addition fee**, for schedule 3, part 2, division 1, item 2(g) for adding only live birds, only live reptiles, only live scorpions and live spiders or adding a combination of live birds, live reptiles or live scorpions and live spiders to a commercial wildlife licence for live animals, means the amount that is the difference between—

- (a) the fee stated in schedule 3, part 2, for a commercial wildlife licence for the animals to which the licence will apply immediately after the addition; and
- (b) the fee stated in schedule 3, part 2, for a commercial wildlife licence for the animals to which the licence applied immediately before the addition.

**demerit point** means a demerit point accumulated under section 161.

## Schedule 7 (continued)

***department's website*** means the department's website on the Internet.<sup>15</sup>

***development application*** see the *Integrated Planning Act 1997*, schedule 10.

***display***, in relation to an animal, includes to demonstrate the animal.

***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 camping area*** means a protected area stated to be an e-permit camping area by an e-permit camping notice.

***e-permit camping notice*** see section 39(1).

***e-permit distribution point***, for an e-permit camping area, means a place where a camping tag may be obtained for the area.

***exempt activity*** means an activity for which the chief executive is reasonably satisfied the use of a protected area is incidental to, and not integral to, the conducting of the activity.

*Examples of exempt activities—*

- a scheduled commercial flight over a protected area that is not part of a tour or scenic flight over the area
- a scheduled bus service through a protected area that is not a part of a tour or safari in the area
- conducting an activity in a protected area if the activity involves a trade and is conducted for the chief executive, the holder of a permit, licence or other authority for the area, or a party to a lease or agreement for the area

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<sup>15</sup> At the commencement of this definition, the department's website was <[www.epa.qld.gov.au](http://www.epa.qld.gov.au)>.

**Schedule 7 (continued)**

- providing a mechanical or vehicle towing service for a visitor in a protected area

***exempt media activity*** means an activity that is—

- (a) the filming or photographing of, or in relation to, an event; and
- (b) conducted when, or as soon as practicable after, the event happens; and
- (c) conducted for publishing a report of the event—
  - (i) on television or in a newspaper, magazine or similar publication; and
  - (ii) to inform the public about the event; and
- (d) of a type the chief executive has declared as an exempt media activity by publishing the declaration on the department's website.

***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 lawfully taken from the wild under the Act; 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) a reptile of the family Elapidae, Hydrophiidae or Laticaudidae;
  - (b) birdwing butterfly (*Ornithoptera* sp.);
  - (c) emu (*Dromaius novaehollandiae*);
  - (d) estuarine crocodile (*Crocodylus porosus*);
  - (e) freshwater crocodile (*Crocodylus johnstoni*);
  - (f) Ulysses butterfly (*Papilio ulysses*);

### Schedule 7 (continued)

(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.

***harvest macropod*** means any of the following—

- (a) an eastern grey kangaroo (*Macropus giganteus*);
- (b) a red kangaroo (*Macropus rufus*);
- (c) a wallaroo (*Macropus robustus*);
- (d) a whiptail wallaby (*Macropus parryi*).

***harvest period***, for wildlife, means a period during which a person may take the wildlife.

***harvest period notice*** means a notice declaring a harvest period under a conservation plan.

***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>16</sup>

***information notice***, for a decision, means a notice stating the following—

- (a) the decision;
- (b) reasons for the decision;
- (c) all rights of review or appeal under this regulation;
- (d) the period in which any review or appeal under this regulation must be started;

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<sup>16</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 7 (continued)

- (e) how rights of review or appeal under this regulation are to be exercised;
- (f) if applicable, that a stay of a decision the subject of review or appeal under this regulation may be applied for under this regulation.

***koala conservation area*** see the *Nature Conservation (Koala) Conservation Plan 2006*, schedule 2.

***koala sustainability area*** see the *Nature Conservation (Koala) Conservation Plan 2006*, schedule 2.

***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.

***licensed premises***, for a wildlife authority, means the premises stated on the authority as the licensed premises for the authority.

***macropod*** means an animal within the family Macropodidae.

***Macropod Conservation Plan*** means the *Nature Conservation (Macropod) Conservation Plan 2005*.

***management instrument*** means—

- (a) the Protected Areas Management Regulation; and
- (b) the Wildlife Management Regulation; and
- (c) a conservation plan.

