



Queensland

Nature Conservation and Other Legislation Amendment Act 2022

Act No. 21 of 2022

An Act to amend the Forestry Act 1959, the Marine Parks Act 2004, the Nature Conservation Act 1992, the Nature Conservation (Animals) Regulation 2020, the Nature Conservation (Plants) Regulation 2020, the Nature Conservation (Protected Areas Management) Regulation 2017, the Recreation Areas Management Act 2006, the State Penalties Enforcement Regulation 2014 and the Wet Tropics World Heritage Protection and Management Act 1993 for particular purposes

[Assented to 21 October 2022]



Queensland

Nature Conservation and Other Legislation Amendment Act 2022

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Nature Conservation and Other Legislation Amendment Act 2022*.

2 Commencement

The following provisions commence on a day to be fixed by proclamation—

- (a) part 4, division 3;
- (b) part 10, division 3;
- (c) schedule 1, part 2.

Part 2 Amendment of Forestry Act 1959

3 Act amended

This part amends the *Forestry Act 1959*.

4 Insertion of new ss 85A and 85B

After section 85—

insert—

85A Impersonating forest officer

A person must not pretend to be a forest officer.

Maximum penalty—50 penalty units.

52A Functions of inspectors

- (1) An inspector has the following functions—
 - (a) to investigate, monitor and enforce compliance with this Act;
 - (b) to investigate or monitor whether an occasion has arisen for the exercise of powers under this Act;
 - (c) to facilitate the exercise of powers under this Act;
 - (d) to help achieve the main purpose of this Act by providing advice and information on how the purpose may be achieved.
- (2) Subject to this Act, an inspector may exercise the powers under this Act for the purpose of these functions.

7 Amendment of s 91 (Obstructing an inspector)

- (1) Section 91, heading, ‘an’—
omit.
- (2) Section 91(1), ‘exercise of a power’—
omit, insert—
performance of a function or exercise of a power
under this Act
- (3) Section 91(2), after ‘with’—
insert—
the performance of the function or

8 Insertion of new s 92A

- After section 92—
insert—

[s 9]

92A Impersonating ranger

- (1) A person who is not a ranger must not, in any way, hold out that the person is a ranger in or for a marine park.

Maximum penalty—50 penalty units.

- (2) In this section—

authorised, by the State, means—

- (a) employed or engaged by the State; or
(b) authorised under an arrangement entered into by or for the State.

ranger means a person who is authorised by the State—

- (a) to act in a position as a ranger; or
(b) to perform a function ordinarily performed by a person mentioned in paragraph (a).

Part 4 Amendment of Nature Conservation Act 1992

Division 1 Preliminary

9 Act amended

This part amends the *Nature Conservation Act 1992*.

Note—

See also the amendments in schedule 1.

Division 2 Amendments commencing on assent

10 Amendment of s 62 (Restriction on taking etc. of cultural and natural resources of protected areas)

Section 62(7), definition *prescribed provision*, ‘43F or’—
omit, insert—

43F, 43G or

11 Insertion of new s 127A

After section 127—

insert—

127A Functions of conservation officers

- (1) A conservation officer has the following functions—
 - (a) to investigate, monitor and enforce compliance with this Act;
 - (b) to investigate or monitor whether an occasion has arisen for the exercise of powers under this Act;
 - (c) to facilitate the exercise of powers under this Act;
 - (d) to help achieve the object of this Act by providing advice and information on how the object may be achieved.
- (2) Subject to this Act, a conservation officer may exercise the powers under this Act for the purpose of these functions.

12 Insertion of new pt 8A

After section 143B—

insert—

Part 8A Review of decisions

Division 1 Preliminary

143C Definitions for part

In this part—

affected person, in relation to a decision, means—

- (a) if the decision is an original decision—
 - (i) a person who is given, or is entitled to be given, an information notice for the decision; or
 - (ii) a person whose interests are otherwise affected by the decision; or
- (b) if the decision is an internal review decision—the person who applied for the internal review.

internal review, of an original decision, see section 143E(1).

internal review decision means a decision made, or taken to have been made, under section 143G on an application for internal review of an original decision.

original decision means a decision for which an information notice must be given under this Act.

QCAT information notice, for an internal review decision, means a notice complying with the QCAT Act, section 157(2).

Division 2 Internal review

143D Review process must start with internal review

An affected person for an original decision may apply to QCAT for a review of the decision only if a decision on an application for internal review of the decision has been made, or taken to have been made, under this division.

143E Who may apply for internal review

- (1) An affected person for an original decision may apply to the chief executive for a review of the decision under this division (an *internal review*).
- (2) If the affected person has not been given an information notice for the original decision, the affected person may ask the chief executive for an information notice for the decision.
- (3) A failure by the chief executive to give the affected person an information notice for the original decision does not limit or otherwise affect the person's right to apply for an internal review of the decision.

143F Requirements for application

- (1) An application for internal review of an original decision must—
 - (a) be in the approved form; and
 - (b) for a person who has been given an information notice for the decision—include enough information to enable the chief executive to decide the application; and
 - (c) be made to the chief executive within—
 - (i) for a person who has been given an information notice for the

[s 12]

- decision—28 days after the day the person is given the notice; or
- (ii) for a person who has not been given an information notice for the decision—28 days after the day the person becomes aware of the decision.
- (2) The chief executive may, at any time, extend the period within which the application may be made.
- (3) The making of the application does not affect the operation of the original decision or prevent the decision being implemented.
- (4) However, subsection (3) does not apply to the extent the operation of the original decision is stayed under section 143H.

