



Queensland

Nature Conservation and Other Legislation Amendment Regulation 2021

Subordinate Legislation 2021 No. 36

made under the

Environmental Offsets Act 2014

Nature Conservation Act 1992

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Nature Conservation and Other Legislation Amendment Regulation 2021*.

Part 2 Amendment of Environmental Offsets Regulation 2014

2 Regulation amended

This part amends the *Environmental Offsets Regulation 2014*.

3 Amendment of s 6 (Environmental offsets policy—Act, s 12)

Section 6, ‘the Queensland Environmental Offsets Policy (version 1.9)’—

omit, insert—

‘Queensland Environmental Offsets Policy (version 1.10)’ and

Part 3 Amendment of Nature Conservation (Animals) Regulation 2020

4 Regulation amended

This part amends the *Nature Conservation (Animals) Regulation 2020*.

5 Amendment of s 27 (Public service employees and contractors dealing with dead protected animals)

Section 27(3)(a) and (b), ‘tissue’—

omit, insert—

biological

6 Replacement of s 34 (Keeping and using animals for education and research)

Section 34—

omit, insert—

34 Keeping and using animals for education and research

- (1) This section applies in relation to a dead protected animal, or a biological sample taken from a live protected animal, if the animal—
 - (a) was taken, or is kept, under the Act, the *Exhibited Animals Act 2015* or a law of another State; and
 - (b) is located in the State.
- (2) A qualified person may carry out any of the following activities for an educational or research purpose—
 - (a) buy, accept or receive the animal or sample from a person authorised to sell or give away the animal or sample under the Act;
 - (b) keep the animal or sample;
 - (c) otherwise use, other than process, the animal or sample.
- (3) In this section—

qualified person, in relation to a dead protected animal, or a biological sample taken from a live protected animal, means a person to whom—

[s 7]

- (a) an educational purposes permit for the animal could be granted under chapter 4, part 12 and chapter 5, part 2; or
- (b) a research permit for the animal could be granted under chapter 4, part 15 and chapter 5, part 2.

7 Amendment of s 58 (Veterinary surgeons treating animals)

Section 58(2), 'The surgeon may'—

omit, insert—

The veterinary surgeon may

8 Insertion of new s 58A

After section 58—

insert—

58A Veterinary surgeons giving away biological samples

- (1) This section applies if a veterinary surgeon treats or cares for a live protected animal at the veterinary premises of the veterinary surgeon.
- (2) The veterinary surgeon may give away a biological sample taken from the animal if—
 - (a) the sample was taken from the animal while the animal was being treated or cared for; and
 - (b) the person to whom the sample is given intends to keep and use the sample under section 34.

9 Amendment of s 60 (Dead sampled or implanted animals)

- (1) Section 60, heading, 'Dead'—

omit, insert—

Moving dead

(2) Section 60(2), ‘tissue’—

omit.

10 Insertion of new s 60A

After section 60—

insert—

60A Veterinary surgeons giving away dead animals

(1) This section applies if a veterinary surgeon—

(a) treats or cares for a protected animal that dies at the veterinary premises of the veterinary surgeon; or

(b) performs an autopsy on a dead protected animal.

(2) The veterinary surgeon, with the consent of the owner or custodian of the animal, may give away the animal to a person who intends to keep and use the animal under section 34.

11 Amendment of s 87 (Dealing with kept animals after death—sampled or implanted animals)

Section 87(3), ‘tissue’—

omit.

12 Amendment of s 88 (Dealing with kept animals after death—other animals)

(1) Section 88(2)(b)—

insert—

(ia) the holder of a dead animal collection authority for the dead animal; or

[s 13]

- (2) Section 88(2)(b)(ia) and (ii)—
renumber as section 88(2)(b)(ii) and (iii).

13 Insertion of new s 205A

After section 205—

insert—

205A Giving away biological samples

The holder of a rehabilitation permit, or a relevant person for the holder, may give away a biological sample taken from a live authorised animal kept under the permit if—

- (a) the sample was taken from the animal while the animal was being treated or cared for by the holder or relevant person; and
- (b) the person to whom the sample is given intends to keep and use the sample under section 34.

