



Queensland

# Nature Conservation (Macropod) Conservation Plan 2005

## Subordinate Legislation 2005 No. 112

made under the

*Nature Conservation Act 1992*

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## **Part 1 Preliminary**

### **1 Short title**

This conservation plan may be cited as the *Nature Conservation (Macropod) Conservation Plan 2005*.

### **2 Commencement**

This plan commences on 1 July 2005.

### **3 Relationship with declared management intent—Act, s 121**

Section 121(2)<sup>1</sup> of the Act does not apply to this plan.

### **4 Purposes of plan and how main purpose is achieved**

- (1) The main purpose of this plan is to manage the taking, keeping and use of macropods to ensure the taking, keeping and use is ecologically sustainable.
- (2) The main purpose is achieved by—
  - (a) prescribing additional restrictions on the grant of particular licences or permits for macropods; and
  - (b) limiting or extending what holders, or relevant persons for holders, of particular licences or permits for macropods may do under the licences or permits; and
  - (c) otherwise regulating the carrying out of activities under particular licences, permits or other authorities for macropods.
- (3) This plan also—
  - (a) provides additional authorised taking, keeping or use of macropods by land-holders or holders of particular licences, permits or other authorities; and

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<sup>1</sup> Section 121 (Plan replaces interim or declared management intent) of the Act

- (b) declares products made or derived from particular macropods as processed products for the Act, definition *protected animal*.

## **Part 2 Interpretation**

### **5 Interpretation**

- (1) The dictionary in schedule 2 defines particular terms used in this plan.
- (2) Subject to subsection (1), and unless this plan provides otherwise, terms used in it have the meaning given in the regulation.
- (3) Unless this plan provides otherwise, a reference to a licence, permit or other authority is a reference to a licence, permit or other authority issued or given under the regulation.

### **6 Scientific names of macropods**

Unless stated otherwise, scientific names used in this plan for macropods follow Strahan, R. (ed), 1995, *The Mammals of Australia*, Reed Books and the Australian Museum, Chatswood, NSW, Australia.



## Part 3 **Authorised taking, keeping or use of macropods other than under a licence, permit or other authority<sup>2</sup>**

### 7 **Land-holder may use particular macropod meat**

- (1) The chief executive may give a land-holder a written approval allowing the land-holder, during a stated period of not more than 3 months, to use, or to give to another person, the meat from a macropod that is taken—
  - (a) by a stated holder of a commercial wildlife harvesting licence for macropods (the *licence holder*); and
  - (b) from the land-holder's land.
- (2) The land-holder may, during the stated period—
  - (a) accept the skinned carcass of a macropod taken—
    - (i) by the licence holder; and
    - (ii) from the land-holder's land; and
  - (b) keep and use, other than for a commercial purpose, the meat from the carcass as bait for a declared pest animal; and
  - (c) if the approval states the land-holder may give the meat from the carcass to another person—give the carcass or the meat to another person.
- (3) This section does not authorise the licence holder to sell the skinned carcass to the land-holder.
- (4) In this section—

***declared pest animal*** see schedule 3 of the *Land Protection (Pest and Stock Route Management) Act 2002*.

***use*** does not include sell or give away.

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2 See also chapter 3 (Conservation of wildlife and habitat), part 2 (Exemptions for taking, keeping, using or moving protected animals) of the regulation.

## **8 Particular holders may kill dependent young**

- (1) This section applies if—
  - (a) the holder, or a relevant person for the holder, of a relevant authority authorising the holder or relevant person to take macropods takes a female macropod under the authority; and
  - (b) the macropod has a joey that—
    - (i) is in the macropod's pouch; or
    - (ii) is otherwise dependent on the macropod.
- (2) The holder or relevant person may kill the joey if the holder or relevant person kills the joey in the way stated in the relevant code of practice for the macropod.
- (3) The holder, or a relevant person for the holder, of a relevant authority who kills a joey under this section—
  - (a) must leave the joey at the place where it was killed; and
  - (b) does not take the joey under the relevant authority.

## **Part 4                      Taking, keeping or using    macropods under licence,    permit or other authority<sup>3</sup>**

### **Division 1                      Provisions applying to all or most    relevant authorities for macropods**

#### **Subdivision 1                  Provisions about harvest period for    taking macropods**

#### **9                      Harvester only authorised to take macropods during                                  harvest period**

The holder of a macropod harvesting licence is authorised to take macropods, under the licence, only during a harvest period for the macropods.

#### **10                    Declaration of harvest period**

- (1) The chief executive may, by written notice (a *harvest period notice*), declare a harvest period for macropods.<sup>4</sup>
- (2) However, the chief executive may declare the harvest period only if the chief executive has had regard to—
  - (a) the precautionary principle; and
  - (b) the Queensland wildlife trade management plan for macropods.
- (3) The harvest period notice must state the minimum areas and weights for sections 12(2) and 13(2).

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<sup>3</sup> See also chapter 3 (Conservation of wildlife and habitat) of the regulation.

<sup>4</sup> A harvest period notice is subordinate legislation, see the *Statutory Instruments Regulation 2002*, section 3(3) and schedule 1.

## **11 Harvest period notice may impose conditions**

- (1) A harvest period notice may impose conditions on the taking or using of macropods during the harvest period, including, for example, the following—
  - (a) the maximum number of macropods that may be taken;
  - (b) the localities or regions from where a macropod may be taken or must not be taken;
  - (c) the purpose for which a macropod may be taken;
  - (d) the way in which a macropod may be taken;
  - (e) how a macropod taken during the harvest period may be used.
- (2) The holder of a macropod harvesting licence who takes or uses a macropod during the harvest period must comply with the conditions stated in the harvest period notice.

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

## **12 Size requirement for skin of macropod taken for skin only**

- (1) This section applies to a macropod taken for its skin only.
- (2) The holder of a macropod harvesting licence must not take a macropod if the size of the macropod's skin is less than the minimum area stated, for this section, in the harvest period notice declaring the harvest period.

Maximum penalty—120 penalty units.

- (3) For subsection (2) the size of the macropod's skin is taken to be less than the minimum area if the size of the skin is not at least the minimum area from the time the macropod is taken to the time the holder sells, gives away, processes or otherwise disposes of the skin.

## **13 Weight requirement for carcass of macropod taken for meat only or meat and skin**

- (1) This section applies to a macropod taken for its meat only or for both its meat and skin.

- (2) The holder of a macropod harvesting licence must not take a macropod if the weight of its carcass—
- (a) is, in whole form, less than the minimum whole weight stated, for this section, in the harvest period notice declaring the harvest period; and
  - (b) will be, after the macropod has been dressed, less than the minimum dressed weight stated, for this section, in the harvest period notice declaring the harvest period.

Maximum penalty—120 penalty units.

- (3) For subsection (2)(a) the weight of the macropod's carcass in whole form is taken to be less than the minimum whole weight if the weight of the carcass in whole form is not at least the minimum whole weight from the time the macropod is taken to the time it is dressed.
- (4) For subsection (2)(b) the weight of the macropod's dressed carcass is taken to be less than the minimum dressed weight if the weight of the dressed carcass is not at least the minimum dressed weight from the time the macropod is dressed to the time the holder sells, gives away, processes, consumes or otherwise disposes of the macropod.

## **Subdivision 2      Other general provisions about taking macropods**

### **14      Way macropod may be taken**

- (1) This section applies if a relevant authority authorises the authority holder, or a relevant person for the holder, to take a macropod under the authority.
- (2) The holder or relevant person must not take the macropod in a way that causes damage or disturbance to other wildlife or the environment.

Maximum penalty—120 penalty units.

- (3) Also, if the holder or relevant person takes the macropod by killing it, the holder or relevant person must kill it in a quick and humane way.

Maximum penalty—165 penalty units.

- (4) For subsection (3), the holder or relevant person is taken to have killed the macropod in a quick and humane way if the holder or relevant person complies with the relevant code of practice for macropods to the extent the code is relevant to the way in which macropods may be taken.

## **15 Prohibition on mustering or trapping macropod**

The holder, or a relevant person for the holder, of a relevant authority who is authorised to take a macropod under the authority must not muster or trap a macropod for the purpose of taking it under the authority.

Maximum penalty—165 penalty units.

## **16 Prohibition on taking macropod from moving vehicle**

- (1) The holder, or a relevant person for the holder, of a relevant authority for macropods must not take a macropod under the authority, if the holder or relevant person is in or on a moving vehicle.

Maximum penalty—165 penalty units.

- (2) In this section—

*vehicle* means anything used to carry persons by land, water or air.

## **Division 2                      Commercial wildlife licence for dead macropods**

### **Subdivision 1                Restrictions on grant of licence**

#### **17            Restriction about keeping or using macropods and other animals**

The chief executive can not grant a commercial wildlife licence that authorises the holder of the licence to keep or use both dead macropods and other animals.

#### **18            Restriction about processing macropod meat**

(1) The chief executive may grant a commercial wildlife licence for dead macropods allowing the holder of the licence to process macropod meat only if the licensed premises for the licence are—

- (a) an accredited place; and
- (b) in the State.

(2) The chief executive grants a commercial wildlife licence for dead macropods allowing the holder of the licence to process macropod meat by writing the words ‘meat processing’ on the licence.

(3) In this section—

*accredited place* means a place stated in an accreditation under the *Food Production (Safety) Act 2000* as the place at which the holder of the accreditation may produce the primary produce stated in the accreditation.

