



Queensland

Nature Conservation (Protected Areas Management) and Other Legislation Amendment Regulation 2020

Subordinate Legislation 2020 No. 138

made under the

Forestry Act 1959

Marine Parks Act 2004

Nature Conservation Act 1992

Recreation Areas Management Act 2006

State Penalties Enforcement Act 1999

Contents

		Page
Part 1	Preliminary	
1	Short title	11
2	Commencement	11
Part 2	Amendment of Nature Conservation (Protected Areas Management) Regulation 2017	
3	Regulation amended	11
4	Amendment of s 3 (Overview)	11
5	Omission of s 4 (Relationship with Nature Conservation (Administration) Regulation 2017)	12
6	Amendment of s 6 (Application generally)	12
7	Amendment of s 9 (Application to special wildlife reserve and nature refuge)	12
8	Replacement of ss 11 and 12	12
	11 Dictionary	13
	12 What is a protected area authority	13
	12A Meaning of character of an area	14

Contents

	12B	Meaning of relevant person	14
	12C	References to wildlife	15
9		Amendment of s 14 (Trustees of particular conservation parks to manage park—Act, s 31)	15
10		Amendment of s 15 (Trustees of particular resources reserves to manage reserve—Act, s 31)	16
11		Insertion of new ch 3, pt 1A	16
	Part 1A	Preliminary	
	18A	Purpose of chapter	16
	18B	Grant of permits or authorities	17
12		Replacement of ch 3, pt 1, hdg (Considering applications for permits or authorities)	17
13		Amendment of s 19 (Additional matters to be considered)	17
14		Insertion of new ss 19AA–19AC	18
	19AA	Additional matters for particular Indigenous areas	18
	Division 2	Restrictions on grant	
	19AB	Restriction on grant for Aboriginal land protected areas	19
	19AC	Restriction on grant for particular protected areas in Cape York Peninsula Region	19
15		Amendment of s 36 (Additional matters to be considered)	20
16		Amendment of s 42 (Additional matters to be considered)	20
17		Insertion of new ch 4, pt 1A	20
	Part 1A	Preliminary	
	50A	Purpose of chapter	21
	50B	Grant of permits	21
18		Amendment of s 51 (Additional matters to be considered)	21
19		Insertion of new ch 4, pt 8, div 1, hdg	22
20		Replacement of s 66 (Keeping record for particular permits)	22
	Division 2	Requirements for records	
	66	Particular holders to keep records	22
	66A	Details and timing for records	22
	66B	How records must be kept	23
	66C	Where records or copies must be kept	23
	66D	How long records or copies must be kept	24
21		Insertion of new ch 4, pt 8, div 3, hdg and ss 66E and 66F	24
	Division 3	Requirements for returns of operations	
	66E	Particular holders to give returns to chief executive	24

	66F	Giving returns	25
22		Amendment of s 67 (Giving return of operations for particular permits)	26
23		Insertion of new ss 67A–67D	26
	67A	Way and how long return of operations must be kept	27
	Division 4	Other requirements for records and returns	
	67B	Information must be complete, accurate and legible .	27
	67C	Notice of theft, loss or destruction of, or damage to, records or returns	28
	67D	Tampering with records or returns of operations	28
24		Insertion of new chs 4A and 4B	29
	Chapter 4A	Managing protected area authorities	
	Part 1	Applications for authorities	
	Division 1	Preliminary	
	71AA	Application of part	29
	Division 2	Making applications	
	71AB	Requirements for application	30
	71AC	Commercial activity permit applications must include request for record book or approval of electronic record system	31
	Division 3	Suitability	
	71AD	Purpose of division	31
	71AE	Definitions for division	32
	71AF	Restriction on grant for suitability	32
	71AG	Suitability based on convictions	33
	71AH	Suitability based on demerit points, suspensions and cancellations	34
	71AI	Accumulation of demerit points	35
	Division 4	Considering applications	
	71AJ	General matters for chief executive to consider	36
	71AK	Additional matters for refusal of particular applications	38
	71AL	Chief executive may require further information or document	39
	71AM	Amending application	40
	71AN	Chief executive may request public notice of application	40
	Division 5	Deciding applications	
	71AO	Chief executive to decide application	41
	71AP	Steps to be taken after application decided	42

Contents

Part 2	Camping permits in particular areas	
Division 1	E-permit camping areas	
71AQ	Establishing areas	43
71AR	When camping permit for e-permit camping area granted	44
71AS	Extent to which e-camping permit granted	45
Division 2	Self-registration camping areas	
71AT	Establishing areas	46
71AU	When camping permit for self-registration camping area granted	47
71AV	Extent to which self-registered camping permit granted	48
Part 3	Form of authorities	
71AW	Application of part	49
71AX	Form	49
71AY	Matters to be stated in authority	49
71AZ	Chief executive must issue camping tags for camping permits	51
Part 4	Term of authorities	
71BA	Application of part	51
71BB	Term	51
71BC	Maximum terms for permits and authorities for taking etc. cultural or natural resources	51
71BD	Maximum term for activity permits	52
Part 5	Amendment, suspension or cancellation of authorities	
Division 1	Preliminary	
71BE	Application of part	53
Division 2	Minor amendments	
71BF	Minor amendments by chief executive	53
Division 3	Amendments by application	
71BG	Application for amendment	54
71BH	Considering and deciding application	55
71BI	Steps to be taken after application decided	55
Division 4	Non-immediate amendments by chief executive	
71BJ	Grounds for amendment	56
71BK	Procedure for amendment	58
Division 5	Immediate amendment or suspension by chief executive	
71BL	Safety and conservation grounds	59

71BM	Failure to pay fee or royalty or give return	61
Division 6	Non-immediate suspension or cancellation by chief executive	
71BN	Grounds	63
71BO	Procedure	65
Division 7	Return of authorities	
71BP	After amendment	67
71BQ	After suspension	67
71BR	After cancellation	68
Part 6	Transfer of apiary and joint marine park authority permits	
Division 1	Transferable permits	
71BS	Particular permits transferable	68
Division 2	Apiary permits	
71BT	Transfer of apiary permits	68
Division 3	Joint marine park authority permits	
71BU	Application to transfer	69
71BV	Considering application	70
71BW	Chief executive's power to require further information	70
71BX	Decision on application	70
71BY	Steps after approval of transfer	71
Part 7	Renewal and continuation of commercial activity permits	
Division 1	Preliminary	
71BZ	Definitions for part	73
Division 2	Renewal requests	
71CA	Holder may apply for renewal of commercial activity permit	73
71CB	Existing permit continues in effect until renewal request is decided	73
71CC	When chief executive may renew permit	74
71CD	When activities under a new permit are substantially the same as under an existing permit	75
71CE	Steps to be taken if chief executive renews permit	76
71CF	Step to be taken if chief executive refuses to renew permit	77
Division 3	Continuation of other permits for new applications	

Contents

71CG	Permits taken to have effect while new application considered	77
Part 8	Replacement and surrender of authorities	
71CH	Application of part	78
71CI	Replacement	78
71CJ	Surrender	79
Part 9	Requirements for authorities	
71CK	Application of part	80
71CL	Compliance with conditions of authority	80
71CM	Authority must be available for inspection	80
71CN	Requirement to notify chief executive of particular changes and ask for amendment	81
Chapter 4B	Commercial activity agreements	
Part 1	Preliminary	
71CO	Chief executive may enter into agreement	82
71CP	Restrictions on entering into agreement—conservation of protected area	83
71CQ	Restrictions on entering into agreement—suitability of party	84
71CR	Restrictions on entering into agreement—insurance	84
71CS	Content of agreement	85
71CT	Mandatory conditions of agreement	86
Part 2	Expression of interest process	
71CU	Application of part	87
71CV	Invitation for expressions of interest	87
71CW	Requirements for expression of interest	88
71CX	Requirements for process	89
71CY	Chief executive may request further information	89
71CZ	Amending expression of interest	90
71DA	Notice to unsuccessful submitters	90
Part 3	Application process	
71DB	Application of part	90
71DC	Applying for agreement	90
71DD	Matters to be considered for application	91
71DE	Chief executive may request further information	91
71DF	Amending the application	92
71DG	Chief executive may request public notice of application for	

	commercial activity agreement	92
71DH	Negotiating application for agreement	93
71DI	Steps to be taken after application decided	93
Part 4	Requirements applying to, and nature of, agreements	
71DJ	Term and review of agreements	94
71DK	Nature of agreement	94
Part 5	Amendment, suspension and cancellation of agreement	
71DL	Immediate amendment or suspension of agreement for safety or conservation	95
71DM	Non-immediate amendment of agreement—grounds	96
71DN	Non-immediate amendment of agreement—procedure	97
71DO	Non-immediate cancellation of agreement or suspension of authorisation under agreement—grounds	98
71DP	Non-immediate cancellation of agreement or suspension of authorisation under agreement—procedure	99
Part 6	Transfer of authorisation under agreement	
71DQ	Application to transfer authorisation	101
71DR	Approval or non-approval of transfer	101
71DS	Giving effect to transfer	101
Part 7	Requirement to have agreement or copy available for inspection	
71DT	Agreement or copy must be available for inspection .	103
25	Amendment of s 90 (Compliance with conditions of camping permit)	104
26	Amendment of s 106 (Compliance with conservation conditions)	104
27	Amendment of s 108 (Unlawfully conducting organised event) .	104
28	Amendment of ch 7, hdg (Authorised activities in protected areas)	105
29	Amendment of s 153 (Conducting general muster)	105
30	Replacement of ch 8, hdg (Seizure of things in protected area) .	105
31	Insertion of new ch 8, pt 2	105
	Part 2 Seized things	
	Division 1 Preliminary	
159AA	Definitions for part	106
	Division 2 Dealing with seized things	
159AB	General powers for seized things	106
159AC	Tampering with seized thing	108

Contents

	159AD	Dangerous seized things must be destroyed	109
	159AE	Way seized things must be kept	109
	159AF	Seizure notices	110
	159AG	Release of seized things	110
	159AH	Sale and disposal of seized things with market value of more than \$500	111
	159AI	Sale and disposal of seized things with market value of \$500 or less	112
	159AJ	Application of proceeds of sale	112
	159AK	Compensation not payable	113
32		Insertion of new chs 8A and 8B	113
	Chapter 8A	Fees	
	Part 1	Fees payable	
	159AL	Application of chapter	113
	159AM	Fees generally	114
	159AN	Proceedings for unpaid fees	114
	159AO	Reduced application fee for commercial activity permits, organised event permits or commercial activity agreements	115
	159AP	Reduced permit fee for commercial activity permits if equivalent fee paid under another Act	116
	159AQ	Reduced application fee for transfer of particular joint marine park authority permits if equivalent fee paid under another Act	117
	159AR	Reduced additional daily fee for commercial activity or organised event permits if equivalent fee paid under another Act	117
	159AS	When particular fees payable	119
	Part 2	Fee exemptions	
	Division 1	Exemption for particular persons	
	159AT	Exemption for camping permit granted to particular persons	120
	Division 2	Applications for exemptions	
	159AU	Application for exemption of fee	120
	159AV	Deciding fee exemption application	121
	159AW	Grant of exemption under fee exemption application	122
	159AX	Refusal of exemption under fee exemption application	122
	159AY	Effect of grant of exemption	123

	Part 3	Refund of fees	
	159AZ	Refund of fees	123
	Chapter 8B	Administrative provisions	
	Part 1	Review of decisions	
	Division 1	Preliminary	
	159BA	Application of part	124
	159BB	Definitions for part	125
	Division 2	Internal review	
	159BC	Review process must start with internal review	125
	159BD	Who may apply for internal review	126
	159BE	Requirements for application	126
	159BF	Internal review	127
	Division 3	Staying operation of original decision	
	159BG	QCAT may stay operation of original decision	128
	Division 4	External review	
	159BH	Applying for external review	130
	159BI	Extending time for application	130
	Part 2	Miscellaneous	
	159BJ	Approvals generally not transferable	131
	159BK	Officer of a prescribed class—Act, s 130	131
	159BL	Approved forms	131
33		Insertion of new ch 10	131
	Chapter 10	Transitional provisions for Nature Conservation (Protected Areas Management) and Other Legislation Amendment Regulation 2020	
	Part 1	Preliminary	
	173	Application of chapter	132
	174	Definitions for chapter	132
	Part 2	Existing authorities and agreements for protected areas	
	175	Existing authorities and agreements continued	133
	176	Existing amendments or suspensions continued	134
	177	Existing fee exemptions continued	134
	Part 3	Existing applications and notifications	
	178	Undecided applications for grant of authorities	135
	179	Other undecided applications for existing authorities	136
	180	Undecided applications or entitlements for internal or external	

Contents

	review	136
181	Incomplete processes for former commercial activity agreements	138
182	Existing invitations, requests, notices and notifications	138
Part 4	Other matters	
183	Continuation of former s 168A	139
184	Seized things	139
185	Particular existing records	140
186	References to repealed administration regulation ...	140
34	Amendment of sch 1 (Trustees of conservation parks)	140
35	Amendment of sch 2 (Trustees of resources reserves)	141
36	Insertion of new schs 7A and 7B	141
	Schedule 7A Fees	141
	Schedule 7B Categories of plants for fees	150
37	Amendment of sch 8 (Dictionary)	162
Part 3	Amendment of Forestry Regulation 2015	
38	Regulation amended	173
39	Amendment of s 39A (Commercial activity permit—daily activity fee waived for COVID-19 emergency)	173
Part 4	Amendment of Marine Parks Regulation 2017	
40	Regulation amended	173
41	Amendment of s 52 (Chief executive may enter into agreement)	173
Part 5	Amendment of Recreation Areas Management Regulation 2017	
42	Regulation amended	174
43	Amendment of s 64A (Waived additional daily fee for commercial activity permit)	174
Part 6	Amendment of State Penalties Enforcement Regulation 2014	
44	Regulation amended	174
45	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	175

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Nature Conservation (Protected Areas Management) and Other Legislation Amendment Regulation 2020*.

2 Commencement

This regulation commences on 22 August 2020.

Part 2 Amendment of Nature Conservation (Protected Areas Management) Regulation 2017

3 Regulation amended

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

4 Amendment of s 3 (Overview)

Section 3—

insert—

- (i) providing for fees payable under the Act; and
- (j) providing for administrative and procedural requirements in relation to the matters mentioned in paragraphs (a) to (i); and
- (k) providing for the review of decisions made in relation to matters under this regulation.

5 Omission of s 4 (Relationship with Nature Conservation (Administration) Regulation 2017)

Section 4—

omit.

6 Amendment of s 6 (Application generally)

Section 6—

insert—

Note—

See also the *Nature Conservation (Animals) Regulation 2020* and the *Nature Conservation (Plants) Regulation 2020* in relation to animals and plants that are not in protected areas.

7 Amendment of s 9 (Application to special wildlife reserve and nature refuge)

Section 9—

insert—

- (2) Subsection (3) applies to a provision of this regulation (a ***supporting provision***) that applies for interpreting, or giving purpose to, a provision that declares it applies in relation to a special wildlife reserve or nature refuge (the ***primary provision***).
- (3) The supporting provision applies in relation to the special wildlife reserve or nature refuge to the extent required to give effect to the primary provision.

8 Replacement of ss 11 and 12

Sections 11 and 12—

omit, insert—

11 Dictionary

The dictionary in schedule 8 defines particular words used in this regulation.

12 What is a *protected area authority*

- (1) A *protected area authority* is each of the following permits or authorities for a protected area—
 - (a) a resources permit;
 - (b) an apiary permit;
 - (c) an Aboriginal tradition authority;
 - (d) an Island custom authority;
 - (e) an activity permit.
- (2) A *resources permit* is a permit to take, use, keep or interfere with cultural or natural resources of a protected area.
- (3) An *activity permit* is any of the following permits for a protected area—
 - (a) a camping permit;
 - (b) a commercial activity permit;
 - (c) an organised event permit;
 - (d) a permit to enter a national park (scientific);
 - (e) a permit to solicit donations or information;
 - (f) a permit to use recreational craft;
 - (g) a restricted access area permit;
 - (h) a special activity permit;
 - (i) a stock grazing permit;
 - (j) a stock mustering permit;
 - (k) a travelling stock permit.

12A Meaning of *character* of an area

- (1) In this regulation, the *character*, of an area, means the characteristics of the area that affect the enjoyment or experience of a person using the area for a purpose for which it is normally used.
- (2) For subsection (1), each of the following characteristics of an area affect the enjoyment or experience of a person using the area—
 - (a) the extent to which the natural condition of the area has been, or is likely to be, modified by human activity, including, for example, by—
 - (i) roads or other access routes; or
 - (ii) buildings or other structures; or
 - (iii) litter; or
 - (iv) noise from human activity;
 - (b) the extent to which a person, or a group of persons, using the area is likely to have social interaction with other persons, or groups of persons, using the area, having regard to whether the extent of social interaction would be reasonably expected for the purpose for which the area is normally used;
 - (c) the extent of regulation of activities within the area, including, in particular, through signs, regulatory notices and enforcement activities.

12B Meaning of *relevant person*

A *relevant person*, for the holder of a protected area authority, is—

- (a) for an Aboriginal tradition authority or Island custom authority—a person stated on

- the authority as a person who may take, keep, use or interfere with cultural or natural resources of the area, under the authority; or
- (b) for another protected area authority—
- (i) if the holder is an individual—an employee or agent of the individual acting under the direction of the individual; or
- (ii) if the holder is a corporation—an executive officer, employee or agent of the corporation acting for the corporation.

12C References to wildlife

- (1) In this regulation, a reference to a category or class of wildlife is a reference to—
- (a) if the wildlife is an animal—the category or class of animal under the *Nature Conservation (Animals) Regulation 2020*; or
- (b) if the wildlife is a plant—the class of plant under the *Nature Conservation (Plants) Regulation 2020*.
- (2) The scientific names used for wildlife mentioned in this regulation follow the scientific references stated—
- (a) for an animal—in the *Nature Conservation (Animals) Regulation 2020*, section 7; or
- (b) for a plant—in the *Nature Conservation (Plants) Regulation 2020*, section 8.

9 Amendment of s 14 (Trustees of particular conservation parks to manage park—Act, s 31)

Section 14(3)(b), ‘, or the *Nature Conservation (Administration) Regulation 2017*,’—

omit.

10 Amendment of s 15 (Trustees of particular resources reserves to manage reserve—Act, s 31)

Section 15(5), ‘, or the *Nature Conservation (Administration) Regulation 2017*,’—

omit.

11 Insertion of new ch 3, pt 1A

Chapter 3, before part 1—

insert—

Part 1A Preliminary

18A Purpose of chapter

This chapter—

- (a) authorises persons to take, use, keep or interfere with cultural or natural resources of particular protected areas in particular circumstances; and
- (b) provides for additional matters the chief executive must consider for the grant of resources permits, apiary permits, Aboriginal tradition authorities or Island custom authorities; and
- (c) provides for restrictions on the grant of those permits or authorities by the chief executive.

Notes—

- 1 See chapter 4A, part 1 for other restrictions and matters the chief executive must consider when deciding applications for all protected area authorities.

- 2 See also section 137 of the Act about the requirement for particular licences, permits or other authorities to be consistent with management principles and particular management instruments.

18B Grant of permits or authorities

- (1) The chief executive may grant a resources permit, an apiary permit, an Aboriginal tradition authority, or an Island custom authority, for a protected area after considering the matters provided for under this chapter and chapter 4A, part 1.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge to the extent a permit or authority mentioned in subsection (1) may be granted for the reserve or refuge.

12 Replacement of ch 3, pt 1, hdg (Considering applications for permits or authorities)

Chapter 3, part 1, heading—

omit, insert—

Part 1

Provisions applying to all or most permits or authorities

Division 1

Considering applications for permits or authorities

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

- (1) Section 19(1), from ‘a permit to take’ to ‘(a *resources permit*)’—

omit, insert—

a resources permit

(2) Section 19(1), note—

omit.

