



Queensland

Nature Conservation Legislation Amendment Regulation (No. 2) 2013

Subordinate Legislation 2013 No. 188

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. 2) 2013*.

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 12 (Permits for animals other than in a protected area)

Section 12(d), ‘protected’—
omit.

4 Amendment of s 21 (Maximum term for permits for wildlife)

(1) Section 21(1)(a)—
omit, insert—

- (a) for a damage mitigation permit (removal and relocation of wildlife)—3 years; or
- (aa) for any other damage mitigation permit—
 - (i) if the applicant is operating under an approved property management plan

[s 5]

for the land to which the permit
relates—3 years; or

(ii) otherwise—1 year;

(2) Section 21(1)(d), ‘protected’—

omit.

(3) Section 21(1)(aa) to (h), as amended—

renumber as section 21(1)(b) to (i).

(4) Section 21(2), ‘(1)(d), the chief executive may grant a permit
to keep protected wildlife’—

omit, insert—

(1)(e), the chief executive may grant a permit to keep
wildlife

(5) Section 21(4)—

insert—

***damage mitigation permit (removal and
relocation of wildlife)*** means a damage
mitigation permit under which the holder of the
permit, or a relevant person for the holder, may
take a live animal, other than a flying-fox, and
release the live animal into prescribed natural
habitat for the animal.

5 Amendment of s 47 (Amendments by application)

Section 47(3), ‘subsection (2)’—

omit, insert—

subsection (2)(b)(ii)

6 Amendment of s 63 (Requirement to notify chief executive of particular changes and ask for amendment)

Section 63(1)(d)—

omit, insert—

- (d) for a wildlife authority—
 - (i) the licensed premises for the authority;
or
 - (ii) if an animal is kept under the authority—the place where the animal is kept.

7 Amendment of s 138 (Additional fee for recreational wildlife licence or permit to keep protected wildlife—no sample taken)

Section 138, ‘protected’—

omit.

8 Amendment of s 139 (Additional fee for recreational wildlife licence or permit to keep protected wildlife—no implant inserted)

Section 139, ‘protected’—

omit.

9 Amendment of s 149 (Exemption for particular permits to keep protected wildlife)

Section 149, ‘protected’—

omit.

10 Insertion of new pt 12, div 1, hdg

Part 12, before section 167—

insert—

[s 11]

Division 1 **Transitional provisions
related to the repeal of the
Nature Conservation
Regulation 1994**

11 **Amendment of s 167 (Definitions for pt 12)**

(1) Section 167, heading, ‘pt 12’—

omit, insert—

div 1

(2) Section 167, ‘In this part—’—

omit, insert—

In this division—

12 **Insertion of new pt 12, div 2**

After section 173—

insert—

Division 2 **Transitional provision for
the Nature Conservation
Legislation Amendment
Regulation (No. 2) 2013**

**174 Change of name of permit to keep protected
wildlife**

- (1) The change of name, on the commencement, of a permit to keep protected wildlife to a permit to keep wildlife does not affect a right, entitlement or liability of the holder of the permit or anyone else.
- (2) A reference in a document to a permit to keep protected wildlife may, from the commencement

and if the context permits, be taken as a reference to a permit to keep wildlife.

(3) In this section—

commencement means the commencement of this section.

13 Amendment of sch 3 (Fees)

(1) Schedule 3, part 2, item 11, ‘protected’—

omit.

(2) Schedule 3, part 5, item 4, ‘protected’—

omit.

14 Amendment of sch 7 (Dictionary)

Schedule 7, definition *prescribed period*, paragraph (d), ‘protected’—

omit.

Part 3 Amendment of Nature Conservation (Koala) Conservation Plan 2006

15 Plan amended

This part amends the *Nature Conservation (Koala) Conservation Plan 2006*.

16 Amendment of s 18 (General restriction on grant)

Section 18(f), ‘protected’—

omit.

[s 17]

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

17 **Regulation amended**

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

18 **Amendment of s 30 (Persons to whom holders may sell or give wildlife)**

Section 30(3)—
omit.

19 **Amendment of s 34 (Dealing with animals after death—other animals)**

(1) Section 34(2)(d)—
omit.

(2) Section 34—
insert—

(7) In this section—

wildlife authority means a wildlife authority other than a rehabilitation permit.

20 **Insertion of new s 44A**

After section 44—
insert—

44A Breeding mutation of exempt birds authorised

A person who keeps and uses an exempt bird under section 44 may breed a mutation of the bird.

Note—

Under section 92(1) of the Act, it is an offence for a person to knowingly breed a hybrid or mutation of a protected animal other than under a regulation or an exemption under a regulation.

21 Insertion of new s 46A

After section 46—

insert—

46A Breeding mutation of controlled birds authorised

A person who keeps a controlled bird under section 46 may breed a mutation of the bird.

Note—

Under section 92(1) of the Act, it is an offence for a person to knowingly breed a hybrid or mutation of a protected animal other than under a regulation or an exemption under a regulation.

