

# Queensland



## Subordinate Legislation 2001 No. 215

### *Nature Conservation Act 1992*

# NATURE CONSERVATION LEGISLATION AMENDMENT REGULATION (No. 1) 2001

## TABLE OF PROVISIONS

| Section  |   | Page |
|--|---|------|
| <b>PART 1—PRELIMINARY</b>  |   |      |
| 1  | Short title . . . . .                                   | 3    |
| <b>PART 2—AMENDMENT OF NATURE CONSERVATION<br/>REGULATION 1994</b>                   |   |      |
| 2  | Regulation amended in pt 2 . . . . .                    | 3    |
| 3  | Replacement of s 87 (Feeding native animals) . . . . .  | 3    |
|  | 87 Feeding native animals . . . . .                     | 3    |
|  | 87A Keeping food safe from native animals . . . . .     | 4    |
|  | 87B Disturbing native animals . . . . .                 | 4    |
| 4  | Amendment of s 237 (Feeding native animals) . . . . .   | 5    |
| 5  | Insertion of new s 237A . . . . .                       | 5    |
|  | 237A Disturbing native animals . . . . .                | 5    |
| 6  | Amendment of sch 14 (Dictionary) . . . . .              | 6    |
| <b>PART 3—AMENDMENT OF NATURE CONSERVATION<br/>(PROTECTED AREAS) REGULATION 1994</b> |   |      |
| 7  | Regulation amended in pt 3 . . . . .                    | 6    |
| 8  | Amendment of s 8 (Declared management intent) . . . . . | 7    |
| <b>PART 4—AMENDMENT OF NATURE CONSERVATION<br/>(WILDLIFE) REGULATION 1994</b>        |   |      |
| 9  | Regulation amended in pt 4 . . . . .                    | 7    |
| 10   | Amendment of sch 2 (Endangered wildlife) . . . . .      | 7    |

*Nature Conservation Legislation Amendment Regulation (No. 1) 2001* No. 215, 2001

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|    |   |   |
|----|---|---|
| 11 | Amendment of sch 3 (Vulnerable wildlife)..... | 8 |
| 12 | Amendment of sch 4 (Rare wildlife).....       | 9 |
| 13 | Amendment of sch 5 (Common wildlife).....     | 9 |

## **PART 1—PRELIMINARY**

### **1 Short title**

This regulation may be cited as the *Nature Conservation Legislation Amendment Regulation (No. 1) 2001*.

## **PART 2—AMENDMENT OF NATURE CONSERVATION REGULATION 1994**

### **2 Regulation amended in pt 2**

This part amends the *Nature Conservation Regulation 1994*.

### **3 Replacement of s 87 (Feeding native animals)**

Section 87—

*omit, insert—*

#### **‘87 Feeding native animals**

‘(1) A person in a protected area must not feed a native animal—

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

Maximum penalty—

- (a) for paragraph (a)—40 penalty units; or
- (b) for paragraph (b)—20 penalty units.

‘(2) Subsection (1) does not apply to—

- (a) the following persons performing functions under the Act in relation to the native animal—
  - (i) the chief executive;
  - (ii) a conservation officer, public service officer or other employee of the department acting under the chief executive’s authority; or

- (b) a person who feeds a native animal under a licence, permit or other authority or with the chief executive's written approval.

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

'(1) A person in a protected area must ensure food in the person's possession or under the person's control is kept—

- (a) in a way that prevents native animals that are dangerous, venomous or capable of injuring a person from gaining access to the food; or
- (b) if a regulatory notice states the way in which the food must be kept—in the stated way.

Maximum penalty—40 penalty units.

'(2) Subsection (1) does not apply to food that—

- (a) is being consumed by a person or prepared for human consumption; or
- (b) is lawfully deposited in a litter bin in the protected area.

### **'87B Disturbing native animals**

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

Maximum penalty—40 penalty units.

'(2) Subsection (1) does not apply to—

- (a) the following persons performing functions under the Act in relation to the native animal—
  - (i) the chief executive;
  - (ii) a conservation officer, public service officer or other employee of the department acting under the chief executive's authority; or
- (b) another person who disturbs a native animal—
  - (i) under a licence, permit or other authority or with the chief executive's written approval; or

- (ii) in the course of a lawful activity that was not directed towards the disturbance and the disturbance could not have been reasonably avoided.’.

#### **4 Amendment of s 237 (Feeding native animals)**

(1) Section 237, penalty, ‘20’—

*omit, insert—*

‘40’.

(2) Section 237—

*insert—*

‘(2) Subsection (1) does not apply to—

(a) the following persons performing functions under the Act in relation to the native animal—

(i) the chief executive;

(ii) a conservation officer, public service officer or other employee of the department acting under the chief executive’s authority; or

(b) a person who feeds a native animal under a licence, permit or other authority or with the chief executive’s written approval.’.