143G Internal review

- (1) The chief executive must, within 28 days after receiving an application for internal review of an original decision—
- (a) review the original decision; and
- (b) decide to—
- (i) confirm the original decision; or
- (ii) amend the original decision; or
- (iii) substitute another decision for the original decision; and
- (c) give the affected person for the original decision a QCAT information notice for the decision under paragraph (b).
- (2) The chief executive and the affected person may, before the period stated in subsection (1) ends, agree to a longer period for the chief executive to comply with the subsection.
- (3) The application may be dealt with only by a

person who—

- (a) did not make the original decision; and
 - (b) holds a more senior office than the person who made the original decision.
- (4) Subsection (3) does not apply to an original decision made by the chief executive personally.
- (5) If the chief executive does not give the affected person a QCAT information notice within the period required under subsection (1) or a longer period agreed under subsection (2), the chief executive is taken to confirm the original decision.

Division 3 Staying operation of original decision

143H QCAT may stay operation of original decision

- (1) This section applies in relation to an original decision, other than a discontinuation decision.
- (2) An affected person for the original decision may apply to QCAT, in the way provided under the QCAT Act, for a stay of the operation of the decision.
- (3) The application may be made at any time within the period within which an application for an internal review of the original decision may be made under division 2.
- (4) QCAT may make an order staying the operation of the original decision only if QCAT considers the order is desirable after having regard to the following—

[s 12]

- (a) the interests of any person whose interests may be affected by the making of the order or the order not being made;
 - (b) any submission made to QCAT by the entity that made the original decision;
 - (c) the public interest.
- (5) Subsection (4)(a) does not require QCAT to give a person whose interests may be affected by the making of the order, or the order not being made, an opportunity to make submissions for QCAT's consideration if QCAT is satisfied it is not practicable because of the urgency of the case or for another reason.
- (6) A stay by QCAT under this section—
- (a) may be given on conditions QCAT considers appropriate; and
 - (b) operates for the period fixed by QCAT; and
 - (c) may be amended or revoked by QCAT.
- (7) The period of a stay by QCAT under this section must not extend past—
- (a) the end of the period within which an application for an internal review of the original decision may be made under division 2; or
 - (b) if an application for an internal review of the original decision is made under division 2 within the period allowed under that division—the end of the period within which an application for a review of the internal review decision may be made under the QCAT Act.

Note—

The QCAT Act, section 22(3) enables QCAT to stay the operation of the internal review decision,

either on application by a person or on its own initiative.

(8) In this section—

discontinuation decision means a decision to suspend or cancel a licence, permit or other authority that authorises—

- (a) taking or interfering with a cultural or natural resource of a protected area; or
- (b) taking protected wildlife.

Division 4 External review

143I Applying for external review

- (1) This section applies to a person who is given, or is entitled to be given, a QCAT information notice for an internal review decision.
- (2) The person may apply to QCAT, as provided under the QCAT Act, for a review of the internal review decision.

Note—

The QCAT Act, section 22(3) enables QCAT to stay the operation of the internal review decision, either on application by a person or on its own initiative.

- (3) However, QCAT may not stay the operation of an internal review decision that is a discontinuation decision.
- (4) In this section—

discontinuation decision see section 143H(8).

13 Insertion of new pt 9, div 1, hdg

Before section 144—

insert—

[s 14]

Division 1 General provisions

14 Replacement of ss 152A–153

Sections 152A to 153—

omit, insert—

152A General powers for things seized

- (1) Having seized a thing under this division or division 2, the chief executive or a conservation officer (each an *officer*) may—
 - (a) move the thing from its place of seizure; or
 - (b) leave the thing at its place of seizure and take reasonable action to restrict access to it.
- (2) For subsection (1)(b), the officer may, for example—
 - (a) seal the thing, or the entrance to the place of seizure, and mark the thing or place to show access to the thing or place is restricted; or
 - (b) if the thing is equipment—make the equipment inoperable.

Example of making equipment inoperable—
dismantling the equipment or removing a component from the equipment without which the equipment can not be used
- (3) If the thing is, or contains, wildlife, the officer may, as is appropriate to ensure the survival of the wildlife—
 - (a) take the wildlife to a place the officer considers appropriate; or
 - (b) give the wildlife accommodation, food, rest, water or other appropriate living conditions; or

-
- (c) if the officer reasonably believes the wildlife requires veterinary or other treatment—arrange for the treatment; or
 - (d) leave the wildlife at the place of seizure and take any action mentioned in paragraphs (a) to (c); or
 - (e) if the wildlife is left at the place of seizure—give the person from whom the wildlife was seized a direction to—
 - (i) keep, or continue to keep, the wildlife in the person’s custody; and
 - (ii) look after, or continue to look after, the wildlife; or
 - (f) if the wildlife is left at the place of seizure and the person from whom the wildlife was seized does not comply with a direction under paragraph (e)—take any action mentioned in paragraphs (a) to (c).
- (4) For the *Animal Care and Protection Act 2001*, section 12, an officer is not in charge of wildlife that is subject to a direction given by the officer under subsection (3)(e) merely because the officer has seized the wildlife.