#### **19            Restriction about processing macropod skin**

(1) The chief executive may grant a commercial wildlife licence for dead macropods allowing the holder of the licence to process macropod skin only if—

- (a) the operations at the licensed premises for the licence are the subject of—

- (i) an environmental authority under the *Environmental Protection Act 1994*; or
  - (ii) a development approval under the *Integrated Planning Act 1997*; and
- (b) the licensed premises are in the State.
- (2) The chief executive grants a commercial wildlife licence for dead macropods allowing the holder of the licence to process macropod skin by writing the word ‘tanning’ on the licence.

## **Subdivision 2      Limitation and extension of things authorised by licence**

### **20      Authorised buying or accepting of dead macropods**

The holder, or a relevant person for the holder, of a commercial wildlife licence for dead macropods is authorised to buy or accept macropods under the licence only at the licensed premises for the licence.

### **21      Authorised processing of dead macropods**

- (1) The holder, or a relevant person for the holder, of a commercial wildlife licence for dead macropods is authorised to process macropods under the licence only if the licence is a macropod meat processing licence or macropod tanning licence.
- (2) However—
  - (a) the holder, or a relevant person for the holder, of a macropod meat processing licence is only authorised to process macropod meat; and
  - (b) the holder, or a relevant person for the holder, of a macropod tanning licence is only authorised to process macropod skin.
- (3) In this section—
 

*process*, a macropod, includes remove any part of it.



## **22 Authorised keeping of dead macropods at alternative storage place**

- (1) The chief executive may give the holder of a commercial wildlife licence for dead macropods a written approval (the *alternative storage approval*) stating the holder may keep, for a stated period, macropods in storage at a stated place that is not the licensed premises for the licence (the *alternative storage place*).
- (2) The holder, or a relevant person for the holder, may, under the alternative storage approval—
  - (a) keep the dead macropods in storage at the alternative storage place for the stated period; and
  - (b) during the stated period, move the dead macropods—
    - (i) from the licensed premises to the alternative storage place; and
    - (ii) from the alternative storage place to the licensed premises.<sup>5</sup>
- (3) The chief executive may give the alternative storage approval only—
  - (a) if the chief executive is satisfied that allowing the storage is necessary in the circumstances; and
  - (b) for a period of not more than 3 months.

*Example, for paragraph (a), of when chief executive may be satisfied—*

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

## **23 Authorised selling or giving away dead macropods from alternative storage place**

- (1) This section applies if the holder, or a relevant person for the holder, of a commercial wildlife licence for dead macropods keeps a dead macropod in storage at an alternative storage place under an alternative storage approval.

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<sup>5</sup> See also section 122 (Holder of relevant authority for animals may move animals to authorised buyers) of the regulation.

- (2) The holder or relevant person may sell or give away the macropod from the place during the period the macropod is stored at the place if—
  - (a) the holder has the chief executive's written approval to sell or give away the macropod from the place during the period; and
  - (b) the holder or a relevant person for the holder does not sell or give away macropods, during the period, at the licensed premises for the licence.
- (3) An approval mentioned in subsection (2)(a) may be given when the alternative storage approval is given or at a later time.
- (4) The chief executive may give an approval mentioned in subsection (2)(a) only if the chief executive is satisfied the licensed premises for the licence are damaged to an extent that it is not feasible for the holder to sell or give away macropods from the licensed premises during the period.

*Example, for subsection (4), of when chief executive may be satisfied—*

The licensed premises have been burnt down or flooded.

### **Subdivision 3      General provisions about carrying out activities under licence**

#### **24      Buying or accepting macropods taken in the State**

- (1) The holder, or a relevant person for the holder, of a commercial wildlife licence for dead macropods must not buy or accept, under the licence, a macropod taken in the State if—
  - (a) the macropod is of a size or weight not authorised to be taken under the Act;<sup>6</sup> or

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<sup>6</sup> See, for example, sections 12 (Size requirement for skin of macropod taken for skin only) and 13 (Weight requirement for carcass of macropod taken for meat only or meat and skin).

- (b) the macropod is not tagged in the way required under the Act;<sup>7</sup> or
- (c) the macropod's sex remnant has been removed in a way that contravenes section 114.<sup>8</sup>

Maximum penalty—

- (a) for paragraph (a) or (b)—120 penalty units; or
  - (b) for paragraph (c)—80 penalty units.
- (2) This section does not limit the regulation, section 134.<sup>9</sup>

## **25 Buying or accepting macropods taken in another State**

- (1) The holder, or a relevant person for the holder, of a commercial wildlife licence for dead macropods must not buy or accept, under the licence, a macropod taken in another State if the holder or relevant person knows, or ought reasonably to have known, the macropod—
- (a) is of a species that is not authorised to be taken under a law of the other State; or
  - (b) is of a weight or size that is not authorised to be taken under a law of the other State; or
  - (c) has been moved into the State in a way that is not authorised under the Act or a law of the other State; or
  - (d) is not tagged in the way, if any, required by a law of the other State.

Maximum penalty—120 penalty units.

- (2) This section does not limit section 134 of the regulation.

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7 See, for example, part 5 (Macropod tags) and the regulation, sections 423 (Using tags generally) and 424 (Tags not to be used by unauthorised person).

8 Section 114 (Sex remnant must not be removed from dressed macropod)

9 Section 134 (Persons from whom holders may buy or accept wildlife) of the regulation.

## **26 Prohibition on tagging macropods taken in another State**

The holder, or a relevant person for the holder, of a commercial wildlife licence for dead macropods must not attach a macropod tag to a macropod that was taken in another State.

Maximum penalty—120 penalty units.

## **27 Grading macropods**

- (1) This section applies if the holder, or a relevant person for the holder, of a commercial wildlife licence for dead macropods buys or accepts the skin of a macropod that was taken in the State.
- (2) The holder must ensure the skin is graded—
  - (a) in the prescribed way; and
  - (b) before the time the holder is required, under subdivision (4), to make an electronic record, or include obtaining particulars in a record and return book, about the skin.

Maximum penalty—80 penalty units.

## **Subdivision 4 Records and returns of operations for licence<sup>10</sup>**

### **28 Electronic records of obtaining particulars for Queensland macropods**

- (1) The holder of a commercial wildlife licence for dead macropods must ensure an electronic record is made of the obtaining particulars for each Queensland macropod obtained under the licence on or after the electronic record start day.

Maximum penalty—120 penalty units.

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<sup>10</sup> See also, part 6 (Electronic records and return of operations relating to electronic records) and the regulation, chapter 4 (General provisions), parts 3 (Provisions about record books) and 4 (Provisions about return of operations).

- (2) The holder must ensure the record is complete and accurate.  
Maximum penalty—100 penalty units.
- (3) Subsection (1) does not apply if—
  - (a) the approved electronic record system to be used to make the record is not working on the day on which the record must be made; and
  - (b) the holder, or a relevant person for the holder, has included the obtaining particulars in the record and return book supplied by the chief executive for the licence in the way required under this subdivision.

## **29 Information that must be recorded in record and return book**

- (1) The holder of a commercial wildlife licence for dead macropods must ensure the obtaining particulars for each macropod obtained under the licence are included in the record and return book supplied by the chief executive for the licence.  
Maximum penalty—120 penalty units.
- (2) However, subsection (1) does not apply to obtaining particulars, for the macropod, of which an electronic record has been made.

## **30 When obtaining particulars must be recorded**

- (1) This section applies to obtaining particulars, for a macropod obtained under a commercial wildlife licence for dead macropods—
  - (a) of which an electronic record must be made; or
  - (b) that must be included in the record and return book supplied by the chief executive for the licence.
- (2) The holder must ensure the electronic record is made, or the obtaining particulars are included in the record and return book, no later than when the earlier of the following happens—

- (a) 24 hours after the macropod was obtained has passed;
- (b) the holder, or a relevant person for the holder, of the licence sells, gives away, or moves the macropod to another person.

Maximum penalty—120 penalty units.

**31 Giving return of operations electronically in particular circumstances**

- (1) This section applies if a return of operations required, under the Act, to be given to the chief executive by the holder of a commercial wildlife licence for dead macropods relates to obtaining particulars, for a macropod obtained under the licence, of which an electronic record has been made.
- (2) The holder must ensure the return is given by electronically communicating it to the nominated return retrieval system.

Maximum penalty—120 penalty units.

**32 When return of operations must be given and the period for which it must be given**

- (1) The holder of a commercial wildlife licence for dead macropods required, under the Act, to give a return of operations to the chief executive must ensure a return is given—
  - (a) for each return period for the holder; and
  - (b) within the prescribed number of days after the return period for which the return is given ends.

Maximum penalty—120 penalty units.

- (2) Subsection (1) applies even if no relevant event for the return happened during the return period.

## Subdivision 5 Audits for particular licences

### 33 Audit of relevant records

- (1) The chief executive may give the holder of a macropod meat processing licence or macropod tanning licence a written notice (an *audit notice*) requiring the holder to have a compliance audit conducted for the licence.
- (2) The holder must have the compliance audit conducted—
  - (a) by a person approved by the chief executive for conducting the audit (an *approved auditor*); and
  - (b) within 3 months after the holder is given the audit notice.

Maximum penalty—165 penalty units.