14 Insertion of new ss 19AA–19AC

After section 19—

insert—

19AA Additional matters for particular Indigenous areas

- (1) This section applies in relation to the chief executive considering an application for a protected area authority for an Aboriginal land protected area or a protected area in the Cape York Peninsula Region.
- (2) The chief executive must have regard to—
 - (a) for an application for a protected area authority for an Aboriginal land protected area—the indigenous management agreement for the protected area; or
 - (b) for an application for a protected area authority for a protected area, other than an Aboriginal land protected area, in the Cape York Peninsula Region—any indigenous land use agreement for the area.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge in the Cape York Peninsula Region.

Division 2 Restrictions on grant

19AB Restriction on grant for Aboriginal land protected areas

- (1) The chief executive may grant a protected area authority to a person for an Aboriginal land protected area only if the chief executive complies with the consultation requirements under an indigenous management agreement for the area.
- (2) In this section—
consultation requirement, under an indigenous management agreement for an Aboriginal land protected area, means a requirement under the agreement for the chief executive or department to do any of the following things—
 - (a) give the indigenous landholder for the area a notice about an application for a protected area authority for the area;
 - (b) allow the landholder to respond to the notice;
 - (c) consider the landholder's response, if any;
 - (d) seek the landholder's consent for the grant of the authority;
 - (e) obtain the landholder's consent for the grant of the authority.

19AC Restriction on grant for particular protected areas in Cape York Peninsula Region

- (1) This section applies in relation to the grant of a protected area authority for a protected area if—
 - (a) the area is in the Cape York Peninsula Region; and
 - (b) there is an indigenous land use agreement for the area; and
 - (c) there is no indigenous management agreement for the area.

- (2) The chief executive may grant the protected area authority only if the chief executive complies with the consultation requirements, if any, under the indigenous land use agreement.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.
- (4) In this section—
consultation requirement, under an indigenous land use agreement for a protected area, means a requirement under the agreement for the chief executive or department to do any of the following things—
 - (a) give a person a notice about an application for a protected area authority for the area;
 - (b) allow the person to respond to the notice;
 - (c) consider the person’s response, if any;
 - (d) seek the person’s consent for the grant of the authority;
 - (e) obtain the person’s consent for the grant of the authority.

15 Amendment of s 36 (Additional matters to be considered)

Section 36, note—

omit.

16 Amendment of s 42 (Additional matters to be considered)

Section 42, note—

omit.

17 Insertion of new ch 4, pt 1A

Chapter 4, before part 1—

insert—

Part 1A Preliminary

50A Purpose of chapter

This chapter—

- (a) authorises persons to carry out particular activities for access to, use of and conduct within particular protected areas; and
- (b) provides for additional matters the chief executive must consider for the grant of activity permits; and
- (c) provides for restrictions on the grant of activity permits by the chief executive; and
- (d) states requirements for keeping records and returns of operation for commercial activity permits.

Note—

See chapter 4A, part 1 for other restrictions and matters the chief executive must consider when deciding applications for all protected area authorities.

50B Grant of permits

- (1) The chief executive may grant an activity permit for a protected area after considering the matters provided for under this chapter and chapter 4A, part 1.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge to the extent an activity permit may be granted for the reserve or refuge.

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

- (1) Section 51(1)(a), ‘authority’—

omit, insert—

permit

(2) Section 51(1), note—

omit.

19 Insertion of new ch 4, pt 8, div 1, hdg

Before section 65—

insert—

Division 1 Activities authorised under permits

20 Replacement of s 66 (Keeping record for particular permits)

Section 66—

omit, insert—

Division 2 Requirements for records

66 Particular holders to keep records

- (1) The holder of a commercial activity permit, other than for filming or photography, is required to keep a record for the permit under this division.
- (2) The holder complies with a provision of this division if a relevant person for the holder complies with the provision.

66A Details and timing for records

- (1) The holder must keep a record for the commercial activity permit that includes details about the activities carried out under the permit, including the number of persons taking part in the activities.

Maximum penalty—50 penalty units.

- (2) The holder must include the details mentioned in subsection (1) in the record on the day the activities are carried out under the permit.

Maximum penalty—120 penalty units.

66B How records must be kept

- (1) The holder must keep the record in the way stated under this section.

Maximum penalty—120 penalty units.

- (2) The record must be kept in—
 - (a) a record book; or
 - (b) an electronic record system approved by the chief executive.
- (3) If the record is kept in an approved electronic record system and the system is not working on the day particular information must be included in the record—
 - (a) the information must be recorded in a document in the approved form; and
 - (b) the document is taken to be a part of the system when the information is recorded in the document.
- (4) A record book is the property of the State.

66C Where records or copies must be kept

The holder must ensure the record, or a copy of the record, is kept in a secure way—

- (a) if the chief executive has given the holder a notice stating the place where the record or copy is to be kept—at the stated place; or
- (b) otherwise—at the holder's place of business.

Maximum penalty—120 penalty units.

66D How long records or copies must be kept

- (1) The holder must—
 - (a) ensure the record, or a copy of the record, is kept for at least 2 years after the holder, or a relevant person for the holder, stops carrying out activities under the commercial activity permit; and
 - (b) if asked by a conservation officer, produce the record or copy for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

- (2) Subsection (3) applies if the chief executive asks the holder to surrender a record book for the commercial activity permit.
- (3) The holder must, unless the holder has a reasonable excuse, surrender the record book to the chief executive.

Maximum penalty—120 penalty units.

21 Insertion of new ch 4, pt 8, div 3, hdg and ss 66E and 66F

Before section 67—

insert—

Division 3 Requirements for returns of operations

66E Particular holders to give returns to chief executive

- (1) The holder of a commercial activity permit, other than for filming or photography, is required to

give the chief executive returns of operations for the permit under this division.

- (2) The holder complies with a provision of this division if a relevant person for the holder complies with the provision.

66F Giving returns

- (1) The holder must give the chief executive a return of operations for the commercial activity permit—
 - (a) for each prescribed period for the permit; and
 - (b) within 20 business days after each prescribed period for the permit ends.

Maximum penalty—120 penalty units.

- (2) The return of operations must be given in the approved form.

Maximum penalty—120 penalty units.

- (3) Subsections (1) and (2) apply even if no relevant activity for the return of operations happened during the prescribed period.
- (4) A return of operations given to the chief executive under this section is the property of the State.
- (5) In this section—

prescribed period, for a commercial activity permit, means—

- (a) if the chief executive has given the holder of the permit a notice stating each prescribed period for the permit—each stated period; or
- (b) otherwise—
 - (i) each period of 3 months starting on the day after the permit is granted; and

- (ii) if the permit ends within a 3-month period mentioned in subparagraph (i)—the period starting on the day the 3-month period started and ending on the day the permit ends.

relevant activity, for a return of operations, means an activity the details of which must be included in the approved form for the return.

22 Amendment of s 67 (Giving return of operations for particular permits)

- (1) Section 67, heading—

omit, insert—

67 Chief executive to give invoices for returns

- (2) Section 67(1) and (2)—

omit, insert—

- (1) This section applies in relation to each return of operations given to the chief executive under section 66F by the holder of the commercial activity permit.
- (2) The chief executive must give the holder an invoice for any additional daily fee and camping fee payable under the Act for the period to which the return relates.

- (3) Section 67(5)—

omit.

23 Insertion of new ss 67A–67D

After section 67—

insert—

67A Way and how long return of operations must be kept

- (1) The holder of the commercial activity permit must keep a copy of each return of operations for the permit in a secure way at the holder's place of business.

Maximum penalty—120 penalty units.

- (2) The holder must—
 - (a) keep the copy of the return of operations for at least 2 years after the holder, or a relevant person for the holder, stops carrying out activities under the commercial activity permit; and
 - (b) if asked by a conservation officer, produce the copy for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

Division 4 Other requirements for records and returns

67B Information must be complete, accurate and legible

- (1) A person required to keep a record or return of operations under this part must ensure the information included in the record or return is—
 - (a) complete and accurate; and
 - (b) legible; and
 - (c) written in ink.

Maximum penalty—100 penalty units.

- (2) Subsection (1)(c) does not apply in relation to a record kept in an electronic form.

67C Notice of theft, loss or destruction of, or damage to, records or returns

- (1) This section applies if—
 - (a) the holder of a commercial activity permit keeps a record or return of operations, or a copy of the record or return; and
 - (b) the record, return or copy is stolen, lost, destroyed or damaged (the *incident*).
- (2) Within 24 hours after becoming aware of the incident, the holder must, unless the holder has a reasonable excuse, give the chief executive a notice stating the incident has occurred.

Maximum penalty—120 penalty units.

- (3) Subsection (4) applies if a relevant person keeps the record or return of operations for the holder.
- (4) Within 24 hours after becoming aware of the incident, the relevant person must, unless the person has a reasonable excuse, notify the holder of the incident.

Maximum penalty—40 penalty units.

67D Tampering with records or returns of operations

- (1) This section applies in relation to a record or return of operations kept under this part.
- (2) A person must not, unless the person has a reasonable excuse—
 - (a) deface, erase or obliterate an entry in the record or return; or
 - (b) remove an entry from the record or return; or
 - (c) modify an entry in the record or return; or

- (d) act in a way mentioned in any of paragraphs (a) to (c) in relation to a copy of the record or return.

Maximum penalty—120 penalty units.

- (3) However, subsection (2)(b) and (d) does not apply in relation to the removal of an entry from a record book if—
 - (a) the entry is a page that is a copy of a return of operations; and
 - (b) the person gives the page to the chief executive or a conservation officer.

24 Insertion of new chs 4A and 4B

After section 71—

insert—

Chapter 4A Managing protected area authorities

Part 1 Applications for authorities

Division 1 Preliminary

71AA Application of part

For section 9, this part, other than section 71AC, applies in relation to a special wildlife reserve or nature refuge.

Division 2 Making applications

71AB Requirements for application

- (1) A person may apply to the chief executive for the grant of a protected area authority.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be supported by enough information to enable the application to be decided; and
 - (c) be accompanied by the relevant fee; and
 - (d) comply with any other requirements for the application under this regulation.
- (3) Subsection (2)(a) does not apply to an application for a camping permit.
- (4) In this section—

relevant fee means—

 - (a) for an application for a commercial activity permit—the sum of—
 - (i) the application fee payable under chapter 8A for the permit; and
 - (ii) the permit fee payable under chapter 8A for the permit; or
 - (b) for an application for an organised event permit—
 - (i) the application fee payable under chapter 8A for the permit; or
 - (ii) if persons will be camping under the permit—the sum of the application fee, and the camping fee for camping, payable under chapter 8A for the permit; or
 - (c) for an application for a stock grazing permit—the permit fee payable under chapter 8A for the first year of the permit; or

- (d) for an application for another authority—the fee payable under chapter 8A for the authority.

71AC Commercial activity permit applications must include request for record book or approval of electronic record system

- (1) This section applies if a person applying for a commercial activity permit does not have—
 - (a) a record book for keeping records for the permit; or
 - (b) an electronic record system approved by the chief executive for keeping records for the permit.
- (2) When the application is made, the person must ask the chief executive to—
 - (a) supply a record book to the person for keeping the records; or
 - (b) approve an electronic record system for keeping the records.
- (3) The request must be accompanied by the fee stated in schedule 7A for the record book or the approval.

Division 3 Suitability

71AD Purpose of division

This division—

- (a) prevents a protected area authority being granted to a person who is not a suitable person; and
- (b) states when a person is not a suitable person to hold a protected area authority.

71AE Definitions for division

In this division—

associate, of a person whose suitability to hold a protected area authority is being considered, means—

- (a) if the person is a corporation—each executive officer of the corporation; or
- (b) if the person is an individual—another person who—
 - (i) is, or is intended to be, regularly or usually in charge of the individual's activity or business, or proposed activity or business, that relates, or is intended to relate, to the authority; or
 - (ii) regularly directs staff for the activity or business in their duties; or
 - (iii) is, or is intended to be, in a position to control or substantially influence the activity or business, or proposed activity or business.

relevant day, for a person, means—

- (a) for deciding whether or not the person is a suitable person to hold a protected area authority—the day the person made the application for the authority under division 2; or
- (b) for deciding whether or not the holder of a protected area authority is not, or is no longer, a suitable person to hold the authority—the day the decision is made.

71AF Restriction on grant for suitability

- (1) The chief executive must not grant a protected area authority to an applicant who is not a suitable

person to hold the authority.

- (2) Without limiting subsection (1), in deciding whether the applicant is a suitable person, the chief executive may have regard to any matter relevant to the applicant's ability to carry out activities under the protected area authority in a competent and ethical way.
- (3) Subsection (1) does not apply in relation to a camping permit.

71AG Suitability based on convictions

- (1) A person is not a suitable person to hold a protected area authority if—
 - (a) the person, or an associate of the person, has, within 3 years before the relevant day, been convicted of—
 - (i) an offence against the Act; or
 - (ii) an animal welfare offence under the *Animal Care and Protection Act 2001*; or
 - (iii) an offence under another Act relating to wildlife; or
 - (iv) an offence against the *Recreation Areas Management Act 2006* relating to a recreation area; or
 - (v) an offence against the *Forestry Act 1959* relating to a State forest or timber reserve; or
 - (vi) an offence against the *Marine Parks Act 2004* relating to a marine park; or
 - (vii) an offence, however described, equivalent to an offence mentioned in any of subparagraphs (i) to (vi) under the law of another jurisdiction; and

- (b) the chief executive is satisfied the activities of the person that led to the conviction are of the same nature as the activities to be carried out under the authority.

Examples of when chief executive may be satisfied—

- 1 A person convicted of an offence against section 62 of the Act for taking a cultural or natural resource of a protected area applies for a protected area authority for taking cultural or natural resources of a protected area.
 - 2 A person convicted of an offence against section 88 of the Act for taking a protected animal applies for a protected area authority for taking an animal that is a natural resource of a protected area.
- (2) Subsection (1) does not apply if the person has been given an infringement notice for the offence under the *State Penalties Enforcement Act 1999*.

71AH Suitability based on demerit points, suspensions and cancellations

- (1) A person is not a suitable person to hold a protected area authority if the chief executive is satisfied the person would be unable to carry out activities under the authority in a competent and ethical way because—
- (a) the person, or an associate of the person, has accumulated 10 or more demerit points under section 71AI within 3 years before the relevant day; or
 - (b) the person, or an associate of the person, is the former holder of a relevant authority that was cancelled within 2 years before the relevant day because the person or associate accumulated 10 or more demerit points under section 71AI; or

- (c) the person, or an associate of the person, is or was the holder of an authority, however described, under the law of another jurisdiction that—
 - (i) is or was equivalent to a relevant authority; and
 - (ii) was suspended or cancelled within 3 years before the relevant day.
- (2) In this section—

relevant authority means—

 - (a) a protected area authority; or
 - (b) a permit or authority under the repealed *Nature Conservation (Administration) Regulation 2017*, section 9 or 10.

71AI Accumulation of demerit points

- (1) This section applies for considering suitability under section 71AH of a person who—
 - (a) is given an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against the Act; and
 - (b) pays the fine for the infringement notice for the offence or is convicted of the offence.
- (2) The person accumulates the following number of demerit points for the offence—
 - (a) for an offence for which the maximum penalty is not more than 20 penalty units—1 demerit point;
 - (b) for an offence for which the maximum penalty is more than 20 but not more than 50 penalty units—2 demerit points;

- (c) for an offence for which the maximum penalty is more than 50 but not more than 80 penalty units—3 demerit points;
 - (d) for an offence for which the maximum penalty is more than 80 but not more than 120 penalty units—4 demerit points;
 - (e) for an offence for which the maximum penalty is more than 120 but not more than 165 penalty units—5 demerit points;
 - (f) for an offence for which the maximum penalty is more than 165 penalty units—7 demerit points.
- (3) Subsection (2) applies whether an event mentioned in subsection (1) happens before or after the commencement.

Division 4 Considering applications

71AJ General matters for chief executive to consider

- (1) The chief executive must consider an application for a protected area authority having regard to each of the following matters—
- (a) whether the chief executive is restricted from granting the authority under chapter 3 or 4;
 - (b) whether the applicant is a suitable person to hold the authority;

Note—

See division 3 for when a person is not a suitable person.

- (c) the impact the activities proposed to be carried out under the authority may have on

- the conservation of the cultural or natural resources of a protected area;
- (d) the effect the grant of the authority may have on the fair and equitable access to nature, in particular, the ecologically sustainable use of protected areas;
 - (e) any contribution the applicant proposes to make to the conservation of nature;
 - (f) any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement;
 - (g) the precautionary principle;
 - (h) public health and safety;
 - (i) the public interest;
 - (j) any recovery plan for wildlife to which the authority applies;
 - (k) any other matter stated in a management instrument as a matter to which the chief executive must have regard when considering an application for the authority.
- (2) Subsection (1)(b) does not apply to an application for a camping permit.
- (3) Without limiting subsection (1), the chief executive may have regard to anything else the chief executive considers appropriate to achieve the object of the Act.

Note—

See also section 137 of the Act about consistency of particular licences, permits or other authorities with management principles and particular management instruments.

- (4) In this section—

precautionary principle means the principle that, if there are threats of serious or irreversible

environmental damage, lack of full scientific certainty must not be used as a reason for postponing measures to prevent threatening processes.

recovery plan, for wildlife—

- (a) means a document stating what research and management is necessary to stop the decline, support the recovery, or enhance the chance of long-term survival in the wild, of the wildlife; and
- (b) includes a recovery plan made or adopted under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), section 269A.

71AK Additional matters for refusal of particular applications

- (1) This section applies—
 - (a) in addition to section 71AJ; and
 - (b) in relation to an application for a new protected area authority to take effect immediately after an existing protected area authority of the same type ends.
- (2) Without limiting section 71AO(1)(b), the chief executive may refuse the application if the chief executive believes—
 - (a) the existing protected area authority was obtained on the basis of incorrect or misleading information; or
 - (b) the holder of the existing protected area authority, or a relevant person for the holder, has contravened a condition of the authority.

71AL Chief executive may require further information or document

- (1) Before deciding an application for a protected area authority, the chief executive may ask the applicant for further information or a document the chief executive reasonably requires to decide the application.
- (2) The chief executive may require the information or document to be verified by a statutory declaration.
- (3) The chief executive may give the applicant a notice asking the applicant to give the information or document by the day stated in the notice.
- (4) A notice given under subsection (3) must—
 - (a) if the notice is given in relation to an application for a joint marine park authority permit—state a reasonable period of at least 15 business days after the notice is given within which the information or document must be given; or
 - (b) otherwise—
 - (i) be given to the applicant within 20 business days after the chief executive receives the application; and
 - (ii) state a reasonable period, of at least 20 business days after it is given, within which the information or document must be given.
- (5) The applicant is taken to have withdrawn the application if the applicant does not comply with the request within—
 - (a) if the chief executive has given the applicant a notice under subsection (3)—the period stated in the notice; or
 - (b) otherwise—a reasonable period.

- (6) The chief executive may extend the period mentioned in subsection (5).

71AM Amending application

An applicant for an application for a protected area authority may amend the application if—

- (a) the chief executive has not finished considering whether to grant the application; and
- (b) the chief executive agrees to the amendment of the application.

71AN Chief executive may request public notice of application

- (1) This section applies if the chief executive considers the grant of an application for a protected area authority may restrict the reasonable use, by persons other than the applicant, of a part of the protected area to which the application relates.
- (2) The chief executive may give the applicant a notice stating—
 - (a) the applicant must give public notice of the application within a stated period; and
 - (b) the information that must be included in the public notice; and
 - (c) the number of times, being not more than 2, that the public notice must be given.
- (3) The applicant must give the public notice and ensure it—
 - (a) includes the stated information; and

- (b) invites interested persons to make written submissions to the chief executive in relation to the application—
 - (i) at an address stated in the notice; and
 - (ii) within a stated period of at least 20 business days.
- (4) Before deciding whether or not to grant the protected area authority, the chief executive must consider any written submissions received by the chief executive in response to the public notice.