153 Keeping seized protected wildlife until conservation value paid

- (1) This section applies in relation to a thing seized under this division or division 2—
 - (a) that is protected wildlife; and
 - (b) for which an amount of conservation value remains unpaid.
- (2) The conservation officer may keep the protected wildlife until the conservation value for the wildlife is paid.

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- (3) If the amount is not paid within 30 days after the seizure, the protected wildlife may be disposed of in the way the chief executive directs.
- (4) The seizure and keeping of protected wildlife does not affect any proceeding under this Act for—
 - (a) the recovery of an amount of conservation value for the wildlife; or
 - (b) an offence in relation to the non-payment of the amount.

15 Insertion of new pt 9, divs 2 and 3

After section 154—

insert—

Division 2 Special provisions for native wildlife and protected areas

Subdivision 1 Preliminary

154A Definitions for division

In this division—

claim period, for a seized thing, means—

- (a) if the thing is stock—2 weeks after the seizure notice is given for the stock; or
- (b) otherwise—
 - (i) if a seizure notice is not required to be given for the thing—2 months after the day the thing is seized; or

- (ii) if a seizure notice is required to be given for the thing—2 months after the date stated in the seizure notice.

dangerous seized thing see section 154G(1).

owner, of a seized thing, includes a person who would be entitled to possession of the thing had it not been seized.

seized thing means a thing seized in the exercise of a power under this division.

seizure notice, for a seized thing, means a notice given under section 154I for the thing.

154B Application of division

A power to seize a thing under this division does not limit, and is not limited by, another power to seize a thing under division 1.

Subdivision 2 Seizure powers

154C Seizure by conservation officer of thing for protection of native wildlife outside protected area

- (1) This section applies if a conservation officer knows, or reasonably believes—
 - (a) a relevant thing on land that is not in a protected area—
 - (i) is on the land without the consent of the landholder; or
 - (ii) is abandoned; or
 - (iii) is being, or will be, used to commit an offence against this Act; and

[s 15]

- (b) it is necessary or desirable to remove the thing for the protection of native wildlife.
- (2) The conservation officer may—
 - (a) seize the relevant thing and anything attached to or contained in it; and
 - (b) remove the thing, and anything attached to or contained in it, from the land.
- (3) In this section—
relevant thing means a thing that is an appliance, vehicle, boat or aircraft.

154D Seizure by conservation officer of thing in protected area

- (1) This section applies if a conservation officer knows, or reasonably believes, that—
 - (a) a thing in a protected area—
 - (i) is abandoned; or
 - (ii) is being, or will be, used to commit an offence against this Act; or
 - (iii) is otherwise not authorised to be in the area under this Act (an *unauthorised thing*); or
 - (b) it is necessary or desirable to remove a thing from a protected area for the protection of a cultural or natural resource of the area.

Examples of things to which this section might apply—

appliances, equipment, stock, structures, works, vehicles

- (2) The conservation officer may—
 - (a) seize the thing, and anything in, on or attached to the thing; and

- (b) remove the thing, and anything in, on or attached to the thing, from the protected area.
- (3) However, subsections (4) to (6) apply if the thing is an unauthorised thing, other than stock.
- (4) If the conservation officer knows, or ought reasonably to know, a person is the owner of the thing, the conservation officer may exercise the powers under subsection (2) only if—
 - (a) the conservation officer gives the person a direction to remove the thing from the protected area; and
 - (b) the person does not comply with the direction.
- (5) Subsection (4) does not apply if—
 - (a) the person would be required to use a vehicle to comply with the direction; and
 - (b) the conservation officer reasonably believes the person would not be able to lawfully use a vehicle.
- (6) If the thing is a vehicle, the conservation officer may exercise the powers under subsection (2) only if the officer reasonably believes it is necessary or desirable to do so having regard to—
 - (a) the safety of people in the protected area; and
 - (b) the need to protect the cultural and natural resources of the protected area; and
 - (c) the orderly or proper management of the protected area.
- (7) This section does not apply to the extent the chief executive is exercising a power under section 154E in relation to a thing that is stock.
- (8) In this section—

[s 15]

vehicle includes an aircraft, boat or recreational craft.

154E Seizure by chief executive of stock found during muster in protected area

- (1) This section applies if—
 - (a) the chief executive, under this Act, conducts a muster of stock in a protected area; and
 - (b) during the muster, stock are found on the protected area; and
 - (c) the owner of the stock—
 - (i) is unable to be contacted by the chief executive; or
 - (ii) does not remove the stock from the area when asked by the chief executive.
- (2) The chief executive may seize the stock and remove the seized stock from the protected area.

Subdivision 3 Dealing with seized things

154F Application of subdivision

This subdivision does not apply in relation to a seized thing that is protected wildlife for which an amount of conservation value remains unpaid.

Note—

See section 154B.

154G Dangerous seized thing must be destroyed

- (1) This section applies to a seized thing (a *dangerous seized thing*) that is—
 - (a) an explosive under the *Explosives Act 1999*; or

- (b) a trap, snare, net or birdlime; or
 - (c) a decoy; or
 - (d) a poison.
- (2) The chief executive must destroy the dangerous seized thing at the time the chief executive considers appropriate, having regard to the reason for the seizure and any other matter relevant to the risks posed by the thing.