22 Amendment of s 47 (Moving controlled animals from seller to exempt person)

Section 47(3), from ‘if’ to ‘happens.’—

omit, insert—

before the movement happens a movement advice for the movement must be filled in by—

- (a) if the exempt person buys or accepts the animal from an authorised interstate seller—the exempt person; or
- (b) otherwise—the other person.

23 Amendment of s 78 (Restriction about animals for which licence may be granted)

Section 78—

insert—

[s 24]

(c) a live farm animal.

24 Amendment of s 80 (Additional restriction for licence for live birds or reptiles)

(1) Section 80(2), after ‘bird’—

insert—

or reptile

(2) Section 80(3), definition *recreational bird society*, after ‘bird’—

insert—

or reptile

25 Amendment of s 85 (Moving protected animals to display authorised with approval)

Section 85(1), ‘wildlife permit’—

omit, insert—

wildlife movement permit

26 Amendment of s 100 (Restriction on grant of licence for restricted birds)

(1) Section 100, heading, after ‘birds’—

insert—

, reptiles or amphibians

(2) Section 100(1)—

omit, insert—

(1) The chief executive can not grant a recreational wildlife licence for a restricted bird, reptile or amphibian to a person unless the chief executive is satisfied the person has the knowledge, experience and facilities necessary to keep the

bird, reptile or amphibian in the way required under—

- (a) for a bird—the aviculture code; or
- (b) for a reptile or amphibian—the reptile and amphibian code.

27 Amendment of s 104 (Moving protected animals to display authorised with approval)

Section 104(1), ‘wildlife permit’—

omit, insert—

wildlife movement permit

28 Amendment of s 133 (Handling dangerous animals)

Section 133(2), after ‘holder’—

insert—

or the relevant person for the holder mentioned in subsection (1)

29 Amendment of s 142 (Moving animals to or from other licensed premises authorised)

Section 142(1)(a)(ii), ‘protected’—

omit.

30 Amendment of s 146 (Handling dangerous animals)

Section 146(2), after ‘holder’—

insert—

or the relevant person for the holder mentioned in subsection (1)

[s 31]

31 Amendment of s 152 (Purpose of licence and div 9)

Section 152(1), ‘protected’—

omit, insert—

farm

32 Amendment of s 156 (Moving animals to or from other licensed premises authorised)

Section 156(1)—

omit, insert—

- (1) The holder of a wildlife farming licence (the ***primary licence***), or a relevant person for the holder, who keeps a farm animal in the State under the licence may, without a wildlife movement permit, move the animal—
 - (a) from the licensed premises for the primary licence to the licensed premises for either of the following (each a ***secondary authority***) also held by the holder—
 - (i) another wildlife farming licence for the animal;
 - (ii) a permit to keep wildlife for the animal; or
 - (b) from the licensed premises for the secondary authority to the licensed premises for the primary licence.

33 Amendment of s 163 (Handling dangerous animals)

Section 163(2), after ‘holder’—

insert—

or the relevant person for the holder mentioned in subsection (1)

34 Amendment of s 171 (Moving animals to or from other licensed premises authorised)

Section 171(1)—

omit, insert—

- (1) The holder of a museum licence (the *primary licence*), or a relevant person for the holder, who keeps a live protected or international animal in the State under the licence may, without a wildlife movement permit, move the animal—
 - (a) from the licensed premises for the primary licence to the licensed premises for either of the following (each a *secondary authority*) also held by the holder—
 - (i) another museum licence for the animal;
 - (ii) a permit to keep wildlife for the animal; or
 - (b) from the licensed premises for the secondary authority to the licensed premises for the primary licence.

35 Amendment of s 181 (Purpose of permit and div 2)

Section 181(1)(a), ‘to property’—

omit, insert—

or loss

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

(1) Section 182(2), from ‘the chief executive’ to ‘only if’—

omit, insert—

for a damage mitigation permit for an animal mentioned in subsection (1)(b), other than a damage mitigation permit (removal and relocation of wildlife), the chief executive must not grant the permit unless

[s 37]

(2) Section 182—

insert—

(3) In this section—

damage mitigation permit (removal and relocation of wildlife) means a damage mitigation permit under which the holder of the permit, or a relevant person for the holder, may take a live animal, other than a flying-fox, and release the live animal into prescribed natural habitat for the animal.

37 Amendment of ch 3, pt 4, div 4, hdg (Permits to keep protected wildlife)

Chapter 3, part 4, division 4, heading, ‘protected’—

omit.