14 Omission of s 210 (Return of operations)

Section 210—

omit.

15 Replacement of s 216 (Selling or giving away animals)

Section 216—

omit, insert—

216 Giving away animals and biological samples

- (1) The holder of a research permit, or a relevant person for the holder, may give away a dead authorised animal kept under the permit to a person who intends to keep and use the animal under section 34.

- (2) The holder of a research permit, or a relevant person for the holder, may give away a biological sample taken from a live authorised animal kept under the permit to a person who intends to keep and use the sample under section 34.

16 Insertion of new ch 4, pt 15, div 3

Chapter 4, part 15—

insert—

Division 3 Conditions

217A Purpose of division

- (1) This division states conditions that apply to all research permits.

Notes—

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
 - 2 Also, under chapter 5, part 6, failure to comply with a condition of an animal authority is a ground for amendment, suspension or cancellation of the authority.
- (2) This division does not limit any other condition the chief executive may impose on a research permit.

Note—

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

217B Return of operations

- (1) The holder of a research permit must give the chief executive a return of operations for the permit.

[s 17]

Note—

For the requirements for returns of operations, see chapter 8.

- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

17 Amendment of s 231 (Keeping and using animals)

- (1) Section 231(1), before paragraph (a)—

insert—

- (aa) buy, accept or receive an authorised animal from a person authorised to sell or give away the animal under the Act;

- (2) Section 231(1)(b), before ‘use’—

insert—

otherwise

- (3) Section 231(1)(aa) to (b)—

renumber as section 231(1)(a) to (c).

18 Amendment of s 318 (Compliance with conditions of animal authority)

Section 318(4), definition *return of operations condition*, ‘210’—

omit, insert—

217B

19 Amendment of s 320 (Dealing with kept animals after death—sampled or implanted animals)

Section 320(3)(a), ‘tissue’—

omit.

20 Amendment of s 365 (Powers of conservation officer in relation to kept animals—Act, s 154)

Section 365(a) and (b), ‘tissue’—
omit.

21 Amendment of s 366 (Sampling or implanting animals)

Section 366(2)(a), ‘tissue’—
omit.

22 Amendment of s 375 (Supply of movement advices)

(1) Section 375, ‘give a movement advice’—
omit, insert—

give a hard copy of a movement advice

(2) Section 375—
insert—

Note—

An electronic copy of a movement advice is available on the department’s website.

23 Amendment of ch 12, pt 2, hdg (Transitional provisions)

Chapter 12, part 2, heading, after ‘provisions’—
insert—

for SL No. 136 of 2020

24 Insertion of new ch 12, pt 3

Chapter 12—
insert—

Part 3 **Transitional provision
for Nature
Conservation and
Other Legislation
Amendment Regulation
2021**

**422 Prescribed period for particular returns of
operations for existing research permits**

- (1) This section applies in relation to—
 - (a) a research permit granted before the commencement in effect on the commencement; and
 - (b) the first return of operations for the permit required to be given to the chief executive after the commencement.
- (2) For section 348, the prescribed period for the first return of operations for the research permit is taken to be the period—
 - (a) starting on the commencement; and
 - (b) ending—
 - (i) 1 year after the permit was granted; or
 - (ii) if the permit ends within a year of being granted—on the day the permit ends.

25 Amendment of sch 1, s 14 (Invertebrates)

Schedule 1, section 14—

insert—

Euastacus binzayedii

Embezee’s crayfish

Euastacus maida hinterland spiny crayfish

26 Insertion of new sch 1, s 14A

Schedule 1, after section 14—

insert—

14A Mammals

Scientific name

Common name

Lasiorhinus krefftii

northern hairy-nosed wombat

27 Amendment of sch 1, s 15 (Reptiles)

Schedule 1, section 15—

insert—

Techmarscincus jigurru

Bartle Frere cool-skink

28 Amendment of sch 1, s 19 (Amphibians)

(1) Schedule 1, section 19, entry for *Mixophyes iteratus*—
omit.