Division 5 Deciding applications

71AO Chief executive to decide application

- (1) The chief executive must, after considering an application for a protected area authority, decide to—
 - (a) grant the authority, with or without conditions decided by the chief executive; or
 - (b) refuse the application.
- (2) The chief executive must decide the application—
 - (a) for an application for a joint marine park authority permit—
 - (i) if, under section 71AL, the chief executive asks for further information or a document—within a reasonable time after receiving the information or document; or
 - (ii) otherwise—within a reasonable time after receiving the application; or
 - (b) for an application for any other protected area authority—

- (i) if, under section 71AL, the chief executive asks for further information or a document—within 40 business days after receiving the information or document; or
- (ii) if, under section 71AN, the chief executive asks the applicant to give public notice of the application—within 40 business days after the end of the period within which interested persons may make submissions in response to the notice; or
- (iii) otherwise—within 40 business days after receiving the application.

71AP Steps to be taken after application decided

- (1) If the chief executive decides to grant a protected area authority, the chief executive must, as soon as practicable after making the decision, give the applicant—
 - (a) the authority; and
 - (b) if a condition was imposed on the authority under section 71AO(1)(a)—an information notice for the decision to impose the condition.
- (2) Subsection (1)(b) does not apply in relation to a condition the applicant sought in the application.
- (3) If the chief executive decides to refuse the application, the chief executive must, as soon as practicable after making the decision—
 - (a) for a camping permit—advise the applicant about the refusal; or
 - (b) for another protected area authority—give the applicant an information notice for the decision.

Part 2 Camping permits in particular areas

Division 1 E-permit camping areas

71AQ Establishing areas

- (1) The chief executive may erect or display, at the entrance to a protected area, a notice (an *e-permit camping notice*) stating that the area is an e-permit camping area.
- (2) An e-permit camping notice for an e-permit camping area must state the following—
 - (a) the period during which the area is an e-permit camping area;
 - (b) in general terms, the procedures to be followed by a person intending to camp in the area;
 - (c) the conditions applying to a person camping in the area;
 - (d) the penalty for camping in the area without a camping permit;
 - (e) the e-permit distribution points for the area.
- (3) The chief executive may also erect or display a notice (an *additional conditions notice*) near the e-permit camping notice stating conditions, applying to a person camping in the e-permit camping area, additional to the conditions stated in the e-permit camping notice.
- (4) The chief executive must make camping tags available in an accessible and conspicuous position in or near each e-permit distribution point stated in an e-permit camping notice.
- (5) Each camping tag must include a space on the tag

for a person who holds a camping permit for the e-permit camping area to write the following information—

- (a) the person's name;
 - (b) the number for identifying the person's camping permit for the area.
- (6) The chief executive must ensure a person who has applied, or intends to apply, for a camping permit for an e-permit camping area is notified of the location of each e-permit distribution point for the area.
- (7) Without limiting subsection (3), the chief executive must—
- (a) publish on the department's website the location of each e-permit distribution point for the area; and
 - (b) for a camping permit taken to be granted under section 71AR(1)—ensure the notice given under that section includes the location of each e-permit distribution point for the e-permit camping area to which the permit applies; and
 - (c) for a camping permit taken to be granted under section 71AR(2)—ensure the person to whom the permit is granted is advised of the location of each e-permit distribution point for the e-permit camping area to which the permit applies.

71AR When camping permit for e-permit camping area granted

- (1) A person who applies for a camping permit for an e-permit camping area by way of the approved website is taken to have been granted a camping permit for the area when the following steps have

been completed—

- (a) the person pays the camping fee by giving the person's credit card or gift card details;
 - (b) the person receives a notice stating the number identifying the permit.
- (2) A person who applies for a camping permit for an e-permit camping area by phone is taken to have been granted a camping permit for the area when the following steps have been completed—
- (a) the person gives the information required on the approved form;
 - (b) the person states that the person understands and accepts the conditions of the permit;
 - (c) the person pays the camping fee by giving the person's credit card or gift card details;
 - (d) the person is issued a number identifying the permit.
- (3) In this section—

approved website means the website approved by the chief executive for applying for camping permits for e-permit camping areas.

71AS Extent to which e-camping permit granted

- (1) A camping permit for an e-permit camping area is taken to have been granted only—
- (a) for the number of people stated by the person when applying for the permit; and
 - (b) for a time when the area the subject of the permit is an e-permit camping area; and
 - (c) for the number of days stated by the person when applying for the permit; and
 - (d) for not longer than—

- (i) if the e-permit camping notice or any additional conditions notice for the area states a period less than 30 days as the longest period for which anyone may camp in the area—that period; or
 - (ii) otherwise—30 days.
- (2) The conditions stated in the e-permit camping notice, and any additional conditions notice, for the area are taken to be conditions of the camping permit.

Division 2 Self-registration camping areas

71AT Establishing areas

- (1) The chief executive may erect or display, at the entrance to a protected area, a notice (a *self-registration camping notice*) stating that the area is a self-registration camping area.
- (2) A self-registration camping notice for a self-registration camping area must state the following—
 - (a) the period during which the area is a self-registration camping area;
 - (b) in general terms, the procedures to be followed by a person intending to camp in the area;
 - (c) the conditions applying to a person camping in the area;
 - (d) the camping fee payable for camping in the area;
 - (e) the penalty for camping in the area without a camping permit.

- (3) The chief executive must make forms (*camping forms*) and a sealed, secure container (a *camping fee container*) available for use for camping in the area.
- (4) The camping forms and camping fee container must be in an easily accessible and conspicuous position in the area.
- (5) The camping form must—
 - (a) state the procedures a person using the form must follow; and
 - (b) include a detachable envelope (a *camping fee envelope*); and
 - (c) include a detachable camping tag with—
 - (i) a space for writing the person's name on it; and
 - (ii) the number for identifying the permit written on it; and
 - (d) include, on the camping fee envelope, a section for use for credit card payment of camping fees.

71AU When camping permit for self-registration camping area granted

- (1) A person who applies for a camping permit for a self-registration camping area by filling in a camping form for the area is taken to have been granted a camping permit for the area when the following steps have been completed—
 - (a) the person fills in the camping form in the way stated in the form;
 - (b) the person either—
 - (i) places the camping fee in cash or a cheque in the camping fee envelope for the form and seals the envelope; or

- (ii) properly completes and signs the credit card payment section of the form;
 - (c) the person puts the envelope in the camping fee container.
- (2) However, the camping permit is taken not to have been granted if—
- (a) the person pays the camping fee by cheque and the cheque is dishonoured; or
 - (b) the person completes the credit card payment section of the camping fee envelope and the person's financial institution does not authorise the payment.

71AV Extent to which self-registered camping permit granted

- (1) A camping permit for a self-registration camping area is taken to have been granted only—
- (a) for the number of people stated in the camping form; and
 - (b) for not more than the number of people stated in the self-registration camping notice for the area as the maximum number of persons who can camp under a camping permit for the area; and
 - (c) for a time when the area the subject of the permit is a self-registration camping area; and
 - (d) for the number of days stated in the camping form; and
 - (e) for not longer than—
 - (i) if the self-registration camping notice for the area states a period less than 30 days as the longest period for which

anyone may camp in the area—that
period; or

(ii) otherwise—30 days.

- (2) The conditions stated in the self-registration camping notice for the area are taken to be conditions of the camping permit.

Part 3 Form of authorities

71AW Application of part

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

71AX Form

- (1) A protected area authority must be in writing.
- (2) The chief executive may use 1 document for the grant of more than 1 protected area authority.
- (3) Also, the chief executive may use a document that has been used for the grant of a marine park permission for the grant of a commercial activity permit.
- (4) In granting a commercial activity permit, the chief executive may combine the permit with—
 - (a) a commercial activity permit granted under the *Forestry Act 1959*; or
 - (b) a commercial activity permit granted under the *Recreation Areas Management Act 2006*, part 4.

71AY Matters to be stated in authority

- (1) The following information must be stated in a protected area authority—

- (a) the type of authority;
 - (b) the day the authority is granted;
 - (c) if the authority does not take effect on the day it was granted—the day it takes effect;
 - (d) either the term or end date of the authority;
 - (e) the name of the holder of the authority and, if the holder is a corporation, the holder's ABN or ACN;
 - (f) if the authority is not a camping permit—the address of the holder of the authority;
 - (g) the protected area that may be entered or used under the authority;
 - (h) the purpose for which the entry or use is authorised;
 - (i) if the authority is for taking, using, keeping or interfering with the cultural or natural resources of the protected area—the cultural or natural resources that may be taken, used, kept or interfered with under the authority;
 - (j) if the authority is granted to a corporation—the name of the individual in charge of the activity to be carried out under the authority;
 - (k) for an Aboriginal tradition authority or an Island custom authority—the names of the individuals who may carry out activities under the authority;
 - (l) any conditions imposed by the chief executive on the authority.
- (2) For subsection (1)(k), an individual's name may be stated in an Aboriginal tradition authority or an Island custom authority only if the individual is named in the application for the authority.

71AZ Chief executive must issue camping tags for camping permits

- (1) This section applies if the chief executive grants a camping permit to a person under part 1.
- (2) The chief executive must give the person a camping tag for use with the permit when the permit is granted.

Part 4 Term of authorities

71BA Application of part

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

71BB Term

- (1) A protected area authority is granted for the term stated in it.
- (2) The term must not be more than the maximum term stated in this part for the protected area authority.
- (3) Subject to part 7, the protected area authority ends at the end of the term.

71BC Maximum terms for permits and authorities for taking etc. cultural or natural resources

- (1) The maximum term for each of the following resources permits for a protected area is as follows—
 - (a) a resources permit granted for a scientific purpose—3 years;
 - (b) a resources permit granted for an educational purpose—3 years;

- (c) another resources permit—1 year.
- (2) The maximum term for an apiary permit for a protected area is 5 years.
- (3) The maximum term for an Aboriginal tradition authority, or an Island custom authority, for a protected area is 1 year.

71BD Maximum term for activity permits

The maximum term for each of the following activity permits is as follows—

- (a) a camping permit—30 days;
- (b) a commercial activity permit, other than a joint marine park authority permit—3 years;
- (c) an organised event permit—1 year;
- (d) a permit to enter a national park (scientific)—3 years;
- (e) a permit to solicit donations or information—1 year;
- (f) a permit to use recreational craft—1 year;
- (g) a restricted access area permit—1 year;
- (h) a special activity permit—1 year;
- (i) a stock grazing permit—10 years;
- (j) a stock mustering permit—1 year;
- (k) a travelling stock permit—30 days.

Part 5 Amendment, suspension or cancellation of authorities

Division 1 Preliminary

71BE Application of part

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

Division 2 Minor amendments

71BF Minor amendments by chief executive

- (1) This section applies if—
 - (a) the chief executive believes a protected area authority should be amended; and
 - (b) the proposed amendment is a minor amendment.
- (2) The chief executive may amend the protected area authority by—
 - (a) for a camping permit—advising the holder of the permit of the amendment; or
 - (b) for another protected area authority—giving the holder of the authority notice of the amendment.
- (3) The advice or notice must state the reasons for the amendment.
- (4) The amendment takes effect on the later of the following days—
 - (a) the day the advice or notice is given to the holder;
 - (b) the day of effect advised or stated in the notice.
- (5) The effect of the amendment does not depend on the amendment being noted on the protected area

authority.

Note—

See, however, division 7.

(6) In this section—

minor amendment, of a protected area authority, means an amendment that—

- (a) removes a condition imposed by the chief executive on the authority, if the removal does not adversely affect the interests of the holder of the authority; or
- (b) corrects an error; or
- (c) makes another minor change that is not substantial and does not adversely affect the interests of the holder.

Division 3 Amendments by application

71BG Application for amendment

- (1) The holder of a protected area authority may apply to the chief executive for an amendment of the authority.
- (2) The application must be—
 - (a) accompanied by the fee payable under chapter 8A for the amendment; and
 - (b) if the application is for a protected area authority other than a camping permit—
 - (i) in writing; and
 - (ii) made at least 10 business days before the holder intends for the amendment to take effect.

71BH Considering and deciding application

- (1) The chief executive must consider the application and decide to—
 - (a) make the amendment; or
 - (b) make an amendment, other than the amendment applied for; or
 - (c) refuse the application.
- (2) The chief executive may consider the application even if it does not comply with section 71BG(2)(b)(ii).
- (3) The chief executive must decide the application within 40 business days after receiving the application.

71BI Steps to be taken after application decided

- (1) If the chief executive decides to amend the protected area authority, the chief executive must, as soon as practicable after making the decision—
 - (a) for a camping permit—advise the holder of the amendment; or
 - (b) for another protected area authority—give the holder notice of the amendment.
- (2) The amendment takes effect on the later of the following days—
 - (a) the day when the advice or notice is given to the holder;
 - (b) the day of effect advised or stated in the notice.
- (3) The effect of the amendment does not depend on the amendment being noted on the protected area authority.

Note—

See, however, division 7.

- (4) If the chief executive decides to refuse the application or make an amendment other than the amendment applied for, the chief executive must, as soon as practicable after making the decision—
- (a) for a camping permit—advise the holder of the decision; or
 - (b) for another protected area authority—give the holder an information notice for the decision.

Division 4 Non-immediate amendments by chief executive

71BJ Grounds for amendment

The chief executive may, by complying with section 71BK, amend a protected area authority if—

- (a) the chief executive believes—
 - (i) the authority was obtained because of false or misleading information; or
 - (ii) the holder of the authority has contravened a condition of the authority; or
 - (iii) for a protected area authority other than a camping permit—the holder of the authority is not, or is no longer, a suitable person to hold the authority; or

Note—

See also part 1, division 3 for when a person is not a suitable person.

- (iv) the amendment is necessary having regard to the object of the Act; or

- (b) the holder of the authority has failed to—
 - (i) pay a fee or royalty payable under the Act for the authority; or
 - (ii) give the chief executive information required to be given under the Act for the authority; or
- (c) the holder of the authority is convicted of an offence against the Act and the chief executive is satisfied the activities of the holder that led to the conviction are relevant to the holder's ability to carry out activities under the authority in a competent and ethical way; or
- (d) the chief executive believes the authority should be amended—
 - (i) to secure the safety of a person or a person's property; or
 - (ii) to conserve or protect the cultural or natural resources of a protected area; or
- (e) the area to which the authority applies is declared, after the grant of the authority, to be a restricted access area, or an area closed to the public, under this regulation; or
- (f) the activity to which the authority applies is declared, after the grant of the authority, as a prescribed commercial activity or a special activity under this regulation; or
- (g) the authority is a joint marine park authority permit and the chief executive believes a related permission for the permit has been, or is about to be—
 - (i) amended to an extent that it is no longer consistent with the permit; or
 - (ii) replaced with another permission that is not consistent with the permit.

71BK Procedure for amendment

- (1) If the chief executive proposes to make an amendment under section 71BJ, the chief executive must notify the holder of the following matters—
 - (a) the proposed amendment;
 - (b) the ground for the proposed amendment under section 71BJ;
 - (c) an outline of the facts and circumstances forming the basis for the ground;
 - (d) that the holder may make written representations, within a stated period, about why the proposed amendment should not be made.
- (2) For a protected area authority, other than a camping permit—
 - (a) the notification must be in writing; and
 - (b) the stated period must be at least 20 business days after the notification is given.
- (3) The chief executive may amend the protected area authority if, after considering any written representations made within the stated period, the chief executive still believes the amendment should be made—
 - (a) in the way notified; or
 - (b) in another way, having regard to the representations.
- (4) If the chief executive amends the protected area authority, the chief executive must—
 - (a) for a camping permit—advise the holder of the amendment; or

- (b) for another protected area authority—give the holder an information notice for the decision.
 - (5) The amendment takes effect on the later of the following days—
 - (a) the day the advice or information notice is given to the holder;
 - (b) the day of effect stated in the advice or information notice.
 - (6) The effect of the amendment does not depend on the amendment being noted on the protected area authority.
- Note—*
- See, however, division 7.
- (7) If the chief executive decides not to make the amendment, the chief executive must as soon as practicable after making the decision—
 - (a) for a camping permit—advise the holder of the decision; or
 - (b) for another protected area authority—give the holder notice of the decision.
 - (8) Subsections (1) to (3) and (7) apply in relation to a camping permit only if the address of the holder of the permit is stated in the permit.

Division 5 Immediate amendment or suspension by chief executive

71BL Safety and conservation grounds

- (1) This section applies if—

- (a) the chief executive believes a protected area authority should be amended or suspended—
 - (i) to secure the safety of a person or a person's property; or
 - (ii) because of a fire or other natural disaster; or
 - (iii) to conserve or protect the cultural or natural resources of the protected area to which the authority applies; or
 - (b) the area to which a protected area authority applies is declared, after the grant of the authority, to be a restricted access area, or an area closed to the public, under this regulation.
- (2) The chief executive may, verbally if practicable, or by signs, advise the holder of the authority that, until the chief executive otherwise decides—
- (a) the authority is amended in the way the chief executive advises; or
 - (b) the authority is suspended to the extent the chief executive advises.
- (3) If the chief executive acts under subsection (2), the amendment or suspension—
- (a) takes effect immediately after the holder is advised of the amendment or suspension; and
 - (b) continues until the chief executive decides the reason for the amendment or suspension no longer exists.
- (4) The effect of an amendment under this section does not depend on the amendment being noted on the protected area authority.

Note—

See, however, division 7.

- (5) The chief executive must, as soon as practicable after the amendment or suspension ends—
 - (a) remove any sign erected under subsection (2) in relation to the amendment or suspension; and
 - (b) either—
 - (i) advise the holder of the authority that the amendment or suspension no longer applies; or
 - (ii) publish a notice on the department’s website advising that the amendment or suspension no longer applies.
- (6) In this section—

sign includes a sign erected—

 - (a) at or near a usual access point to a protected area; or
 - (b) in a position that would normally be seen by a person accessing a protected area.

71BM Failure to pay fee or royalty or give return

- (1) This section applies if—
 - (a) the holder of a protected area authority has failed to—
 - (i) pay a fee or royalty payable under the Act for the authority; or
 - (ii) give the chief executive a return of operations required to be given under the Act for the authority; and
 - (b) the chief executive has given the holder a notice stating the following matters—

- (i) the holder must pay the fee or royalty or give the return to the chief executive by a day, at least 10 business days after the holder receives the notice, stated in the notice;
 - (ii) if the holder does not pay the fee or royalty or give the return to the chief executive by the stated day, the chief executive may amend or suspend the authority under this section; and
 - (c) the holder does not pay the fee or royalty or give the return to the chief executive by the stated day.
- (2) The chief executive may decide to amend or suspend the protected area authority.
 - (3) If the chief executive decides to amend or suspend the protected area authority, the chief executive must give the holder of the authority an information notice for the decision.
 - (4) The amendment or suspension takes effect on the later of the following days—
 - (a) the day the notice is given to the holder;
 - (b) the day of effect stated in the notice.
 - (5) If the chief executive suspends the authority—
 - (a) the information notice must state the suspension period; and
 - (b) the suspension continues until the earlier of the following—
 - (i) the day the holder pays the outstanding fee or royalty or gives the chief executive the outstanding return;
 - (ii) the end of the suspension period stated in the information notice.
 - (6) The effect of an amendment under this section

does not depend on the amendment being noted on the protected area authority.

Note—

See, however, division 7.

Division 6 Non-immediate suspension or cancellation by chief executive

71BN Grounds

The chief executive may, by complying with section 71BO, suspend or cancel a protected area authority if—

- (a) there is a ground under section 71BL(1) or 71BM(1) for immediately amending or suspending the authority; or
- (b) the chief executive believes—
 - (i) the authority was obtained because of false or misleading information; or
 - (ii) the holder of the authority has failed to comply with a condition of the authority; or
 - (iii) for a protected area authority other than a camping permit—the holder of the authority is not, or is no longer, a suitable person to hold the authority; or

Note—

See also part 1, division 3 for when a person is not a suitable person.