154H Way seized thing must be kept

- (1) This section applies in relation to a seized thing, other than a dangerous seized thing, whether or not the thing is removed from its place of seizure.
- (2) The chief executive must ensure the seized thing is kept in a reasonably secure way at all times until it is returned to the owner or otherwise dealt with under this subdivision.

154I Seizure notice

- (1) This section applies in relation to a seized thing, other than a dangerous seized thing, if—
 - (a) the thing is seized by the chief executive or a conservation officer (each an *officer*); and
 - (b) the officer reasonably believes the thing has a market value of more than \$500.
- (2) The officer must—
 - (a) if the officer knows who the owner of the seized thing is—give notice of the seizure to the owner; or
 - (b) otherwise—publish notice of the seizure on the department’s website.
- (3) If the owner is not known, the notice may also be displayed in a prominent position on a permanent

[s 15]

fixture as close as possible to the place of seizure of the seized thing.

- (4) The notice must state—
 - (a) the date of the notice; and
 - (b) that the owner may claim the seized thing within the claim period for the thing; and
 - (c) that the seized thing may be disposed of if not claimed within the claim period.

154J Release of seized thing

- (1) If a person claims a seized thing, other than a dangerous seized thing, the chief executive may release the thing to the person only if—
 - (a) the chief executive is satisfied the person has a right to the thing; and
 - (b) the person pays the chief executive's reasonable costs of—
 - (i) seizing, removing and holding the thing; and
 - (ii) giving a seizure notice for the thing; and
 - (iii) restoring the place of seizure of the thing, as nearly as practicable, to its former state.
- (2) The chief executive may require a person to verify the person's right to a seized thing by a statutory declaration before releasing the thing to the person.

154K Sale and disposal of seized thing with market value of more than \$500

- (1) This section applies to a seized thing, other than a dangerous seized thing, if—

- (a) a seizure notice is given for the thing; and
 - (b) the owner of the thing does not claim it within the claim period for the thing; and
 - (c) the chief executive reasonably believes the thing has a market value of more than \$500.
- (2) The chief executive may sell the seized thing in the way the chief executive considers will best realise its market value.
- (3) Before selling the seized thing, the chief executive must publish a notice on the department's website—
- (a) identifying the thing; and
 - (b) stating how and when it is to be sold.
- (4) If the seized thing is not sold, the chief executive may dispose of it in the way the chief executive considers appropriate.

154L Sale and disposal of seized thing with market value of \$500 or less

- (1) This section applies to a seized thing, other than a dangerous seized thing, if the chief executive reasonably believes the thing does not have a market value of more than \$500.
- (2) The chief executive may—
 - (a) sell the thing in the way the chief executive considers will best realise its market value; or
 - (b) if the chief executive considers the thing does not have a market value—dispose of it.

154M Application of proceeds of sale

If the chief executive sells a seized thing under this subdivision, the proceeds of the sale must be

[s 15]

applied in the following order—

- (a) in payment of the reasonable expenses of the chief executive incurred in the sale;
- (b) in payment of the reasonable costs of the following activities—
 - (i) seizing, removing and holding the thing;
 - (ii) giving a seizure notice for the thing;
 - (iii) restoring the place of seizure of the thing, as nearly as practicable, to its former state;
- (c) in payment of any balance to the owner of the thing.

154N Compensation not payable

Compensation is not payable for the sale or disposal, under this subdivision, of a seized thing by the chief executive.

Division 3 Offences

154O Offence to interfere

- (1) This section applies in relation to a thing seized under division 1 or 2.
- (2) A person must not do, or attempt to do, any of the following, unless the person has a reasonable excuse—
 - (a) tamper with the thing;
 - (b) tamper with an action taken under section 152A(1)(b) to restrict access to the thing;
 - (c) enter, or be at, the place where the thing is being kept;

-
- (d) move the thing from the place where it is being kept;
 - (e) have the thing in the person's possession.
- Maximum penalty—
- (a) for a thing seized under division 1—500 penalty units; or
 - (b) otherwise—100 penalty units.
- (3) Subsection (2) does not apply if—
- (a) the person is the chief executive or a conservation officer; or
 - (b) the person is doing something mentioned in subsection (2) that the person is asked, or authorised, by a conservation officer to do; or
 - (c) in relation to wildlife—the person from whom the wildlife is seized—
 - (i) is complying with a direction for the wildlife given under section 152A(3)(e); and
 - (ii) does not, without the written authority of a conservation officer, take the wildlife from its place of seizure.

16 Amendment of s 155 (Obstruction of conservation officers)

- (1) Section 155, heading—

omit, insert—

155 Obstructing conservation officer

- (2) Section 155(1) and (2), 'the exercise of a power'—

omit, insert—

the performance of a function or the exercise of a power

[s 17]

- (3) Section 155(2)(a) and (c), ‘the exercise of the officer’s powers’—

omit, insert—

the performance of the officer’s functions or exercise of the officer’s powers

17 Amendment, relocation and renumbering of s 156 (Court may order compensation)

- (1) Section 156—

insert—

- (4) This section is subject to section 154N.

- (2) Section 156—

relocate and renumber, in part 9, division 4, as inserted by this Act, as section 159B.

