



Queensland

*Nature Conservation Act 1992*

# **Nature Conservation (Administration) Regulation 2017**

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Queensland

# Nature Conservation (Administration) Regulation 2017

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# Nature Conservation (Administration) Regulation 2017

## Part 1 Preliminary

### Division 1 General provisions

#### 1 Short title

This regulation may be cited as the *Nature Conservation (Administration) Regulation 2017*.

#### 2 Commencement

- (1) This regulation, other than section 209, commences on 1 September 2017.
- (2) Section 209 commences on 1 January 2018.

#### 3 Relationship with management instruments

- (1) This regulation must be read together with—
  - (a) for a matter relating to a protected area—the *Nature Conservation (Protected Areas Management) Regulation 2017*; or
  - (b) for a matter relating to wildlife other than in a protected area—
    - (i) the *Nature Conservation (Wildlife Management) Regulation 2006*; and
    - (ii) any conservation plan relating to the wildlife.
- (2) Schedule 1 provides a general overview of—
  - (a) the *Nature Conservation (Protected Areas Management) Regulation 2017*; and

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- (b) the *Nature Conservation (Wildlife Management) Regulation 2006* and conservation plans; and
- (c) this regulation and its relationship with the management instruments.

## Division 2 Interpretation

### 4 Dictionary

Schedule 6 defines particular words used in this regulation.

### 5 References to particular licences, permits or authorities

A reference in this regulation to a licence, permit or other authority of a type mentioned in sections 9 to 16 is a reference to a licence, permit or authority of that type granted under part 2.

*Example—*

A reference to a commercial wildlife licence is a reference to a commercial wildlife licence granted under part 2.

### 6 References to a class of wildlife

- (1) A reference in this regulation to an animal, a plant or wildlife of a particular class is a reference to an animal, a plant or wildlife that is prescribed as wildlife of that class under the *Nature Conservation (Wildlife) Regulation 2006*.

*Example—*

A reference to a least concern amphibian is a reference to an amphibian that is prescribed as least concern wildlife under the *Nature Conservation (Wildlife) Regulation 2006*.

- (2) For applying subsection (1) to this regulation, a species of wildlife that is prescribed as a class of wildlife but managed, under the declared management intent for the wildlife, as another class of wildlife (the *management class*), is taken to be prescribed as the management class of wildlife.

*Example—*

Under the declared management intent for extinct in the wild wildlife, if wildlife that is prescribed as extinct in the wild wildlife is subsequently found to still exist in the wild, the wildlife is to be managed as if it were endangered wildlife until it is re-classified under the *Nature Conservation (Wildlife) Regulation 2006*.

For applying subsection (1) to this regulation, the wildlife is taken to be prescribed as endangered wildlife.

(3) In this section—

***declared management intent***, for wildlife, means the declared management intent for the wildlife under the *Nature Conservation (Wildlife) Regulation 2006*.

## 7 Meaning of ***character*** of area

- (1) 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 and 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;

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(c) the extent of regulation of activities within the area, including, in particular, through signs, regulatory notices and enforcement activities.

(3) In this section—

*regulatory notice* see the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 73.

## 8 Scientific names

The scientific names used for wildlife mentioned in this regulation follow the scientific reference stated for the wildlife in the *Nature Conservation (Wildlife) Regulation 2006*, section 5.

# Part 2 Relevant authorities

## Division 1 Types of relevant authorities that may be granted

### 9 Permits and authorities for taking etc. cultural or natural resources of protected area

- (1) The chief executive may grant the following permits for a protected area—
  - (a) a permit to take, use, keep or interfere with cultural or natural resources;
  - (b) an apiary permit.
- (2) The chief executive may grant the following authorities for a protected area—
  - (a) an Aboriginal tradition authority;
  - (b) an Island custom authority.

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## **10 Permits for conducting other activities in a protected area**

The chief executive may grant 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.

## **11 Licences for animals other than in a protected area**

The chief executive may grant the following licences for animals other than in a protected area—

- (a) a commercial wildlife harvesting licence;
- (b) a commercial wildlife licence;
- (c) a commercial wildlife licence (wildlife interaction);
- (d) a museum licence;
- (e) a recreational wildlife harvesting licence;
- (f) a recreational wildlife licence;
- (g) a wildlife farming licence.

## **12 Permits for animals other than in a protected area**

The chief executive may grant the following permits for animals other than in a protected area—

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- (a) a damage mitigation permit;
- (b) an educational purposes permit;
- (c) a flying-fox roost management permit;
- (d) a permit to keep wildlife;
- (e) a rehabilitation permit;
- (f) a scientific purposes permit;
- (g) a wildlife movement permit.

