



Queensland

# Nature Conservation Legislation Amendment Regulation (No. 1) 2010

## Subordinate Legislation 2010 No. 93

made under the

*Nature Conservation Act 1992*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Nature Conservation Legislation Amendment Regulation (No. 1) 2010*.

## **Part 2 Amendment of Nature Conservation (Administration) Regulation 2006**

### **2 Regulation amended**

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

### **3 Amendment of s 6 (References to a class of wildlife)**

Section 6(1), examples, example 1, ‘rare’—  
*omit, insert*—  
‘near threatened’.

### **4 Amendment of s 137 (Fees generally)**

Section 137(5), example, ‘, rare’—  
*omit*.

### **5 Amendment of s 153 (Exemption for recreational wildlife harvesting licence for protected plant parts that will be propagated and replanted)**

Section 153 ‘rare,’—  
*omit*.

[s 6]

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## **Part 3**                                      **Amendment of Nature Conservation (Protected Areas Management) Regulation 2006**

### **6**            **Regulation amended**

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

### **7**            **Amendment of s 32 (Restriction about resources for which authorities may be granted)**

(1) Section 32(1)(b), ‘, rare’—

*omit.*

(2) Section 32(2)(a), ‘, rare’—

*omit.*

### **8**            **Amendment of s 36 (Additional restriction about circumstances under which authority may be granted for national parks)**

Section 36(2), ‘rare,’—

*omit.*

### **9**            **Amendment of s 42 (Additional restriction about circumstances under which authority may be granted for national parks)**

Section 42(2), ‘rare,’—

*omit.*

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## **Part 4                      Amendment of Nature Conservation (Protected Areas) Regulation 1994**

### **10      Regulation amended**

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

### **11      Amendment of sch 6 (Coordinated conservation areas)**

Schedule 6, part 2, section 9(2)(a)(iii), ‘rare’—  
*omit, insert—*  
‘near threatened’.

## **Part 5                      Amendment of Nature Conservation (Wildlife Management) Regulation 2006**

### **12      Regulation amended**

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

### **13      Amendment of s 111 (Restriction about animals for which licence may be granted)**

- (1) Section 111(1), ‘rare’—  
*omit.*
- (2) Section 111(2), ‘rare’—  
*omit, insert—*  
‘near threatened’.

[s 14]

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**14 Amendment of s 120 (Restriction about animals for which licence may be granted)**

Section 120, ‘, rare’—

*omit.*

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

(1) Section 182(1)(a), ‘near threatened or’—

*omit.*

(2) Section 182(1)(b), ‘rare’—

*omit, insert—*

‘near threatened’.

**16 Omission of s 183 (Additional restriction about permits for near threatened animals)**

Section 183—

*omit.*

**17 Amendment of s 227 (Restriction on grant of authority for particular marine animals)**

Section 227(1), ‘, rare’—

*omit.*

**18 Amendment of s 233 (Restriction on grant of authority for particular marine animals)**

Section 233(1), ‘, rare’—

*omit.*

**19 Amendment of s 277 (Restriction about plants for which permit may be granted)**

(1) Section 277(a), ‘near threatened or’—

*omit.*

- (2) Section 277(b), ‘rare’—

*omit, insert—*

‘near threatened’.

**20 Amendment of s 351 (Conservation value for protected wildlife)**

Section 351(1)(d) to (f)—

*omit, insert—*

‘(d) for near threatened wildlife—\$5470; or

(e) for least concern wildlife—\$1365.’.

**21 Insertion of new ch 8, pt 4**

Chapter 8—

*insert—*

**‘Part 4 Amendments of Protected Plants Conservation Plan**

**‘356 Particular amendments of the Protected Plants Conservation Plan—Act, s 124(2)(c)**

‘An amendment to make the management of near threatened wildlife consistent with the management of rare wildlife may be made to the Protected Plants Conservation Plan by amendment under section 124(2) of the Act.’.