(2) Schedule 1, section 19—

insert—

Phyloria kundagungan

mountain frog

29 Amendment of sch 1, s 20 (Birds)

Schedule 1, section 20—

insert—

Thalassarche cauta

shy albatross

[s 30]

30 Amendment of sch 1, s 22 (Invertebrates)

Schedule 1, section 22—

insert—

<i>Euastacus eungella</i>	Eungella spiny crayfish
<i>Euastacus hystricosus</i>	Conondale spiny crayfish
<i>Euastacus monteithorum</i>	Monteith's spiny crayfish
<i>Euastacus robertsi</i>	Robert's crayfish

31 Amendment of sch 1, s 23 (Mammals)

(1) Schedule 1, section 23, entry for *Lasiorhinus krefftii*—
omit.

(2) Schedule 1, section 23—
insert—

<i>Dasyurus maculatus maculatus</i>	spotted-tailed quoll (south-eastern mainland population)
<i>Pseudomys oralis</i>	Hastings River mouse

32 Amendment of sch 1, s 24 (Reptiles)

Schedule 1, section 24—

insert—

<i>Karma tryoni</i>	Tryon's skink
<i>Tympanocryptis wilsoni</i>	Roma earless dragon

33 Amendment of sch 1, s 28 (Amphibians)

(1) Schedule 1, section 28, entry for *Philoria kundagungan*—
omit.

(2) Schedule 1, section 28—

insert—

Mixophyes iteratus giant barred frog

34 Amendment of sch 1, s 29 (Birds)

Schedule 1, section 29, entry for *Thalassarche cauta*—
omit.

35 Amendment of sch 1, s 31 (Invertebrates)

Schedule 1, section 31—
insert—

Cherax robustus sand yabby

36 Amendment of sch 1, s 32 (Mammals)

Schedule 1, section 32, entries for *Dasyurus maculatus maculatus* and *Pseudomys oralis*—
omit.

37 Amendment of sch 1, s 33 (Reptiles)

Schedule 1, section 33, entries for *Karma tryoni*, *Pygmaeascincus sadlieri*, *Techmarscincus jigurru* and *Tympanocryptis wilsoni*—
omit.

38 Amendment of sch 1, s 45 (Amphibians)

Schedule 1, section 45, from ‘that is extinct in the wild’—
omit, insert—
prescribed as another class of wildlife.

[s 39]

39 Amendment of sch 1, s 46 (Birds)

Schedule 1, section 46, from ‘that is extinct in the wild’—
omit, insert—
prescribed as another class of wildlife.

40 Amendment of sch 1, s 47 (Invertebrates)

Schedule 1, section 47(1) and (2), from ‘that is extinct in the wild’—
omit, insert—
prescribed as another class of wildlife.

41 Amendment of sch 1, s 48 (Mammals)

Schedule 1, section 48(1)(a), from ‘that is extinct in the wild’—
omit, insert—
prescribed as another class of wildlife;

42 Amendment of sch 1, s 49 (Reptiles)

Schedule 1, section 49, from ‘that is extinct in the wild’—
omit, insert—
prescribed as another class of wildlife.

43 Amendment of sch 3, s 1 (Birds)

Schedule 3, section 1, entry for *Northiella haematogaster*,
‘*haematogaster*’—
omit, insert—
naretha

44 Amendment of sch 3, s 4 (Invertebrates)

Schedule 3, section 4(a) and (b), ‘least concern’—

omit, insert—

protected

45 Amendment of sch 6 (Fees)

(1) Schedule 6, part 1, division 4, item 2, after ‘payable,’—

insert—

other than to change an address,

(2) Schedule 6, part 5, item 1, before ‘movement advice’—

insert—

hard copy of a

46 Amendment of sch 7 (Dictionary)

(1) Schedule 7, definition *approved scientific institution*, ‘tissue’—

omit.