- (3) The compliance audit must include an audit of the relevant records for the licence by reference to the following—
  - (a) any macropod at the licensed premises for the licence while the audit is being conducted;
  - (b) the macropod tags supplied by the chief executive for use under the licence.
- (4) The chief executive must not give the holder of a macropod meat processing licence or macropod tanning licence more than 1 audit notice for any year for which the licence is in force.

### 34 Approved auditor's obligations

- (1) The approved auditor must, within 21 days after conducting the audit—
  - (a) prepare an audit report for the audit; and
  - (b) give a copy of the report to—
    - (i) the chief executive; and
    - (ii) the holder of the licence.

Maximum penalty—120 penalty units.

- (2) If, while conducting the audit, the auditor forms an opinion that the holder of the licence has committed, is committing, or will commit, a serious offence, the auditor must immediately notify the relevant officer for the offence.

Maximum penalty—50 penalty units.

### **35 Chief executive may ask holder to give audit response report**

- (1) This section applies if—
- (a) the audit report includes recommendations by the auditor of measures the holder of the licence may adopt to enable the holder to comply with the Act; or
  - (b) arising out of the audit, the chief executive recommends to the holder of the licence measures the holder should take to enable the holder to comply with the Act.
- (2) The chief executive may, by written notice, ask the holder to give the chief executive an audit response report for the audit.
- (3) The notice must state the measures recommended by the approved auditor or chief executive.
- (4) The holder of the licence must give the chief executive the audit response report within 60 days after the holder receives the notice.

Maximum penalty—120 penalty units.

- (5) In this section—

***audit response report***, for an audit conducted for a macropod meat processing licence or a macropod tanning licence, means a report that includes the following information—

- (a) the measures recommended by the approved auditor who conducted the audit, or the chief executive, to enable the holder to comply with the Act;
- (b) the measures that have been adopted in response to the recommendations.



## **Division 3                      Commercial wildlife licence (mobile) for dead macropods**

### **Subdivision 1                Limitation on things authorised by licence**

#### **36            Authorised buying or accepting of dead macropods**

The holder, or a relevant person for the holder, of a commercial wildlife licence (mobile) for dead macropods is authorised to buy or accept, under the licence, only a macropod taken in the State.

### **Subdivision 2                General provisions about carrying out activities under licence**

#### **37            Buying or accepting macropods taken in the State**

(1) The holder, or a relevant person for the holder, of a commercial wildlife licence (mobile) for dead macropods must not buy or accept, under the licence, a macropod taken in the State if—

- (a) the macropod is of a size or weight not authorised to be taken under the Act;<sup>11</sup> or
- (b) the macropod is not tagged in the way required under the Act;<sup>12</sup> or
- (c) the macropod's sex remnant has been removed in a way that contravenes section 114.<sup>13</sup>

Maximum penalty—

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11 See, for example, sections 12 (Size requirement for skin of macropod taken for skin only) and 13 (Weight requirement for carcass of macropod taken for meat only or meat and skin).

12 See part 5 (Macropod tags) and the regulation, sections 423 (Using tags generally) and 424 (Tags not to be used by unauthorised persons).

13 Section 114 (Sex remnant must not be removed from dressed macropod)

- (a) for paragraph (a) or (b)—120 penalty units; or
  - (b) for paragraph (c)—80 penalty units.
- (2) This section does not limit section 134 of the regulation.<sup>14</sup>

### **38 Grading macropods**

- (1) This section applies if the holder, or a relevant person for the holder, of a commercial wildlife licence (mobile) for dead macropods buys or accepts the skin of a macropod that was taken in the State.
- (2) The holder must ensure the skin is graded—
- (a) in the prescribed way; and
  - (b) before the time the holder is required, under subdivision (4), to make an electronic record, or include obtaining particulars in a record and return book, about the skin.

Maximum penalty—80 penalty units.

## **Subdivision 3 Provisions about mobile facility for which licence is granted**

### **39 Identification of mobile facility**

- (1) The holder, or a relevant person for the holder, of a commercial wildlife licence (mobile) must ensure that the identification code for the mobile facility for which the licence is granted is displayed—
- (a) at all times while the holder or relevant person is using the facility for carrying out activities under the licence; and
  - (b) in a prominent position on the facility; and
  - (c) by using letters and numbers at least 10 cm in height.

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<sup>14</sup> Section 134 (Persons from whom holders may buy or accept wildlife) of the regulation.

Maximum penalty—40 penalty units.

- (2) In this section—

*identification code*, for a mobile facility, means the sequence of letters or numbers issued by the chief executive to identify the facility.

#### **40 Installing VMS equipment on mobile facility**

- (1) The chief executive may give the holder of a commercial wildlife licence (mobile) for dead macropods a written notice requiring the holder to install approved VMS equipment on the mobile facility for which the licence is granted.
- (2) The holder must—
- (a) before the mobile facility is used for carrying out activities under the licence, arrange for an approved installer to install the VMS equipment on the facility; and
  - (b) within 24 hours after the equipment is installed, give the chief executive a notice, in the approved form, for the installation.

Maximum penalty—120 penalty units.

- (3) In this section—

*approved installer* means a person approved by the chief executive to install approved VMS equipment on a mobile facility used under the Act.

#### **41 Using VMS equipment on mobile facility**

- (1) This section applies if approved VMS equipment is installed on the mobile facility for which a commercial wildlife licence (mobile) is granted.
- (2) The holder of the licence must ensure the VMS equipment is—
- (a) maintained in a condition that allows it to perform the functions of VMS equipment; and

- (b) used in a way that, at all times, produces a signal allowing the facility's location to be identified.

Maximum penalty—120 penalty units.

- (3) However, subsection (2) does not apply during a period if—
  - (a) either—
    - (i) the facility was incapable of being used during the period; or
    - (ii) the VMS equipment was disconnected from its power source for maintenance for the period and the period lasted not more than 6 hours or a longer period approved by the chief executive; and
  - (b) the holder, or a relevant person for the holder, gives the chief executive a written notice stating the matter mentioned in paragraph (a)(i) or (ii)—
    - (i) if paragraph (a)(i) applies—as soon as practicable after the facility is made incapable of being used during the period; or
    - (ii) if paragraph (a)(ii) applies—before the period starts.
- (4) If the holder, or a relevant person for the holder, gives a notice under subsection (3)(b), the holder or any relevant person for the holder must not use the mobile facility to buy or accept macropods under the licence during the period mentioned in the notice.

Maximum penalty—120 penalty units.

- (5) If the matter mentioned in subsection (3)(a)(i) or (ii) no longer applies, the holder or relevant person may, by written notice, withdraw the notice mentioned in subsection (3)(b).

## **42 Prohibition on buying or accepting macropods from mobile facility if VMS equipment malfunctions**

- (1) This section applies if—
  - (a) approved VMS equipment is installed on the mobile facility for which a commercial wildlife licence (mobile) is granted; and

- (b) the person in charge of the facility becomes aware that the VMS equipment has malfunctioned.
- (2) The person must not, until the malfunction is fixed, buy or accept, or allow another person to buy or accept, macropods that are to be kept in the facility.

Maximum penalty—120 penalty units.

- (3) For subsection (1)(b), a person is taken to be aware of the malfunction if the person receives notice from the chief executive that the equipment is malfunctioning.
- (4) In this section—  
*malfunction*, for VMS equipment, includes—
  - (a) a failure to work at all; and
  - (b) a failure to work in a way so as to perform the functions of VMS equipment.

#### **43 Giving notice of particular activities using mobile facility**

- (1) This section applies if the holder, or a relevant person for the holder, of a commercial wildlife licence (mobile) for macropods intends using the mobile facility for which the licence is granted for carrying out activities under the licence during a week, or a part of a week (a *part week*), during a harvest period.
- (2) The holder must ensure the chief executive is given a written notice for the week or part week.

Maximum penalty—120 penalty units.

- (3) The notice must be given by the Thursday immediately preceding the week or part week for which the notice is given.
- (4) The notice must state the following—
  - (a) the places where the facility will be situated for buying or accepting macropods during the week or part week;
  - (b) the hours of each day during the week or part week for which the facility will be used for buying or accepting macropods;

- (c) the name of the person who will be in charge of the facility;
- (d) any other information stated in the harvest period notice declaring the harvest period as information that must be included in a notice given under this section.

## **Subdivision 4      Records and returns of operations for licence<sup>15</sup>**

### **44      Electronic record of obtaining particulars for Queensland macropods**

- (1) The holder of a commercial wildlife licence (mobile) for dead macropods must ensure an electronic record is made of the obtaining particulars for each Queensland macropod obtained under the licence on or after the electronic record start day.  
Maximum penalty—120 penalty units.
- (2) The holder must ensure the record is complete and accurate.  
Maximum penalty—100 penalty units.
- (3) Subsection (1) does not apply if—
  - (a) the approved electronic record system to be used to make the record is not working on the day on which the record must be made; and
  - (b) the holder, or a relevant person for the holder, has included the obtaining particulars in the record and return book supplied by the chief executive for the licence in the way required under this subdivision.

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<sup>15</sup> See also, part 6 (Electronic records and return of operations relating to electronic records) and the regulation, chapter 4 (General provisions), parts 3 (Provisions about record books) and 4 (Provisions about return of operations).

**45 Information that must be recorded in record and return book**

- (1) The holder of a commercial wildlife licence (mobile) for dead macropods must ensure the obtaining particulars for each macropod obtained under the licence are included in the record and return book supplied by the chief executive for the licence.