- (c) the holder of the authority is convicted of an offence against the Act and the chief executive is satisfied the activities of the holder that led to the conviction are relevant

to the holder's ability to carry out activities under the authority in a competent and ethical way; or

- (d) the holder of the authority has failed to give the chief executive information, other than information for a return of operations, required to be given under the Act for the authority; or
- (e) the chief executive believes the activities being carried out under the authority are having an unacceptable impact on the character or amenity of a protected area or its adjacent areas; or
- (f) the chief executive believes the activities being carried out under the authority are threatening public health or safety; or
- (g) the chief executive believes the suspension or cancellation is necessary to ensure the fair and equitable access to nature; or

Example—

Environmental factors have affected the availability of public access to a protected area for which the protected area authority is granted and the authority currently restricts the remaining public access to the area.

- (h) the authority is a joint marine park authority permit and the chief executive believes a related permission for the authority has been, or is about to be—
 - (i) amended to an extent that it is no longer consistent with the authority; or
 - (ii) replaced with another permission that is not consistent with the authority; or
 - (iii) suspended or cancelled.

71BO Procedure

- (1) If the chief executive proposes to suspend or cancel a protected area authority (the *proposed action*) under section 71BN, the chief executive must notify the holder of the authority of the following matters—
 - (a) the proposed action;
 - (b) the ground for the proposed action under section 71BN;
 - (c) an outline of the facts and circumstances forming the basis for the ground;
 - (d) if the proposed action is suspension of the authority—the proposed suspension period;
 - (e) an invitation to make written representations, within a stated period, about why the proposed action should not be taken.
- (2) For a protected area authority, other than a camping permit—
 - (a) the notification must be in writing; and
 - (b) the stated period must be at least 20 business days after the notification is given.
- (3) If, after considering any written representations made within the stated period, the chief executive still considers the ground to take the proposed action exists, the chief executive may decide—
 - (a) if the proposed action was to suspend the authority—to suspend it for not longer than the proposed suspension period; or
 - (b) if the proposed action was to cancel the authority—either to cancel it or to suspend it for a period.
- (4) If the chief executive decides to suspend or cancel the authority, the chief executive must—

- (a) for a camping permit—advise the holder of the decision; or
 - (b) for another protected area authority—give the holder an information notice for the decision.
- (5) The suspension or cancellation of the protected area authority takes effect on the later of the following days—
 - (a) the day when the advice or information notice is given to the holder;
 - (b) the day of effect stated in the advice or information notice.
- (6) If the chief executive decides not to take the proposed action, the chief executive must as soon as practicable after making the decision—
 - (a) for a camping permit—advise the holder of the decision; or
 - (b) for another protected area authority—give the holder notice of the decision.
- (7) Despite subsections (4) and (5), if a protected area authority is suspended because of the conviction of a person for an offence and the conviction is quashed, the suspension period ends on the day the conviction is quashed.
- (8) Despite subsections (4) and (5), if a protected area authority is cancelled because of the conviction of a person for an offence and the conviction is quashed, the cancellation stops having effect.
- (9) Subsections (1), (3), (4) and (6) apply in relation to a camping permit only if the address of the holder of the permit is stated in the permit.

Division 7 Return of authorities

71BP After amendment

- (1) The chief executive may, by notice, ask the holder of a protected area authority that has been amended under this part to return the authority to the chief executive by a day stated in a notice.
- (2) The day stated in the notice must be at least 10 business days after the day the notice is given.
- (3) The holder must, unless the holder has a reasonable excuse, return the protected area authority to the chief executive by the stated day.

Maximum penalty—20 penalty units.

- (4) The chief executive must, as soon as practicable after receiving the protected area authority—
 - (a) note the amendment on the authority; and
 - (b) give the authority back to the holder.

71BQ After suspension

- (1) The chief executive may, by notice, ask the holder of a protected area authority that has been suspended under this part to return the authority to the chief executive by a day stated in a notice.
- (2) The day stated in the notice must be at least 10 business days after the day the notice is given.
- (3) The holder must, unless the holder has a reasonable excuse, return the protected area authority to the chief executive by the stated day.

Maximum penalty—20 penalty units.

- (4) The chief executive must give the protected area authority back to the holder on or before the day the suspension ends.

71BR After cancellation

The holder of a protected area authority that has been cancelled under this part must, unless the holder has a reasonable excuse, return the protected area authority to the chief executive within 10 business days after the cancellation takes effect.

Maximum penalty—20 penalty units.

Part 6 Transfer of apiary and joint marine park authority permits

Division 1 Transferable permits

71BS Particular permits transferable

The following protected area authorities are transferable—

- (a) an apiary permit;
- (b) a joint marine park authority permit.

Division 2 Apiary permits

71BT Transfer of apiary permits

- (1) The chief executive may, on an application made by the holder of an apiary permit and the proposed transferee, transfer the apiary permit.
- (2) The application must be—
 - (a) in the approved form; and

- (b) accompanied by the fee payable under chapter 8A for the transfer.
- (3) Part 1 applies in relation to the application as if a reference in the part to an applicant for an apiary permit were a reference to the proposed transferee applying for the transfer of the apiary permit.

Division 3 Joint marine park authority permits

71BU Application to transfer

- (1) A holder of a joint marine park authority permit and a proposed transferee may apply to the chief executive to transfer the permit.
- (2) The application must be—
 - (a) in the approved form; and
 - (b) signed by each holder of the joint marine park authority permit and the proposed transferee; and
 - (c) given to the chief executive at least 28 days before the day on which the transfer is intended to take effect; and
 - (d) accompanied by the fee payable under chapter 8A for the transfer.
- (3) This section—
 - (a) applies in relation to a commercial activity permit continued in effect under section 71CG; and
 - (b) does not apply in relation to a commercial activity permit that has been suspended.

71BV Considering application

In considering an application to transfer a joint marine park authority permit, the chief executive must have regard to the following matters—

- (a) whether the proposed transferee is a suitable person to hold the permit;
- (b) whether the holder of the permit, or the proposed transferee, owes any fee, royalty or other amount payable under—
 - (i) the Act; or
 - (ii) a marine park Act;
- (c) all matters relevant to ensuring the orderly and proper management of the protected area to which the permit applies.

71BW Chief executive's power to require further information

- (1) Before deciding an application to transfer a joint marine park authority permit, the chief executive may, by notice, ask the holder of the permit or the proposed transferee to give the chief executive any further information the chief executive reasonably requires to decide the application.
- (2) The holder and proposed transferee are taken to have withdrawn the application if the request is not complied with within 60 days after the person to whom the notice is given receives the notice.

71BX Decision on application

- (1) The chief executive must decide an application to transfer a joint marine park authority permit within 28 days after the chief executive—
 - (a) receives the application; or

-
- (b) if the chief executive has asked for further information under section 71BW—receives the information.
 - (2) The chief executive may approve the transfer only if the chief executive is satisfied—
 - (a) the proposed transferee is a suitable person to hold the permit; and
 - (b) the holder of the permit, or the proposed transferee, does not owe any fee or other amount payable under—
 - (i) the Act; or
 - (ii) a marine park Act.
 - (3) If the chief executive refuses to approve the transfer, the chief executive must give the holder of the permit and the proposed transferee an information notice for the decision.

71BY Steps after approval of transfer

- (1) This section applies if the chief executive decides to approve the transfer of a joint marine park authority permit under section 71BX.
- (2) The chief executive must cancel the existing joint marine park authority permit and give the proposed transferee a new joint marine park authority permit—
 - (a) authorising the same activity as the cancelled permit immediately before it was cancelled under this section; and
 - (b) with a term—
 - (i) starting on the later of the following days (the *transfer day*)—
 - (A) the day the application is decided;

- (B) the day stated in the application for the approval of the transfer as the day on which the transfer is to take effect; and
 - (ii) ending on the day the cancelled permit would have ended if it were not cancelled under this section; and
 - (c) subject to the same conditions as the cancelled permit immediately before it was cancelled under this section.
- (3) Despite subsection (2)(c), the chief executive may impose a new or different condition on the new joint marine park authority permit if—
 - (a) the proposed transferee consents to the condition; or
 - (b) the condition provides for an indemnity for the State against any liability for loss or damage suffered by any person and caused, whether directly or indirectly, by the activities conducted under the permit; or
 - (c) the condition provides for the compensation or reimbursement of any loss or expense incurred by the State in relation to activities conducted under the permit.
- (4) The holder of the cancelled joint marine park authority permit must return the permit to the chief executive before the end of the day after the transfer day.

Part 7

Renewal and continuation of commercial activity permits

Division 1 Preliminary

71BZ Definitions for part

In this part—

existing permit see section 71CA(1).

new permit, for the holder of an existing permit who has made a renewal request, means a commercial activity permit that is, or would be granted, to the holder under section 71CE.

renewal request see section 71CA(1).

substantially the same, in relation to activities, see section 71CD(1).

Division 2 Renewal requests

71CA Holder may apply for renewal of commercial activity permit

- (1) The holder of a commercial activity permit (an *existing permit*) may ask the chief executive to renew the existing permit (a *renewal request*).
- (2) A renewal request must—
 - (a) be in the approved form; and
 - (b) be made before the existing permit ends; and
 - (c) be accompanied by the fee payable under chapter 8A for the renewal and the permit.

71CB Existing permit continues in effect until renewal request is decided

- (1) This section applies if the holder of an existing permit makes a renewal request for the permit.

- (2) The existing permit continues in effect from the day it would otherwise have ended until the day on which the earliest of the following happens—
 - (a) the renewal request is decided;
 - (b) the renewal request is withdrawn;
 - (c) the existing permit has continued in effect for 3 months after the day it would otherwise have ended.
- (3) However, if the chief executive renews the existing permit, the new permit is taken to have effect immediately after the existing permit would otherwise have ended.
- (4) Subsection (2) does not stop the existing permit from being suspended or cancelled under this regulation.

71CC When chief executive may renew permit

- (1) If the chief executive receives a renewal request for an existing permit, the chief executive must decide to—
 - (a) renew the existing permit; or
 - (b) refuse the renewal request.
- (2) The chief executive may renew the existing permit if the chief executive—
 - (a) is satisfied the activities the holder intends to carry out under a new permit are substantially the same as the activities that may be carried out under the existing permit; and
 - (b) is satisfied nothing in part 1 would prevent the chief executive granting a new permit to the holder had the holder applied for the grant of a new permit under part 1; and

- (c) for a permit, other than for filming or photography—is satisfied the holder has—
 - (i) given the chief executive each return of operations required to be given for the permit under chapter 4, part 8, division 3; and
 - (ii) for each fee payable under chapter 8A in relation to the permit—
 - (A) paid the fee within the period of payment for the fee; or
 - (B) entered into an arrangement with the chief executive for payment of the fee and complied with the arrangement; and
- (d) is not aware of any information that is likely to change the chief executive's consideration of a matter mentioned in part 1 for the existing permit.

71CD When activities under a new permit are substantially the same as under an existing permit

- (1) For this part, the activities (the *relevant activities*) that may be, or are intended to be, carried out under a new permit are *substantially the same* as the activities that may be carried out under the existing permit if—
 - (a) all of the relevant activities may be carried out under the existing permit; and
 - (b) the relevant activities relate only to a location where activities may be carried out under the existing permit; and
 - (c) the scale of the relevant activities is not greater than the scale of the activities that

may be carried out under the existing permit.

(2) In this section—

scale, of relevant activities, includes the number of people, vehicles, structures or resources in relation to the relevant activities.

71CE Steps to be taken if chief executive renews permit

- (1) If the chief executive decides to renew an existing permit under section 71CC, the chief executive must, as soon as practicable, grant the holder a new commercial activity permit.
- (2) The commercial activity permit must be granted—
 - (a) for carrying out activities that are substantially the same as the activities that may be carried out under the existing permit; and
 - (b) on the same conditions as the existing permit, unless subsection (3) applies; and
 - (c) for a term that starts on the day after the day the existing permit ends.
- (3) The commercial activity permit may be granted with conditions that are different from the conditions of the existing permit only if—
 - (a) the change of conditions is the same type of amendment mentioned in section 71BF; or
 - (b) the holder agrees to the change of conditions; or
 - (c) the change of conditions is for a ground mentioned in section 71BJ or 71BL(1).

71CF Step to be taken if chief executive refuses to renew permit

If the chief executive refuses to renew an existing permit under section 71CC, the chief executive must give the holder an information notice that includes a statement that the refusal does not prevent the holder from applying for a new commercial activity permit under part 1.

Division 3 Continuation of other permits for new applications

71CG Permits taken to have effect while new application considered

- (1) This section applies if—
 - (a) the holder of a commercial activity permit (the *original permit*) applies for the grant of another commercial activity permit (the *next permit*); and
 - (b) the next permit is proposed to take effect immediately after the end of the original permit.
- (2) The original permit is taken to continue in effect from the original end day until the day on which the earliest of the following happens—
 - (a) the chief executive grants the next permit;
 - (b) the chief executive decides to refuse the application and gives the applicant an information notice for the decision;
 - (c) the applicant is taken to have withdrawn the application under section 71AL;

- (d) if the original permit is not a joint marine park authority permit—the original permit has continued for 3 months after the original end day.
- (3) However, if the chief executive grants the next permit—
 - (a) the original permit is taken to end on the original end day; and
 - (b) the next permit is taken to have effect immediately after the original end day; and
 - (c) for the period during which the original permit is taken to have continued under subsection (2), the next permit is taken to be subject to the same conditions and authorise the same activities as the original permit.
- (4) Subsection (2) does not stop the original permit from being suspended or cancelled under this regulation.
- (5) In this section—

original end day, for an original permit, means the day the permit would have ended but for subsection (2).

Part 8 Replacement and surrender of authorities

71CH Application of part

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

71CI Replacement

- (1) The holder of a protected area authority may apply to the chief executive for the replacement of

the authority if it has been damaged, destroyed, lost or stolen.

- (2) The application must—
 - (a) be in writing; and
 - (b) be accompanied by the fee payable under chapter 8A for the application.
- (3) The chief executive must grant the application if the chief executive is satisfied the protected area authority has been—
 - (a) damaged in a way that requires its replacement; or
 - (b) destroyed, lost or stolen.
- (4) If the chief executive decides to grant the application, the chief executive must give the holder a replacement protected area authority.
- (5) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice for the decision within 14 days after the decision is made.

71CJ Surrender

- (1) The holder of a protected area authority may surrender the authority by returning the authority and giving the chief executive a notice of surrender.
- (2) A protected area authority surrendered under subsection (1) stops having effect on—
 - (a) the day for surrender stated in the notice; or
 - (b) if paragraph (a) does not apply—the day the notice is received by the chief executive.

Part 9 Requirements for authorities

71CK Application of part

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

71CL Compliance with conditions of authority

- (1) The holder of a protected area authority, or a relevant person for the holder, must comply with the conditions of the authority that apply to the holder or relevant person, unless the holder or relevant person has a reasonable excuse.

Maximum penalty—80 penalty units.

- (2) For subsection (1), the holder is taken to comply with a condition of the authority if a relevant person for the holder complies with the condition for the holder.
- (3) This section does not apply to a camping permit.

Note—

For complying with conditions of camping permits, see section 90.

71CM Authority must be available for inspection

- (1) A person carrying out an activity under a protected area authority, other than a camping permit or stock grazing permit, must—
 - (a) have the following documents available for inspection—
 - (i) if the person is the holder of the authority—the authority or a copy of the authority;

- (ii) if the person is not the holder of the authority—a copy of the authority endorsed by the holder of the authority with the name and residential address of the person carrying out the activity; and
 - (b) if asked by a conservation officer, produce the authority or copy for inspection by the officer, unless the person has a reasonable excuse.
- Maximum penalty—50 penalty units.
- (2) For this section, a copy of the relevant details of a commercial activity permit is taken to be a copy of the permit.
 - (3) In this section—
relevant details, of a commercial activity permit, means details of each of the following matters—
 - (a) if the permit number for the permit is stated in the permit—the permit number;
 - (b) the name of the holder of the permit;
 - (c) the term of the permit;
 - (d) the protected area to which the permit applies;
 - (e) the activity authorised under the permit.

71CN Requirement to notify chief executive of particular changes and ask for amendment

- (1) This section applies to the holder of a protected area authority if a change of any of the following happens—
 - (a) the holder's name;
 - (b) the holder's postal, residential or business address stated in the authority;

- (c) if the holder is a corporation—the person in charge of the activity carried out under the authority.
- (2) The holder must before, or immediately after, the change happens—
 - (a) give the chief executive a notice stating the nature of the change; and
 - (b) apply to the chief executive for an amendment of the protected area authority to reflect the change.

Maximum penalty—10 penalty units.

Note—

For amending a protected area authority by application, see part 5, division 3.

Chapter 4B Commercial activity agreements

Part 1 Preliminary

71CO Chief executive may enter into agreement

- (1) The chief executive may, for the State, enter into an agreement (a *commercial activity agreement*) with a person authorising the person to conduct a commercial activity in a protected area.
- (2) The chief executive may enter into the commercial activity agreement in any of the following ways—
 - (a) by using an expression of interest process under part 2;
 - (b) by using an application process under part 3;

- (c) by otherwise entering into the agreement with the holder of a commercial activity permit for the activity for the area.
- (3) The commercial activity agreement may be combined with—
 - (a) a commercial activity agreement entered into by the person under the *Marine Parks Regulation 2017*, section 52; or
 - (b) a commercial activity agreement entered into by the person under the *Recreation Areas Management Act 2006*, section 69.

**71CP Restrictions on entering into agreement—
conservation of protected area**

- (1) A commercial activity agreement must be consistent with—
 - (a) the management principles for the protected area to which it applies; and
 - (b) the interim or declared management intent, or management plan, for the protected area to which it applies.
- (2) Also, a commercial activity agreement must not—
 - (a) create an interest in land in a protected area; or
 - (b) authorise the carrying out of major earthworks, or the installation of a permanent structure, in a protected area; or
 - (c) otherwise provide for a matter for which a lease, agreement, licence, permit or other authority made or given under section 34, 35 or 36 of the Act would be more appropriate.

Example—

It would be more appropriate to enter into a lease, agreement, licence, permit or other authority made or given under section 34, 35 or 36 of the Act for the installation of a sewage pipeline or communications tower in a national park.

(3) In this section—

major earthworks means earthworks that cause a major disturbance to the cultural or natural resources of a protected area.

Example—

construction of a road or drainage channel

71CQ Restrictions on entering into agreement— suitability of party

- (1) The chief executive may enter into a commercial activity agreement with a person only if the chief executive is satisfied the person is a suitable person to be a party to the agreement.
- (2) In deciding whether a person is a suitable person, the chief executive may have regard to any matter relevant to the person's ability to carry out the activities for which the agreement is sought in a competent and ethical way.
- (3) A person is not a suitable person if, had the person applied for a commercial activity permit for the activities for which the agreement is sought, the person would not, having regard to the matters mentioned in chapter 4A, part 1, division 3, be a suitable person to hold the permit.

71CR Restrictions on entering into agreement— insurance

- (1) The chief executive may enter into a commercial activity agreement with a person only if the chief executive is satisfied there is adequate insurance

cover for the activities for which the agreement is sought.

(2) However, subsection (1) does not apply if the chief executive considers insurance cover is not required having regard to the nature of the activities, including whether insurance is commonly available for the activities.

(3) In this section—

insurance cover, for activities for which a commercial activity agreement is sought, means a policy of insurance that insures the other party to the agreement against a claim for damage, injury or loss to a person, and damage to property, arising from the activities to be conducted under the agreement.

71CS Content of agreement

(1) A commercial activity agreement must be in writing and include each of the following details—

- (a) the name of the protected area to which the agreement applies;
- (b) the day the agreement is entered into;
- (c) the term of the agreement;
- (d) the name of the person with whom the agreement is entered into;
- (e) if the person is a corporation—the ABN or ACN of the corporation;
- (f) the person's place of business;
- (g) the activities authorised under the agreement;
- (h) any conditions of the agreement;

- (i) the amount payable to the State under the agreement, or a way of working out the amount.
- (2) Subsection (1) does not limit the matters that may be included in the agreement.
- (3) The parties to the agreement may, by agreement, amend the agreement at any time.

Note—

See also part 5 for provisions about amendment, suspension and cancellation of commercial activity agreements by the chief executive.