### **13 Authorities for animals other than in a protected area**

The chief executive may grant the following authorities for animals other than in a protected area—

- (a) an Aboriginal tradition authority;
- (b) an Island custom authority;
- (c) a collection authority.

### **14 Licences for protected plants other than in a protected area**

The chief executive may grant the following licences for protected plants other than in a protected area—

- (a) a protected plant growing licence;
- (b) a protected plant harvesting licence.

### **15 Permit for protected plants other than in a protected area**

The chief executive may grant a protected plant clearing permit for protected plants other than in a protected area.

### **16 Authorities for protected plants other than in a protected area**

The chief executive may grant the following authorities for protected plants other than in a protected area—



- (a) an Aboriginal tradition authority;
- (b) an Island custom authority.

## **Division 2            Term for relevant authority**

### **17        Term of relevant authority**

- (1) A relevant authority is granted for the term stated in it.
- (2) The term must not be more than the maximum term stated in this division for the authority.
- (3) Subject to sections 40 and 82, the permit expires at the end of the term.

### **18        Maximum term for permits and authorities for taking etc. cultural or natural resources of protected area**

- (1) The maximum term for a permit to take, use, keep or interfere with cultural or natural resources for a protected area is—
  - (a) if the permit is granted for a scientific purpose—3 years; or
  - (b) if the permit is granted for an educational purpose—3 years; or
  - (c) otherwise—1 year.
- (2) The maximum term for an apiary permit is 5 years.
- (3) The maximum term for an Aboriginal tradition authority, or an Island custom authority, for a protected area is 1 year.

### **19        Maximum term for permits for conducting other activities in a protected area**

The maximum term for a permit for a protected area, other than a permit mentioned in section 18, is as follows—

- (a) for a camping permit—30 days;

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

## **20 Maximum term for licences for wildlife**

- (1) The maximum term for a licence for wildlife other than in a protected area is as follows—
  - (a) for a commercial wildlife harvesting licence—1 year;
  - (b) for a commercial wildlife licence—3 years;
  - (c) for a commercial wildlife licence (wildlife interaction)—1 year;
  - (d) for a museum licence—5 years;
  - (e) for a protected plant growing licence—5 years;
  - (f) for a protected plant harvesting licence—5 years;
  - (g) for a recreational wildlife harvesting licence—1 year;
  - (h) for a recreational wildlife licence—5 years;
  - (i) for a wildlife farming licence—3 years.
- (2) This section is subject to any provision of a conservation plan about the term of a licence for wildlife to which the plan relates.

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## 21 Maximum term for permits for wildlife

- (1) The maximum term for a permit for wildlife other than in a protected area is as follows—
  - (a) for a damage mitigation permit (removal and relocation of wildlife)—3 years;
  - (b) for any other damage mitigation permit—
    - (i) if the applicant is operating under an approved property management plan for the land to which the permit relates—3 years; or
    - (ii) otherwise—1 year;
  - (c) for an educational purposes permit—5 years;
  - (d) for a flying-fox roost management permit—
    - (i) if the applicant is operating under an approved property management plan for the land to which the permit relates—3 years; or
    - (ii) otherwise—1 year;
  - (e) for a permit to keep wildlife—3 years;
  - (f) for a protected plant clearing permit—2 years;
  - (g) for a rehabilitation permit—3 years;
  - (h) for a scientific purposes permit—5 years;
  - (i) for a wildlife movement permit—2 months.
- (2) However, despite subsection (1)(e), the chief executive may grant a permit to keep wildlife for the life of a protected animal kept under the permit if—
  - (a) the animal is injured and was taken under a rehabilitation permit; and
  - (b) the chief executive reasonably believes the animal will not, or is unlikely to, survive in the wild, including, for example, because of the nature of the animal's sickness or injury.

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(3) This section is subject to any provision of a conservation plan about the term of a permit for wildlife to which the plan relates.

(4) In this section—

***approved property management plan***, for land, means a plan that—

- (a) is about the management of the land; and
- (b) provides for the conservation of wildlife on the land; and
- (c) is approved by the chief executive.

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

***sickness***, of a protected animal, includes the animal behavioural disorder known as human imprinting.

## **22 Maximum term for authorities for wildlife**

- (1) The maximum term for an Aboriginal tradition authority, or an Island custom authority, for wildlife other than in a protected area is 1 year.
- (2) The maximum term for a collection authority for wildlife other than in a protected area is as follows—
  - (a) for a collection authority to keep a collection of dead protected animals—5 years;
  - (b) for a collection authority to take and keep least concern animals—6 months.

