



Queensland

Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Regulation 2019

Subordinate Legislation 2019 No. 150

made under the

Environmental Offsets Act 2014

Environmental Protection Act 1994

Nature Conservation Act 1992

State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Regulation 2019*.

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, '(version 1.6)'—
omit, insert—
(version 1.7)

4 Amendment of sch 1 (Activities prescribed for section 9(c) of the Act)

- (1) Schedule 1, item 4, 'or 42AE'—
omit, insert—
, 42AE, 43F, 43G or 43H
- (2) Schedule 1, item 6(e), 'areas'—
omit, insert—
area

Part 3 **Amendment of Environmental Protection Regulation 2008**

5 **Regulation amended**

This part amends the *Environmental Protection Regulation 2008*.

6 **Amendment of sch 12 (Dictionary)**

(1) Schedule 12, part 1, section 1(a)—

insert—

(va) a special wildlife reserve;

(2) Schedule 12, part 1, section 1(a)(va) to (vii)—

renumber as schedule 12, part 1, section 1(a)(vi) to (viii).

Part 4 **Amendment of Nature Conservation (Protected Areas Management) Regulation 2017**

7 **Regulation amended**

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

8 **Omission of s 5 (Definition for part)**

Section 5—

omit.

9 Amendment of s 8 (Application to State forest or timber reserves)

- (1) Section 8, heading, ‘reserves’—

omit, insert—

reserve in coordinated conservation area

- (2) Section 8, ‘relevant protected area’—

omit, insert—

coordinated conservation area

10 Replacement of s 9 (Application to private land)

Section 9—

omit, insert—

9 Application to special wildlife reserve and nature refuge

A provision of this regulation applies to a special wildlife reserve or nature refuge only if, and to the extent, the provision declares it applies.

9A Application to coordinated conservation area

- (1) A provision of this regulation applies to private land in a coordinated conservation area only if, and to the extent that, the provision declares it applies to the land.

- (2) In this section—

private land means land other than State land.

11 Amendment of s 19 (Additional matters to be considered)

Section 19—

insert—

- (2) For section 9, this section applies in relation to a

special wildlife reserve or nature refuge.

12 Insertion of new s 19A

Before section 20—

insert—

19A Restrictions on grant for special wildlife reserve and nature refuge

- (1) The chief executive may grant a resources permit for a special wildlife reserve only if the permit is granted for—
 - (a) an educational purpose for a cultural or natural resource of the reserve; or
 - (b) a scientific purpose for a cultural or natural resource of the reserve.
- (2) The chief executive may grant a resources permit for a nature refuge.
- (3) The chief executive may grant a resources permit mentioned in this section only with the consent of the landholder of the land in the special wildlife reserve or nature refuge.

13 Amendment of s 20 (Restriction on grant about insurance)

Section 20—

insert—

- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

14 Amendment of s 23 (General restriction on grant of permit)

Section 23—

insert—

- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

15 Amendment of s 24 (Restriction about persons to whom permit may be granted)

Section 24—

insert—

- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

16 Amendment of s 25 (Restriction about purposes for which permit may be granted)

Section 25—

insert—

- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

17 Amendment of s 26 (General restriction on grant of permit)

Section 26—

insert—

- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

18 Amendment of s 27 (Restriction about persons to whom permit may be granted)

Section 27—

insert—

- (3) For section 9, this section applies in relation to a

special wildlife reserve or nature refuge.

19 Amendment of s 28 (Restriction about purposes for which permit may be granted)

Section 28—

insert—

- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

20 Amendment of s 29 (Taking, using, keeping and interfering with particular resources authorised)

Section 29—

insert—

- (4) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

21 Amendment of s 48 (Controlling activity)

Section 48—

insert—

- (5) The chief executive may give a permission under this section for a special wildlife reserve or nature refuge only with the consent of the landholder of the land in the reserve or refuge.

22 Amendment of s 51 (Additional matters to be considered)

Section 51—

insert—

- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

23 Amendment of s 52 (Permit must be consistent with management principles and management intent or plan)

- (1) Section 52, heading, after ‘plan’—
insert—
, or conservation agreement
- (2) Section 52(a) and (b)—
omit, insert—
- (a) the management principles for the area; and
 - (b) any of the following for the area—
 - (i) the interim or declared management intent;
 - (ii) the management plan;
 - (iii) the conservation agreement.
- (3) Section 52—
insert—
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

24 Insertion of new ss 52A and 52B

After section 52—

insert—

52A Restrictions on grant for special wildlife reserve

- (1) The only types of activity permit the chief executive may grant for a special wildlife reserve are the following—
- (a) a restricted access area permit;
 - (b) a stock mustering permit;
 - (c) a travelling stock permit.