***management principles***, for a protected area, means the principles prescribed under part 4, division 1, of the Act.<sup>17</sup>

***material change of use*** see the *Integrated Planning Act 1997*, section 1.3.5.

***member***, of the Australian Defence Force, see the *Defence Act 1903* (Cwlth), section 4.<sup>18</sup>

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17 Part 4 (Protected areas), division 1 (Basic concepts) of the Act

18 *Defence Act 1903* (Cwlth), section 4—

***member***—includes any officer, sailor, soldier and airman.

Schedule 7 (continued)

**mobile facility** means a semitrailer or truck that has, attached to it, a refrigerated room in which animals may be stored.

**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.

**notice** means written notice.

**officer**, of an incorporated association, see the *Associations Incorporation Act 1981*, section 2, definition *officer*.

**official tag**, for a protected plant, means—

- (a) a tag supplied by the chief executive, under the Wildlife Management Regulation, chapter 8, part 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 requirements, for the tag, of any applicable law of the other State.

**operational work** see the *Integrated Planning Act 1997*, section 1.3.5.

**other party**, to a commercial activity agreement, see section 89(a).

**owner**, of a seized thing, means—

- (a) if the chief executive is aware of the actual owner of the thing immediately before the seizure—the owner; or
- (b) otherwise—a person who would be entitled to the possession of the thing had it not been seized.

## Schedule 7 (continued)

**particulars**, of an animal or a protected plant, includes the identification code for—

- (a) for an animal—any electromagnetic implant inserted into an animal or any tag attached to the animal; or
- (b) for a protected plant—any tag attached to the plant.

**poison** means—

- (a) a poison as defined under the *Health (Drugs and Poisons) Regulation 1996*, appendix 9; and
- (b) any other substance that operates in a similar way to a poison mentioned in paragraph (a).

**prescribed commercial activity** means a commercial activity declared to be a prescribed commercial activity under the Protected Areas Management Regulation, section 77.

**prescribed day**, for a relevant 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 an animal record particular—
  - (i) for the particulars of an animal—on the day the animal is obtained; or
  - (ii) for the particulars of the taking of an animal—on the day the animal is taken; 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



### Schedule 7 (continued)

- (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 whole protected plants record particular—
  - (i) for the particulars of the whole protected plant—on the day the plant was obtained; or
  - (ii) for the particulars about a whole protected plant obtained or disposed of under a transaction—on the day of the transaction; or
  - (iii) for the particulars about a natural increase or artificial propagation—on the day of the increase or propagation; or
  - (iv) for the particulars about a death of the plant—on the day of the death; or
- (d) for a protected plant parts record particular—
  - (i) for the particulars of the plant part—on the day the plant part was obtained; or
  - (ii) for the particulars about a protected plant part obtained or disposed of under a transaction—on the day of the transaction; or
  - (iii) for the particulars about a loss or destruction of the plant part—on the day of the loss or destruction.

***prescribed exempt bird record*** see section 120(b).

***prescribed fee*** means a fee payable under part 8.

***prescribed period*** means—

- (a) for a commercial activity permit—
  - (i) if the chief executive has given the holder of the permit a notice stating each prescribed period for the permit—each stated period; or
  - (ii) otherwise—
    - (A) each period of 3 months starting after the permit is granted; and

## Schedule 7 (continued)

- (B) if the permit ends within a 3 month period mentioned in subparagraph (i)—the period starting on the day the 3 month period started and ending on the day the permit ends; or
- (b) for a commercial wildlife licence for an animal, commercial wildlife licence (mobile), wildlife demonstrator licence, wildlife exhibitor licence, wildlife farming licence, museum licence, educational purposes permit, or scientific purposes permit—
  - (i) each period of 1 year starting after the licence or permit is granted; and
  - (ii) if the licence or permit ends within a year mentioned in subparagraph (i)—the period starting on the day the year started and ending on the day the licence or permit ends; or
- (c) for a commercial wildlife harvesting licence, recreational wildlife harvesting licence, damage mitigation permit, or collection authority to take and keep least concern animals—
  - (i) each period of 3 months starting after the licence, permit or authority is granted; and
  - (ii) if the licence, permit or authority ends within a 3 month period mentioned in subparagraph (i)—the period starting on the day the 3 month period started and ending on the day the licence, permit or authority ends; or
- (d) for a permit to keep protected wildlife—
  - (i) if the holder of the permit is required to keep a record for an animal kept under the permit—
    - (A) each period of 1 year starting after the permit is granted; and
    - (B) if the permit ends within a year mentioned in subsubparagraph (A)—the period starting on the day the year started and ending on the day the permit ends; or