(2) Schedule 7, definition *departmental code of practice*, paragraph (b), from ‘in which’—

omit, insert—

in which—

(i) the animals may be taken, kept or used; or

(ii) a person may interact with the animals.

(3) Schedule 7, definition *prescribed fee*—

omit, insert—

prescribed fee means a fee prescribed by chapter 9 to be payable under the Act.

(4) Schedule 7, definition *sampled or implanted animal*, paragraph (a), ‘tissue’—

[s 47]

omit.

- (5) Schedule 7, definition *sampling consumable*, ‘tissue’—
omit.

Part 4

Amendment of Nature Conservation (Macropod) Conservation Plan 2017

47 Plan amended

This part amends the *Nature Conservation (Macropod) Conservation Plan 2017*.

48 Amendment of s 9 (Particular holders may kill dependent young)

Section 9(2), ‘relevant code of practice for the macropod’—
omit, insert—

Australian macropod code

49 Amendment of s 40 (Way macropod may be taken)

Section 40(3), ‘relevant code of practice for the macropod’—
omit, insert—

Australian macropod code

50 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

Australian macropod code means the document called ‘National code of practice for the humane shooting of kangaroos and wallabies for commercial purposes’, published on 18

November 2020 by AgriFutures Australia.

Part 5 **Amendment of Nature Conservation (Plants) Regulation 2020**

51 **Regulation amended**

This part amends the *Nature Conservation (Plants) Regulation 2020*.

52 **Amendment of s 108 (Chief executive to decide application)**

Section 108(3), before ‘endangered plants’—
insert—
critically endangered plants,

53 **Amendment of sch 1, s 5 (Plants)**

- (1) Schedule 1, section 5, entries for *Calotis glabrescens*,
Lycopodium volubile and *Monogramma dareicarpa*—
omit.
- (2) Schedule 1, section 5—
insert—

Haplopteris dareicarpa

Pseudodiphasium volubile

54 **Amendment of sch 1, s 9 (Plants)**

- (1) Schedule 1, section 9, entries for *Amphineuron immersum*,
Amphineuron tildeniae, *Brachychiton* sp. *Ormeau* (L.H.Bird
AQ435851), *Bruguiera hainesii*, *Grevillea scortechinii*

[s 54]

subsp. *scortechinii*, *Lenwebbia* sp. *Main Range* (P.R.Sharpe+ 4877), *Pimelea leptospermoides* subsp. *bowmanii* and *Prostanthera athertonia*—

omit.

(2) Schedule 1, section 9—

insert—

Amblovenatum immersum

Amblovenatum tildeniae

Backhousia oligantha

Brachychiton sp. (Ormeau L.H.Bird AQ435851)

Bruguiera × *hainesii*

Calotis glabrescens

Calyptochloa gracillima subsp. *ipsviciensis*

Crepidomanes aphlebioides

Cynometra roseiflora

Diplazium squamuligerum

Drosera buubugujin

Eriocaulon aloefolium

Eriocaulon giganticum

Eucalyptus argophloia

Eucryphia jinksii

Grevillea scortechinii subsp. *scortechinii*

Gyrostemon osmus

Hymenophyllum reinwardtii

Lenwebbia sp. (Main Range P.R.Sharpe+ 4877)

Lobelia fontana

Melaleuca lophocoracorum

Pimelea leptospermoides subsp. *bowmanni*

Prostanthera athertoniana

Prostanthera eungella

Rhodamnia dumicola

Solanum adoxum

Solanum angustum

55 Amendment of sch 1, s 13 (Plants)

- (1) Schedule 1, section 13, entries for *Archidendron kanisii*, *Backhousia oligantha*, *Clausena smyrelliana*, *Crepidomanes aphlebioides*, *Cyathea exilis*, *Cyathea felina*, *Eriocaulon aloefolium*, *Eriocaulon giganticum*, *Eucryphia jinksii*, *Goodyera grandis*, *Gyrostemon osmus*, *Leucopogon recurvisepalus*, *Lobelia fontana*, *Oldenlandia gibsonii*, *Oldenlandia spathulata*, *Olearia macdonnellensis*, *Solanum adoxum*, *Solanum angustum*, *Tylophora linearis*, *Tylophora rupicola*, *Tylophora woollsii* and *Uncaria cordata* var. *cordata*—

omit.