- (2) The chief executive may grant an activity permit mentioned in this section only with the consent of the landholder of the land in the special wildlife reserve.

52B Restrictions on grant for nature refuge

- (1) The only type of activity permit the chief executive may grant for a nature refuge is a restricted access area permit.
- (2) The chief executive may grant an activity permit mentioned in this section only with the consent of the landholder of the land in the nature refuge.

25 Amendment of s 54 (Access to restricted area authorised under particular permits)

- (1) Section 54—

insert—

- (1A) For section 9, this section applies in relation to a special wildlife reserve, to the extent the reserve is a restricted access area.

- (2) Section 54(1A) and (2)—

renumber as section 54(2) and (3).

26 Amendment of s 57 (Entering restricted access area authorised under permit)

Section 57—

insert—

- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge, to the extent the reserve or refuge is a restricted access area.

27 Amendment of s 60 (Mustering stock in particular areas authorised under permit)

Section 60—

insert—

- (2) For section 9, this section applies in relation to a special wildlife reserve.

28 Amendment of s 61 (Using particular animals or vehicles to muster stock authorised under particular permits)

Section 61—

insert—

- (3) For section 9, this section applies in relation to a special wildlife reserve.

29 Amendment of s 63 (Travelling stock in particular areas authorised under permit)

Section 63—

insert—

- (2) For section 9, this section applies in relation to a special wildlife reserve.

30 Amendment of s 78 (Declaration of restricted access area)

Section 78—

insert—

- (6) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

31 Amendment of s 79 (Reasons for declaring restricted access area)

(1) Section 79—

insert—

(1A) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

(2) Section 79(1A) and (2)—

renumber as section 79(2) and (3).

32 Amendment of s 82 (Declarations for particular protected areas to which indigenous land use agreements apply)

(1) Section 82—

insert—

(2A) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

(2) Section 82(2A) and (3)—

renumber as section 82(3) and (4).

33 Amendment of s 83 (When declarations end)

Section 83—

insert—

(3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

34 Amendment of s 95 (Unlawfully entering restricted access area)

(1) Section 95—

insert—

(1A) For section 9, this section applies in relation to a special wildlife reserve or nature refuge, to the

extent the reserve or refuge is a restricted access area.

- (2) Section 95(1A) and (2)—

renumber as section 95(2) and (3).

35 Amendment of s 98 (Unlawfully grazing stock)

Section 98—

insert—

- (2) A person must not graze stock in a special wildlife reserve unless the person grazes stock in the area under—
- (a) a previous use authority granted under section 43H of the Act that authorises the grazing of stock; or
 - (b) a written permission for conducting a controlling activity given under section 48.

Maximum penalty—165 penalty units.

36 Amendment of s 99 (Unlawfully grazing other animals)

- (1) Section 99, ‘the stock’—

omit, insert—

the animals

- (2) Section 99—

insert—

- (2) A person must not graze animals other than stock in a special wildlife reserve unless the person grazes animals in the reserve under an authority granted under section 43H of the Act that authorises the grazing of the animals.

Maximum penalty—165 penalty units.

37 Amendment of s 100 (Unlawfully mustering stock)

(1) Section 100(4), penalty, ‘for subsection (4)’—

omit.

(2) Section 100—

insert—

(5) For section 9, this section applies in relation to a special wildlife reserve.

38 Amendment of s 101 (Unlawfully travelling stock)

Section 101—

insert—

(2) For section 9, this section applies in relation to a special wildlife reserve.

39 Amendment of s 102 (Unlawfully travelling other animals)

Section 102—

insert—

(2) For section 9, this section applies in relation to a special wildlife reserve.

40 Amendment of s 103 (Allowing stock to stray onto protected area)

Section 103—

insert—

(2) For section 9, this section applies in relation to a special wildlife reserve.

41 Amendment of s 110 (Unlawful lighting of fires)

(1) Section 110(1), before paragraph (a)—

insert—

(aa) a management program; or

(2) Section 110(1)(aa) to (d)—

renumber as section 110(1)(a) to (e).

(3) Section 110—

insert—

(3A) For section 9, this section, other than subsection (2), applies in relation to a special wildlife reserve.

(4) Section 110(3A) and (4)—

renumber as section 110(4) and (5).

42 Amendment of s 111 (Unattended fires)

Section 111—

insert—

(3) For section 9, this section applies in relation to a special wildlife reserve.