### Schedule 7 (continued)

- (ii) otherwise—the each day an animal kept under the permit 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 starting on the day the 6 month period started and ending on the day the licence ends.

***protected area*** means a protected area to which the Protected Areas Management Regulation applies, or a part of the protected area.

*Note—*

For the protected areas to which the Protected Areas Management Regulation applies, see chapter 1, part 2, of that regulation.

***protected area authority*** means a permit or authority mentioned in section 9 or 10.

***Protected Areas Management Regulation*** means the *Nature Conservation (Protected Areas Management) Regulation 2006*.

***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 a wildlife authority for protected plants, means the following—

- (a) the particulars of each protected plant part taken or otherwise obtained under the authority;
- (b) if a protected plant part is obtained or disposed of under the authority under a transaction—
  - (i) the particulars of the transaction; and

Schedule 7 (continued)

- (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;
- (c) if the seeds or spores of a type B restricted plant obtained by the holder are lost or destroyed—particulars about how the loss or destruction happened.

**Protected Plants Conservation Plan** means the *Nature Conservation (Protected Plants) Conservation Plan 2000*.

**public notice** means a notice published in—

- (a) a newspaper circulating generally in the area in which the protected area the subject of the notice is located; and
- (b) a newspaper circulating throughout the State.

**reasonably believes** means believes on grounds that are reasonable in all the circumstances.

**reasonably considers** means considers on grounds that are reasonable in all the circumstances.

**reconfiguring a lot** see the *Integrated Planning Act 1997*, section 1.3.5.

**record**, for a relevant authority, means the record required, under the Act, to be kept for the authority.

**record and return book** means a record and return book supplied by the chief executive.

**record book** means a record book supplied by the chief executive.

**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** see the Protected Areas Management Regulation, section 70.

### Schedule 7 (continued)

***relevant arrangement*** means—

- (a) a lease, agreement, licence, permit or other authority—
  - (i) granted, made, issued or given under section 34 of the Act; or
  - (ii) granted under section 36 of the Act; or
  - (iii) renewed under section 37<sup>19</sup> of the Act; or
- (b) a lease granted under the *Land Act 1994* in the way mentioned in section 38<sup>20</sup> of the Act; or
- (c) a commercial activity agreement entered into for a purpose related to providing accommodation to persons in the protected area to which the agreement applies.

***relevant authority*** means—

- (a) a protected area authority; and
- (b) a wildlife authority.

***relevant day***, for schedule 2, see schedule 2, section 1.

***relevant person***—

- 1 For the holder of a protected area authority, means—
  - (a) for an Aboriginal tradition or Island custom authority—a person stated on the authority as a person who may take, keep, use or interfere with cultural or natural resources of the area, under the authority; or
  - (b) for another protected area authority—
    - (i) if the holder is an individual—an employee or agent of the individual if the employee or agent is acting under the direction of the individual; or

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19 Section 34 (Leases etc. over protected areas), 36 (Authorities for new national park or national park (recovery)) or 37 (Chief executive's powers to renew existing authorities for national parks) of the Act

20 Section 38 (Leases may be granted under Land Act 1994) of the Act

**Schedule 7 (continued)**

- (ii) if the holder is a corporation—an executive officer, employee or agent of the corporation, if the officer, employee or agent is acting for the corporation.
- 2 For the holder of a wildlife authority, means—
- (a) for a rehabilitation permit—
    - (i) if the holder is an individual—an employee or agent of the individual if the employee or agent 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 subparagraph (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 subparagraph (A); or
  - (b) for an Aboriginal tradition or Island custom authority—each person stated on the authority as a person who may take, keep or use wildlife, under the authority; or

**Schedule 7 (continued)**

- (c) for a collection authority to take and keep least concern animals—each member of the Australian Defence Force; or
- (d) for another wildlife authority—
  - (i) if the holder is an individual—an employee or agent of the individual if the employee or agent 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).