Maximum penalty—120 penalty units.

- (2) However, subsection (1) does not apply to obtaining particulars, for the macropod, of which an electronic record has been made.

**46 When obtaining particulars must be recorded**

- (1) This section applies to obtaining particulars, for a macropod obtained under a commercial wildlife licence (mobile) for dead macropods—

- (a) of which an electronic record must be made; or
- (b) that must be included in the record and return book supplied by the chief executive for the licence.

- (2) The holder must ensure the electronic record is made, or the obtaining particulars are included in the record and return book, immediately after the macropod is obtained.

Maximum penalty—120 penalty units.

**47 Giving return of operations electronically in particular circumstances**

- (1) This section applies if a return of operations required, under the Act, to be given to the chief executive by the holder of a commercial wildlife licence (mobile) for dead macropods relates to obtaining particulars, for a macropod obtained under the licence, of which an electronic record has been made.
- (2) The holder must ensure the return is given by electronically communicating it to the nominated return retrieval system.

Maximum penalty—120 penalty units.

**48 When return of operations must be given and the period for which it must be given**

- (1) The holder of a commercial wildlife licence (mobile) for dead macropods required, under the Act, to give a return of operations to the chief executive must ensure a return is given—
- (a) for each return period for the holder; and
  - (b) within the prescribed number of days after the return period for which the return is given ends.

Maximum penalty—120 penalty units.

- (2) Subsection (1) applies even if no relevant event for the return happened during the return period.

**Division 4 Commercial wildlife harvesting licence for macropods**

**Subdivision 1 Restrictions on grant of licence**

**49 Application for licence must be decided under precautionary principle**

The chief executive must decide an application for a commercial wildlife harvesting licence for macropods under the precautionary principle.

**50 Restriction about macropods for which licence may be granted**

The chief executive can not grant a commercial wildlife harvesting licence for a macropod other than a harvest macropod.

**51 Restrictions about persons to whom licence may be granted**

- (1) The chief executive may grant a commercial wildlife harvesting licence for macropods only to an individual.



- (2) The individual must have passed—
  - (a) an approved course of training, other than an approved shooting course, for the licence; and
  - (b) an approved shooting course for the licence within the preceding 12 months.
- (3) Subsection (2)(b) does not apply to an individual who has held a macropod harvesting licence within the preceding 12 months.
- (4) The individual must not hold a recreational wildlife harvesting licence for macropods.

**52 Restriction about places for which licence may be granted**

The chief executive can not grant a commercial wildlife harvesting licence for macropods that allows the holder to take macropods from a State forest under the *Forestry Act 1959*.

**53 Restriction about premises for which licence may be granted**

The chief executive can not grant a commercial wildlife harvesting licence for macropods for licensed premises that are not in the State.

**Subdivision 2 Limitation and extension of things authorised by licence**

**54 Relevant persons not authorised to take macropods under licence**

A relevant person for the holder of a commercial wildlife harvesting licence is not authorised to take a macropod under the licence.

**55 Authorised keeping of dead macropods at alternative storage place**

- (1) The chief executive may give the holder of a commercial wildlife harvesting licence for macropods a written approval (the *alternative storage approval*) stating the holder may keep, for a stated period, dead macropods in storage at a stated place that is not the licensed premises for the licence (the *alternative storage place*).
- (2) The holder may, under the alternative storage approval—
  - (a) keep dead macropods at the alternative storage place for the stated period; and
  - (b) move the macropods from the place where the macropods are stored to the licensed premises for the licence.

**56 Authorised moving of macropods to authorised buyers**

- (1) The holder, or a relevant person for the holder, of a commercial wildlife harvesting licence may move a macropod taken under the licence from the place where the macropod was taken, or the authorised premises for the macropod, to an authorised buyer for the macropod.
- (2) Also, a person who normally lives with the holder may move a macropod from the authorised premises for the macropod to an authorised buyer for the macropod.
- (3) However, if the holder, relevant person, or person who normally lives with the holder, engages a commercial carrier to move the macropod to the authorised buyer, the holder or person must fill in a movement advice complying with section 102 of the regulation, for the movement of the macropod—
  - (a) from the place where the commercial carrier assumes possession of the macropod; and

(b) to the authorised buyer.<sup>16</sup>

Maximum penalty—50 penalty units.

(4) In this section—

*commercial carrier* means a person in the business of moving anything for a commercial purpose.

### **Subdivision 3      Taking macropods from a public place**

#### **57      Application of sdiv 3**

(1) This subdivision applies to the holder of a commercial wildlife harvesting licence for macropods who intends to take macropods from a public place (the *proposed taking place*) for a particular period (the *proposed taking period*).

(2) In this section—

*public place* means a place, or a part of a place, that the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money.

#### **58      Holder must give notice of taking**

(1) The holder must—

(a) at least 1 week before the first day of the proposed taking period, publish a notice complying with subsection (2) in a newspaper or other publication circulating generally throughout the locality in which the proposed taking place is situated; and

(b) give the chief executive a copy of the notice before the proposed taking period starts.

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<sup>16</sup> Section 102 (Requirements for movement advice) of the regulation.

See also chapter 3 (Conservation of wildlife and habitat), part 1 (Preliminary), division 2 (Requirements that apply to all persons taking, keeping or using wildlife under the Act), subdivision 3 (Provisions about movement advices) of the regulation for other requirements about movement advices.

Maximum penalty—80 penalty units.

- (2) The notice must state the prescribed taking particulars for the holder.

## 59 Holder must display sign for the taking

- (1) The holder must ensure a prescribed sign that is easily visible to passers-by is displayed at or near each entrance to the proposed taking place for the period—
  - (a) starting on a day at least 1 week before the start of the proposed taking period; and
  - (b) ending at the end of the last day of the proposed taking period.

Maximum penalty—80 penalty units.

- (2) In this section—

***prescribed material*** means ink, paint or an adhesive material that is durable and weatherproof.

***prescribed sign*** means a sign that—

- (a) is rectangular with dimensions of at least 420 mm and 297 mm; and
- (b) is made of material that is durable and weatherproof; and
- (c) has written on it, in bold and in a clear and legible way, and by using a prescribed material—
  - (i) the word ‘warning’ at the top and in capital letters with a height of at least 30 mm; and
  - (ii) the prescribed taking particulars for the holder, with a height of at least 25 mm.

**60 Limitation on time when taking may take place during proposed taking period**

The holder must not take macropods from the proposed taking place other than within the hours between midnight on a day and 4 a.m. on the following day.

Maximum penalty—80 penalty units.

**61 Approval and supervisor required for particular places**

(1) The chief executive or the land-holder of the land that is, or is a part of, the proposed taking place may give the holder a written notice stating that it is not feasible for the public to be excluded from the proposed taking place while the holder takes macropods from the place.

(2) If the holder is given a notice under subsection (1), the holder must not take macropods from the place unless—

(a) the holder has written approval to take macropods from the place, from the police officer in charge of the police station nearest the place; and

(b) a prescribed person is supervising the holder's activities.

Maximum penalty—80 penalty units.

(3) In this section—

***prescribed person*** means—

(a) a police officer; or

(b) an employee of a local government who is—

(i) uniformed; and

(ii) approved by the local government to supervise the holder's activities; or

(c) a person who holds an appropriate licence under the *Security Providers Act 1993* to carry out the functions of a security officer under that Act.<sup>17</sup>

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17 See the *Security Providers Act 1993*, section 3 (Definitions), definition *appropriate licence* and section 7 (Who is a security officer).

## **Subdivision 4      Dealing with macropods taken under licence**

### **62      Application of sdiv 4**

This subdivision applies if the holder of a commercial wildlife harvesting licence for macropods takes a macropod under the licence.

### **63      Macropod must be dressed before moved**

- (1) The holder, or a relevant person for the holder, must dress the macropod before the macropod is moved from the land from which it was taken.

Maximum penalty—80 penalty units.

- (2) Also, if the macropod was taken for its skin only or both its meat and skin, the holder or relevant person must dress the macropod in a way that ensures enough of the following is securely attached to the skin of the macropod to enable the gender of the macropod to be identified—

- (a) for a male macropod taken for its skin only—the macropod’s penile sheath or scrotal stalk;
- (b) for a male macropod taken for both its meat and skin—the macropod’s scrotal stalk;
- (c) for a female macropod—the macropod’s urogenital opening.<sup>18</sup>

Maximum penalty—80 penalty units.

### **64      Macropod must be tagged after dressed**

- (1) The holder must attach a macropod tag to the macropod, in a way that complies with part 5, division 1,<sup>19</sup> immediately after the macropod is dressed.

Maximum penalty—120 penalty units.

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18 See also section 114 (Sex remnant must not be removed from dressed macropod).

19 Part 5 (Macropod tags), division 1 (Attaching tags)

- (2) If the holder takes a macropod for its meat only, after the macropod has been consumed or otherwise disposed of under the licence, the holder must send the macropod tag to the chief executive with the next return of operations required, under the Act, to be given to the chief executive by the holder.

Maximum penalty—50 penalty units.

### **65 Dealing with unused parts of macropod**

- (1) The holder must ensure the unused parts of the macropod, after it has been dressed are not left on—
- (a) public land; or
  - (b) a place that is visible from a road.

Maximum penalty—40 penalty units.