71CT Mandatory conditions of agreement

- (1) This section applies if the chief executive reasonably believes a commercial activity agreement should be subject to a condition that will assist in achieving the object of the Act (a ***conservation condition***).

Note—

See section 5 of the Act for how the object of the Act is to be achieved.

- (2) The chief executive must not enter into the agreement unless—
 - (a) the agreement is made subject to the condition; and
 - (b) the agreement identifies the condition as a conservation condition and states that a breach of the condition is an offence against section 106.

Part 2 Expression of interest process

71CU Application of part

This part applies if the chief executive decides to use an expression of interest process to enter into a commercial activity agreement.

71CV Invitation for expressions of interest

- (1) The chief executive may invite expressions of interest for entering into the commercial activity agreement for conducting a commercial activity in a protected area from—
 - (a) only the holders of a commercial activity permit for the activity for the area; or
 - (b) the members of the public the chief executive believes would be interested in submitting an expression of interest for the agreement.
- (2) The invitation must be made in the way the chief executive considers appropriate having regard to the need to ensure the invitees—
 - (a) are made aware that the process is being conducted; and
 - (b) have enough time to submit an appropriate expression of interest.
- (3) The invitation must state the following—
 - (a) the commercial activity and the protected area that will be the subject of the agreement;
 - (b) if the commercial activity is a prescribed commercial activity for the area—
 - (i) the commercial activity is a prescribed commercial activity for the area; and
 - (ii) that, under section 105(2), a person may conduct the prescribed commercial activity in the area only

- under a commercial activity agreement or under particular commercial activity permits;
- (c) if the expression of interest process is open only to the holders of a commercial activity permit for the activity for the area—that only those holders may submit an expression of interest for the agreement;
 - (d) how the expression of interest may be submitted to the chief executive;
 - (e) the day and time by which the expression of interest must be submitted to the chief executive;
 - (f) that a fee is payable for submitting the expression of interest, and the amount of the fee stated in schedule 7A;
 - (g) that details of each of the following are available at a stated place—
 - (i) the matters the chief executive will consider to decide whether to enter into the agreement;
 - (ii) any proposed conditions of the agreement that are likely to impact on the conducting of the activity under the agreement.

71CW Requirements for expression of interest

An expression of interest for a commercial activity agreement must be—

- (a) in writing; and
- (b) accompanied by the fee stated in schedule 7A for submitting the expression of interest; and

- (c) submitted in the way, and by the day and time, stated in the invitation under section 71CV.

71CX Requirements for process

- (1) Subject to the requirements about entering into a commercial activity agreement mentioned in part 1, any process the chief executive considers appropriate may be used to decide the expressions of interest that should be further negotiated toward a commercial activity agreement.
- (2) Without limiting subsection (1), in considering an expression of interest, the chief executive must have regard to—
 - (a) the matters the chief executive must have regard to for considering an application for a commercial activity permit; and
 - (b) any other matter the chief executive considers relevant.

Note—

For the matters the chief executive must have regard to for considering an application for a commercial activity permit, see chapter 4, part 8 and chapter 4A, parts 1 and 7.

71CY Chief executive may request further information

- (1) Without limiting section 71CX(1), the chief executive may, by notice, ask the submitter of an expression of interest to give the chief executive further reasonable information by the day, at least 20 business days after the submitter receives the notice, stated in the notice.
- (2) If the submitter does not, without reasonable excuse, give the chief executive the further information by the stated day—

- (a) the expression of interest is taken to have been withdrawn; and
- (b) the chief executive must give the submitter a notice stating that—
 - (i) under this section, the expression of interest is taken to be withdrawn; and
 - (ii) the submitter may submit another expression of interest.
- (3) The chief executive may extend the period for the submitter to give the further information.

71CZ Amending expression of interest

If the chief executive agrees, the submitter may amend the expression of interest before the chief executive has finished considering it.

71DA Notice to unsuccessful submitters

The chief executive must, within 14 business days after deciding not to negotiate with a submitter of an expression of interest, give the submitter a notice for the decision.

Part 3 Application process

71DB Application of part

This part applies if the chief executive decides to use an application process for entering into a commercial activity agreement.

71DC Applying for agreement

- (1) A person may apply to the chief executive for a commercial activity agreement for conducting a

commercial activity in a protected area.

- (2) The application must be—
 - (a) in writing; and
 - (b) accompanied by the fee stated in schedule 7A for the application.

71DD Matters to be considered for application

In considering the application, the chief executive must have regard to—

- (a) the matters the chief executive must have regard to for considering an application for a commercial activity permit; and
- (b) any other matter the chief executive considers relevant.

Note—

For the matters the chief executive must have regard to for considering an application for a commercial activity permit, see chapter 4, part 8 and chapter 4A, parts 1 and 7.

71DE Chief executive may request further information

- (1) The chief executive may, by notice, ask the applicant to give the chief executive further reasonable information by the day, at least 20 business days after the applicant receives the notice, stated in the notice.
- (2) If the applicant does not, without reasonable excuse, give the chief executive the further information by the stated day—
 - (a) the application is taken to have been withdrawn; and
 - (b) the chief executive must give the applicant a notice stating that—

- (i) under this section, the application is taken to be withdrawn; and
 - (ii) the applicant may make a new application.
- (3) The chief executive may extend the period for the applicant to give the further information.

71DF Amending the application

If the chief executive agrees, the applicant may amend the application before the chief executive has finished considering it.

71DG Chief executive may request public notice of application for commercial activity agreement

- (1) This section applies if the chief executive considers entering into a commercial activity agreement the subject of the application may restrict the reasonable use, by persons other than the applicant, of a protected area.
- (2) The chief executive may give the applicant a notice stating—
 - (a) the applicant must give public notice of the application within a stated period; and
 - (b) the information that must be included in the public notice; and
 - (c) the number of times, being not more than 2, that the public notice must be given.
- (3) The applicant must give the public notice and ensure it—
 - (a) includes the stated information; and
 - (b) invites interested persons to make written submissions to the chief executive in relation to the application—

- (i) at an address stated in the notice; and
 - (ii) within a stated period of at least 20 business days.
- (4) Before deciding whether or not to further negotiate toward entering into the agreement, the chief executive must consider any written submissions received by the chief executive in response to the public notice.

71DH Negotiating application for agreement

- (1) The chief executive must consider each application and decide—
 - (a) to negotiate the signing of the commercial activity agreement the subject of the application; or
 - (b) to refuse to negotiate the signing of the agreement.
- (2) The chief executive must give the applicant a notice of the decision within 10 business days of making the decision.
- (3) If the decision is a refusal under subsection (1)(b), the notice must be an information notice.

71DI Steps to be taken after application decided

- (1) If, after negotiation, the chief executive decides to enter into the commercial activity agreement, the chief executive must, as soon as practicable after making the decision, enter into the agreement with the applicant.
- (2) If, after negotiation, the chief executive decides to refuse to enter into the commercial activity agreement, the chief executive must, within 10 business days after making the decision, give the applicant an information notice for the decision.

Part 4 Requirements applying to, and nature of, agreements

71DJ Term and review of agreements

- (1) A commercial activity agreement must not be for a term longer than 15 years from the day the agreement takes effect.
- (2) The agreement may allow for the term of the agreement to be extended at any time, so long as the term of the agreement is not, at any time, longer than 15 years.
- (3) The agreement may also provide for—
 - (a) reviews of the agreement to be conducted at stated intervals; and
 - (b) the matters to be considered at the review.

71DK Nature of agreement

- (1) A commercial activity agreement authorises the party to the agreement other than the chief executive (the *other party* to the agreement) to conduct, subject to the conditions stated in the agreement, the commercial activity stated in the agreement in the protected area stated in the agreement.
- (2) The authorisation under a commercial activity agreement may be transferred under part 6.

Part 5 Amendment, suspension and cancellation of agreement

71DL Immediate amendment or suspension of agreement for safety or conservation

- (1) This section applies if—
 - (a) the chief executive believes a commercial activity agreement should be amended or the authorisation under it suspended—
 - (i) to secure the safety of a person or a person's property; or
 - (ii) because of a fire or other natural disaster; or
 - (iii) to conserve or protect the cultural or natural resources of the protected area to which the agreement applies; or
 - (b) the area to which a commercial activity agreement applies is declared, after the agreement was entered into, to be a restricted access area, or an area closed to the public, under this regulation.
- (2) The chief executive may, verbally if practicable, or by signs, advise the other party to the commercial activity agreement that, until the chief executive otherwise decides—
 - (a) the agreement is amended in the way the chief executive advises; or
 - (b) the authorisation under the agreement is suspended, to the extent the chief executive advises.
- (3) If the chief executive acts under subsection (2), the amendment or suspension takes effect immediately after the other party is advised of the amendment or suspension and continues in effect until the chief executive decides the reason for the amendment or suspension no longer exists.
- (4) The effect of an amendment under this section does not depend on the amendment being noted

on the agreement.

- (5) The chief executive must, as soon as practicable after the amendment or suspension ends—
 - (a) advise the other party that the amendment or suspension no longer applies; or
 - (b) publish a notice on the department's website advising that the amendment or suspension no longer applies.
- (6) In this section—

sign includes a sign erected—

 - (a) at or near a usual access point to a protected area; or
 - (b) in a position that would normally be seen by a person accessing a protected area.

71DM Non-immediate amendment of agreement— grounds

The chief executive may, by complying with section 71DN, amend a commercial activity agreement—

- (a) for a reason mentioned in section 71DL(1); or
- (b) if the chief executive believes—
 - (i) the agreement was entered into on the basis of incorrect or misleading information; or
 - (ii) the other party to the agreement has contravened a condition of the agreement; or
 - (iii) the other party to the agreement is not, or is no longer, a suitable person to be a party to the agreement under section 71CQ; or

- (iv) the amendment is necessary having regard to the object of the Act; or
- (c) if the other party to the agreement is convicted of an offence against the Act and the chief executive considers the activities of the other party that led to the conviction are relevant to the other party's ability to carry out activities under the agreement in a competent and ethical way; or
- (d) if the agreement applies to an activity that has been declared as a special activity under this regulation.

71DN Non-immediate amendment of agreement— procedure

- (1) Before amending the agreement under section 71DM, the chief executive must give the other party to the agreement a notice stating each of the following—
 - (a) the proposed amendment;
 - (b) the ground for the proposed amendment;
 - (c) an outline of the facts and circumstances forming the basis for the ground;
 - (d) an invitation to make written representations, within a stated period of at least 20 business days after the notice is given, about why the proposed amendment should not be made.
- (2) If, after considering any written representations made within the stated period, the chief executive still considers the amendment should be made, the chief executive may amend the agreement—
 - (a) in the way stated in the notice; or
 - (b) in another way, having regard to the representations.

- (3) If the chief executive amends the agreement, the chief executive must give the other party an information notice for the decision.
- (4) The amendment takes effect on the later of the following days—
 - (a) the day the information notice is given to the other party;
 - (b) the day of effect stated in the information notice.
- (5) The effect of the amendment does not depend on the amendment being noted on the agreement.
- (6) If the chief executive decides not to make the amendment, the chief executive must, as soon as practicable after making the decision, give the other party notice of the decision.

71DO Non-immediate cancellation of agreement or suspension of authorisation under agreement—grounds

The chief executive may, by complying with section 71DP, cancel a commercial activity agreement or suspend the authorisation under the agreement—

- (a) for a reason mentioned in section 71DM; or
- (b) if the chief executive believes the activities being conducted under the agreement are having an unacceptable impact on the character or amenity of—
 - (i) the protected area to which the agreement applies; or
 - (ii) areas adjacent to the protected area; or
- (c) if the chief executive believes the activities being conducted under the agreement are threatening public health or safety; or

- (d) if the chief executive believes the cancellation or suspension is necessary to ensure the fair and equitable access to the protected area to which the agreement applies.

Example—

Environmental factors have affected the availability of public access to the protected area to which a commercial activity agreement applies and the agreement currently restricts the remaining public access to the area.

71DP Non-immediate cancellation of agreement or suspension of authorisation under agreement—procedure

- (1) Before taking action (the *proposed action*) under section 71DO, the chief executive must give the other party to the agreement a notice stating each of the following—
 - (a) the proposed action;
 - (b) the ground for the proposed action;
 - (c) an outline of the facts and circumstances forming the basis for the ground;
 - (d) if the proposed action is suspension of the agreement—the proposed suspension period;
 - (e) an invitation to make written representations, within a stated period of at least 20 business days after the notice is given, about why the proposed action should not be taken.
- (2) If, after considering any written representations made within the stated period, the chief executive still considers the ground to take the proposed action exists, the chief executive may decide—

- (a) if the proposed action was to suspend the authorisation under the agreement—to suspend the authorisation for not longer than the proposed suspension period; or
 - (b) if the proposed action was to cancel the agreement—either to cancel it or to suspend the authorisation under it for a period.
- (3) If the chief executive cancels the agreement, or suspends the authorisation under it, the chief executive must give the other party to the agreement an information notice for the decision.
- (4) The cancellation or suspension takes effect on the later of the following days—
 - (a) the day the information notice is given to the other party to the agreement;
 - (b) the day of effect stated in the information notice.
- (5) If the chief executive decides not to take the proposed action, the chief executive must as soon as practicable after making the decision give the other party to the agreement notice of the decision.
- (6) Despite subsections (3) and (4), if a commercial activity agreement is cancelled because of the conviction of a person for an offence and the conviction is quashed, the cancellation stops having effect.
- (7) Despite subsections (3) and (4), if the authorisation under a commercial activity agreement is suspended because of the conviction of a person for an offence and the conviction is quashed, the suspension period ends on the day the conviction is quashed.

Part 6 Transfer of authorisation under agreement

71DQ Application to transfer authorisation

- (1) The other party to a commercial activity agreement (the *seller*) may transfer the authorisation under the agreement to another person (the *buyer*).
- (2) The seller and the buyer must apply to the chief executive to—
 - (a) approve the transfer; and
 - (b) if the chief executive approves the transfer—give effect to the transfer under this part.

71DR Approval or non-approval of transfer

- (1) The chief executive may approve the transfer only if the chief executive is satisfied, having regard to the matters mentioned in section 71CQ(2) and (3), that the buyer is a suitable person to be a party to the commercial activity agreement.
- (2) If the chief executive refuses to approve the transfer, the chief executive must give the seller and the buyer an information notice for the decision.

71DS Giving effect to transfer

- (1) This section applies if—
 - (a) the chief executive approves the transfer; and
 - (b) if the buyer has to enter into a commercial activity agreement with the chief

- executive—the fee stated in schedule 7A for an application for the commercial activity agreement has been paid; and
- (c) all amounts payable by the seller under the seller's commercial activity agreement have been paid.
- (2) If the seller transfers all of the authorisation under the agreement, the chief executive must give effect to the transfer by cancelling the seller's agreement and—
- (a) if the buyer is the other party to another commercial activity agreement—amending the other agreement to reflect the transfer; or
 - (b) if the buyer is not the other party to another commercial agreement—entering into, with the buyer, a commercial activity agreement for the conducting of the commercial activity the subject of the authorisation.
- (3) If the seller transfers only part of the authorisation under the agreement, the chief executive must give effect to the transfer by amending the seller's commercial activity agreement to reflect the transfer and—
- (a) if the buyer is the other party to another commercial activity agreement—amending the other agreement to reflect the transfer; or
 - (b) if the buyer is not the other party to another commercial activity agreement—entering into, with the buyer, a commercial activity agreement for the conducting of the commercial activity the subject of the authorisation.

Part 7 Requirement to have agreement or copy available for inspection

71DT Agreement or copy must be available for inspection

- (1) A person acting under a commercial activity agreement must—
 - (a) have the following document available for inspection—
 - (i) if the person is a party to the agreement—the agreement, a copy of the agreement or a copy of the relevant details for the agreement;
 - (ii) if the person is not a party to the agreement—a copy of the agreement, or a copy of the relevant details for the agreement, endorsed by a party to the agreement with the name and residential address of the person who is not a party to the agreement; and
 - (b) if asked by a conservation officer, produce the document mentioned in paragraph (a) for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) In this section—

relevant details, for a commercial activity agreement, means the following details—

 - (a) the names of the parties to the agreement;
 - (b) the day on which the agreement was entered into;

- (c) the protected area to which the agreement applies;
- (d) the activity authorised under the agreement.

25 Amendment of s 90 (Compliance with conditions of camping permit)

- (1) Section 90, note 1, ‘the *Nature Conservation (Administration) Regulation 2017*, section 54(2)’—

omit, insert—

section 71AS(2)

- (2) Section 90, note 2, ‘the *Nature Conservation (Administration) Regulation 2017*, section 56(2)’—

omit, insert—

section 71AV(2)

26 Amendment of s 106 (Compliance with conservation conditions)

Section 106(2), definition *conservation condition*, ‘the *Nature Conservation (Administration) Regulation 2017*, section 88’—

omit, insert—

section 71CT(1)

27 Amendment of s 108 (Unlawfully conducting organised event)

Section 108(2), ‘the *Nature Conservation (Administration) Regulation 2017*, section 158(3)’—

omit, insert—

section 159AS(3)

28 Amendment of ch 7, hdg (Authorised activities in protected areas)

Chapter 7, heading, ‘Authorised’—

omit, insert—

Other authorised

29 Amendment of s 153 (Conducting general muster)

Section 153(7), note, ‘the *Nature Conservation (Administration) Regulation 2017*, part 5’—

omit, insert—

chapter 8

30 Replacement of ch 8, hdg (Seizure of things in protected area)

Chapter 8, heading and note—

omit, insert—

Chapter 8 Seizure of things in protected areas

Part 1 Power to seize

31 Insertion of new ch 8, pt 2

Chapter 8—

insert—

Part 2 Seized things

Division 1 Preliminary

159AA Definitions for part

In this part—

claim period, for a seized thing, means—

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

dangerous seized thing see section 159AD(1).

owner, of a seized thing, means—

- (a) if the chief executive or a conservation officer is aware of the actual owner of the thing immediately before the seizure—the owner; or
- (b) otherwise—a person who would be entitled to the possession of the thing had it not been seized.

seized thing means a thing seized under part 1 or section 153.

seizure notice, for a seized thing, means a notice given under section 159AF for the thing.

Division 2 Dealing with seized things

159AB General powers for seized things

- (1) A conservation officer who has seized a seized thing may—

- (a) move the thing from the place where it was seized; or
- (b) leave the thing at the place where it was seized, but take reasonable action to restrict access to the thing.

Examples of restricting access to a seized thing—

- branding, marking, sealing, tagging or otherwise identifying the thing to show access to it is restricted
- sealing the entrance to a room or other area where the thing is situated and marking it to show access to it is restricted

- (2) If the seized thing is equipment, the conservation officer may also make the thing inoperable.

Example of making equipment inoperable—

dismantling equipment or removing a component of equipment without which it is not capable of being used

- (3) If the seized thing is or contains an animal, the conservation officer may also do 1 or more of the following as is appropriate to ensure the animal's survival—
 - (a) take it to a place the conservation officer considers appropriate;
 - (b) give it accommodation, food, rest, water or other appropriate living conditions;
 - (c) if the conservation officer believes it requires veterinary care or other treatment—arrange for the care or treatment;
 - (d) leave it at the place where it was seized and take any action mentioned in paragraphs (a) to (c);
 - (e) if it is left at the place where it was seized—give the person from whom it was seized a direction to—

- (i) start keeping, or continue to keep, the animal in the person's custody; and
- (ii) look after, or continue to look after, the animal;
- (f) if the animal is left at the place where it was seized and the person from whom it was seized does not comply with a direction under paragraph (e)—take any action mentioned in paragraphs (a) to (c).

159AC Tampering with seized thing

- (1) A person must not do, or attempt to do, any of the following unless the person has a reasonable excuse—
 - (a) tamper with, or continue to tamper with, a seized thing or something done under section 159AB(1)(b) to restrict access to the thing;
 - (b) enter, or be at, the place where a seized thing is being kept;
 - (c) move a seized thing from the place where it is being kept;
 - (d) have a seized thing in the person's possession.

Maximum penalty—100 penalty units.