***relevant record particulars***, for a record, means—

- (a) for a record for a commercial activity permit—details about the activities carried out, under the permit, including the number of persons taking part in the activities; or
- (b) for a prescribed exempt bird record—the animal record particulars for each prescribed exempt bird to which the record relates; or
- (c) for a record for a wildlife authority for an animal other than a museum licence—the animal record particulars for each animal kept under the licence; or
- (d) for a record for a museum licence—the animal record particulars for each live animal kept under the licence; or
- (e) for a record for a wildlife authority for protected plants—

### Schedule 7 (continued)

- (i) if whole type A restricted plants are taken or otherwise obtained under the authority—the whole protected plants record particulars for the authority; or
- (ii) if protected plant parts are taken or otherwise obtained under the authority—the protected plant parts record particulars for the authority.

**review decision** see section 101(1)(b).

**review notice** see section 101(2).

**seized thing** see section 109.

**seizure notice**, for a seized thing, means a notice given for the thing, under section 114.

**self-registration camping area** means a protected area stated to be a self-registration camping area by a self-registration camping notice.

**self-registration camping notice** see section 41(1).

**seller**, for part 3, division 6, see section 95(1).

**semitrailer** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**sick**, in relation to a protected animal, includes suffering from the behavioural disorder in animals known as human imprinting.

**stock** means alpacas, buffalo, camels, cattle, donkeys, deer, goats, horses, llama, ostriches, peafowl and sheep.

**tag** includes a band, ring, implant, label or other thing that may be attached to wildlife.

**term**, of a relevant authority, see section 17.

**truck** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**type A restricted plant** means any of the following plants—

- (a) a plant of the family Cycadaceae;



Schedule 7 (continued)

- (b) a plant of the family Orchidaceae (other than *Spathoglottis plicata*);
- (c) a plant of the family Zamiaceae;
- (d) after 31 December 2006—a plant of the genus *Brachychiton*;
- (e) a plant of the genus *Hydnophytum*;
- (f) a plant of the genus *Huperzia*;
- (g) after 31 December 2006—a plant of the genus *Livistona*;
- (h) a plant of the genus *Myrmecodia*;
- (i) a plant of the genus *Platynerium*;
- (j) a plant of the genus *Xanthorrhoea*.

**type B restricted plant** means any of the following plants—

- (a) an endangered plant;
- (b) a vulnerable plant;
- (c) a plant of the family Cycadaceae;
- (d) a plant of the family Zamiaceae.

**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.

**volunteer community organisation** means an organisation that has organising the provision of community services by volunteers as its primary object or function.

**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.

Schedule 7 (continued)

***whole protected plants record particulars***, for a wildlife authority for protected plants, means the following—

- (a) the particulars of each whole type A restricted plant taken or otherwise obtained under the authority;
- (b) if a whole type A restricted plant is obtained or disposed of 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;
- (c) if the number of whole type A restricted plants taken or otherwise obtained under the authority increases because of natural increase or artificial propagation—an estimate of the number of plants produced by the natural increase or artificial propagation;
- (d) if a whole type A restricted plant taken or otherwise obtained under the authority 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.

***wildlife authority*** means a licence, permit or authority mentioned in section 11, 12, 13, 14, 15 or 16.

***Wildlife Management Regulation*** means the *Nature Conservation (Wildlife Management) Regulation 2006*.

***Wildlife Regulation*** means the *Nature Conservation (Wildlife) Regulation 2006*.

***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;

Schedule 7 (continued)

or

- (ii) if the year started on 29 February of a year—at the end of 28 February of the following calendar year.

