



Queensland

# Environmental Protection Legislation Amendment Regulation (No. 1) 2008

## Subordinate Legislation 2008 No. 21

made under the

*Environmental Protection Act 1994*

*Nature Conservation Act 1992*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Environmental Protection Legislation Amendment Regulation (No. 1) 2008*.

## **Part 2 Amendment of Environmental Protection Regulation 1998**

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

This part amends the *Environmental Protection Regulation 1998*.

### **3 Amendment of s 6F (General definition)**

Section 6F(b)—

*omit, insert—*

‘(b) a transitional environmental program;’.

### **4 Amendment of s 50 (Criteria for deciding waiver application)**

Section 50(3)(e), ‘an environmental management program’—

*omit, insert—*

‘a transitional environmental program’.

### **5 Amendment of s 52 (Fees for environmental management programs)**

(1) Section 52, heading, ‘environmental management programs’—

[s 6]

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*omit, insert—*

**‘transitional environmental programs’.**

- (2) Section 52(1), ‘environmental management program’—

*omit, insert—*

**‘transitional environmental program’.**

- (3) Section 52(2), ‘an environmental management program’—

*omit, insert—*

**‘a transitional environmental program’.**

## **6 Amendment of s 57 (Register of environmental management programs)**

- (1) Section 57, heading, ‘environmental management programs’—

*omit, insert—*

**‘transitional environmental programs’.**

- (2) Section 57(1), ‘environmental management programs’—

*omit, insert—*

**‘transitional environmental programs’.**

## **7 Amendment of sch 9 (Dictionary)**

Schedule 9, definition *continuing chapter 4 activity*—

*omit.*

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## **Part 3**                               **Amendment of Nature Conservation (Protected Plants) Conservation Plan 2000**

### **8**       **Regulation amended in pt 3**

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

### **9**       **Omission of s 7 (Restriction on taking and using least concern plants)**

Section 7—  
*omit.*

### **10**      **Amendment of s 40 (Purpose of pt 4)**

Section 40, ‘and section 7’—  
*omit.*

## **Part 4**                               **Amendment of Nature Conservation (Wildlife Management) Regulation 2006**

### **11**      **Regulation amended in pt 4**

This part amends the *Nature Conservation (Wildlife Management) Regulation 2006*.

### **12**      **Replacement of s 181 (Purpose of permit)**

Section 181—  
*omit, insert—*

[s 13]

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**‘181 Purpose of permit**

- ‘(1) The purpose of a damage mitigation permit for animals is to allow a person to do an authorised act affecting a protected animal if the animal—
- (a) is causing, or may cause, damage to property; or
  - (b) represents a threat to human health or wellbeing.
- ‘(2) In this section—
- authorised act*, affecting a protected animal, means any of the following—
- (a) taking, keeping or using the animal;
  - (b) if the protected animal is a flying-fox—
    - (i) destroying a flying-fox roost used by the animal; or
    - (ii) driving away the animal from a flying-fox roost; or
    - (iii) disturbing the animal in a flying-fox roost.’.

**13 Replacement of s 182 (General restriction about animals for which permit may be granted)**

Section 182—

*omit, insert—*

**‘182 General restriction about animals for which permit may be granted**

- ‘(1) The chief executive may grant a damage mitigation permit only for—
- (a) a near threatened or least concern animal; or
  - (b) an endangered, vulnerable or rare animal.
- ‘(2) However, the chief executive may grant a damage mitigation permit for an animal mentioned in subsection (1)(b) only if a conservation plan authorises the holder of a damage mitigation permit to do any of the following under the permit—
- (a) take the animal;

- (b) if the animal is a flying fox—
  - (i) destroy a flying-fox roost used by the animal; or
  - (ii) drive away the animal from a flying-fox roost; or
  - (iii) disturb the animal in a flying-fox roost.’.

#### **14 Insertion of new s 187A**

Chapter 3, part 4, division 2, subdivision 3—

*insert—*

##### **‘187A Particular activities affecting flying-foxes authorised**

- ‘(1) This section applies if a damage mitigation permit is for flying-foxes.
- ‘(2) The holder of the permit, or a relevant person for the holder, may do the following—
  - (a) if it is stated on the permit that the holder may destroy a flying-fox roost used by flying-foxes—destroy the flying-fox roost in the way stated on the permit;
  - (b) if it is stated on the permit that the holder may drive away flying-foxes from a flying-fox roost—drive away flying-foxes from the flying-fox roost in the way stated on the permit, including, for example, using a device of a type stated on the permit;
  - (c) if it is stated on the permit that the holder may disturb flying-foxes in a flying-fox roost—disturb flying-foxes in the flying-fox roost in the way stated on the permit.’.

#### **15 Omission of s 243 (Restriction on using or moving least concern plants)**

Section 243—

*omit.*

#### **16 Insertion of new s 249A**

After section 249—

[s 17]

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*insert—*

**‘249A Use or movement of protected plants authorised under conservation plan**

‘A person may use or move a protected plant if the use or movement is authorised under the Protected Plants Conservation Plan.

*Note—*

For exemptions and authorisations for taking, using and keeping protected plants under the Protected Plants Conservation Plan, see part 4 of that conservation plan.’.

**17 Amendment of sch 4 (Dictionary)**

Schedule 4—

*insert—*

‘*drive away*, a flying-fox from a flying-fox roost, see section 88C(6) of the Act.

*flying-fox* means a protected animal of the genus *Pteropus*.

*flying-fox roost* see section 88C(6) of the Act.’.

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ENDNOTES

- 1 Made by the Governor in Council on 7 February 2008.
- 2 Notified in the gazette on 8 February 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Environmental Protection Agency.

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