18 Insertion of new s 159A

After section 159—

insert—

159A Impersonating ranger

- (1) A person who is not a ranger must not, in any way, hold out that the person is a ranger in or for a protected area.

Maximum penalty—50 penalty units.

- (2) In this section—

authorised, by the State, means—

- (a) employed or engaged by the State; or
(b) authorised under an arrangement entered into by or for the State.

ranger means a person who is authorised by the State—

- (a) to act in a position as a ranger; or
- (b) to perform a function ordinarily performed by a person mentioned in paragraph (a).

19 Insertion of new pt 9, div 4, hdg

After section 159A, as inserted by this Act—

insert—

Division 4 Compensation

20 Omission of pt 10, div 4 (Stay of decisions by QCAT)

Part 10, division 4—

omit.

21 Insertion of new s 174D

After section 174C—

insert—

174D Approved forms

The chief executive may approve forms for use under this Act.

22 Amendment of s 175 (Regulation-making power)

- (1) Section 175(2)(f) to (h)—

omit.

- (2) Section 175(2)(i) to (t)—

renumber as section 175(2)(f) to (q).

23 Insertion of new pt 12, div 8

Part 12—

insert—

Division 8 Transitional provisions for Nature Conservation and Other Legislation Amendment Act 2022

216 Review of existing original decisions

- (1) This section applies if—
 - (a) before the commencement, a decision was made that was an original decision under a former review provision; and
 - (b) immediately before the commencement, any of the following circumstances applied, under a former review provision, in relation to the decision—
 - (i) the period during which an application for internal review, external review or a stay of the decision could be made had not ended;
 - (ii) an application made under a former review provision had not been decided.
- (2) The application may be decided, or made and decided, under the former review provision as if the *Nature Conservation and Other Legislation Amendment Act 2022*, part 4, division 2 had not been enacted.
- (3) In this section—

former review provision means each of the following provisions, as in force immediately before the commencement—

 - (a) the *Nature Conservation (Animals) Regulation 2020*, chapter 11, part 1;

- (b) the *Nature Conservation (Plants) Regulation 2020*, chapter 11, part 1;
- (c) the *Nature Conservation (Protected Areas Management) Regulation 2017*, chapter 8B, part 1.

217 Things seized before commencement

- (1) This section applies if—
 - (a) before the commencement, a thing was seized under the Act; and
 - (b) immediately before the commencement, the thing had not been released, sold, disposed of or otherwise dealt with in the way required under a former seizure provision.
- (2) The thing may be released, sold, disposed of or otherwise dealt with under the former seizure provision as if the *Nature Conservation and Other Legislation Amendment Act 2022*, part 4, division 2 had not been enacted.
- (3) In this section—

former seizure provision means each of the following provisions, as in force immediately before the commencement—

 - (a) part 9;
 - (b) the *Nature Conservation (Animals) Regulation 2020*, chapter 11, part 2;
 - (c) the *Nature Conservation (Plants) Regulation 2020*, chapter 11, part 2;
 - (d) the *Nature Conservation (Protected Areas Management) Regulation 2017*, chapter 8.

218 Existing approved forms

- (1) This section applies in relation to a form that

[s 24]

was—

- (a) approved by the chief executive under a former relevant provision; and
 - (b) in effect immediately before the commencement.
- (2) On the commencement, the form is taken to be approved by the chief executive under section 174D for the purpose for which it was approved under the former relevant provision.
- (3) In this section—

former relevant provision means each of the following provisions, as in force from time to time before the commencement—

- (a) the *Nature Conservation (Animals) Regulation 2020*, section 396;
- (b) the *Nature Conservation (Plants) Regulation 2020*, section 207;
- (c) the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 159BL.

24 Amendment of schedule (Dictionary)

- (1) Schedule, definition *owner*—

omit.

- (2) Schedule—

insert—

affected person, for part 8A, see section 143C.

aircraft—

- (a) means a machine or craft that can derive support in the atmosphere from the reactions of the air or from buoyancy; but
- (b) does not include—

-
- (i) a hovercraft; or
 - (ii) another machine or craft prescribed by regulation not to be an aircraft.

approved form means a form approved by the chief executive under section 174D.

claim period, for part 9, division 2, see section 154A.

dangerous seized thing, for part 9, division 2, see section 154G(1).

information notice, for an original decision, means a written notice stating the following information—

- (a) the decision;
- (b) the reasons for the decision;

Note—

See the *Acts Interpretation Act 1954*, section 27B for matters that must be included with the reasons.

- (c) that the person to whom the notice is given may ask for a review of the decision under this Act;
- (d) how, and the period within which, the review may be started;
- (e) if the person may apply for a stay of the operation of the decision under this Act—how the person may apply for the stay.

internal review, for part 8A, see section 143C.

internal review decision, for part 8A, see section 143C.

original decision, for part 8A, see section 143C.

owner—

- (a) of land, for part 4, division 2, subdivision 4A, see section 39D; or

[s 24]

(b) of a seized thing, for part 9, division 2, see section 154A.

place of seizure, in relation to a thing, means the place where the thing was seized.