- (2) Schedule 1, section 13—

insert—

Alsophila exilis

Comesperma anemosmaragdinum

Cycas distans

Dolichocarpa spathulata

Habenaria chlorosepala

[s 56]

Habenaria exilis

Lindsaea terrae-reginae

Lobelia fenshamii

Murraya crenulata

Olearia orientalis

Phlegmariurus pinifolius

Salacistis ochroleuca

Scleromitrium gibsonii

Sphaeropteris felina

Styphelia recurvisepala

Uncaria cordata

Vincetoxicum forsteri

Vincetoxicum rupicola

Vincetoxicum woollsii

56 Amendment of sch 1, s 17 (Plants)

- (1) Schedule 1, section 17, entries for *Asplenium unilaterale*, *Asplenium wildii*, *Canarium acutifolium* var. *acutifolium*, *Ctenopteris blechnoides*, *Ctenopteris walleri*, *Eucalyptus argophloia*, *Fimbristylis* sp. (Elizabeth Springs R.J.Fensham 3743), *Grammitis albosetosa*, *Grammitis leonardii*, *Grammitis reinwardtii*, *Lastreopsis grayi*, *Lastreopsis tinarooensis*, *Leucopogon malayanus* subsp. *novoguineensis*, *Lindsaea terrae-reginae*, *Lobelia fenshamii* and *Tinospora tinosporoides*—
omit.
- (2) Schedule 1, section 17—
insert—

Archidendron kanisii
Canarium acutifolium
Ctenopterella blechnoides
Cycas terryana
Fawcettia tinosporoides
Hymenasplenium perriei
Hymenasplenium wildii
Oreogrammitis albosetosa
Oreogrammitis leonardii
Oreogrammitis reinwardtii
Parapolystichum grayi
Parapolystichum tinarooense
Phlegmariurus ledermannii
Styphelia malayana subsp. *novoguineensis*
Tomophyllum walleri

57 Amendment of sch 1, s 21 (Plants)

- (1) Schedule 1, section 21, entries for *Callerya pilipes*, *Cyathea celebica*, *Cyathea cunninghamii*, *Oldenlandia polyclada*, *Pimelea leptospermoides* subsp. *Leptospermoides*, *Pteridoblechnum acuminatum*, *Sarcotoechia heterophylla* and *Schefflera bractescens*—
omit.
- (2) Schedule 1, section 21—
insert—

Alsophila cunninghamii

[s 58]

Austrocallerya pilipes

Blechnum reticulatum

Heptapleurum bractescens

Pimelea leptospermoides subsp. *leptospermoides*

Scleromitrium polycladum

Sphaeropteris celebica

Synima heterophylla

58 Amendment of sch 1, s 25 (Plants)

Schedule 1, section 25, from ‘that is extinct’ to ‘near threatened wildlife’—

omit, insert—

prescribed as another class of wildlife

59 Amendment of sch 2, s 1 (Plant families)

(1) Schedule 2, section 1, ‘*Doodia aspera*’—

omit, insert—

Blechnum neohollandicum

(2) Schedule 2, section 1, ‘*Lycopodiella cernua*’—

omit, insert—

Palhinhaea cernua

60 Amendment of sch 5 (Dictionary)

Schedule 5, definition *prescribed fee*—

omit, insert—

prescribed fee means a fee prescribed by chapter 9 to be payable under the Act.

ENDNOTES

- 1 Made by the Governor in Council on 29 April 2021.
- 2 Notified on the Queensland legislation website on 30 April 2021.
- 3 The administering agency is the Department of Environment and Science.

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