



Queensland

Nature Conservation (Conservation Plans) Amendment Conservation Plan (No. 1) 2006

Subordinate Legislation 2006 No. 207

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 (Conservation Plans) Amendment Conservation Plan (No. 1) 2006*.

2 Commencement

This conservation plan commences on 21 August 2006.

Part 2 Amendment of Nature Conservation (Macropod) Conservation Plan 2005

3 Plan amended in pt 2

This part amends the *Nature Conservation (Macropod) Conservation Plan 2005*.

4 Amendment of s 5 (Interpretation)

(1) Section 5(2), from ‘the regulation’—

omit, insert—

‘the Wildlife Management Regulation.’.

(2) Section 5(3)—

omit, insert—

‘(3) To remove any doubt, it is declared that subsection (2) also applies to the following, as applied to the Wildlife Management Regulation under section 5 of that regulation—

(a) a definition under the Administration Regulation;

(b) a provision of the Administration Regulation that aids the interpretation of a term used in that regulation.’.

5 Amendment of pt 4, div 2, sdiv 2 hdg, pt 4, div 3, sdiv 1 hdg, pt 4, div 4, sdiv 2 hdg, pt 4, div 5, sdiv 2 hdg and pt 4, div 8, sdiv 2 hdg

Headings for part 4, division 2, subdivision 2 and part 4, division 3, subdivision 1 and part 4, division 4, subdivision 2 and part 4, division 5, subdivision 2 and part 4, division 8, subdivision 2, ‘things’—

omit, insert—

‘activities’.

6 Amendment of s 24 (Buying or accepting macropods taken in the State)

Section 24(2), from ‘the regulation’—

omit, insert—

‘the Wildlife Management Regulation, section 31.’¹.

7 Amendment of s 25 (Buying or accepting macropods taken in another State)

Section 25(2), from ‘section 134’—

omit, insert—

‘the Wildlife Management Regulation, section 31.’.

8 Amendment of ss 27 and 38

Sections 27(2)(b) and 38(2)(b), from ‘, under’ to ‘skin’—

omit, insert—

‘to include the obtaining particulars about the skin in the record kept for the licence under the Act’.

¹ Wildlife Management Regulation, section 31 (Persons from whom holders may buy or accept wildlife)

9 Replacement of ss 28–30

Sections 28 to 30—

omit, insert—

‘28 How record must be kept

- ‘(1) This section states, for the Administration Regulation, section 121(1)(b)(i), how the record for a commercial wildlife licence for dead macropods must be kept.
- ‘(2) The record must be kept in the following way—
 - (a) for a part of the record about the obtaining particulars of a Queensland macropod obtained under the licence on or after the electronic record start day—
 - (i) in the approved electronic record system; or
 - (ii) for a day the system is not working—in the record and return book supplied by the chief executive for the licence;
 - (b) for another part of the record—in the record and return book supplied by the chief executive for the licence.

‘29 Information that must be included in record

- ‘(1) This section states, for the Administration Regulation, section 124(a), the information that must be included in a record for a commercial wildlife licence for dead macropods.
- ‘(2) The information that must be included is the obtaining particulars for each macropod obtained under the licence.

‘30 When obtaining particulars must be included in record

- ‘(1) This section states, for the Administration Regulation, section 125(a), when the obtaining particulars for each macropod obtained under a commercial wildlife licence for dead macropods must be included in the record kept for the licence.
- ‘(2) The particulars must be included when the earlier of the following happens—

- (a) 24 hours after the macropod to which the particulars relate 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.’.

10 Amendment of ss 31, 47 and 76

- (1) Sections 31(1), 47(1) and 76(1), from ‘particulars’—
omit, insert—
‘particulars included in a part of the record for the licence that is kept in the approved electronic record system.’.
- (2) Section 31(2), 47(2) and 76(2), from ‘by electronically’ to ‘system’—
omit, insert—
‘in electronic form’.

11 Amendment of s 37 (Buying or accepting macropods taken in the State)

- Section 37(2), from ‘section 134’—
omit, insert—
‘the Wildlife Management Regulation, section 31.’².

12 Replacement of ss 44–46

- Sections 44 to 46—
omit, insert—

‘44 How record must be kept

- ‘(1) This section states, for the Administration Regulation, section 121(1)(b)(i), how the record for a commercial wildlife licence (mobile) for dead macropods must be kept.

² Wildlife Management Regulation, section 31 (Persons from whom holders may buy or accept wildlife)

- ‘(2) The record must be kept in the following way—
- (a) for a part of the record about the obtaining particulars of a Queensland macropod obtained under the licence on or after the electronic record start day—
 - (i) in the approved electronic record system; or
 - (ii) for a day the system is not working—in the record and return book supplied by the chief executive for the licence;
 - (b) for another part of the record—in the record and return book supplied by the chief executive for the licence.