QCAT information notice, for part 8A, see section 143C.

reasonably believes means believes on grounds that are reasonable in the circumstances.

recreational craft means—

- (a) the following aircraft—
 - (i) a hot air balloon;
 - (ii) a hang-glider;
 - (iii) a paraglider;
 - (iv) an ultralight aircraft; or
- (b) the following wheeled devices—
 - (i) a kite buggy;
 - (ii) a land windsurfing board; or
- (c) another craft or device prescribed by regulation to be a recreational craft.

seized thing, for part 9, division 2, see section 154A.

seizure notice, for part 9, division 2, see section 154A.

stock means alpacas, buffalo, camels, cattle, donkeys, deer, goats, horses, llama, ostriches, peafowl or sheep.

Division 3 Amendments commencing by proclamation

25 Insertion of new s 36A

After section 36—

insert—

36A Apiary permits for particular areas

- (1) Despite sections 15 and 137, the chief executive may grant an apiary permit for a national park, even if the permit is inconsistent with the management strategy for the park.
- (2) However, subsection (1) applies only if—
 - (a) the apiary permit is granted for an area (an ***apiary area***) prescribed by regulation to be an apiary area; and
 - (b) the granting of the permit complies with any requirements prescribed by regulation for the apiary area.
- (3) The Minister may recommend to the Governor in Council the making of a regulation prescribing an apiary area only if the Minister is satisfied—
 - (a) the area—
 - (i) was a prescribed forest reserve immediately before the commencement; and
 - (ii) is to be proposed for dedication as a national park after the commencement; or
 - (b) the area was a prescribed forest reserve before it was dedicated, or taken to be dedicated, as a national park before the commencement; or
 - (c) the area—

[s 25]

- (i) was dedicated as a national park before the commencement; and
 - (ii) is subject to a previous use authority for beekeeping activities; or
 - (d) the area was, before the commencement, declared as a special management area (controlled action) for carrying out beekeeping activities; or
 - (e) the area is, after the commencement, dedicated as a national park and beekeeping activities were lawfully carried out or permitted on the area immediately before the dedication; or
 - (f) the area is, after the commencement, proposed for dedication as a national park and beekeeping activities are being lawfully carried out or are permitted on the area.
- (4) Without limiting subsection (2)(b), a regulation may prescribe—
- (a) requirements about sites designated for the placing of beehives in an apiary area; or
 - (b) limits on the number of sites for the apiary area or beehives for each site.
- (5) This section does not limit, and is not limited by, section 36.
- (6) This section stops applying on 1 January 2045.
- (7) In this section—
- apiary permit*** means a permit, issued or given under a regulation, to take, use, keep or interfere with a cultural or natural resource for beekeeping.
- management strategy***, for a national park, means any of the following for the park—
- (a) the management principles;

- (b) the interim or declared management intent;
- (c) a management plan.

prescribed forest reserve means a forest reserve prescribed by regulation under section 184, as in force from time to time before the commencement.

previous use authority see section 36(2).

26 Omission of s 184 (Provision to allow beekeeping in particular former forest reserves until 2025)

Section 184—

omit.

27 Insertion of new s 219

Part 12, division 8, as inserted by this Act—

insert—

219 Existing apiary permits continue

- (1) An existing apiary permit continues in effect, subject to any conditions applying to the permit immediately before the commencement, until the earliest of the following—
 - (a) the surrender of the permit;
 - (b) the term of the permit ends;
 - (c) the permit is suspended or cancelled.
- (2) For applying subsection (1), former section 184 and a former regulation provision continue to apply to the existing apiary permit as if former section 184 had not been repealed.
- (3) In this section—

existing apiary permit means an authorisation that—

[s 28]

- (a) was granted to a person under a former regulation provision; and
- (b) authorised the person to take, use, keep or interfere with a cultural or natural resource for an apiary in a national park or national park (recovery); and
- (c) was in effect immediately before the commencement.

former regulation provision means a provision of a regulation, as in force immediately before the commencement—

- (a) made under former section 184; or
- (b) that applied because of former section 184.

former section 184 means section 184 as in force immediately before the commencement.

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

28 **Regulation amended**

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

29 **Insertion of new s 282A**

After section 282—

insert—

282A Meaning of *aircraft*—Act, schedule

For the Act, schedule, definition *aircraft*, a wing in ground effect craft is prescribed not to be an aircraft for this chapter and schedule 4.

30 Omission of ch 11 (Administrative provisions)

Chapter 11—

omit.

31 Amendment of sch 7 (Dictionary)

Schedule 7, definitions *affected person, aircraft, approved form, claim period, dangerous seized thing, information notice, internal review, internal review decision, original decision, owner, QCAT information notice, seized thing* and *seizure notice*—

omit.

Part 6 Amendment of Nature Conservation (Plants) Regulation 2020

32 Regulation amended

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

33 Omission of ch 11 (Administrative provisions)

Chapter 11—

omit.

34 Amendment of sch 5 (Dictionary)

Schedule 5, definitions *affected person, approved form, claim period, dangerous seized thing, information notice, internal review, internal review decision, original decision, owner, QCAT information notice, seized thing* and *seizure notice*—

omit.

[s 35]

Part 7 Amendment of Nature Conservation (Protected Areas Management) Regulation 2017

35 Regulation amended

This part amends the Nature Conservation (Protected Areas Management) Regulation 2017.

36 Replacement of ch 7, hdg (Other authorised activities in protected areas)

Chapter 7, heading—

omit, insert—

Chapter 7 Miscellaneous

Part 1 Other authorised activities in protected areas

37 Amendment of s 153 (Conducting general muster)

(1) Section 153(6)—

insert—

Note—

See also section 154E of the Act.