## Endnotes

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated. . . . .	170
3	Key . . . . .	170
4	Table of reprints . . . . .	171
5	List of legislation . . . . .	171
6	List of annotations . . . . .	172

### 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 13 October 2006. Future amendments of the Nature Conservation (Administration) Regulation 2006 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	Notes
0A	none	21 August 2006	
1	2006 SL No. 223	31 August 2006	
1A	2006 SL No. 209	2 October 2006	
1B	2006 SL No. 252	13 October 2006	

## 5 List of legislation

### **Nature Conservation (Administration) Regulation 2006 SL No. 203**

made by the Governor in Council on 10 August 2006

notfd gaz 11 August 2006 pp 1725–8

ss 1–2, pt 15 and s 219(1)–(3) commenced on date of notification  
remaining provisions commenced 21 August 2006 (see s 2)

exp 1 September 2016 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared

(3) The regulatory impact statement also applies to 2006 SL Nos. 204, 205 and 206

amending legislation—

### **Nature Conservation and Other Legislation Amendment Regulation (No. 1) 2006 SL No. 209 pts 1, 3**

notfd gaz 11 August 2006 pp 1725–8

ss 1–2 commenced on date of notification

remaining provisions commenced 2 October 2006 (see s 2)

### **Marine Parks Regulation 2006 SL No. 223 ss 1–2, pt 12 div 3**

notfd gaz 18 August 2006 pp 1821–5

ss 1–2 commenced on date of notification

remaining provisions commenced 31 August 2006 (see s 2)

Note—(1) A regulatory impact statement and explanatory note were prepared

(2) See 2006 SL No. 222 for the regulatory impact statement

### **Nature Conservation (Administration) Amendment Regulation (No. 1) 2006 SL No. 252**

notfd gaz 13 October 2006 pp 692–3

commenced on date of notification

## 6 List of annotations

### **PART 9—FEES PAYABLE UNDER THE INTEGRATED PLANNING ACT 1997**

**pt hdg** ins 2006 SL No. 209 s 7

#### **Fees payable**

**s 160** ins 2006 SL No. 209 s 7

### **PART 13—AMENDMENT OF FORESTRY REGULATION 1998**

**pt 13 (ss 174–178)** om R0A (see RA ss 7(1)(k) and 40)

### **PART 14—AMENDMENT OF NATURE CONSERVATION (PROTECTED AREAS) REGULATION 1994**

**pt 14 (ss 179–182)** om R0A (see RA ss 7(1)(k) and 40)

### **PART 15—AMENDMENT OF NATURE CONSERVATION REGULATION 1994**

**pt 15 (ss 183–212)** om R0A (see RA ss 7(1)(k) and 40)

### **PART 16—AMENDMENT OF RECREATION AREAS MANAGEMENT REGULATION 1989**

**pt 16 (ss 213–217)** om R0A (see RA ss 7(1)(k) and 40)

### **PART 17—AMENDMENT OF STATE PENALTIES ENFORCEMENT REGULATION 2000**

**pt 17 (ss 218–219)** om R0A (see RA ss 7(1)(k) and 40)

### **SCHEDULE 1—OVERVIEW OF REGULATION AND MANAGEMENT INSTRUMENTS**

#### **Overview of this regulation and its relationship with the management instruments**

**s 3** amd 2006 SL No. 209 s 8

### **SCHEDULE 2—MATTERS FOR DECIDING WHETHER PERSON IS A SUITABLE PERSON FOR RELEVANT AUTHORITY**

#### **When person not a suitable person—protected area authorities only**

**s 4** amd 2006 SL No. 223 s 175; 2006 SL No. 252 s 3

### **SCHEDULE 6—FEES PAYABLE UNDER THE INTEGRATED PLANNING ACT 1997**

ins 2006 SL No. 209 s 9

### **SCHEDULE 7—DICTIONARY**

def “**community infrastructure**” ins 2006 SL No. 209 s 10

def “**development application**” ins 2006 SL No. 209 s 10

def “**koala conservation area**” ins 2006 SL No. 209 s 10

def “**koala sustainability area**” ins 2006 SL No. 209 s 10

def “**material change of use**” ins 2006 SL No. 209 s 10

def “**operational work**” ins 2006 SL No. 209 s 10

def “**reconfiguring a lot**” ins 2006 SL No. 209 s 10

def “**type A restricted plant**” amd 2006 SL No. 252 s 4

def “**volunteer community organisation**” ins 2006 SL No. 209 s 10