- (2) Also, if the holder, or a relevant person for the holder, disposes of the unused parts on land other than public land, the holder must ensure the unused parts are disposed of in a responsible way, and in doing so, having regard to any specific requirements of the land-holder of the land.

Maximum penalty—40 penalty units.

### **66 Selling or giving away macropods taken under licence generally**

- (1) Unless the holder keeps the macropod under subsection (2), the holder must sell or give the macropod to the holder, or a relevant person for the holder, of—
- (a) a commercial wildlife licence for dead macropods, the licensed premises for which are in the State; or
  - (b) a commercial wildlife licence (mobile) for dead macropods.

Maximum penalty—120 penalty units.

- (2) The holder of a commercial wildlife harvesting licence may keep, for the holder's personal use, up to 50 macropods taken during a harvest period.
- (3) This section does not apply to an unused part of a macropod.

**67 Prohibition on selling or giving away macropods after particular day**

The holder must not sell or give away the macropod after—

- (a) the day the harvest period in which the macropod was taken ends; or
- (b) if the harvest period notice for the harvest period in which the macropod was taken states a later day for selling or giving away the macropod—the later day.

Maximum penalty—20 penalty units.

**Subdivision 5 Record and return books and returns of operations<sup>20</sup>**

**68 Definition for sdiv 5**

In this subdivision—

*relevant person*, for the holder of a commercial wildlife harvesting licence for macropods, includes a person who normally lives with the holder.

**69 Electronic records of relevant record particulars for Queensland macropods**

- (1) The holder of a commercial wildlife harvesting licence for macropods must ensure an electronic record is made for the relevant record particulars for each Queensland macropod obtained or disposed of under the licence on or after the electronic record start day.

Maximum penalty—120 penalty units.

- (2) The holder must ensure the record is complete and accurate.

Maximum penalty—100 penalty units.

- (3) Subsection (1) does not apply if—

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<sup>20</sup> See also, part 6 (Electronic records and return of operations relating to electronic records) and the regulation, chapter 4 (General provisions), parts 3 (Provisions about record books) and 4 (Provisions about return of operations).



- (a) the approved electronic record system to be used to make the record is not working on the day on which the record must be made; and
- (b) the holder, or another person acting for the holder, has included the obtaining particulars in the record and return book supplied by the chief executive for the licence in the way required under this subdivision.

## **70 Other persons may keep record and return book and give returns for holder**

- (1) The chief executive may give the holder of a commercial wildlife harvesting licence for macropods a written approval stating a person stated in the approval may—
  - (a) keep the record and return book required, under the Act, to be kept by the holder; or
  - (b) give, for the holder, returns of operations required, under the Act, to be given to the chief executive.
- (2) A holder to whom a notice has been given under subsection (1) may ask the person stated in the approval to—
  - (a) keep the record and return book for the holder; and
  - (b) give returns of operations to the chief executive for the holder.<sup>21</sup>
- (3) For subsection (1), the chief executive may give the approval only if the chief executive is satisfied the holder is illiterate or is otherwise unable to keep the record and return book or give the returns.

## **71 Where record and return book must be kept—holders or relevant persons**

- (1) This section applies if the holder, or a relevant person for the holder, of a commercial wildlife harvesting licence for macropods keeps the record and return book supplied by the chief executive for the licence.

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<sup>21</sup> See sections 212 (Requirement to keep record book) and 213 (Requirement to give return of operations) of the regulation.

- (2) The holder or relevant person must ensure the record and return book is kept—
- (a) for a period during which the holder is carrying out activities under the licence—in a secure way in the holder’s possession; or
  - (b) for another period—at the licensed premises for the licence.

Maximum penalty—120 penalty units.

## **72 Where record and return book must be kept—other persons**

- (1) This section—
- (a) applies if a person stated in an approval mentioned in section 70 keeps, for the holder of a commercial wildlife harvesting licence for macropods, the record and return book supplied by the chief executive for the licence; and
  - (b) states, for section 444(1)(a)(v) of the regulation, the place where the person must keep the record and return book for the holder.<sup>22</sup>
- (2) The person must keep the record and return book at the place stated in the approval.

## **73 Information that must be recorded in record and return book**

- (1) The holder of a commercial wildlife harvesting licence for macropods must ensure the relevant record particulars for each macropod obtained or disposed of under the licence are included in the record and return book supplied by the chief executive for the licence.

Maximum penalty—120 penalty units.

- (2) However, subsection (1) does not apply to relevant record particulars, for the macropod, of which an electronic record has been made.

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<sup>22</sup> Section 444 (Where and for how long record book must be kept) of the regulation

**74 When record particulars must be recorded—electronic records**

- (1) This section applies to relevant record particulars, for a macropod obtained or disposed of under a commercial wildlife harvesting licence for macropods, of which an electronic record must be made.
- (2) The holder of the licence must ensure the electronic record is made no later than—
  - (a) if the electronic record relates to the obtaining particulars for the macropod—when the earlier of the following happens—
    - (i) 24 hours after the macropod was taken has passed;
    - (ii) the holder sells, gives away, or moves the macropod to another person; or
  - (b) if the electronic record relates to the disposing particulars for the macropod—immediately after the holder sells, gives away, or moves the macropod to another person.

Maximum penalty—120 penalty units.

**75 When record particulars must be recorded—record and return book**

- (1) This section applies to relevant record particulars, for a macropod obtained or disposed of under a commercial wildlife harvesting licence for macropods, that must be included in the record and return book supplied by the chief executive for the licence.
- (2) The holder of the licence must ensure the relevant record particulars are included no later than—
  - (a) if the holder or a relevant person for the holder keeps, under the Act, the record and return book—
    - (i) for the obtaining particulars for a macropod obtained under the licence—when the earlier of the following happens—

- (A) 24 hours after the macropod was taken has passed;
- (B) the holder sells, gives away, or moves the macropod to another person; or
- (ii) for the disposing particulars for a macropod disposed of under the licence—immediately after the holder sells, gives away, or moves the macropod to another person; or
- (b) if a person stated in an approval mentioned in section 70 keeps, under the Act, the record and return book—
  - (i) for the obtaining particulars for a macropod obtained under the licence—before 48 hours after the macropod was taken under the licence has passed; or
  - (ii) for the disposing particulars for a macropod disposed of under the licence—immediately after the holder sells, gives away, or moves the macropod to another person.

Maximum penalty—120 penalty units.

## **76 Giving return of operations electronically in particular circumstances**

- (1) This section applies if a return of operations required, under the Act, to be given to the chief executive by the holder of a commercial wildlife harvesting licence for macropods relates to relevant record particulars, for a macropod obtained or disposed of under the licence, of which an electronic record has been made.
- (2) The holder must ensure the return is given by electronically communicating it to the nominated return retrieval system.

Maximum penalty—120 penalty units.

**77 When return of operations must be given and the period for which it must be given**

- (1) The holder of a commercial wildlife harvesting licence for macropods required, under the Act, to give a return of operations to the chief executive, must ensure a return is given—
- (a) for each month of a harvest period; and
  - (b) within 14 days after each month of the harvest period ends.<sup>23</sup>

Maximum penalty—120 penalty units.

- (2) Subsection (1) applies even if no relevant event for the return happened during the month.

**Division 5 Recreational wildlife harvesting licence for macropods**

**Subdivision 1 Restrictions on grant of licence**

**78 Application for licence must be decided under precautionary principle**

The chief executive must decide an application for a recreational wildlife harvesting licence for macropods under the precautionary principle.

**79 Restriction about macropods for which licence may be granted**

The chief executive can not grant a recreational wildlife harvesting licence for a macropod other than a harvest macropod.

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<sup>23</sup> See section 213 (Requirement to give return of operations) of the regulation.

**80 Restrictions about persons to whom licence may be granted**

- (1) The chief executive may grant a recreational wildlife harvesting licence for macropods only to an individual.
- (2) The individual must have passed—
  - (a) an approved course of training, other than an approved shooting course, for the licence; and
  - (b) an approved shooting course for the licence within the preceding 12 months.
- (3) Subsection (2)(b) does not apply to an individual who has held a macropod harvesting licence within the preceding 12 months.
- (4) The individual must not hold a commercial wildlife harvesting licence for macropods.

**81 Restriction about places for which licence may be granted**

The chief executive can not grant a recreational wildlife harvesting licence for macropods that allows the holder to take macropods from a State forest under the *Forestry Act 1959*.

**82 Restriction about premises for which licence may be granted**

The chief executive can not grant a recreational wildlife harvesting licence for macropods for licensed premises that are not in the State.

**Subdivision 2 Limitations on and extensions of things authorised by licence**

**83 Authorised moving of macropods to place of processing**

- (1) This section applies to the holder of a recreational wildlife harvesting licence for macropods who—

- (a) takes a macropod under the licence; and
- (b) intends to—
  - (i) give the macropod to the holder of a macropod taxidermist licence or macropod tanning licence for processing; and
  - (ii) reclaim the macropod, or the skin of the macropod, after it has been processed.
- (2) The holder may, without a wildlife movement permit, move the macropod, or its skin, to and from the licensed premises for the macropod taxidermist licence or macropod tanning licence.
- (3) However, the holder must fill in a movement advice complying with section 102 of the regulation, for the movement.<sup>24</sup>

Maximum penalty—50 penalty units.
- (4) In this section—

*process*, a macropod, includes to stuff and mount the macropod in a lifelike form.