#### **5 Insertion of new s 237A**

After section 237—

*insert—*

##### **‘237A Disturbing native animals**

‘(1) A person must not disturb a native animal in the wild that is dangerous, venomous or capable of injuring a person.

Maximum penalty—40 penalty units.

‘(2) Subsection (1) does not apply to—

(a) the following persons performing functions under the Act in relation to the native animal—

(i) the chief executive;

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

## **6 Amendment of sch 14 (Dictionary)**

Schedule 14—

*insert—*

- ' **“disturb”**, for sections 87B and 237A, means approach, lure, pursue, tease or attempt to disturb.
- “feed”**, in relation to a native animal, includes—
  - (a) use food to tease or lure the animal; and
  - (b) attempt to feed the animal.'.

## **PART 3—AMENDMENT OF NATURE CONSERVATION (PROTECTED AREAS) REGULATION 1994**

### **7 Regulation amended in pt 3**

This part amends the *Nature Conservation (Protected Areas) Regulation 1994*.

## **8 Amendment of s 8 (Declared management intent)**

Section 8(2), ‘section 22 (Management principles of nature refuges)’—  
*omit, insert—*  
‘section 22’.

## **PART 4—AMENDMENT OF NATURE CONSERVATION (WILDLIFE) REGULATION 1994**

### **9 Regulation amended in pt 4**

This part amends the *Nature Conservation (Wildlife) Regulation 1994*.

### **10 Amendment of sch 2 (Endangered wildlife)**

(1) Schedule 2, section 2, entry for ‘*Litoria pearsoniana*’—  
*omit.*

(2) Schedule 2, section 6—  
*omit, insert—*

#### **‘6 Butterflies**

‘The following butterflies are endangered butterflies—

| <b>Scientific name</b>               | <b>Common name</b>              |
|--------------------------------------|---------------------------------|
| <i>Argyreus hyperbius inconstans</i> | Australian fritillary butterfly |
| <i>Hypochrysops piceatus</i>         | piceatus jewel butterfly’.      |

(3) Schedule 2, section 10—  
*insert—*

‘*Petrogale sharmani* Sharman’s rock-wallaby’.

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1 Section 22 (Management principles of nature refuges)

**(4)** Schedule 2, section 12—*insert—*

|   |                                      |
|---|--------------------------------------|
| <i>Anomalopus mackayi</i>   | long-legged worm skink               |
| <i>Hemiaspis damelii</i>  | grey snake                           |
| <i>Tympanocryptis pinguicolla</i><br>(Covacevich <i>et al</i> 1998) | south-eastern lined earless dragon’. |

**11 Amendment of sch 3 (Vulnerable wildlife)****(1)** Schedule 3, section 2—*insert—*

|  |                            |
|--|----------------------------|
| <i>Cophixalus neglectus</i> (Zweifel<br>1962)            | tangarine nursery frog     |
| <i>Cophixalus saxatilis</i> (Zweifel and<br>Parker 1977) | boulder nursery frog       |
| <i>Cophixalus zweifeli</i> (Davies and<br>McDonald 1998) | Cape Melville boulder frog |
| <i>Litoria andiirmalin</i> (McDonald<br>1997)            | Cape Melville tree frog    |
| <i>Litoria pearsoniana</i>                               | cascade tree frog’.        |

**(2)** Schedule 3, section 6—*omit, insert—***‘6 Butterflies**

‘The following butterflies are vulnerable butterflies—

| <b>Scientific name</b>            | <b>Common name</b>            |
|-----------------------------------|-------------------------------|
| <i>Acrodipsas illidgei</i>        | Illidge’s ant-blue butterfly  |
| <i>Hypochrysops apollo apollo</i> | apollo jewel butterfly        |
| <i>Jalmenus evagoras eubulus</i>  |                               |
| <i>Nacaduba pactolus cela</i>     | bold blue-line butterfly      |
| <i>Ornithoptera richmondia</i>    | Richmond birdwing butterfly’. |



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(3) Schedule 3, section 10—

*insert—*

*Petrogale lateralis purpureicollis*      black-footed rock-wallaby  
(purple-necked subspecies)’.

(4) Schedule 3, section 12, entry for ‘*Anomalopus mackayi*’—

*omit.*

## 12 Amendment of sch 4 (Rare wildlife)

(1) Schedule 4, section 2, entries for ‘*Cophixalus neglectus*’,  
‘*Cophixalus saxatilis*’ and ‘*Cyclorana manya*’—

*omit.*

(2) Schedule 4, section 6, entry for ‘*Petrogale sharmani*’—

*omit.*

## 13 Amendment of sch 5 (Common wildlife)

Schedule 5, part 1, division 1, heading—

*omit.*

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### ENDNOTES

1. Made by the Governor in Council on 22 November 2001.
2. Notified in the gazette on 23 November 2001.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Environmental Protection Agency.