‘45 Information that must be included in record

- ‘(1) This section states, for the Administration Regulation, section 124(a), the information that must be included in a record for a commercial wildlife licence (mobile) for dead macropods.
- ‘(2) The information that must be included is the obtaining particulars for each macropod obtained under the licence.

‘46 When obtaining particulars must be included in record

- ‘(1) This section states, for the Administration Regulation, section 125(a), when the obtaining particulars for each macropod obtained under a commercial wildlife licence (mobile) for dead macropods must be included in the record kept for the licence.
- ‘(2) The particulars must be included immediately after the macropod to which the record relates is obtained.’.

13 Amendment of ss 56 and 83

Sections 56(3) and 83(3), from ‘complying’ to ‘regulation,’—
omit.

14 Amendment of pt 4, div 4, sdiv 5 hdg

Part 4, division 4, subdivision 5 heading, ‘Record and Return books’—

omit, insert—

‘Records’.

15 Amendment of s 70 (Other persons may keep record and return book and give returns for holder)

(1) Section 70(1)(a)—

omit, insert—

‘(a) keep, for the holder, a part of the record required to be kept in the record and return book supplied by the chief executive for the licence; or’.

(2) Section 70(2)(a) and (3), ‘record and return book’—

omit, insert—

‘part of the record’.

16 Replacement of ss 71–75

Sections 71 to 75—

omit, insert—

‘71 How record must be kept

‘(1) This section states, for the Administration Regulation, section 121(1)(b)(i), how the record for a commercial wildlife harvesting licence for macropods must be kept.

‘(2) The record must be kept in the following way—

(a) for a part of the record about the obtaining or disposing particulars of a Queensland macropod obtained or disposed of under the licence on or after the electronic record start day—

(i) in the approved electronic record system; or

(ii) for a day the system is not working—in the record and return book supplied by the chief executive for

the licence;

- (b) for another part of the record—in the record and return book supplied by the chief executive for the licence.

‘72 Where records or copies must be kept

- ‘(1) This section states, for the Administration Regulation, section 122(1)(d)(i), where a record for a commercial wildlife harvesting licence for macropods must be kept.
- ‘(2) The part of the record that is kept in the approved electronic record system, or a copy of the part, must be kept—
 - (a) for a period during which the holder of the licence 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.
- ‘(3) The part of the record that is kept in the record and return book supplied by the chief executive for the licence, or a copy of the part, must be kept—
 - (a) if the holder of the licence or a relevant person for the holder keeps the record—
 - (i) for a period during which the holder of the licence is carrying out activities under the licence—in a secure way in the holder’s possession; or
 - (ii) for another period—at the licensed premises for the licence; or
 - (b) if the person stated in an approval mentioned in section 70 keeps the record—at the place stated in the approval.

‘73 Information that must be included in record

- ‘(1) This section states, for the Administration Regulation, section 124(a), the information that must be included in a record for a commercial wildlife harvesting licence for macropods.

- ‘(2) The information that must be included is the relevant record particulars for each macropod obtained or disposed of under the licence.

‘74 When relevant record particulars must be included in record

- ‘(1) This section states, for the Administration Regulation, section 125(a), when the relevant record particulars for each macropod obtained or disposed of under a commercial wildlife harvesting licence for macropods must be included in the record kept for the licence.
- ‘(2) The particulars that are included in the part of the record kept in the approved electronic record system must be included no later than—
- (a) for the obtaining particulars for a macropod obtained under the licence—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) 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.
- ‘(3) The particulars that are included in the part of the record kept in the record and return book supplied by the chief executive for the licence must be included no later than—
- (a) if the holder or a relevant person for the holder keeps the part of the record—
 - (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 the part of the record—
 - (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.’.

17 Amendment of s 90 (Restriction on grant of permit for harvest macropods if quota met)

Section 90(2), definition *total permit number*, ‘the regulation’—

omit, insert—

‘the Administration Regulation’.

18 Replacement of pt 6 (Electronic records and return of operations relating to electronic records)

Part 6—

omit, insert—

‘Part 6 Period for keeping electronic records or returns of operations

‘106 Period for which copy of part of record kept in approved electronic system must be kept

‘(1) This section—

- (a) applies to a part of the record for a prescribed relevant authority that is kept in the approved electronic system; and
 - (b) states, for the Administration Regulation, section 162,³ the period for which the part of the record, or a copy of it, must be kept.
- ‘(2) The part of the record, or a copy of it, must be kept for at least 2 years after the day the latest particular is included in the part.