**22 Amendment of sch 3 (Relevant protected animals)**

- (1) Schedule 3, part 5, section 9, ‘, rare’—

*omit.*

- (2) Schedule 3, part 5, section 11(a), ‘, rare’—

*omit.*

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## **Part 6**                      **Amendment of Nature Conservation (Wildlife) Regulation 2006**

### **23**      **Regulation amended**

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

### **24**      **Amendment of s 3 (Purpose)**

(1) Section 3(a)(iv)—

*omit.*

(2) Section 3(a)(v) and (vi)—

*renumber* as section 3(a)(iv) and (v).

### **25**      **Amendment of s 9 (Proposed management intent for extinct in the wild wildlife)**

Section 9(g), ‘re-classified’—

*omit, insert—*

‘reclassified’.

### **26**      **Omission of pt 2, div 4 (Rare wildlife)**

Part 2, division 4—

*omit.*

### **27**      **Renumbering of pt 2, divs 5 and 6**

Part 2, divisions 5 and 6—

*renumber* as part 2, divisions 4 and 5.



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**28 Amendment of s 29 (Proposed management intent for near threatened wildlife)**

- (1) Section 29(a), after ‘database’—

*insert—*

‘of’.

- (2) Section 29(e), ‘States’—

*omit, insert—*

‘State’.

- (3) Section 29(f)—

*renumber* as section 29(1).

- (4) Section 29—

*insert—*

‘(f) to monitor and review information about the requirements for the conservation of the wildlife and its habitat;

(g) to encourage scientific research likely to contribute to an understanding of the wildlife or its habitat including, for example, the requirements for conserving the wildlife or habitat;

(h) if a threatening process is affecting the wildlife to the extent that it will, or is likely to, become classified as extinct in the wild wildlife—to manage the wildlife as if it were extinct in the wild wildlife until the wildlife is reclassified, under this regulation, as another class of wildlife under this regulation;

(i) if a threatening process is affecting the wildlife to the extent that it will, or is likely to, become classified as endangered wildlife—to manage the wildlife as if it were endangered wildlife until the wildlife is reclassified, under this regulation, as a class other than near threatened wildlife;

(j) if a threatening process is affecting the wildlife to the extent that it will, or is likely to, become classified as

[s 29]

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vulnerable wildlife—to manage the wildlife as if it were vulnerable wildlife until the wildlife is reclassified, under this regulation, as a class other than near threatened wildlife;

- (k) to protect the critical habitat, or the areas of major interest, for the wildlife;’.

**29 Amendment of s 30 (Principles for the taking, keeping or use of near threatened wildlife)**

Section 30(2)—

*omit, insert—*

- ‘(2) The taking, keeping or use of near threatened wildlife taken in the wild for display may be authorised under the Act only if it is—
- (a) for an approved captive breeding program for the wildlife and is likely to result in a benefit to the wildlife in the wild; or
- (b) authorised under a conservation plan for the wildlife.
- ‘(3) The taking, keeping or use of captive-bred near threatened wildlife for display, or the taking, keeping or use of near threatened wildlife for a purpose other than display, may be authorised under the Act only if—
- (a) it is consistent with the management principles for the wildlife; and
- (b) it will not affect the survival of populations of the wildlife in the wild.’.

**30 Amendment of sch 6 (Least concern wildlife)**

- (1) Schedule 6, part 1, section 1, ‘, rare’—

*omit.*

- (2) Schedule 6, part 1, section 2, ‘, rare’—

*omit.*

- (3) Schedule 6, part 1, section 3, ‘, rare’—  
*omit.*
- (4) Schedule 6, part 1, section 4(1)(a), ‘, rare’—  
*omit.*
- (5) Schedule 6, part 1, section 5, ‘, rare’—  
*omit.*
- (6) Schedule 6, part 2, section 6, ‘, rare’—  
*omit.*

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

Schedule 9, definition *management principles*, ‘rare,’—  
*omit.*

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#### ENDNOTES

- 1 Made by the Governor in Council on 20 May 2010.
- 2 Notified in the gazette on 21 May 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Resource Management.