- (2) Subsection (1) does not apply to—
 - (a) a conservation officer; or
 - (b) a person asked by a conservation officer to do something mentioned in the subsection; or
 - (c) a person from whom an animal was seized if the person—

- (i) is complying with a direction under section 159AB(3)(e); and
- (ii) does not, without the written approval of a conservation officer, move the animal from the place where it was seized.

159AD Dangerous seized things 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.

159AE Way seized things must be kept

- (1) This section applies—
 - (a) to a seized thing, other than a dangerous seized thing; and
 - (b) whether or not the thing is removed from the place where it was seized.
- (2) The chief executive must ensure the thing is kept in a reasonably secure way at all times until it is returned to the owner or otherwise dealt with under this part.

159AF Seizure notices

- (1) This section applies in relation to a seized thing, other than a dangerous seized thing.
- (2) If the conservation officer who seized the thing believes the thing has a market value of more than \$500, the officer must give the owner of the thing notice of its seizure.
- (3) If the owner's name is not known, a notice must be published in a newspaper circulating throughout the State.
- (4) If the owner's name is not known, a notice may also be given by displaying it in a prominent position on a permanent fixture as close as possible to the place where the thing was found.
- (5) The notice must state—
 - (a) the date of the notice; and
 - (b) that the owner may claim the thing within the claim period for the thing; and
 - (c) that the thing may be disposed of if not claimed within the claim period.

159AG Release of seized things

- (1) If a person claims a seized thing, the chief executive may release it 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 from which the thing was removed, 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.

159AH Sale and disposal of seized things with market value of more than \$500

- (1) This section applies to a seized thing if—
 - (a) a conservation officer has given a seizure notice 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 believes the thing has a market value of more than \$500.
- (2) The chief executive may sell the thing in the way the chief executive considers will best realise its market value.
- (3) Before selling the thing, the chief executive must publish a notice in a newspaper circulating throughout the State—
 - (a) identifying the thing; and
 - (b) stating how and when it is to be sold.
- (4) The thing must not be sold within 20 business days after the notice is published.
- (5) If the thing is not sold, the chief executive may dispose of it in the way the chief executive considers appropriate.

159AI Sale and disposal of seized things with market value of \$500 or less

- (1) This section applies to a seized thing if—
 - (a) the chief executive believes the thing does not have a market value of more than \$500; and
 - (b) if a seizure notice has been given for the thing—the owner of the thing does not claim it within the claim period for the thing.
- (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.

159AJ Application of proceeds of sale

If the chief executive sells a seized thing under this part, the proceeds of the sale must be 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 cost of the following activities—
 - (i) seizing, removing and holding the thing;
 - (ii) giving or publishing the seizure notice for the thing;
- (c) in payment of the reasonable cost of work necessary to restore the place from which the thing was removed as nearly as practicable to its former state;

- (d) in payment of any balance to the owner of the thing.

159AK Compensation not payable

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

32 Insertion of new chs 8A and 8B

After chapter 8—

insert—

Chapter 8A Fees

Part 1 Fees payable

159AL Application of chapter

- (1) This chapter provides for fees payable under the Act in relation to a protected area.
- (2) However, this chapter does not apply in relation to a conservation value or a royalty.
- (3) For section 9, this chapter, other than sections 159AO to 159AT, applies in relation to a special wildlife reserve or nature refuge.

Notes—

- 1 See section 30 about royalties payable for quarry material under a resources permit.
- 2 See the *Nature Conservation (Animals) Regulation 2020*, schedule 2, part 1 and the *Nature Conservation (Plants) Regulation 2020*, schedule 3 for conservation values prescribed for different classes of animals and plants that are protected wildlife.

159AM Fees generally

- (1) Subject to another provision of this chapter, the fees payable under the Act are stated in schedule 7A.
- (2) Subsections (3) to (5) apply for interpreting the fee payable for a least concern plant mentioned in schedule 7A.
- (3) A reference to a category of least concern plants in schedule 7B, part 1 is a reference to plants of the category stated opposite the plants in schedule 7B, part 1, column 2.
- (4) A reference to a category of least concern plants in schedule 7B, part 2 is a reference to plants of the category stated opposite the plants in schedule 7B, part 2, column 2.
- (5) A reference to a species of plant in schedule 7B is a reference to only the plants within the species that are least concern plants.

Note—

See also section 12C in relation to references to the classes and scientific names of plants.

159AN Proceedings for unpaid fees

- (1) This section applies in relation to a person who has not paid a fee when it is payable under the Act.
- (2) A proceeding may be started against the person for the recovery of the fee, or part of the fee, whether or not—
 - (a) a prosecution has been started against the person for an offence relating to the unpaid fee; or
 - (b) the person has been convicted of an offence relating to the unpaid fee.
- (3) To remove any doubt, it is declared that the

unpaid fee is a debt due to the State.

159AO Reduced application fee for commercial activity permits, organised event permits or commercial activity agreements

- (1) This section applies in relation to an application for a commercial activity permit or organised event permit or for a commercial activity agreement (each an *NCA application*) if—
 - (a) the activity for which the permit or agreement is sought is to be conducted in a protected area and 1 or more of the following areas—
 - (i) a forest reserve that was, immediately before its dedication as a forest reserve, a State forest under the *Forestry Act 1959*;
 - (ii) a recreation area under the *Recreation Areas Management Act 2006*;
 - (iii) a State forest under the *Forestry Act 1959*; and
 - (b) the applicant has also applied for an authority (however called) for conducting the activity in the forest reserve, recreation area or State forest (the *related application*); and
 - (c) the chief executive is satisfied the NCA application and related application can be considered together, including, for example, because the chief executive has not started considering the related application.

Example—

A person applies for a commercial activity permit for conducting a commercial tour in the Cooloolo Section within the Great Sandy National Park and the Fraser Island Recreation Area.

The day before the application was made, the person applied, under the *Recreation Areas Management Act 2006*, for a commercial activity permit for conducting the tour in the Fraser Island Recreation Area.

- (2) The chief executive may waive all or part of the fee stated in schedule 7A for the NCA application if the holder has paid an application fee (however called) for the related application.
- (3) However, if the fee for the NCA application is higher than the application fee paid for the related application, the chief executive may waive only an amount equivalent to the application fee paid for the related application.

159AP Reduced permit fee for commercial activity permits if equivalent fee paid under another Act

- (1) This section applies if—
 - (a) the chief executive waives all or part of the application fee payable for an application for a commercial activity permit under section 159AO; and
 - (b) the applicant has paid another fee that is a permit fee (however called) for an authority mentioned in section 159AO(1)(b) (the *equivalent fee*).
- (2) The chief executive must also waive—
 - (a) if the equivalent fee is the same as or higher than the permit fee stated in schedule 7A for the commercial activity permit—all of the permit fee; or
 - (b) if the equivalent fee is lower than the permit fee stated in schedule 7A for the commercial activity permit—the part of the permit fee that is equivalent to the amount of the equivalent fee.

159AQ Reduced application fee for transfer of particular joint marine park authority permits if equivalent fee paid under another Act

- (1) This section applies to an application to transfer a joint marine park authority permit under chapter 4A, part 6 (a *transfer application*) if—
 - (a) the commercial activity for which the permit is held is conducted in—
 - (i) a protected area; and
 - (ii) a recreation area under the *Recreation Areas Management Act 2006*; and
 - (b) the applicant has also applied under the *Recreation Areas Management Act 2006* to transfer the permit in relation to conducting the activity in the recreation area (the *related application*); and
 - (c) the applicant has paid an application fee (however called) for the related application; and
 - (d) the chief executive is satisfied the transfer application and related application can be considered together.
- (2) The chief executive may waive all or part of the fee stated in schedule 7A for the transfer application.
- (3) However, if the fee for the transfer application is higher than the application fee paid for the related application, the chief executive may waive only an amount equivalent to the application fee paid for the related application.

159AR Reduced additional daily fee for commercial activity or organised event permits if equivalent fee paid under another Act

- (1) This section applies if—

- (a) the holder of a commercial activity permit, other than for filming or photography, or of an organised event permit (the *NCA permit*), or a relevant person for the holder, conducts the activity authorised under the permit in the protected area to which the permit applies and 1 or more of the following areas—
 - (i) a forest reserve that was, immediately before its dedication as a forest reserve, a State forest under the *Forestry Act 1959*;
 - (ii) a recreation area under the *Recreation Areas Management Act 2006*;
 - (iii) a State forest under the *Forestry Act 1959*; and
 - (b) the activity is conducted for the same clients in the forest reserve, recreation area or State forest under an equivalent permit (however called) under another Act; and
 - (c) the holder or relevant person has paid a daily fee (however called) for conducting the activity under the equivalent permit.
- (2) The additional daily fee payable under the Act for conducting the activity under the NCA permit is reduced by the amount of the daily fee paid for conducting the activity under the equivalent permit.
- (3) To remove any doubt, it is declared that a reduction under subsection (2) may result in the additional daily fee payable under the Act being nil.

Example—

The holder of a commercial activity permit conducts a commercial tour lasting more than 3 hours for 10 clients in the Glass House Mountains National Park and Bribie Island Recreation Area. The holder has paid a daily fee

of \$37.50 (\$3.75 for each client) under the *Recreation Areas Management Act 2006* for conducting the tour in the recreation area under a commercial activity permit under that Act.

The additional daily fee payable under the Act for conducting the commercial tour in the national park under the commercial activity permit is nil, being the additional daily fee stated in schedule 7A for conducting the tour (\$3.75 for each client) reduced by \$37.50, being the daily fee paid under the *Recreation Areas Management Act 2006* for conducting the tour in the Bribie Island Recreation Area under a commercial activity permit under that Act.

- (4) In this section—
daily fee does not include a fee payable for camping overnight.

159AS When particular fees payable

- (1) The holder of a stock grazing permit must pay the fee payable for the permit on each anniversary of the first day of the term of the permit.
- (2) The holder of a commercial activity permit, other than for filming or photography, must pay the additional daily fee and camping fee for the permit within the period in which the fees must be paid stated in an invoice given to the holder by the chief executive under section 67(2).

Note—

Failure to pay the fees payable under the Act is an offence under section 67(4).

- (3) The holder of an organised event permit for which special access is to be allowed, special supervision is needed, or an area is to be reserved for use, for an activity carried out under the permit, must pay the additional daily fee for the permit within 20 business days after the day the activity is carried out.

Note—

Failure to pay the additional daily fee is an offence under section 108(2).

Part 2 Fee exemptions

Division 1 Exemption for particular persons

159AT Exemption for camping permit granted to particular persons

- (1) No fee is payable for a camping permit granted to a person who is in a relevant national park to prepare—
 - (a) a claim to, or a management statement or management plan for, the national park under the *Aboriginal Land Act 1991*; or
 - (b) a claim to the national park under the *Torres Strait Islander Land Act 1991*.
- (2) In this section—

relevant national park means a national park, other than a special management area (controlled action) to allow activities of the type, or for the purpose, stated in section 17(1A)(a) of the Act.

Division 2 Applications for exemptions

159AU Application for exemption of fee

- (1) A person may apply to the chief executive for an exemption (a *fee exemption application*) from the

payment of a fee for a protected area authority.

- (2) The fee exemption application must—
 - (a) be in writing; and
 - (b) include details about the contribution the activities to be carried out under the protected area authority will make to—
 - (i) the conservation of nature generally; or
 - (ii) the conservation or presentation of the cultural or natural resources of the protected area to which the authority applies, or another protected area; or
 - (iii) the management of the protected area to which the authority applies or to another protected area; and
 - (c) be made before or when the application for the protected area authority is made.

159AV Deciding fee exemption application

- (1) The chief executive must consider each fee exemption application and either—
 - (a) grant the exemption, with or without conditions; or
 - (b) refuse the application.
- (2) However, the chief executive may grant the exemption only if the chief executive is satisfied—
 - (a) the activities to be carried out under the protected area authority for which the application is made are likely to make a significant contribution to—
 - (i) the conservation of nature generally; or
 - (ii) the conservation or presentation of the cultural or natural resources of the

- protected area to which the authority applies or to another protected area; or
- (iii) the management of the protected area to which the authority applies or to another protected area; and
- (b) any commercial or recreational aspect of the activities is not the primary purpose for carrying out the activities.

159AW Grant of exemption under fee exemption application

If the chief executive decides to grant the exemption to which a fee exemption application relates, the chief executive must give the applicant a notice stating—

- (a) the protected area authority to which the exemption applies; and
- (b) if the chief executive has imposed any conditions on the exemption—
 - (i) the conditions; and
 - (ii) the reasons for the conditions.

Example of a condition that may be imposed—

The exemption from payment of a fee for a protected area authority is granted on the condition that the activities carried out under the protected area authority are carried out for a stated purpose that is consistent with the object of the Act.

159AX Refusal of exemption under fee exemption application

If the chief executive decides to refuse a fee exemption application, the chief executive must give the applicant a notice stating—

- (a) the decision; and

- (b) the reasons for the decision.

159AY Effect of grant of exemption

- (1) This section applies if the chief executive has granted an exemption to which a fee exemption application relates.
- (2) The applicant is not required to pay the fee to which the exemption relates.
- (3) However, if the chief executive has imposed conditions on the exemption, subsection (2) applies only if the applicant complies with the conditions.

Part 3 Refund of fees

159AZ Refund of fees

- (1) This section applies if a protected area authority has been—
 - (a) amended to an extent that a fee paid for the authority is higher than the fee that would be payable for the authority in its amended form; or
 - (b) suspended or cancelled for a ground mentioned in section 71BN(e), (f), (g) or (h); or
 - (c) surrendered under section 71CJ.
- (2) The chief executive may refund all or part of a fee paid for the permit if the chief executive considers the refund is appropriate having regard to—
 - (a) the nature of the amendment, suspension, cancellation or surrender; and
 - (b) any other relevant matter.

- (3) The chief executive may refund the fee in the way the chief executive considers appropriate.

Examples of ways chief executive may refund fee—

- by giving the person a cheque for the amount refunded
- by deducting the amount refunded from another fee the person is required to pay under the Act

- (4) If a person applies to the chief executive for a refund under this section, the chief executive may deduct the refund processing fee from the amount refunded.

- (5) In this section—

refund processing fee, for an application for a refund, means the fee—

- (a) decided by the chief executive, being not more than the reasonable cost of—
- (i) considering the application; and
 - (ii) refunding the fee or part fee to the applicant; and
- (b) published on the department’s website.

Chapter 8B Administrative provisions

Part 1 Review of decisions

Division 1 Preliminary

159BA Application of part

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

159BB 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 must 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 159BD(1).

internal review decision means a decision made, or taken to have been made, under section 159BF(5) on an application for internal review of an original decision.

original decision means a decision of the chief executive for which an information notice must be given under this regulation.

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

Division 2 Internal review

159BC 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 is taken to have

been made, under this division.

159BD 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.

159BE 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 20 business days after—
 - (i) for a person who has been given an information notice for the decision—the day the person is given the notice; or
 - (ii) for a person who has not been given an information notice for the decision—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 application does not affect the operation of the original decision or prevent the decision being implemented.

Note—

Division 3 provides for a stay of the original decision.

159BF 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) within 14 days after making the decision, give the affected person for the original decision a QCAT information notice for the chief executive's 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

159BG QCAT may stay operation of original decision

- (1) An affected person for an original decision may apply to QCAT, in the way provided under the QCAT Act, for a stay of the operation of the decision.
- (2) However, subsection (1) does not apply in relation to a decision mentioned in section 173OA of the Act.
- (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 it considers the order is desirable after having regard to the following—
 - (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 it 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.

Notes—

- 1 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.
- 2 However, QCAT can not stay the operation of a decision mentioned in section 173OA of the Act.

Division 4 External review

159BH Applying for external review

- (1) This section applies to a person who must 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, subsection (2) does not apply in relation to a decision mentioned in section 173OA of the Act.

159BI Extending time for application

QCAT may extend the time for applying for a review of an internal review decision if—

- (a) the internal review decision relates to a joint marine park authority permit; and
- (b) a decision about a related permission for the permit is being reviewed under a marine park Act, or has been reviewed and is the subject of an appeal under a marine park Act; and
- (c) QCAT reasonably considers the outcome of the review or appeal under the marine park Act is likely to affect the applicant's decision about whether or not to pursue, or the chief executive's decision about whether or not to defend, an application for review under this division.

Part 2

Miscellaneous

159BJ Approvals generally not transferable

- (1) To remove any doubt, it is declared that a written approval of the chief executive given under this regulation is not transferable.
- (2) Subsection (1) does not apply to a written approval given to the other party to a commercial activity agreement.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

159BK Officer of a prescribed class—Act, s 130

For section 130(1)(a) of the Act, the class of officer prescribed for this regulation is a conservation officer who—

- (a) is an officer of another department; and
- (b) has an identity card issued under another Act that states the officer is a conservation officer.

159BL Approved forms

- (1) The chief executive may approve forms for use under this regulation.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

33 Insertion of new ch 10

After section 172—

insert—

Chapter 10 Transitional provisions for Nature Conservation (Protected Areas Management) and Other Legislation Amendment Regulation 2020

Part 1 Preliminary

173 Application of chapter

For section 9, this chapter applies in relation to a special wildlife reserve or nature refuge to the extent a provision to which this chapter refers applies to a special wildlife reserve or nature refuge.

174 Definitions for chapter

In this chapter—

corresponding provision, for a repealed provision, means a provision of this regulation that provides for the same, or substantially the same, matter as the repealed provision.

existing authority see section 175(1).

former commercial activity agreement means a commercial activity agreement mentioned in the repealed administration regulation, section 83.

relevant activity authority means a permit mentioned in the repealed administration regulation, section 10.

relevant resources authority means a permit or authority mentioned in the repealed administration regulation, section 9.

repealed administration regulation means the repealed *Nature Conservation (Administration) Regulation 2017*.

repealed provision means a provision of a repealed administration regulation as in force from time to time before the commencement.

Part 2 Existing authorities and agreements for protected areas

175 Existing authorities and agreements continued

- (1) This section applies in relation to the following authorities or agreements in effect immediately before the commencement (each an *existing authority*)—
 - (a) a relevant activity authority granted by the chief executive;
 - (b) a relevant resources authority granted by the chief executive;
 - (c) a former commercial activity agreement entered into by the chief executive.
- (2) Each relevant activity authority and relevant resources authority is—
 - (a) taken to be granted under the corresponding provision for the repealed provision under which the authority was granted; and

- (b) continued in effect under this regulation for the same protected area and term for which the authority was granted.
- (3) Each former commercial activity agreement is—
 - (a) taken to be entered into under the corresponding provision for the repealed provision under which the agreement was entered into; and
 - (b) continued in effect under this regulation for the same protected area and term for which the agreement was entered into.
- (4) The existing authority is subject to any conditions or other restrictions applying to the authority immediately before the commencement.
- (5) Subsections (2) to (4) do not prevent the existing authority being amended, surrendered or cancelled under this regulation.

176 Existing amendments or suspensions continued

- (1) This section applies if, immediately before the commencement, an amendment or suspension was in effect for an existing authority under a repealed provision.
- (2) The amendment or suspension continues in effect under this regulation as if the amendment or suspension were made or imposed under the corresponding provision for the repealed provision.

177 Existing fee exemptions continued

- (1) This section applies if—
 - (a) before the commencement, the chief executive granted an exemption under the

repealed administration regulation, section 166; and

- (b) immediately before the commencement, the exemption was in effect.
- (2) The exemption continues in effect as if it were granted under section 159AV.
- (3) The exemption is subject to the same conditions, if any, imposed by the chief executive under the repealed administration regulation, section 166.

Part 3 Existing applications and notifications

178 Undecided applications for grant of authorities

- (1) This section applies if—
 - (a) before the commencement, a person applied (the *existing application*) for the grant of a relevant activity authority or relevant resources authority for a protected area under a repealed provision; and
 - (b) immediately before the commencement, the application had not been decided.
- (2) The existing application is taken to be an application of the same kind under the corresponding provision for the repealed provision.
- (3) No fee is payable for the application under this regulation if all fees for the existing application payable under the repealed administration regulation were paid before the commencement.