‘107 Period for which copy of return of operations given in electronic form must be kept

- ‘(1) This section—
- (a) applies to a return of operations required to be given, for a prescribed relevant authority, in electronic form; and
 - (b) states, for the Administration Regulation, section 162, the period for which a copy of the return must be kept.
- ‘(2) A copy of the return must be kept for at least 2 years after the day on which the return was given.’.

19 Amendment of s 116 (Amendment of plan)

Section 116(d)(i), ‘and return book’—
omit.

20 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *commercial purpose*, *electronic record*, *relevant person* and *the regulation*—
omit.
- (2) Schedule 2—
insert—

³ Administration Regulation, section 162 (Period for which particular documents must be kept)

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

relevant person—

- (a) generally—see the Administration Regulation, schedule 7; or
- (b) for part 4, division 4, subdivision 5—see section 68.

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

- (3) Schedule 2, definitions *electronic record start day* and *electronic record system start notice*, paragraph (b), from ‘make’—

omit, insert—

‘keep the part of the record for the authority that is about the obtaining or disposing particulars for Queensland macropods, obtained or disposed of under the authority, in the approved electronic record system.’.

Part 3 **Amendment of Nature Conservation (Problem Crocodiles) Conservation Plan 1995**

21 Plan amended in pt 3

This part amends the *Nature Conservation (Problem Crocodiles) Conservation Plan 1995*.

22 Amendment of s 2 (Definitions)

- (1) Section 2, definition *Nature Conservation Regulation*—
omit.

(2) Section 2—

insert—

‘**Administration Regulation** means the *Nature Conservation (Administration) Regulation 2006*.’

(3) Section 2, definition *licensee*, paragraph (a), from ‘or wildlife’—

omit, insert—

‘licence or wildlife farming licence for crocodiles, granted under the Administration Regulation; or’.

(4) Section 2, definition *permit*, from ‘under’—

omit, insert—

‘for crocodiles, granted under the Administration Regulation.’.

23 Amendment of s 7 (Who may take crocodile)

Section 7(3)—

omit, insert—

- ‘(3) The chief executive can not grant the permit for a term longer than 30 days.’.

**Part 4 Amendment of Nature
 Conservation (Protected
 Plants) Conservation Plan 2000**

24 Plan amended in pt 4

This part amends the *Nature Conservation (Protected Plants) Conservation Plan 2000*.

25 Replacement of s 5 (Words defined in regulation)

Section 5—

omit, insert—

‘5 Words defined in other nature conservation legislation

‘(1) Subject to section 4 and unless this plan provides otherwise, terms used in this plan have the meaning given in the Wildlife Management Regulation.

‘(2) To remove any doubt, it is declared that subsection (1) also applies to the following, as applied to the Wildlife Management Regulation under section 5 of that regulation—

(a) a definition under the *Nature Conservation (Administration) Regulation 2006*;

(b) a provision of the *Nature Conservation (Administration) Regulation 2006* that aids the interpretation of a term used in that regulation.’.

26 Amendment of ss 7, 15 and 26

Sections 7(1)(b)(i), 15(7)(b)(i) and 26(4)(b)(i), after ‘a regulation’—

insert—

‘under the Act’.

27 Amendment of s 34 (When official tag may be removed)

Section 34(1), ‘the regulation’—

omit, insert—

‘the Wildlife Management Regulation’.

28 Amendment of s 54 (Records to be kept)

Section 54(1), from ‘keep’—

omit, insert—

omit, insert—

‘3 Words defined in other nature conservation legislation

- ‘(1) Subject to section 2 and unless this plan provides otherwise, terms used in this plan have the meaning given in the *Nature Conservation (Wildlife Management) Regulation 2006*.
- ‘(2) To remove any doubt, it is declared that subsection (1) also applies to the following, as applied to the *Nature Conservation (Wildlife Management) Regulation 2006* under section 5 of that regulation—
- (a) a definition under the *Nature Conservation (Administration) Regulation 2006*;
- (b) a provision of the *Nature Conservation (Administration) Regulation 2006* that aids the interpretation of a term used in that regulation.’

33 Amendment of ss 6 and 11

Sections 6(8)(a) and 11(2)(a)—

omit, insert—

- ‘(a) a scientific purposes permit; or’.

34 Amendment of s 10 (Commercial whale watching)

Section 10(a), ‘granted under the regulation’—

omit.

ENDNOTES

- 1 Approved by the Governor in Council on 10 August 2006.
- 2 Notified in the gazette on 11 August 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Environmental Protection Agency.

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