### **Subdivision 3 Carrying out activities under licence**

#### **84 Limit on number of macropods that may be taken, kept or used under licence**

The holder of a recreational wildlife harvesting licence for macropods must not take, keep or use more than 50 macropods during a harvest period for the macropods.

Maximum penalty—165 penalty units.

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24 Section 102 (Requirements for movement advice) of the regulation

See also chapter 3 (Conservation of wildlife and habitat), part 1 (Preliminary), division 2 (Requirements that apply to all persons taking, keeping or using wildlife under the Act), subdivision 3 (Provisions about movement advices) of the regulation for other requirements about movement advices.

### **85 Macropod must be dressed before moved**

- (1) This section applies if the holder of a recreational wildlife harvesting licence for macropods takes a macropod under the licence.
- (2) The holder, or a relevant person for the holder, must dress the macropod before the macropod is moved from the land from which it was taken.

Maximum penalty—80 penalty units.

### **86 Macropod must be tagged after dressed**

- (1) This section applies if the holder of a recreational wildlife harvesting licence for macropods takes a macropod under the licence.
- (2) The holder must attach a macropod tag to the macropod, in a way that complies with part 5, division 1,<sup>25</sup> immediately after the macropod is dressed.

Maximum penalty—120 penalty units.

- (3) After the macropod has been processed, consumed, or otherwise disposed of under the licence, the holder must send the macropod tag to the chief executive with the next return of operations required, under the Act, to be given to the chief executive by the holder.

Maximum penalty—50 penalty units.

### **87 Dealing with unused parts of macropod**

- (1) This section applies if the holder of a recreational wildlife harvesting licence for macropods takes a macropod under the licence.
- (2) The holder must ensure the unused parts of the macropod, after it has been dressed are not left on—
  - (a) public land; or
  - (b) a place that is visible from a road.

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<sup>25</sup> Part 5 (Macropod tags), division 1 (Attaching tags)



Maximum penalty—40 penalty units.

- (3) Also, if the holder, or a relevant person for the holder, disposes of the unused parts on land other than public land, the holder must ensure the unused parts are disposed of in a responsible way, and in doing so, having regard to any specific requirements of the land-holder of the land.

Maximum penalty—40 penalty units.

## **88 When return of operations must be given and the period for which it must be given**

- (1) The holder of a recreational wildlife harvesting licence for macropods required, under the Act, to give a return of operations to the chief executive must ensure a return is given—
- (a) for each month of a harvest period; and
  - (b) within 14 days after each month of the harvest period ends.<sup>26</sup>

Maximum penalty—120 penalty units.

- (2) Subsection (1) applies even if no relevant event for the return happened during the month.<sup>27</sup>

## **Division 6 Damage mitigation permit for macropods**

### **89 Application for permit must be decided under precautionary principle**

The chief executive must decide an application for a damage mitigation permit for macropods under the precautionary principle.

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<sup>26</sup> See section 222 (Requirement to give return of operations) of the regulation.

<sup>27</sup> See also chapter 4 (General provisions), part 4 (Provisions about return of operations) of the regulation.

**90 Restriction on grant of permit for harvest macropods if quota met**

- (1) The chief executive can not grant a damage mitigation permit for a harvest macropod in a calendar year after the total permit number for the macropod for the year has reached 1% of the estimated population size for the macropod.
- (2) In this section—

*estimated population size*, for a harvest macropod, means the population size estimated by the chief executive for the macropod.

*total permit number*, for a harvest macropod for a calendar year, means the total number of macropods of the same species for which damage mitigation permits have been issued or given under the regulation in the year.

**Division 7 Educational purposes permit for macropods**

**91 Restriction on grant of permit**

- (1) The chief executive must not grant an educational purposes permit for a macropod unless the chief executive imposes a condition on the permit about what the holder of the permit must do with the macropod, or any progeny of the macropod, after the activities for which the permit is granted have ended.
- (2) The chief executive must write the condition on the permit.<sup>28</sup>

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28 See section 6 (Compliance with conditions) of the regulation.

## **Division 8                    Scientific purposes permit for    macropods**

### **Subdivision 1            Restrictions on grant of permit**

#### **92            Restriction on grant of permit**

- (1) The chief executive must not grant a scientific purposes permit for a macropod unless the chief executive imposes a condition on the permit about what the holder of the permit must do with the macropod, or any progeny of the macropod, after the activities for which the permit is granted have ended.
- (2) The chief executive must write the condition on the permit.<sup>29</sup>

### **Subdivision 2            Limitation on things authorised by    permit**

#### **93            Processing for commercial purpose not authorised**

The holder, or a relevant person for the holder, of a scientific purposes permit for macropods is not authorised, under the permit, to process macropods for a commercial purpose.

## **Part 5                        Macropod tags**

### **Division 1                    Attaching tags**

#### **94            Application and purpose of div 1**

This division—

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<sup>29</sup> See section 6 (Compliance with conditions) of the regulations.

- (a) applies to the holder of a macropod harvesting licence; and
- (b) states the requirements about attaching macropod tags to macropods taken under the licence.<sup>30</sup>

## **95 Order in which tags must be attached**

Macropod tags attached to macropods taken under a macropod harvesting licence must be attached in increasing numerical order by reference to the numbers forming part of the identification codes for the tags supplied by the chief executive to the holder of the licence.

## **96 Way tag must be attached**

- (1) A macropod tag must be attached to a macropod by—
  - (a) threading the arrow-tip of the tag through the skin of the macropod; and
  - (b) inserting the arrow tip of the tag into the socket at the other end of the tag; and
  - (c) pressing the arrow-tip into the socket until the arrow-tip securely locks into the socket.
- (2) Also, if the macropod tag is attached to a macropod taken for both its meat and skin, the tag must be attached in a way that ensures the skin of the macropod may be removed without removing the tag from the skin.

## **97 Where tag must be attached—macropods taken for skin only**

- (1) This section applies if a macropod tag is to be attached to a macropod taken for its skin only.
- (2) The tag must be attached, through the skin of the macropod—
  - (a) for a male macropod—

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<sup>30</sup> See sections 64 (Macropod must be tagged after dressed) and 86 (Macropod must be tagged after dressed).

- (i) as close as possible to the macropod's penile sheath or to the macropod's scrotal stalk; and
  - (ii) in a way that enables the gender of the macropod to be identified; or
- (b) for a female macropod—to the macropod's neck.

**98 Where tag must be attached—macropods taken for meat only**

- (1) This section applies if a macropod tag is to be attached to a macropod taken for its meat only.
- (2) The tag must be attached to an ear that—
  - (a) has been removed from the macropod; but
  - (b) is kept with the carcass of the macropod.

**99 Where tag must be attached—macropods taken for meat and skin**

- (1) This section applies if a macropod tag is to be attached to a macropod taken for both its meat and skin.
- (2) The tag must be attached, through the skin of the macropod—
  - (a) for a male macropod—
    - (i) as close as possible to the macropod's penile sheath or to the macropod's scrotal stalk; and
    - (ii) in a way that enables the gender of the macropod to be identified; or
  - (b) for a female macropod—to the macropod's neck or butt.

## **Division 2 Removing tags**

**100 When tag attached to macropod may be removed—Queensland commercial macropods**

- (1) This section states—

- (a) the persons who may remove a tag that is attached to the skin of a Queensland commercial macropod; and
  - (b) the circumstances in which the persons may remove the tag.<sup>31</sup>
- (2) Only the holder, or a relevant person for the holder, of a macropod tanning licence may remove the tag.
- (3) However, the holder or relevant person may remove the tag only if the holder or relevant person intends to flesh the skin of the macropod immediately after the tag is removed.

### 101 **When tag attached to macropod may be removed—other Queensland macropods**

- (1) This section states—
- (a) the persons who may remove a tag that is attached to the skin of a Queensland macropod other than a Queensland commercial macropod; and
  - (b) the circumstances in which the persons may remove the tag.<sup>32</sup>
- (2) Only the following persons may remove the tag (the *permitted remover*)—
- (a) the holder of the macropod harvesting licence under which the macropod was taken;
  - (b) the holder, or a relevant person for the holder, of a macropod taxidermist licence or macropod tanning licence.
- (3) However, the permitted remover may remove the tag only if—
- (a) for a macropod taken for its meat only—the holder of the macropod harvesting licence under which the macropod was taken intends to send the tag to the chief executive immediately after the tag is removed;<sup>33</sup> or

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31 See section 425 (Interfering with tags) of the regulation.

32 See section 425 (Interfering with tags) of the regulation.

33 See sections 64(2) (Macropod must be tagged after dressed) and 86(3) (Macropod must be tagged after dressed).

- (b) for another macropod—the permitted remover intends to process the macropod, or the skin of the macropod, immediately after the tag is removed.
- (4) In this section—  
*process*, a macropod, includes to stuff and mount the macropod in a lifelike form.

## **102 When tag attached to macropod may be removed—imported macropods**

- (1) This section states—
  - (a) the persons who may remove a tag that is attached to an imported macropod that has been brought into the State; and
  - (b) the circumstances in which the persons may remove the tag.<sup>34</sup>
- (2) Only the holder, or a relevant person for the holder, of a macropod tanning licence may remove the tag.
- (3) However, the holder or relevant person may remove the tag only if the holder or relevant person intends to flesh the skin of the macropod immediately after the tag is removed.