179 Other undecided applications for existing authorities

- (1) This section applies in relation to each of the following types of applications (each an *existing application*) made before the commencement—
 - (a) an application for the renewal of an existing authority under a repealed provision;
 - (b) an application for the amendment of an existing authority under a repealed provision;
 - (c) an application for the transfer of an existing authority under the repealed administration regulation, part 2, division 7;
 - (d) an application for a fee exemption under the repealed administration regulation, part 8, division 3.
- (2) If, immediately before the commencement, the existing application had not been decided, it is taken to be an application of the same kind under the corresponding provision for the repealed provision.
- (3) No fee is payable for the application under this regulation if all fees for the existing application payable under the repealed administration regulation were paid before the commencement.

180 Undecided applications or entitlements for internal or external review

- (1) This section applies if—
 - (a) before the commencement—
 - (i) a person applied (the *existing application*) for an internal or external review, under a repealed provision, of a reviewable decision relating to an

- existing authority under a repealed provision; or
- (ii) a person was entitled to apply for a review mentioned in subparagraph (i) (the *existing entitlement*); and
- (b) immediately before the commencement—
- (i) the existing application had not been decided; or
 - (ii) the period in which the person was entitled to apply for the review had not ended.
- (2) Chapter 8B, part 1 applies in relation to the person as if—
- (a) the reviewable decision—
 - (i) were an original decision or internal review decision within the meaning of section 159BB; and
 - (ii) had been made under the corresponding provision for the repealed provision under which the reviewable decision was made; and
 - (b) for an existing application—the application had been made under that chapter; and
 - (c) for an existing entitlement—the person were entitled to apply for a review of the same kind under that chapter.
- (3) If a stay of the reviewable decision was granted under a repealed provision, the stay is taken to continue in effect under the corresponding provision for the repealed provision.
- (4) In this section—
- reviewable decision*** has the meaning given under the repealed administration regulation.

181 Incomplete processes for former commercial activity agreements

- (1) This section applies in relation to any of the following processes started, but not completed, before the commencement—
 - (a) an expression of interest process for entering into a former commercial activity agreement under the repealed administration regulation, part 3, division 2;
 - (b) an application process for entering into a former commercial activity agreement under the repealed administration regulation, part 3, division 3;
 - (c) another process for entering into a former commercial activity agreement under the repealed administration regulation, section 83.
- (2) The process is taken to have started under the corresponding provision for the repealed provision mentioned in subsection (1).
- (3) Anything done under a repealed provision in relation to the process is taken to have been done under the corresponding provision for the repealed provision.

182 Existing invitations, requests, notices and notifications

- (1) This section applies if—
 - (a) before the commencement, an invitation, notice, request or other notification (however called) (each a *notice*) was made or given by the chief executive in relation to a protected area, or an existing authority, under a repealed provision; and

- (b) immediately before the commencement, the notice was in effect and had not been complied with or otherwise fulfilled.
- (2) The notice is taken to have been made or given under the corresponding provision for the repealed provision on the same terms as it was made or given under the repealed provision.
- (3) However, this section does not apply in relation to a matter mentioned in part 2 or 3.

Part 4 Other matters

183 Continuation of former s 168A

- (1) The repealed administration regulation, section 168A continues to have effect until 30 September 2020.

Note—

Before the commencement, the Minister, by gazette notice, fixed 30 September 2020 for the repealed administration regulation, section 168A(1)(b)(ii).

- (2) From the commencement, the section is taken to apply to an additional daily fee that becomes payable under the Act by—
 - (a) the holder of a relevant activity authority to whom the section applied before the commencement; and
 - (b) the holder of a commercial activity permit, other than for filming or photography, under this regulation.

184 Seized things

- (1) This section applies if, immediately before the commencement, a thing seized on a protected area under a repealed provision was being kept under

another repealed provision.

- (2) The thing is taken—
- (a) to have been seized under the corresponding provision for the repealed provision under which it was seized; and
 - (b) to be kept under the corresponding provision for the repealed provision under which it was being kept.

185 Particular existing records

A record made or kept, before the commencement, in relation to an existing authority, under a repealed provision is taken to be made or kept under the corresponding provision for the repealed provision.

186 References to repealed administration regulation

In a document, if the context permits in relation to a protected area—

- (a) a reference to the repealed administration regulation may be taken to be a reference to this regulation; and
- (b) a reference to a repealed provision may be taken to be a reference to the corresponding provision for the repealed provision.

34 Amendment of sch 1 (Trustees of conservation parks)

Schedule 1, column 3, ‘or the *Nature Conservation (Administration) Regulation 2017*’—

omit.

35 Amendment of sch 2 (Trustees of resources reserves)

Schedule 2, part 2, column 2, ‘or the *Nature Conservation (Administration) Regulation 2017*’—

omit.

36 Insertion of new schs 7A and 7B

After schedule 7—

insert—

Schedule 7A Fees

section 159AM(1)

Part 1 Fees for permits to take, keep, use or interfere with cultural or natural resources

\$

- 1 Permit to take, use, keep or interfere with cultural or natural resources authorising the taking of a seed or other propagative material of a least concern plant mentioned in schedule 7B, part 1—
- (a) for each kilogram of seed, or each linear metre of other propagative material—
- | | |
|--|-------|
| (i) if the plant is a category 1 least concern plant | 1.76 |
| (ii) if the plant is a category 2 least concern plant | 3.50 |
| (iii) if the plant is a category 3 least concern plant | 7.65 |
| (iv) if the plant is a category 4 least concern plant | 11.70 |
| (v) if the plant is a category 5 least concern plant | 15.60 |

	\$
(vi) if the plant is a category 6 least concern plant	19.65
(vii) if the plant is a category 7 least concern plant	23.85
(viii) if the plant is a category 8 least concern plant	27.70
(ix) if the plant is a category 9 least concern plant	31.85
(x) if the plant is a category 10 least concern plant	35.85
(xi) if the plant is a category 11 least concern plant	40.10
(xii) if the plant is a category 12 least concern plant	43.95
(xiii) if the plant is a category 13 least concern plant	48.10
(xiv) if the plant is a category 14 least concern plant	52.05
(xv) if the plant is a category 15 least concern plant	56.10
(xvi) if the plant is a category 16 least concern plant	60.20
(xvii) if the plant is a category 17 least concern plant	70.25
(xviii) if the plant is a category 18 least concern plant	80.40
(xix) if the plant is a category 19 least concern plant	90.50
(xx) if the plant is a category 20 least concern plant	100.60
(xxi) if the plant is a category 21 least concern plant	110.60
(xxii) if the plant is a category 22 least concern plant	120.60
(xxiii) if the plant is a category 23 least concern plant	130.70
(xxiv) if the plant is a category 24 least concern plant	140.80
(xxv) if the plant is a category 25 least concern plant	150.70
(xxvi) if the plant is a category 26 least concern plant	160.80
(xxvii) if the plant is a category 27 least concern plant	170.90
(xxviii) if the plant is a category 28 least concern plant	181.00
(xxix) if the plant is a category 29 least concern plant	192.00
(xxx) if the plant is a category 30 least concern plant	201.40
(xxxi) if the plant is a category 31 least concern plant	241.80

	\$
(xxxii) if the plant is a category 32 least concern plant	282.00
(xxxiii) if the plant is a category 33 least concern plant	322.40
(xxxiv) if the plant is a category 34 least concern plant	363.20
(xxxv) if the plant is a category 35 least concern plant	403.60
(xxxvi) if the plant is a category 36 least concern plant	443.70
(b) for each kilogram of seed of a least concern plant not mentioned in paragraph (a)—	
(i) if there are 10 seeds or fewer of the plant in the kilogram	1.76
(ii) if there are more than 10 seeds but not more than 1,000 seeds of the plant in the kilogram	3.50
(iii) if there are more than 1,000 seeds but not more than 10,000 seeds of the plant in the kilogram	11.70
(iv) if there are more than 10,000 seeds but not more than 50,000 seeds of the plant in the kilogram	19.70
(v) if there are more than 50,000 seeds but not more than 100,000 seeds of the plant in the kilogram	31.85
(vi) if there are more than 100,000 seeds of the plant in the kilogram	43.95
(c) for each linear metre of other propagative material of a least concern plant not mentioned in paragraph (a)	1.76
2 Permit to take, use, keep or interfere with cultural or natural resources authorising the taking of foliage, flowers or inflorescences of a least concern plant mentioned in schedule 7B, part 2—	
(a) for each kilogram of foliage, flowers or inflorescences of the following least concern plants—	
(i) if the plant is a category A least concern plant	1.56
(ii) if the plant is a category B least concern plant	1.93
(iii) if the plant is a category C least concern plant	2.48

	\$
(b) for each kilogram of foliage, flowers or inflorescences of a least concern plant not mentioned in paragraph (a)	2.35
3 Apiary permit, for each apiary site—	
(a) for a term of 6 months or less	97.80
(b) for a term of more than 6 months but not more than 1 year	145.90
(c) for a term of more than 1 year but not more than 2 years	262.80
(d) for a term of more than 2 years but not more than 3 years	372.40
(e) for a term of more than 3 years but not more than 4 years	467.30
(f) for a term of more than 4 years	546.00
4 Transfer of apiary permit	66.15

Part 2 Fees for other permits for protected areas

	\$
5 Camping permit other than if a commercial activity permit under item 10 is required—	
(a) for each night the camp the subject of the permit is attended—	
(i) for each person 5 years or older taking part in an educational tour, or a camp, of a type approved by the chief executive	3.70
(ii) for each other person 5 years or older	6.75
(b) for each night the camp the subject of the permit is unattended	6.75

	\$
(c) maximum for a family for each night	4 times the fee for each other person as stated in paragraph (a)(ii)
6 Permit fee for stock grazing permit, for each year—	
(a) for each head—	
(i) for an area with a stock-carrying capacity of 1 head in 4ha or less	21.80
(ii) for an area with a stock-carrying capacity of 1 head in more than 4ha but not more than 10ha	15.05
(iii) for an area with a stock-carrying capacity of 1 head in more than 10ha but not more than 15ha	8.20
(iv) for an area with a stock-carrying capacity of 1 head in more than 15ha but not more than 25ha	6.55
(v) for an area with a stock-carrying capacity of 1 head in more than 25ha	4.70
(b) minimum fee payable	93.65
7 Travelling stock permit—	
(a) for cattle or horses—for each 1km, for each 20 head or part of 20 head	0.07
(b) for other stock—for each 1km, for each 150 head or part of 150 head	0.07
8 Commercial activity permit for filming or photography that involves 11 or more persons if no prescribed structure is involved—	
(a) application fee	377.20
(b) renewal fee	377.20

	\$
(c) permit fee—for each day on which activities are carried out under the permit	189.10
9 Commercial activity permit for filming or photography if prescribed structure is involved—	
(a) for 1 to 5 persons involved in the filming or photography—	
(i) application fee	189.10
(ii) renewal fee	189.10
(iii) permit fee—for each day on which activities are carried out under the permit	189.10
(b) for 6 to 25 persons involved in the filming or photography—	
(i) application fee	936.00
(ii) renewal fee	936.00
(iii) permit fee—for each day on which activities are carried out under the permit	936.00
(c) for 26 to 50 persons involved in the filming or photography—	
(i) application fee	1,884.00
(ii) renewal fee	1,884.00
(iii) permit fee—for each day on which activities are carried out under the permit	1,884.00
(d) for 51 or more persons involved in the filming or photography—	
(i) application fee	3,781.00
(ii) renewal fee	3,781.00
(iii) permit fee—for each day on which activities are carried out under the permit	3,781.00
10 Commercial activity permit, other than for filming or photography—	

	\$
(a) application fee—	
(i) if the permit is the same or substantially the same as a commercial activity permit held by the applicant within the previous 3 months	179.30
(ii) otherwise	359.20
(b) renewal fee	179.30
(c) permit fee—	
(i) for a term of 3 months or less	71.90
(ii) for a term of more than 3 months but not more than 1 year	287.00
(iii) for a term of more than 1 year but not more than 2 years	575.00
(iv) for a term of more than 2 years but not more than 3 years	812.00
(v) for a term of more than 3 years—	
(A) for the first 3 years of the term	812.00
(B) for each year after the third year of the term	271.70
(d) transfer fee	178.90
(e) additional daily fee for each client, 5 years or older, of the holder of the permit taking part in the activity carried out under the permit, other than an educational tour, or a camp, of a type approved by the chief executive—	
(i) for an activity lasting less than 3 hours	2.11
(ii) for an activity lasting 3 hours or more	3.75
(f) camping fee for each client, 5 years or older, of the holder of the permit taking part in the activity carried out under the permit, for each night camped under the permit—	

	\$
(i) if the activity is an educational tour, or a camp, of a type approved by the chief executive	3.70
(ii) otherwise	6.75
11 Organised event permit—	
(a) application fee	35.55
(b) additional daily fee if special access is to be allowed, special supervision is needed, or an area is reserved for use, for the activity carried out under the permit, for each day on which the activity is carried out under the permit—	
(i) for a vehicle-based activity—for each vehicle used for the activity	5.10
(ii) for a people-based activity—for each person taking part in the activity	2.55
(c) camping fee for each night camped under the permit—	
(i) for each person 5 years or older taking part in the activity carried out under the permit—	
(A) if the activity is an educational tour, or a camp, of a type approved by the chief executive	3.70
(B) otherwise	6.75
(ii) maximum for a family	4 times the fee stated for subparagraph (i)(B)

Part 3

Fees for commercial activity agreements

	\$
12 Commercial activity agreement—	
(a) for submission of an expression of interest	359.20
(b) for an application	359.20
(c) for using a way, not involving submission of an expression of interest or an application, to enter into a commercial activity agreement	nil

Part 4 Fees for record books

	\$
13 Record book for a commercial activity permit—	
(a) for a book with 20 pages	8.80
(b) for a book with 50 pages	22.10

Part 5 Fees for amendments of authorities

	\$
14 For an amendment of a protected area authority for which a fee is payable, other than a change of address or an amendment already mentioned in this schedule, requested by the holder of the authority—	
(a) for a camping permit taken to have been granted under section 71AR for an e-permit camping area—	
(i) for every third amendment	15.25
(ii) for every other amendment	nil

	\$
(b) for an amendment of any other camping permit	nil
(c) for an amendment of another protected area authority—for each amendment	18.65

Schedule 7B Categories of plants for fees

section 159AM(3) to (5)

Part 1 Categories of least concern plants for fees payable for seeds or other propagative material

Least concern plant (scientific name)	Category
<i>Acacia adunca</i>	7
<i>Acacia aneura</i>	5
<i>Acacia aulacocarpa</i>	11
<i>Acacia auriculiformis</i>	18
<i>Acacia bakeri</i>	21
<i>Acacia bancroftiorum</i>	11
<i>Acacia bidwillii</i>	12
<i>Acacia buxifolia</i> subsp. <i>buxifolia</i>	7
<i>Acacia cincinnata</i>	18

Least concern plant (scientific name)	Category
<i>Acacia complanata</i>	7
<i>Acacia conferta</i>	8
<i>Acacia crassa</i>	9
<i>Acacia crassicarpa</i>	18
<i>Acacia deanei</i> subsp. <i>deanei</i>	6
<i>Acacia decora</i>	9
<i>Acacia excelsa</i>	14
<i>Acacia falciformis</i>	8
<i>Acacia fasciculifera</i>	12
<i>Acacia fimbriata</i>	7
<i>Acacia flavescens</i>	6
<i>Acacia floribunda</i>	7
<i>Acacia glaucocarpa</i>	14
<i>Acacia harpophylla</i>	12
<i>Acacia holosericea</i>	10
<i>Acacia hubbardiana</i>	14
<i>Acacia irrorata</i> subsp. <i>irrorata</i>	9
<i>Acacia ixiophylla</i>	11
<i>Acacia julifera</i>	14
<i>Acacia leiocalyx</i>	9
<i>Acacia leptocarpa</i>	9
<i>Acacia leptoloba</i>	9
<i>Acacia macradenia</i>	8
<i>Acacia mangium</i> found north of latitude 15° south	21

Least concern plant (scientific name)	Category
<i>Acacia mangium</i> found south of latitude 15° south	19
<i>Acacia melanoxylon</i>	10
<i>Acacia nuperrima</i> subsp. <i>cassitera</i>	21
<i>Acacia oshanesii</i>	12
<i>Acacia pendula</i>	12
<i>Acacia penninervis</i>	7
<i>Acacia platycarpa</i>	14
<i>Acacia podalyriifolia</i>	5
<i>Acacia salicina</i>	12
<i>Acacia semilunata</i>	9
<i>Acacia semirigida</i>	9
<i>Acacia simsii</i>	9
<i>Acacia sophorae</i>	5
<i>Acacia spectabilis</i>	6
<i>Acacia stenophylla</i>	13
<i>Acacia suaveolens</i>	9
<i>Acacia</i> spp. other than a species already mentioned in this schedule	12
<i>Acmena</i> spp.	4
<i>Agathis atropurpurea</i>	31
<i>Agathis robusta</i>	17
<i>Albizia</i> spp.	5
<i>Allocasuarina inophloia</i>	14
<i>Allocasuarina littoralis</i>	7

Least concern plant (scientific name)	Category
<i>Allocasuarina luehmannii</i>	12
<i>Allocasuarina torulosa</i>	11
<i>Alloxylon</i> spp.	21
<i>Alphitonia excelsa</i>	11
<i>Alphitonia petriei</i>	11
<i>Alstonia scholaris</i>	14
<i>Angophora leiocarpa</i>	14
<i>Angophora</i> spp. other than <i>Angophora leiocarpa</i>	18
<i>Araucaria bidwillii</i>	1
<i>Araucaria cunninghamii</i> var. <i>cunninghamii</i>	4
<i>Argyrodendron</i> spp.	9
<i>Asteromyrtus symphyocarpa</i>	21
<i>Athertonia diversifolia</i>	4
<i>Auranticarpa rhombifolia</i>	14
<i>Auranticarpa</i> spp. other than <i>Auranticarpa rhombifolia</i>	12
<i>Baeckea</i> spp.	18
<i>Banksia</i> spp.	18
<i>Blepharocarya involucrigera</i>	21
<i>Bowenia serrulata</i>	3
<i>Bowenia spectabilis</i>	6
<i>Brachychiton</i> spp.	6
<i>Buckinghamia celsissima</i>	18
<i>Callistemon montanus</i>	9
<i>Callistemon pachyphyllus</i>	12

Least concern plant (scientific name)	Category
<i>Callistemon rigidus</i>	10
<i>Callistemon salignus</i>	9
<i>Callistemon sieberi</i>	10
<i>Callistemon viminalis</i>	11
<i>Callistemon</i> spp. other than a species already mentioned in this schedule	12
<i>Callitris columellaris</i>	16
<i>Callitris macleayana</i>	18
<i>Callitris rhomboidea</i>	11
<i>Callitris</i> spp. other than a species already mentioned in this schedule	16
<i>Cardwellia sublimis</i>	9
<i>Cassia</i> spp.	6
<i>Castanospermum australe</i>	1
<i>Casuarina cristata</i>	14
<i>Casuarina cunninghamiana</i>	9
<i>Casuarina equisetifolia</i>	12
<i>Casuarina glauca</i>	10
<i>Corymbia abergiana</i>	18
<i>Corymbia citriodora</i>	18
<i>Corymbia gummifera</i>	14
<i>Corymbia henryi</i>	18
<i>Corymbia intermedia</i>	14
<i>Corymbia papuana</i>	19

Least concern plant (scientific name)	Category
<i>Corymbia peltata</i>	12
<i>Corymbia polycarpa</i>	14
<i>Corymbia setosa</i>	19
<i>Corymbia tessellaris</i>	19
<i>Corymbia torelliana</i>	21
<i>Corymbia trachyphloia</i>	14
<i>Corymbia</i> spp. other than a species already mentioned in this schedule	14
<i>Cupaniopsis</i> spp.	5
<i>Cycas media</i> subsp. <i>banksii</i>	1
<i>Cycas media</i> subsp. <i>media</i>	1
<i>Cycas</i> spp. other than a species already mentioned in this schedule	3
<i>Darlingia darlingiana</i>	14
<i>Darlingia ferruginea</i>	14
<i>Dysoxylum</i> spp.	4
<i>Elaeocarpus grandis</i>	3
<i>Erythrina vespertilio</i>	6
<i>Erythrophleum chlorostachys</i>	9
<i>Eucalyptus acmenoides</i>	12
<i>Eucalyptus andrewsii</i>	12
<i>Eucalyptus baileyana</i>	14
<i>Eucalyptus bakeri</i>	14
<i>Eucalyptus bancroftii</i>	14