(2) Section 153(7)—

omit.

(3) Section 153(8)—

renumber as section 153(7).

38 Insertion of new ch 7, pt 2, hdg

After section 154—

insert—

Part 2 Approvals

39 Omission of ch 8 (Seizure of things in protected areas)

Chapter 8—

omit.

40 Relocation and renumbering of s 159BJ (Approvals generally not transferable)

Section 159BJ—

relocate to chapter 7, part 2, as inserted by this Act, and *renumber* as section 155.

41 Omission of ch 8B (Administrative provisions)

Chapter 8B, as amended by this Act—

omit.

42 Amendment of sch 8 (Dictionary)

Schedule 8, definitions *affected person*, *aircraft*, *approved form*, *claim period*, *dangerous seized thing*, *information notice*, *internal review*, *internal review decision*, *original decision*, *owner*, *QCAT information notice*, *recreational craft*, *seized thing*, *seizure notice* and *stock*—

omit.

[s 43]

Part 8 Amendment of Recreation Areas Management Act 2006

43 Act amended

This part amends the *Recreation Areas Management Act 2006*.

Note—

See also the amendments in schedule 1.

44 Insertion of new s 143A

After section 143—

insert—

143A Functions of authorised officers

- (1) An authorised officer has the following functions—
 - (a) to investigate, monitor and enforce compliance with this Act;
 - (b) to investigate or monitor whether an occasion has arisen for the exercise of powers under this Act;
 - (c) to facilitate the exercise of powers under this Act;
 - (d) to help achieve the main purpose of this Act by providing advice and information on how the purpose may be achieved.
- (2) Subject to this Act, an authorised officer may exercise the powers under this Act for the purpose of these functions.

45 Amendment of s 194 (Obstructing an authorised officer)

- (1) Section 194, heading, ‘an’—

omit.

- (2) Section 194(1), after ‘in’—

insert—

the performance of a function or

- (3) Section 194(2), after ‘with’—

insert—

the performance of the function or

46 Insertion of new s 195A

After section 195—

insert—

195A Impersonating ranger

- (1) A person who is not a ranger must not, in any way, hold out that the person is a ranger in or for a recreation area.

Maximum penalty—50 penalty units.

- (2) In this section—

authorised, by the State, means—

- (a) employed or engaged by the State; or
(b) authorised under an arrangement entered into by or for the State.

ranger means a person who is authorised by the State—

- (a) to act in a position as a ranger; or
(b) to perform a function ordinarily performed by a person mentioned in paragraph (a).

[s 47]

Part 9 **Amendment of State Penalties Enforcement Regulation 2014**

47 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2014*.

48 **Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

- (1) Schedule 1, entry for *Nature Conservation Act 1992*—
insert—

s 154O(2) in the circumstances in
paragraph (b) of the penalty 5 -

- (2) Schedule 1, entry for *Nature Conservation (Animals) Regulation 2020*, entry for section 387(1)—
omit.
- (3) Schedule 1, entry for *Nature Conservation (Plants) Regulation 2020*, entry for section 198(1)—
omit.
- (4) Schedule 1, entry for *Nature Conservation (Protected Areas Management) Regulation 2017*, entry for section 159AC(1)—
omit.

Part 10 **Amendment of Wet Tropics World Heritage Protection and Management Act 1993**

Division 1 **Preliminary**

49 **Act amended**

This part amends the *Wet Tropics World Heritage Protection and Management Act 1993*.

Note—

See also the amendments in schedule 1.

Division 2 **Amendments commencing on assent**

50 **Amendment of s 52 (Amendment of plans)**

(1) Section 52(1), ‘amend’—

omit, insert—

approve the amendment of

(2) Section 52(2), ‘subsection (1) does not apply to’—

omit, insert—

the procedures mentioned in subsection (1) are not required to be followed in relation to

(3) Section 52(2)(b)—

omit, insert—

(b) reflect an amendment of this Act in the plan;
or

(ba) make another change to the plan that is not a change of substance; or

[s 51]

- (4) Section 52(2)(ba) and (c)—
renumber as section 52(2)(c) and (d).

Division 3 Amendments commencing by proclamation

51 Amendment of preamble

Preamble, paragraph 6, ‘agreement’—
omit, insert—
intergovernmental agreement

52 Amendment of s 10 (Authority’s functions)

- (1) Section 10(1)(b), ‘the Ministerial Council’—
omit, insert—
the State Minister and the Commonwealth
Minister
- (2) Section 10(1)(c) and (m) and (2), ‘the Minister and the
Ministerial Council’—
omit, insert—
the State Minister and the Commonwealth
Minister

53 Amendment of s 14 (Composition of board)

Section 14(1)(a) and (ab), ‘the Ministerial Council’—
omit, insert—
the State Minister and the Commonwealth
Minister

54 Amendment of s 16 (Appointment)

(1) Section 16(2)—

omit.

(2) Section 16(3)—

renumber as section 16(2).