38 Amendment of s 194 (Purpose of permit)

(1) Section 194, ‘protected wildlife for animals’—

omit, insert—

wildlife

(2) Section 194(b), after ‘protected’—

insert—

, international or prohibited

39 Amendment of s 195 (Restriction about purposes for which permit may be granted)

(1) Section 195, ‘protected wildlife for a protected animal’—

omit, insert—

wildlife

(2) Section 195(a) and (b), ‘an animal’—

omit, insert—

a protected animal

- (3) Section 195(c) and (d), ‘an animal’—

omit, insert—

a protected, international or prohibited animal

40 Amendment of s 196 (Restriction on grant of permit for animal taken under rehabilitation permit)

- (1) Section 196, heading, after ‘for’—

insert—

protected

- (2) Section 196(2), ‘protected’—

omit.

41 Amendment of s 197 (Restriction on grant of permit for animal from another State)

- (1) Section 197, heading, after ‘for’—

insert—

protected

- (2) Section 197(2), ‘protected’—

omit.

42 Amendment of s 198 (Restriction on grant of permit for animal kept under expired authority)

- (1) Section 198, heading, after ‘for’—

insert—

protected or prohibited

- (2) Section 198(1)(a), after ‘protected’—

insert—

or prohibited

[s 43]

- (3) Section 198(2), ‘protected wildlife’—
omit, insert—
wildlife

43 Amendment of s 199 (Restriction on grant of permit to holders of particular authorities)

- (1) Section 199(1), after ‘protected’—
insert—
, international or prohibited
- (2) Section 199(2), ‘protected’—
omit.

44 Amendment of s 200 (Keeping particular animals authorised)

- Section 200, ‘keep protected wildlife for a protected’—
omit, insert—
keep wildlife for a protected, international or prohibited

45 Amendment of s 201 (Moving animal to another holder authorised in particular circumstances)

- Section 201(1)(a), ‘protected’—
omit.

46 Amendment of s 202 (Moving animal to an institution authorised in particular circumstances)

- Section 202(1)(a), ‘protected’—
omit.

-
- 47 Amendment of s 203 (Moving particular birds authorised)**
Section 203(1), ‘protected’—
omit.
- 48 Amendment of s 204 (Breeding animals)**
Section 204(1), ‘protected’—
omit.
- 49 Amendment of s 205 (Keeping record)**
Section 205(1) and (4), ‘protected’—
omit.
- 50 Amendment of s 206 (Giving return of operations)**
Section 206(1) and (4), ‘protected’—
omit.
- 51 Amendment of s 215 (Way animal must be kept)**
Section 215(4), definition *rehabilitation code*, ‘Orphaned, Sick or Injured Protected Animals by Wildlife Care Volunteers’—
omit, insert—
Sick, Injured or Orphaned Protected Animals in Queensland
- 52 Omission of ch 5, pt 1, div 2 (Export agreements)**
Chapter 5, part 1, division 2—
omit.
- 53 Renumbering of ch 5, pt 1, div 3 (Conditions of permit)**
Chapter 5, part 1, division 3—

[s 54]

renumber as chapter 5, part 1, division 2.

54 Amendment of s 313 (Additional restriction for movement of prescribed protected animal to another State)

(1) Section 313(b)(iii)—

omit.

(2) Section 313(b)(iv)—

renumber as section 313(b)(iii).

55 Amendment of s 314 (Additional restriction for movement of prescribed protected animal within the State for export)

(1) Section 314(c)—

omit.

(2) Section 314(d) and (e)—

renumber as section 314(c) and (d).

56 Amendment of sch 4 (Relevant protected animals)

(1) Schedule 4, section 2, entry for eastern rosella, 'Latycercus eximius'—

omit, insert—

Platycercus eximius

(2) Schedule 4, section 8, from 'A' to 'animal.'—

omit, insert—

A least concern reptile, other than the following, is a recreational animal—

(a) a reptile that is a restricted reptile;

(b) a freshwater crocodile (*Crocodylus johnstoni*).

(3) Schedule 4, section 11(a)(iv)—

omit.

57 Amendment of sch 5 (Dictionary)

Schedule 5, definition *export agreement*—

omit.

Part 5 Amendment of Nature Conservation (Wildlife) Regulation 2006

58 Regulation amended

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

59 Amendment of s 15 (Principles for the taking, keeping or use of endangered wildlife)

(1) Section 15(2), after ‘endangered wildlife’—

insert—

taken in the wild

(2) Section 15(3), ‘endangered wildlife for a purpose other than display’—

omit, insert—

captive-bred endangered wildlife for display, or the taking, keeping or use of endangered wildlife for a purpose other than display,

60 Amendment of s 20 (Principles for the taking, keeping or use of vulnerable wildlife)

(1) Section 20(2), after ‘vulnerable wildlife’—

[s 60]

insert—

taken in the wild

- (2) Section 20(3), ‘vulnerable wildlife for a purpose other than display’—

omit, insert—

captive-bred vulnerable wildlife for display, or the taking, keeping or use of vulnerable wildlife for a purpose other than display,

ENDNOTES

- 1 Made by the Governor in Council on 26 September 2013.
- 2 Notified on the Queensland legislation website on 27 September 2013.
- 3 The administering agency is the Department of Environment and Heritage Protection.

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Authorised by the Parliamentary Counsel