Least concern plant (scientific name)	Category
<i>Eucalyptus caleyi</i> subsp. <i>caleyi</i>	13
<i>Eucalyptus camaldulensis</i> found north of latitude 18° south	13
<i>Eucalyptus camaldulensis</i> found south of latitude 18° south	7
<i>Eucalyptus cambageana</i>	12
<i>Eucalyptus carnea</i>	12
<i>Eucalyptus cloeziana</i>	7
<i>Eucalyptus conica</i>	14
<i>Eucalyptus crebra</i>	13
<i>Eucalyptus deanei</i>	12
<i>Eucalyptus decorticans</i>	17
<i>Eucalyptus drepanophylla</i>	12
<i>Eucalyptus eugenioides</i>	12
<i>Eucalyptus exserta</i>	12
<i>Eucalyptus fibrosa</i>	13
<i>Eucalyptus grandis</i> found north of latitude 20° south	18
<i>Eucalyptus grandis</i> found south of latitude 20° south	11
<i>Eucalyptus intertexta</i>	19
<i>Eucalyptus laevopinea</i>	10
<i>Eucalyptus leptophleba</i>	12
<i>Eucalyptus major</i>	9
<i>Eucalyptus melanophloia</i>	13
<i>Eucalyptus melliodora</i>	11
<i>Eucalyptus microcarpa</i>	11
<i>Eucalyptus microcorys</i>	9

Least concern plant (scientific name)	Category
<i>Eucalyptus microtheca</i>	9
<i>Eucalyptus miniata</i>	21
<i>Eucalyptus moluccana</i>	12
<i>Eucalyptus normantonensis</i>	12
<i>Eucalyptus nova-anglica</i>	16
<i>Eucalyptus ochrophloia</i>	18
<i>Eucalyptus orgadophila</i>	12
<i>Eucalyptus pellita</i>	18
<i>Eucalyptus phoenicea</i>	21
<i>Eucalyptus pilligaensis</i>	12
<i>Eucalyptus pilularis</i>	6
<i>Eucalyptus planchoniana</i>	11
<i>Eucalyptus platyphylla</i>	12
<i>Eucalyptus populnea</i>	18
<i>Eucalyptus propinqua</i>	9
<i>Eucalyptus pruinosa</i>	18
<i>Eucalyptus quadrangulata</i>	14
<i>Eucalyptus racemosa</i> subsp. <i>racemosa</i>	9
<i>Eucalyptus resinifera</i>	13
<i>Eucalyptus robusta</i>	7
<i>Eucalyptus saligna</i>	11
<i>Eucalyptus shirleyi</i>	14
<i>Eucalyptus siderophloia</i>	12
<i>Eucalyptus sideroxylon</i>	12

Least concern plant (scientific name)	Category
<i>Eucalyptus staigeriana</i>	18
<i>Eucalyptus tenuipes</i>	12
<i>Eucalyptus tereticornis</i> found north of latitude 18° south	13
<i>Eucalyptus tereticornis</i> found south of latitude 18° south	10
<i>Eucalyptus thozetiana</i>	19
<i>Eucalyptus youmanii</i>	14
<i>Eucalyptus</i> spp. other than a species already mentioned in this schedule	14
<i>Euodia</i> spp.	6
<i>Ficus</i> spp.	12
<i>Flindersia</i> spp.	17
<i>Gmelina</i> spp.	7
<i>Grevillea banksii</i>	14
<i>Grevillea glauca</i>	19
<i>Grevillea longistyla</i>	19
<i>Grevillea parallela</i>	19
<i>Grevillea pteridifolia</i>	19
<i>Grevillea robusta</i>	21
<i>Grevillea whiteana</i>	19
<i>Grevillea</i> spp. other than a species already mentioned in this schedule	19
<i>Hakea</i> spp.	21
<i>Hardenbergia violacea</i>	12
<i>Harpullia</i> spp.	6

Least concern plant (scientific name)	Category
<i>Hovea</i> spp.	14
<i>Hymenosporum flavum</i>	16
<i>Jagera pseudorhus</i>	5
<i>Kunzea</i> spp.	14
<i>Lepidozamia hopei</i>	4
<i>Leptospermum liversidgei</i>	6
<i>Leptospermum petersonii</i>	7
<i>Leptospermum polygalifolium</i>	5
<i>Leptospermum</i> spp. other than a species already mentioned in this schedule	9
<i>Lophostemon confertus</i>	6
<i>Lophostemon suaveolens</i>	7
<i>Lysiphyllum</i> spp.	6
<i>Macrozamia lucida</i>	2
<i>Macrozamia moorei</i>	1
<i>Macrozamia</i> spp. other than a species already mentioned in this schedule	2
<i>Melaleuca argentea</i>	16
<i>Melaleuca bracteata</i>	12
<i>Melaleuca cajuputi</i> subsp. <i>platyphylla</i>	18
<i>Melaleuca dealbata</i>	16
<i>Melaleuca decora</i>	13
<i>Melaleuca lanceolata</i>	9
<i>Melaleuca leucadendra</i>	13

Least concern plant (scientific name)	Category
<i>Melaleuca linariifolia</i>	12
<i>Melaleuca minutifolia</i>	18
<i>Melaleuca nervosa</i>	16
<i>Melaleuca nodosa</i>	14
<i>Melaleuca quinquenervia</i>	12
<i>Melaleuca sieberi</i>	14
<i>Melaleuca stenostachya</i>	13
<i>Melaleuca styphelioides</i>	12
<i>Melaleuca thymifolia</i>	16
<i>Melaleuca viridiflora</i>	18
<i>Melaleuca</i> spp. other than a species already mentioned in this schedule	12
<i>Melia azedarach</i>	3
<i>Myristica insipida</i>	3
<i>Pittosporum</i> spp. other than <i>Pittosporum undulatum</i>	12
<i>Pittosporum undulatum</i>	7
<i>Placospermum coriaceum</i>	14
<i>Pleiogynium timorense</i>	2
<i>Podocarpus elatus</i>	3
<i>Podocarpus grayae</i>	3
<i>Podocarpus smithii</i>	21
<i>Pultenaea</i> spp.	21
<i>Rhodosphaera rhodanthema</i>	5
<i>Schefflera actinophylla</i>	5

Least concern plant (scientific name)	Category
<i>Stenocarpus</i> spp.	14
<i>Sundacarpus amarus</i>	3
<i>Syncarpia glomulifera</i> subsp. <i>glomulifera</i>	5
<i>Syncarpia hillii</i>	6
<i>Syzygium</i> spp.	4
<i>Toona ciliata</i>	16
<i>Tristaniopsis</i> spp.	9
<i>Xanthorrhoea</i> spp.	12
<i>Xanthostemon</i> spp.	19

Part 2 Categories of least concern plants for fees payable for foliage, flowers or inflorescences

Least concern plant (scientific name)	Category
<i>Babingtonia</i> spp.	A
<i>Baeckea frutescens</i>	A
<i>Baloskion pallens</i>	B
<i>Baloskion tetraphyllum</i>	B
<i>Banksia</i> spp.	A
<i>Calochlaena dubia</i>	C
<i>Caustis blakei</i>	B

Least concern plant (scientific name)	Category
<i>Caustis flexuosa</i>	B
<i>Caustis recurvata</i>	B
<i>Dicranopteris linearis</i>	C
<i>Gahnia sieberiana</i>	B
<i>Gleichenia dicarpa</i>	C
<i>Hakea actites</i>	A
<i>Lepidozamia peroffskyana</i>	A
<i>Leptospermum petersonii</i>	A
<i>Leptospermum polygalifolium</i>	A
<i>Lomandra longifolia</i>	B
<i>Persoonia virgata</i>	A
<i>Petrophile canescens</i>	A
<i>Petrophile shirleyae</i>	A
<i>Pteridium esculentum</i>	C
<i>Sticherus</i> spp.	C
<i>Strangea linearis</i>	A
<i>Xanthorrhoea</i> spp.	A

37 Amendment of sch 8 (Dictionary)

(1) Schedule 8, authorising provision, ‘section 11(1)’—
omit, insert—

section 11

(2) Schedule 8, definitions *Aboriginal land protected area*, *activity permit*, *camping tag*, *e-camping permit*, *resources permit* and *self-registered camping permit*—

omit.

(3) Schedule 8—

insert—

Aboriginal land protected area see section 72.

activity permit see section 12(3).

additional conditions notice, for an e-permit camping area, see section 71AQ(3).

additional daily fee, in relation to a commercial activity permit, means the fee mentioned in schedule 7A, part 2, item 10(e).

affected person, for chapter 8B, part 1, see section 159BB.

approved form means a form approved under section 159BL.

associate, of a person whose suitability to hold a protected area authority is being considered, see section 71AE.

at, the entrance to a protected area, includes in or near the entrance to the area.

authorisation, in relation to a commercial activity agreement, means—

- (a) the authority to conduct a commercial activity under the agreement; and
- (b) the obligations under the agreement for, and the conditions relating to, the conduct of the activity.

buyer see section 71DQ(1).

camp includes each of the following—

- (a) to pitch, place or erect a tent, caravan or another structure that may be used for camping for the purpose of staying

overnight by using the tent, caravan or structure;

- (b) to place other equipment that may be used for camping or a vehicle in position for the purpose of staying overnight by using the equipment or vehicle;
- (c) to keep a tent, caravan or another structure or other equipment that may be used for camping in position overnight, whether or not the tent, caravan, structure or equipment is unattended;
- (d) to stay overnight, other than—
 - (i) in a place that is the subject of a relevant arrangement; or
 - (ii) as part of an activity that—
 - (A) does not involve the use of any camping equipment; and
 - (B) is generally not considered to be camping.

camping fee means the fee stated in schedule 7A for camping in a protected area.

camping fee container see section 71AT(3).

camping fee envelope see section 71AT(5)(b).

camping forms see section 71AT(3).

camping tag means—

- (a) generally—a label or tag made available by the chief executive for a person to complete and display at the person’s camp site; or
- (b) in relation to a camping permit that is granted—a label or tag mentioned in paragraph (a) that has been completed by the holder of the permit.

character, of an area, see section 12A.

claim period, for a seized thing, for chapter 8, part 2, see section 159AA.

commercial activity—

1 A *commercial activity* is an activity conducted for gain.

Examples of activities conducted for gain—

- the hire or sale of goods or services
- commercial photography
- a guided tour, safari, scenic flight, cruise or excursion
- advertising or promoting the use of a protected area as part of a tour, safari, scenic flight, cruise or excursion
- advertising or promoting the use of a protected area as a feature associated with a resort or tourist facility on land adjoining the area

2 A *commercial activity* does not include—

- (a) an exempt activity; or
- (b) an exempt media activity; or
- (c) filming or photography that—
 - (i) involves no more than 10 persons; and
 - (ii) does not involve the erection, construction or use of a prescribed structure.

commercial activity agreement see section 71CO(1).

corporation see the Corporations Act, section 57A.

dangerous seized thing, for chapter 8, part 2, see section 159AD(1).

demerit point means a demerit point accumulated under section 71AI.

e-camping permit, for an e-permit camping area, means a camping permit taken to have been granted under section 71AR for the area.

entrance, to a protected area, means the part of the area—

- (a) developed by the chief executive for use as a vehicular or walking entrance to the area; and
- (b) commonly used by people to drive, ride or walk into the area.

e-permit camping area means a protected area stated to be an e-permit camping area by an e-permit camping notice.

e-permit camping notice see section 71AQ(1).

exempt activity means an activity for which the chief executive is reasonably satisfied the use of a protected area is incidental to, and not integral to, the conducting of the activity.

Examples of exempt activities—

- a scheduled commercial flight over a protected area that is not part of a tour or scenic flight over the area
- a scheduled bus service through a protected area that is not a part of a tour or safari in the area
- an activity conducted in a protected area if the activity involves a trade and is conducted for the chief executive, the holder of a permit, licence or other authority for the area, or a party to a lease or agreement for the area
- a mechanical or vehicle towing service provided for a visitor in a protected area

exempt media activity means an activity that is—

- (a) the filming or photographing of, or in relation to, an event; and
- (b) conducted when, or as soon as practicable after, the event happens; and

- (c) conducted for publishing a report of the event—
 - (i) on television or in a newspaper, magazine or similar publication; and
 - (ii) to inform the public about the event; and
- (d) of a type the chief executive has declared as an exempt media activity by publishing the declaration on the department’s website.

existing permit see section 71CA(1).

fee exemption application see section 159AU(1).

information notice, for a decision, means a notice stating the following—

- (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 regulation;
- (d) how, and the period within which, the review may be started;
- (e) how rights of internal review under this regulation are to be exercised;
- (f) if the person may apply for a stay of the operation of the decision under this regulation—how the person may apply for the stay.

internal review, of an original decision, see section 159BD(1).

internal review decision, for chapter 8B, part 1, see section 159BB.

joint marine park authority means a document that includes more than 1 of the following—

- (a) a commercial activity permit;
- (b) a permission granted under the *Marine Parks Act 2004*;
- (c) a permission granted under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

joint marine park authority permit means a commercial activity permit forming a part of a joint marine park authority.

management instrument means—

- (a) a conservation plan; or
- (b) a management plan; or
- (c) a conservation agreement; or
- (d) a management statement.

management principles, for a protected area, means the principles mentioned in part 4, division 1 of the Act.

marine park Act means—

- (a) the *Marine Parks Act 2004*; or
- (b) the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

marine park permission means a permission granted under a marine park Act.

month means a period—

- (a) starting at the beginning of any day of a calendar month; and
- (b) ending—
 - (i) immediately before the beginning of the corresponding day of the following calendar month; or

- (ii) if there is no corresponding day in the following calendar month—at the end of the following calendar month.

new permit, for the holder of an existing permit who has made a renewal request, for chapter 4A, part 7, see section 71BZ.

notice means written notice.

organised event—

1 An *organised event* is a non-commercial activity involving the organised use of a part of a protected area that is likely to have a detrimental impact on the part, or affect the use of the area by other persons, having regard to the following—

- (a) the location of the part;
- (b) the number of people, vehicles or resources involved in the activity or likely to be in the part when the activity is conducted;
- (c) the type of activity;
- (d) the timing of the activity;
- (e) any likely disturbance to the part as a result of conducting the activity;
- (f) the extent to which the conducting of the activity may restrict access to the part by the general public.

Examples of an activity that may be an organised event—

concert, competitive sporting event, training exercises conducted by the Australian Defence Force, vehicle rally

2 An *organised event* does not include an activity that is conducted—

- (a) by a community or group of Aboriginal people under Aboriginal tradition in a protected area with which the community or group has a traditional, customary or historical link under Aboriginal tradition; or
- (b) by a community or group of Torres Strait Islanders under Island custom in a protected area with which the community or group has a traditional, customary or historical link under Island custom; or
- (c) under an authority (however called) under the Act, other than an organised event permit.

original decision, for chapter 8B, part 1, see section 159BB.

other party, to a commercial activity agreement, see section 71DK(1).

owner, of a seized thing, for chapter 8, part 2, see section 159AA.

prescribed structure means equipment or a construction used to facilitate filming or photography, and—

- (a) includes a tower, platform, generator, vehicle, shelter and building; but
- (b) does not include—
 - (i) a camera or camera accessories; or
 - (ii) a tripod; or
 - (iii) a portable hide large enough to shelter only 1 person; or
 - (iv) a power source consisting of only dry cells or a single wet cell battery; or

- (v) a vehicle used only for transport, or camping under a permit or agreement under the Act or the *Recreation Areas Management Act 2006*.

protected area authority see section 12(1).

public notice means a notice published in—

- (a) a newspaper circulating generally in the area in which the protected area the subject of the notice is located; and
- (b) a newspaper circulating throughout the State.

QCAT information notice, for an internal review decision, for chapter 8B, part 1, see section 159BB.

record book means a record book, or a record and return book, supplied by the chief executive.

related permission, for a joint marine park authority permit, means a marine park permission forming a part of the joint marine park authority that includes the permit.

relevant arrangement means—

- (a) a lease, agreement, licence, permit or other authority—
 - (i) granted, made, issued or given under section 34 of the Act; or
 - (ii) granted under section 36 of the Act; or
 - (iii) renewed under section 37 of the Act; or
- (b) a lease granted under the *Land Act 1994* in the way mentioned in section 38 of the Act; or
- (c) a commercial activity agreement entered into for a purpose related to providing

accommodation to persons in the protected area to which the agreement applies.

relevant day, for a person, see section 71AE.

relevant person, for the holder of a protected area authority, see section 12B.

renewal request see section 71CA(1).

resources permit see section 12(2).

seized thing, for chapter 8, part 2, see section 159AA.

seizure notice, for a seized thing, for chapter 8, part 2, see section 159AA.

self-registered camping permit, for a self-registration camping area, means a camping permit taken to have been granted under section 71AU for the area.

self-registration camping area means a protected area stated to be a self-registration camping area by a self-registration camping notice.

self-registration camping notice see section 71AT(1).

seller see section 71DQ(1).

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

substantially the same, in relation to activities, see section 71CD.

term, of a protected area authority, see section 71BB.

year means a period of 12 months—

- (a) starting at the beginning of any day of a 12-month period; and
- (b) ending—

- (i) immediately before the beginning of the corresponding day of the following 12-month period; or
- (ii) if the year started on 29 February of a year—at the end of 28 February of the following 12-month period.

Part 3 **Amendment of Forestry Regulation 2015**

38 **Regulation amended**

This part amends the *Forestry Regulation 2015*.

39 **Amendment of s 39A (Commercial activity permit—daily activity fee waived for COVID-19 emergency)**

Section 39A(4)—

insert—

Note—

The Minister, by gazette notice, fixed 30 September 2020 for subsection (1)(b)(ii).

Part 4 **Amendment of Marine Parks Regulation 2017**

40 **Regulation amended**

This part amends the *Marine Parks Regulation 2017*.

41 **Amendment of s 52 (Chief executive may enter into agreement)**

Section 52(3)(a), ‘*Nature Conservation (Administration) Regulation 2017*, section 83’—

omit, insert—

Nature Conservation (Protected Areas Management) Regulation 2017, section 71CO

Part 5 **Amendment of Recreation Areas Management Regulation 2017**

42 **Regulation amended**

This part amends the *Recreation Areas Management Regulation 2017*.

43 **Amendment of s 64A (Waived additional daily fee for commercial activity permit)**

Section 64A(4)—

insert—

Note—

The Minister, by gazette notice, fixed 30 September 2020 for subsection (1)(b)(ii).

Part 6 **Amendment of State Penalties Enforcement Regulation 2014**

44 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2017*.

45 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 66(1) and 67(1)—

omit.

- (2) Schedule 1, entry for *Nature Conservation (Protected Areas Management) Regulation 2017*—

insert—

s 66A(1)	2
s 66A(2)	5
s 66B(1)	4
s 66C	5
s 66D(1)	5
s 66D(3)	5
s 66F(1)	5
s 66F(2)	4
s 67A(1)	5
s 67A(2)	5
s 67B(1)	5
s 67C(2)	5
s 67C(4)	2
s 67D(2)	5
s 71BP(3)	2
s 71BQ(3)	2
s 71BR	2

[s 45]

s 71CL(1)	Individual	4
	Corporation	10
s 71CM(1)		2
s 71CN(2)		1
s 71DT(1)		2
s 159AC(1)		5

ENDNOTES

- 1 Made by the Governor in Council on 23 July 2020.
- 2 Notified on the Queensland legislation website on 24 July 2020.
- 3 The administering agency is the Department of Environment and Science.

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