(3) Section 16—

insert—

(3) Subsection (4) applies if—

(a) a qualified person has not been nominated for appointment as a director under section 14(1)(a), (ab) or (b) (each a **relevant provision**); and

(b) the State Minister believes there has been a reasonable opportunity for a qualified person to be nominated for appointment under the relevant provision; and

(c) the State Minister asks the Commonwealth Minister to—

(i) if the relevant provision is section 14(1)(a) or (ab)—arrange with the State Minister to nominate a qualified person for appointment under the provision; or

(ii) if the relevant provision is section 14(1)(b)—nominate a qualified person for appointment under the provision; and

(d) a qualified person has not been nominated for appointment under the relevant provision within 3 months after the request is made.

(4) Despite section 14(1), the Governor in Council may appoint—

(a) a qualified person as the chairperson; or

[s 55]

- (b) a qualified person who is an Aboriginal person as the director mentioned in section 14(1)(ab); or
 - (c) a qualified person as 1 of the 2 directors mentioned in section 14(1)(b).
- (5) A person appointed under subsection (4)(a) is taken to have been appointed as the chairperson under section 14(1)(a).
- (6) A person appointed under subsection (4)(b) is taken to have been appointed as a director under section 14(1)(ab).
- (7) A person appointed under subsection (4)(c) is taken to have been appointed as a director under section 14(1)(b).

55 Amendment of s 20 (Appointment of acting chairperson)

Section 20(2), ‘the Ministerial Council’—

omit, insert—

the State Minister and the Commonwealth Minister

56 Amendment of s 22 (Removal from office)

(1) Section 22(2)—

omit, insert—

(2) The following directors may be removed only after consultation with the State Minister and the Commonwealth Minister—

- (a) the chairperson;
- (b) the director mentioned in section 14(1)(ab).

(2) Section 22(3), ‘section 14(b)’—

omit, insert—

section 14(1)(b)

57 Amendment of s 23 (Executive director)

Section 23, from ‘between’—

omit, insert—

among the State Minister, the Commonwealth Minister and the authority.

58 Amendment of s 24 (Executive director’s duties)

Section 24(4)—

omit.

59 Amendment of s 46 (Submission of final plan etc. to Ministerial Council)

(1) Section 46, heading, ‘to Ministerial Council’—

omit.

(2) Section 46, ‘the Ministerial Council’—

omit, insert—

the State Minister and the Commonwealth Minister

60 Amendment of s 47 (Approval of final plan)

Section 47(2), ‘the Ministerial Council’—

omit, insert—

the State Minister and the Commonwealth Minister

61 Amendment of s 64 (Budget)

(1) Section 64(2), ‘the Ministerial Council’, first mention—

[s 62]

omit, insert—

the State Minister and the Commonwealth Minister

- (2) Section 64(2), ‘the Ministerial Council’, second mention—

omit, insert—

the Ministers

- (3) Section 64(3), ‘The Ministerial Council’—

omit, insert—

The State Minister and the Commonwealth Minister

- (4) Section 64(3), ‘to it’—

omit, insert—

under subsection (2)

- (5) Section 64(4), ‘the Ministerial Council’, first mention—

omit, insert—

the State Minister or the Commonwealth Minister

- (6) Section 64(4), ‘the Ministerial Council’, second mention—

omit, insert—

the State Minister and the Commonwealth Minister

62 Omission of sch 1 (Management scheme intergovernmental agreement for the Wet Tropics of Queensland World Heritage Area)

Schedule 1—

omit.

63 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *agreement* and *Ministerial Council*—

omit.

(2) Schedule 3—

insert—

Commonwealth Minister means the Commonwealth Minister administering the *Wet Tropics of Queensland World Heritage Area Conservation Act 1994* (Cwlth).

intergovernmental agreement means the agreement, first made on 16 November 1990, between the Commonwealth and the State called the ‘Management scheme intergovernmental agreement for the Wet Tropics of Queensland World Heritage Area’, as amended from time to time.

Note—

A copy of the agreement is published on the authority’s website.

State Minister means the Minister administering this Act.

Part 11 Other amendments

64 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 64

Part 1 Amendments commencing on assent

Marine Parks Act 2004

1 Section 92, heading, ‘an’—

omit.

Nature Conservation Act 1992

**1 Section 88BA(2), definition *marine turtle*,
‘Cheloniidae’—**

omit, insert—

Cheloniidae

2 Section 147(1) and (4), ‘this part’—

omit, insert—

this division

3 Section 159, heading, ‘Impersonation of’—

omit, insert—

Impersonating

Recreation Areas Management Act 2006

1 Section 195, heading, ‘an’—

omit.

Part 2 Amendments commencing by proclamation

Wet Tropics World Heritage Protection and Management Act 1993

1 Section 21(2), ‘section 14(b)’—

omit, insert—

section 14(1)(b)

2 Section 51(1) and (3), ‘the Minister’—

omit, insert—

the State Minister

3 Section 51(2), ‘the Minister must’—

omit, insert—

the State Minister must

4 Section 58(1) and (2), ‘The Minister’—

omit, insert—

The State Minister

5 Section 58(4)(b), ‘the Minister’—

omit, insert—

the State Minister

6 Section 61(1) and (2)(b), ‘Minister’—

omit, insert—

State Minister

7 Section 63(1), ‘the Minister’—

omit, insert—

the State Minister

8 Section 63(2), ‘The Minister’—

omit, insert—

The State Minister

9 Section 65, ‘The Minister’—

omit, insert—

The State Minister

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