



Queensland

National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 3) 2012

Subordinate Legislation 2012 No. 227

made under the

Forestry Act 1959

Marine Parks Act 2004

Nature Conservation Act 1992

Recreation Areas Management Act 2006

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 3) 2012*.

Part 2 Amendment of Forestry Regulation 1998

2 Regulation amended

This part amends the *Forestry Regulation 1998*.

3 Amendment of s 9 (Unlawful behaviour in recreation areas)

Section 9—

insert—

‘(2) A person does not commit an offence under subsection (1)(a) if—

- (a) the person uses, or allows to be used, a generator to operate a device for the treatment of a person’s medical condition; and
- (b) the generator does not emit a noise of more than 65dB(A) when measured 7 metres from the generator.

‘(3) In this section—

medical condition, of a person, means a medical condition for which the person has a medical certificate or other document issued by a doctor stating that the person has the condition.’.

4 Amendment of s 19 (Dogs in State forests)

- (1) Section 19(1)(c), ‘guide dog’—

omit, insert—

‘support dog’.

- (2) Section 19(3), definition *guide dog*—

omit, insert—

‘**support dog** means an assistance dog, guide dog, hearing dog or trainee support dog under the *Guide, Hearing and Assistance Dogs Act 2009*, schedule 4.’.

5 Insertion of new s 27A

After section 27—

insert—

‘27A Combined commercial activity permits

‘In granting a commercial activity permit, the chief executive may combine the permit in 1 document with the following—

- (a) a commercial activity permit granted under part 2 of the *Nature Conservation (Administration) Regulation 2006*;
- (b) a commercial activity permit granted under part 4 of the *Recreation Areas Management Act 2006*.’.

Part 3 Amendment of Marine Parks Regulation 2006

6 Regulation amended

This part amends the *Marine Parks Regulation 2006*.

7 Amendment of s 140 (Restriction on bringing domestic animals into marine park)

(1) Section 140(3)(c)—

omit, insert—

‘(c) is a support dog.’.

(2) Section 140(4), definitions *guide dog* and *guide dog trainee*—

omit, insert—

‘**support dog** means an assistance dog, guide dog, hearing dog or trainee support dog under the *Guide, Hearing and Assistance Dogs Act 2009*, schedule 4.’.

8 Amendment of s 143 (Unauthorised use of generators, compressors or motors)

Section 143—

insert—

‘(2) A person does not commit an offence under subsection (1) if—

(a) the person uses a generator to operate a device for the treatment of a person’s medical condition; and

(b) the generator does not emit a noise of more than 65dB(A) when measured 7 metres from the generator.

‘(3) In this section—

medical condition, of a person, means a medical condition for which the person has a medical certificate or other document issued by a doctor stating that the person has the condition.’.

Part 4 **Amendment of Nature Conservation (Administration) Regulation 2006**

9 **Regulation amended**

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

10 **Amendment of s 34 (Relevant authority to be written)**

(1) Section 34, heading—
omit, insert—

‘34 **Form of authority generally’.**

(2) Section 34—
insert—

- ‘(3) In granting a commercial activity permit, the chief executive may combine the permit with the following—
- (a) a commercial activity permit granted under the *Forestry Regulation 1998*;
 - (b) a commercial activity permit granted under part 4 of the *Recreation Areas Management Act 2006*.’.

Part 5 **Amendment of Nature Conservation (Protected Areas Management) Regulation 2006**

11 **Regulation amended**

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

12 Amendment of s 124 (Restriction on animals in protected area)

(1) Section 124(2)(b)—

omit, insert—

‘(b) a support dog; or’.

(2) Section 124(3)—

insert—

‘**support dog** means an assistance dog, guide dog, hearing dog or trainee support dog under the *Guide, Hearing and Assistance Dogs Act 2009*, schedule 4.’.

13 Amendment of s 138 (Unauthorised use of generators, compressors or motors)

Section 138—

insert—

‘(2) A person does not commit an offence under subsection (1) if—

(a) the person uses a generator to operate a device for the treatment of a person’s medical condition; and

(b) the generator does not emit a noise of more than 65dB(A) when measured 7 metres from the generator.

‘(3) In this section—

medical condition, of a person, means a medical condition for which the person has a medical certificate or other document issued by a doctor stating that the person has the condition.’.

14 Amendment of sch 9 (Dictionary)

Schedule 9, definition *guide dog*—

omit.

Part 6

Amendment of Recreation Areas Management Regulation 2007

15 Regulation amended

This part amends the *Recreation Areas Management Regulation 2007*.

16 Amendment of s 24 (Taking a domesticated animal into a recreation area—Act, s 121)

Section 24—

insert—

- ‘(3) A person may take a domesticated dog into the Moreton Island Recreation Area if—
- (a) the person is transporting the dog through the recreation area to or from land that is—
 - (i) owned by the person; or
 - (ii) the person’s principal place of residence; and
 - (b) the only reasonable route to or from the land is through the recreation area; and
 - (c) the person is taking the dog through the most direct route to or from the land; and
 - (d) the dog is being transported—
 - (i) in an enclosed vehicle; or
 - (ii) on the tray of a vehicle and is securely tethered so as to be confined to the vehicle tray; and
 - (e) the dog does not leave the vehicle or vehicle tray while the dog is in the recreation area.’

17 Amendment of s 34 (Use of generators, compressors or motors—Act, s 128)

Section 34—

insert—

- ‘(3) Also, a person may use a generator if—
- (a) the person uses a generator to operate a device for the treatment of a person’s medical condition; and
 - (b) the generator does not emit a noise of more than 65dB(A) when measured 7 metres from the generator.

‘(4) In this section—

medical condition, of a person, means a medical condition for which the person has a medical certificate or other document issued by a doctor stating that the person has the condition.’.

ENDNOTES

- 1 Made by the Governor in Council on 6 December 2012.
- 2 Notified in the gazette on 7 December 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of National Parks, Recreation, Sport and Racing.

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