43 Amendment of s 113 (Conservation officer's powers in relation to fires)

(1) Section 113(2), penalty, 'for subsection (2)'—

omit.

(2) Section 113—

insert—

(3) For section 9, this section applies in relation to a special wildlife reserve.

44 Amendment of s 114 (Unauthorised structures and works)

Section 114—

insert—

- (c) if the protected area is a special wildlife reserve—
 - (i) in contravention of the conservation agreement for the reserve; or
 - (ii) in contravention of the management program, or amended management program, for the reserve.

45 Amendment of s 115 (Complying with direction to remove unauthorised structures or works)

(1) Section 115(1)—

omit, insert—

- (1) This section applies to a structure erected or kept, or works carried out, in a protected area in contravention of section 114 if the name of the person who erected or kept the structure, or carried out the works, is known by the chief executive or a conservation officer.

(2) Section 115—

insert—

- (5) For section 9, this section applies in relation to a special wildlife reserve.

46 Amendment of s 128 (Unauthorised feeding of animals)

(1) Section 128—

insert—

- (3A) For section 9, this section applies in relation to a

special wildlife reserve.

- (2) Section 128(3A) and (4)—
renumber as section 128(4) and (5).

47 Amendment of s 131 (Restriction on animals in protected area)

- (1) Section 131(2)—
insert—
- (f) an animal brought into, or kept in, a special wildlife reserve under the management program for the reserve.
- (2) Section 131—
insert—
- (3) For section 9, this section applies in relation to a special wildlife reserve.

48 Amendment of s 133 (Complying with direction to remove animal)

- (1) Section 133(2), penalty, ‘for subsection (2)’—
omit.
- (2) Section 133—
insert—
- (3) For section 9, this section applies in relation to a special wildlife reserve.

49 Amendment of s 134 (Unlawfully bringing plants into protected area)

- Section 134(1)—
insert—

- (f) the protected area is a special wildlife reserve and the person brings the plant into the reserve in accordance with the management program for the reserve.

50 Amendment of s 135 (Polluting dams, lakes or watercourses)

Section 135—

insert—

- (3) For section 9, this section applies in relation to a special wildlife reserve.

51 Amendment of s 136 (Misusing water)

- (1) Section 136(2)(a)—

omit, insert—

- (a) a person doing an act mentioned in subsection (1) if doing the act is authorised under—
 - (i) the Act; or
 - (ii) the management program for a special wildlife reserve; and

- (2) Section 136—

insert—

- (3) For section 9, this section applies in relation to a special wildlife reserve.

52 Amendment of s 137 (Unlawful use of offensive and harmful substances)

Section 137—

insert—

- (3) This section does not apply to a person doing an act under subsection (1) or (2) if doing the act is authorised under the management program for a special wildlife reserve.
- (4) For section 9, this section applies in relation to a special wildlife reserve.

53 Amendment of s 138 (Unlawful disposal of offensive and harmful substances)

Section 138—

insert—

- (3) This section does not apply to a person doing an act mentioned in subsection (1) or (2) if doing the act is authorised a management program for a special wildlife reserve.
- (4) For section 9, this section applies in relation to a special wildlife reserve.

54 Amendment of s 144 (Unlawfully possessing or using appliances)

Section 144(1)—

omit, insert—

- (1) A person must not possess or use an appliance in a protected area unless—
 - (a) the person—
 - (i) has the written approval of the chief executive for possessing or using the appliance; and
 - (ii) possesses or uses the appliance in a way complying with the approval; or
 - (b) if the protected area is a special wildlife reserve—

- (i) the management program for the reserve authorises the possession or use of the appliance; and
- (ii) the person possesses or uses the appliance in accordance with the management program.

Maximum penalty—120 penalty units.

55 Amendment of sch 8 (Dictionary)

Schedule 8, definition *relevant protected area*—
omit.

Part 5 Amendment of State Penalties Enforcement Regulation 2014

56 Regulation amended

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

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

- (1) Schedule 1, entry for *Nature Conservation (Protected Areas Management) Regulation 2017*, entries for sections 98 and 99—
omit.
- (2) Schedule 1, entry for *Nature Conservation (Protected Areas Management) Regulation 2017*—
insert—

Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment
Regulation 2019
Part 5 Amendment of State Penalties Enforcement Regulation 2014

[s 57]

s 98(2)	5
s 99(1)	5
s 99(2)	5

ENDNOTES

- 1 Made by the Governor in Council on 8 August 2019.
- 2 Notified on the Queensland legislation website on 9 August 2019.
- 3 The administering agency is the Department of Environment and Science.

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