## **Division 3 Identification requirements for possessing tags**

### **103 Identification requirement if possessing tags**

- (1) This section applies to the holder, or a relevant person for the holder, of a relevant authority for macropods who possesses a tag for macropods.
- (2) The holder or relevant person must, while possessing the tag—
  - (a) if the person is the holder of a relevant authority—carry the authority or a copy of the authority; or

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<sup>34</sup> See section 425 (Interfering with tags) of the regulation.

- (b) if the person is acting for the holder of a relevant authority—carry—
  - (i) a copy of the authority endorsed by the holder of the authority with the person's name and residential address; and
  - (ii) a form of identification that shows a recent colour photograph of the person.

Maximum penalty—50 penalty units.

#### **104 Particular persons must produce identification**

- (1) This section applies to a person who is required to carry a form of identification that shows a colour photograph of the person under section 103.
- (2) If asked by a conservation officer, the person must, unless the person has a reasonable excuse, produce the identification for inspection by the officer.

Maximum penalty—20 penalty units.

### **Division 4 Macropod tags not transferrable**

#### **105 Macropod tag not transferrable**

A macropod tag can not be transferred.

### **Part 6 Electronic records and return of operations relating to electronic records**

#### **106 Definition for pt 6**

In this part—



**relevant person**, for the holder of a commercial wildlife harvesting licence for macropods, includes—

- (a) a person who normally lives with the holder; and
- (b) if the chief executive has given the holder an approval mentioned in section 70—a person stated in the approval.<sup>35</sup>

### **107 Keeping copy of electronic record**

- (1) This section applies if the holder, or a relevant person for the holder, of a prescribed relevant authority makes, under the Act, an electronic record for the authority.
- (2) The holder must keep a copy of the record for at least 12 months after the day to which the record relates.

Maximum penalty—120 penalty units.

### **108 Making copy available for inspection**

- (1) This section applies to the holder of a prescribed relevant authority required, under section 107, to keep a copy of an electronic record for the authority.
- (2) The holder must, if asked by a conservation officer, make the copy available for inspection by the officer.

Maximum penalty—120 penalty units.

### **109 Notifying chief executive of loss etc.**

- (1) This section applies if—
  - (a) the holder of a prescribed relevant authority keeps, under section 107, a copy of an electronic record for the authority; and
  - (b) the copy is stolen, lost, destroyed or damaged.

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<sup>35</sup> Section 70 (Other persons may keep record and return book and give returns for holder).

- (2) The holder must, immediately after becoming aware of the theft, loss, destruction or damage, give the chief executive a written notice stating the copy has been stolen, lost, destroyed or damaged.

Maximum penalty—120 penalty units.

**110 Persons must not destroy, damage or modify copies of electronic records**

- (1) A person must not destroy, damage or modify a copy of an electronic record for a prescribed relevant authority.

Maximum penalty—120 penalty units.

- (2) In this section—

*modify*, a copy of an electronic record, means to cover, erase or otherwise modify an entry in the copy.

**111 Period for which copy of electronic return of operations must be kept**

- (1) This section—

(a) applies if the holder, or a relevant person for the holder, of a prescribed relevant authority has given a return of operations, required to be given to the chief executive under the Act, by electronically communicating the return to the nominated return retrieval system; and

(b) states, for section 473 of the regulation, the period for which a copy of the return must be kept.<sup>36</sup>

- (2) The holder must keep a copy of the return for 12 months after the day on which the return was given.

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36 Section 473 (Period for which particular documents must be kept) of the regulation.

## Part 7 Processed products

### 112 Purpose of pt 7

The purpose of this part is to declare particular products made or derived from particular macropods as processed products that are not included in the definition of *protected animal*.

### 113 Processed products made or derived from macropods

- (1) For the Act, schedule, definition *protected animal*, paragraph (b), the following products are a processed product that is not included in the definition—
  - (a) a processed product mentioned in schedule 1;
  - (b) a product mentioned in paragraph (a) that has been unpacked;
  - (c) a product made or derived from a product mentioned in paragraph (a).
- (2) However, a processed product mentioned in subsection (1) ceases to be a processed product if—
  - (a) the macropod from which the product was made or derived is included in the list of threatened species established under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth);<sup>37</sup> and
  - (b) the product is sold or given to a person other than the chief executive.<sup>38</sup>
- (3) In this section—

*unpack*, in relation to a product, does not include removing a mark, label, tag or other thing that has been directly placed on, or attached to, the product.

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<sup>37</sup> See the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), section 178 (Listing of threatened species).

<sup>38</sup> See also section 408 (Conservation officer may ask for evidence of source used) of the regulation.



- (d) to the holder of a recreational wildlife harvesting licence who removes a sex remnant from a macropod taken under the licence.<sup>40</sup>

## 115 Conservation value for harvest macropods

For section 95(1)<sup>41</sup> of the Act, the conservation value for a harvest macropod is nil.

## 116 Amendment of plan

An amendment of any of the following types may be made to this plan by amendment under section 124(2)(c)<sup>42</sup> of the Act—

- (a) an amendment of a provision in part 5, division 1, or an amendment to include a new provision in part 5, division 1;<sup>43</sup>
- (b) an amendment of schedule 2, definition *prescribed way*;
- (c) an amendment of schedule 2, definition *serious offence*;
- (d) an amendment about—
  - (i) a record and return book required to be kept under the Act for a licence, permit or other authority for macropods; or
  - (ii) a return of operations required, under the Act, to be given to the chief executive for a licence, permit or other authority for macropods.

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40 For holders of a recreational wildlife harvesting licence, see also section 85 (Macropod must be dressed before moved).

41 Section 95 (Payment of conservation value) of the Act

42 Section 124 (Amendment of plans) of the Act

43 Part 5 (Macropod tags), division 1 (Attaching tags)

**117 Declaration of relevant document for use as extrinsic material**

The Queensland wildlife trade management plan for macropods is a relevant document for the purposes of the *Statutory Instruments Act 1992*, section 15.<sup>44</sup>

## **Part 9 Repeal provision**

**118 Repeal**

The *Nature Conservation (Macropod Harvesting) Conservation Plan 1994* is repealed.

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<sup>44</sup> *Statutory Instruments Act 1992* section 15 (Modified application—s 14B)

## **Schedule 1      Processed products**

section 113

### **Part 1                      Processed products made or derived from Queensland macropods**

#### **1            Meat or carcass of Queensland commercial macropod**

The meat or skinned carcass of a dead Queensland commercial macropod if—

- (a) the meat or carcass has been processed by the holder, or a relevant person for the holder, of a macropod meat processing licence; and
- (b) the way the meat or carcass is packed complies with the requirements about packing the carcass under the *Food Production (Safety) Act 2000*.

#### **2            Skin of Queensland macropod**

- (1) The skin, other than tail skin, of a dead Queensland macropod if the skin has been processed by the holder, or a relevant person for the holder, of a macropod tanning licence.
- (2) The skin of a dead Queensland macropod obtained from another State if the skin was—
  - (a) lawfully processed at a commercial tannery in the State from which it was obtained; and
  - (b) lawfully moved into the State.

#### **3            Other products made or derived from Queensland macropod**

A bone, claw, ligament, paw, penis, scrotum, tail meat, tail skin or tendon of a dead Queensland macropod if the bone, claw, ligament, paw, penis, scrotum, tendon, meat or skin—

### Schedule 1 (continued)

- (a) has been packed by the holder, or a relevant person for the holder, of a macropod meat processing licence, and is in a sealed container with a prescribed processor label attached to it; or
- (b) has been packed by the holder of a commercial wildlife harvesting licence for macropods who took the macropod under the licence, and is in a sealed container with a prescribed harvester label attached to it.

## **Part 2                      Processed products made or    derived from imported    macropods**

### **4                      Meat or carcass of imported macropod**

The meat or skinned carcass of a dead imported macropod if the meat or carcass—

- (a) is packed in a way that complies with the applicable law, if any, of the State from which it was obtained; and
- (b) was lawfully moved into the State.

### **5                      Skin of imported macropod**

The skin of a dead imported macropod if the skin was—

- (a) lawfully processed at a commercial tannery in the State from which it was obtained; and
- (b) lawfully moved into the State.

### **6                      Other products made or derived from imported macropod**

A bone, claw, ligament, paw, scrotum, tail meat, tail skin or tendon of a dead imported macropod if the bone, claw, ligament, paw, scrotum, tendon, meat or skin—



**Schedule 1 (continued)**

- (a) was packed by the holder, or a relevant person for the holder, of a macropod meat processing licence; and
- (b) is in a sealed container with a prescribed processor label attached to it.

## Schedule 2      Dictionary

section 5(1)

***alternative storage approval***, for a commercial wildlife licence for dead macropods, see section 22(1).

***alternative storage place***, for a commercial wildlife licence for dead macropods, see section 22(1).

***approved auditor*** see section 33(2)(a).

***approved course of training***, for a macropod harvesting licence, means a course of training approved by the chief executive for the licence.

***approved electronic record system*** means a system approved by the chief executive for making records, in electronic form, of information about macropods to which a macropod tag is attached.

***approved shooting course***, for a macropod harvesting licence, means an approved course of training about shooting.

***approved VMS equipment*** means equipment that is—

- (a) used as part of a system that monitors the position and operation of a mobile facility; and
- (b) approved by the chief executive for attaching to mobile facilities used under the Act.

***audit report***, for an audit conducted for a macropod meat processing licence or macropod tanning licence, means a report that includes the following information—

- (a) details of the licence for which the audit is conducted, including, for example, the address of the licensed premises for the licence;
- (b) the name of the approved auditor conducting the audit;
- (c) the day the audit started and the day the audit ended;
- (d) the total number of hours over which the audit was conducted;

### Schedule 2 (continued)

- (e) details of the following inspected by the auditor—
  - (i) relevant records for the licence;
  - (ii) macropods;
  - (iii) macropod tags;
- (f) whether or not the auditor is satisfied the records, macropods and macropod tags show that the holder of the licence is complying with the Act;
- (g) the reasons the auditor is satisfied or not satisfied under paragraph (f);
- (h) if the auditor is not satisfied under paragraph (f)—any measures that the auditor recommends the holder may adopt to enable the holder to comply with the Act.

**commercial purpose**, see section 94 of the regulation.

**compliance audit**, for a macropod meat processing licence or macropod tanning licence, means an audit of all the relevant records for the licence to check whether the holder of the licence is complying with the Act.

**disposing particulars**, for a macropod disposed of under a commercial wildlife harvesting licence for macropods, means each of the following—

- (a) the particulars of the macropod;
- (b) the particulars of the transaction under which the macropod was disposed of under the licence.

**dress**, a macropod—

- (a) means—
  - (i) to skin the macropod; or
  - (ii) to remove the head, paws, tail or an internal organ of the macropod; and
- (b) does not include to process the macropod.

**electronic record** means a record made—

- (a) in electronic form; and

## Schedule 2 (continued)

(b) by using the approved electronic record system.

***electronic record start day*** means the day stated in an electronic record system start notice as the day on or after which each holder of a prescribed relevant authority must make an electronic record of the relevant record particulars for each Queensland macropod obtained or disposed of under the authority.

***electronic record system start notice*** means a notice—

- (a) published by the chief executive; and
- (b) stating that, on or after a stated day not less than 6 months after the day the notice is published, each holder of a prescribed relevant authority must make an electronic record of the obtaining or disposing particulars for each Queensland macropod obtained or disposed of under the authority.

***flesh***, the skin of a macropod, means to mechanically remove, from the skin, the subcutaneous layer of flesh or tissue under the skin.

***harvest period***, for a macropod, means a harvest period declared under section 10 for the macropod.

***harvest period notice*** see section 10(1).

***imported macropod*** means a macropod that was lawfully taken in a place outside the State.

***macropod harvesting licence*** means—

- (a) a commercial wildlife harvesting licence for macropods;  
or
- (b) a recreational wildlife harvesting licence for macropods.

***macropod meat processing licence*** means a commercial wildlife licence for dead macropods with the words ‘meat processing’ written on it.

***macropod tag*** means a tag that—

- (a) is supplied by the chief executive for attaching to a macropod; and

### Schedule 2 (continued)

- (b) has—
- (i) at one end, an arrow-tip for insertion into the macropod; and
  - (ii) at the other end, a socket into which the arrow-tip may be pressed and locked; and
- (c) has a barcode on it.

***macropod tanning licence*** means a commercial wildlife licence for dead macropods with the word ‘tanning’ written on it.

***macropod taxidermist licence*** means a commercial wildlife licence for dead macropods, the licensed premises for which are premises at which taxidermy is carried out.

***meat*** means the flesh and offal of a macropod.

***obtaining particulars***, for a macropod obtained under a prescribed relevant authority, means—

- (a) for a commercial wildlife licence for dead macropods or commercial wildlife licence (mobile) for dead macropods—each of the following—
  - (i) the particulars of the macropod;
  - (ii) the particulars of the transaction under which the macropod was obtained under the licence; or
- (b) for a commercial wildlife harvesting licence for macropods—each of the following—
  - (i) the particulars of the macropod;
  - (ii) the date on which, and place from where, the macropod was taken under the licence.

***particulars***, of a macropod, include the identification code for any tag attached to the macropod.

***penalty unit***, under a law of another State, means penalty unit as applying for that law.

***precautionary principle*** means the principle that, if there are threats of serious or irreversible environmental damage, lack

### Schedule 2 (continued)

of full scientific certainty must not be used as a reason for postponing measures to prevent threatening processes.

***prescribed harvester label***, for a macropod taken under a commercial wildlife harvesting licence for macropods, means a label with the following information written on it—

- (a) the licence number for the licence;
- (b) the date the macropod was taken;
- (c) the place from which the macropod was taken;
- (d) the identification code of the tag that was attached to the macropod after it was taken;
- (e) any other details required to be stated on the label under the harvest period notice for the harvest period in which the macropod was taken.

***prescribed number***, for a return period for the holder of a commercial wildlife licence for dead macropods or a commercial wildlife licence (mobile) for dead macropods, means—

- (a) if the return period is a week in a harvest period—7; or
- (b) if paragraph (a) does not apply—14.

***prescribed processor label***, for a macropod meat processing licence, means a label with the licence number for the licence written on it.

***prescribed relevant authority*** means 1 of the following—

- (a) a commercial wildlife licence for dead macropods;
- (b) a commercial wildlife licence (mobile) for dead macropods;
- (c) a commercial wildlife harvesting licence for macropods.

***prescribed taking particulars***, for the holder of a commercial wildlife harvesting licence for macropods, means the following—

### Schedule 2 (continued)

- (a) the name and contact details of a person nominated by the holder to deal with enquiries about the holder's activities at the proposed taking place;
- (b) the proposed taking period;
- (c) the times within which the holder intends to take macropods from the proposed taking place for each day of the proposed taking period.

***prescribed way***, for grading the skin of a macropod, means to grade the skin—

- (a) for the skin of a whiptail wallaby—
  - (i) if the skin has an area of less than 0.46 m<sup>2</sup>—as medium; or
  - (ii) if the skin has an area of 0.46 m<sup>2</sup> or more—as large; or
- (b) for the skin of another macropod—
  - (i) if the skin has an area of less than 0.46 m<sup>2</sup>—as small; or
  - (ii) if the skin has an area of 0.46 m<sup>2</sup> or more but less than 0.65 m<sup>2</sup>—as medium; or
  - (iii) if the skin has an area of 0.65 m<sup>2</sup> or more—as large.

***proposed taking period*** see section 57(1).

***proposed taking place*** see section 57(1).

***Queensland commercial macropod*** means a macropod taken under a commercial wildlife harvesting licence for macropods for a commercial purpose.

***Queensland macropod***, means a macropod taken under a macropod harvesting licence.

***Queensland wildlife trade management plan for macropods*** means the document—

### Schedule 2 (continued)

- (a) called 'Queensland: Wildlife Trade Management Plan for Export—Commercially Harvested Macropods—2003-2007'; and
- (b) declared to be an approved wildlife trade management plan under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), section 303FO.

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

**relevant officer**, for a serious offence, means—

- (a) the chief executive or a conservation officer; or
- (b) if the serious offence is against a law of another State— a person who is authorised to exercise powers in relation to enforcing compliance with the law.

**relevant person**—

- (a) generally—see schedule 10 of the regulation; and
- (b) for part 4, division 4, subdivision 5—see section 68; and
- (c) for part 6—see section 106.

**relevant record**, for a macropod meat processing licence or macropod tanning licence, means a record about an activity carried out under the licence, including any of the following—

- (a) a record and return book;
- (b) a copy of an electronic record;
- (c) a copy of a return of operations given to the chief executive;
- (d) a copy of an invoice or other document about the buying, accepting, selling or giving away of a macropod;
- (e) a wildlife movement permit for the movement of a macropod bought, accepted, sold or given away;
- (f) a copy of a movement advice for a macropod.



### Schedule 2 (continued)

**relevant record particulars**, for a macropod obtained or disposed of under a commercial wildlife harvesting licence for macropods, means—

- (a) for a macropod obtained under the licence—the obtaining particulars for the macropod; or
- (b) for a macropod disposed of under the licence—the disposing particulars for the macropod.

**return period**, for the holder of a commercial wildlife licence for dead macropods or commercial wildlife licence (mobile) for dead macropods, means—

- (a) if the chief executive has given the holder a written notice stating the holder must give a return of operations for each week of a particular harvest period or part of a particular harvest period—a week in the harvest period or part; or
- (b) if paragraph (a) does not apply—a month in a harvest period.

**road** means a road within the meaning of the *Land Act 1994*.

**serious offence** means—

- (a) an offence against the Act for which the maximum penalty is 165 penalty units or more; or
- (b) an offence against the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) for which the maximum penalty is 100 penalty units or more under that Act; or
- (c) an offence against the *National Parks and Wildlife Act 1972* (SA) for which the maximum penalty is—
  - (i) \$2 500 or more; or
  - (ii) imprisonment for up to 6 months or more; or
- (d) an offence against the *National Parks and Wildlife Act 1974* (NSW) for which the maximum penalty is 100 penalty units or more under that Act; or

### Schedule 2 (continued)

- (e) an offence against the *Wildlife Conservation Act 1950* (WA) for which the maximum penalty is \$2 000 or more.

***the regulation*** means the *Nature Conservation Regulation 1994*.

***this plan*** means this conservation plan.

***unused part***, of a macropod, means the offal or another part of the macropod that is removed from the carcass of the macropod when it is dressed.

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### ENDNOTES

- 1 Approved by the Governor in Council on 9 June 2005.
- 2 Notified in the gazette on 10 June 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Environmental Protection Agency.