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## Division 3                      Obtaining relevant authority generally

### Subdivision 1                Application for relevant authority

#### 23            General requirements for application

- (1) A person may apply to the chief executive for the grant of a relevant 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 for the application; and
  - (d) comply with any other requirements for the application under—
    - (i) for an application for a protected area authority—the *Nature Conservation (Protected Areas Management) Regulation 2017*; or
    - (ii) for an application for a wildlife authority—the *Nature Conservation (Wildlife Management) Regulation 2006* or a conservation plan.
- (3) Subsection (2)(a) does not apply to 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 part 8 for the application; and
    - (ii) the permit fee payable under part 8 for the permit; or

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- (b) for an application for an organised event permit—
  - (i) the application fee payable under part 8 for the permit; or
  - (ii) if persons will be camping under the permit—the sum of the fee mentioned in subparagraph (i) and the camping fee payable under part 8 for camping under the permit; or
- (c) for an application for a stock grazing permit—the permit fee payable under part 8 for the permit, for the first year of the permit; or
- (d) for an application for another relevant authority—the fee payable under part 8 for the authority.

## **24 Particular applications must include request for record book or approval of electronic record system**

- (1) This section applies if—
  - (a) a person makes an application for a relevant authority for which the holder of the authority must, under the Act, keep a record; and
  - (b) the person does not have—
    - (i) a record book for keeping the record; or
    - (ii) an electronic record system approved by the chief executive for keeping the record.
- (2) However, this section does not apply to an application for a protected plant growing licence or a protected plant harvesting licence.
- (3) When the application is made, the person must—
  - (a) ask the chief executive to—
    - (i) supply a record book to the person for the keeping of the record; or
    - (ii) approve an electronic record system for use by the person for the keeping of the record; and

- (b) pay the prescribed fee for the record book or approval.
- (4) In this section—
  - record book* includes a record and return book.

## **Subdivision 2      Considering and deciding application for relevant authority**

### **25      Definitions for subdivision**

In this subdivision—

*Aboriginal land protected area* means—

- (a) a national park (Cape York Peninsula Aboriginal land);  
or
- (b) an indigenous joint management area.

*Cape York Peninsula Region* see the *Cape York Peninsula Heritage Act 2007*, section 7.

### **26      Considering application**

- (1) In considering an application for a relevant authority, the chief executive must have regard to each of the following—
  - (a) the impact the activities that may be carried out under the authority may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
  - (b) the effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
  - (c) any contribution the applicant proposes to make to the conservation of nature;
  - (d) any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement;

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- (e) the precautionary principle;
- (f) public health and safety;
- (g) the public interest;
- (h) for an application for a relevant authority other than a camping permit—whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2;
- (i) for an application for a relevant authority for an Aboriginal land protected area—the indigenous management agreement for the protected area;
- (j) for an application for a relevant 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;
- (k) any recovery plan for wildlife to which the authority applies;
- (l) any other matter stated in a management instrument as a matter the chief executive must have regard to when considering an application for the authority.

*Notes—*

- 1 For protected area authorities, see for example, the *Nature Conservation (Protected Areas Management) Regulation 2017*, sections 19, 36, 42 and 51.
  - 2 For wildlife authorities, see for example, the *Nature Conservation (Wildlife Management) Regulation 2006*, sections 224, 230, 291 and 295.
- (2) 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.
- (3) 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***—



- 1 A *recovery plan*, for wildlife, is 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.
- 2 A *recovery plan* may be a recovery plan made or adopted under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), section 269A.

## **27 Chief executive's power to require further information or document**

- (1) Before deciding an application for a relevant authority, the chief executive may ask the applicant for any further information or 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 it 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—

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- (a) if the chief executive has given a notice to the applicant under subsection (3)—the period stated in the notice; or
  - (b) otherwise—a reasonable period.
- (6) The chief executive may extend a period mentioned in subsection (5).

## **28 Amending application**

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

## **29 Fee payable for major amendments to particular applications**

- (1) This section applies if the chief executive agrees, under section 28, to a major amendment of an application for—
- (a) a protected plant growing licence; or
  - (b) a protected plant harvesting licence; or
  - (c) a protected plant clearing permit.
- (2) The applicant must pay the following fee for making the amendment—
- (a) for a protected plant growing licence—a fee equivalent to the concessional fee for a protected plant growing licence under schedule 3, part 2, division 4;
  - (b) for a protected plant harvesting licence—a fee equivalent to the concessional fee for a protected plant harvesting licence under schedule 3, part 2, division 4;
  - (c) for a protected plant clearing permit—a fee equivalent to the concessional fee for a protected plant clearing permit under schedule 3, part 2, division 5.
- (3) In this section—
- major amendment* means—

- (a) for an application for a protected plant growing licence or protected plant harvesting licence—
  - (i) an increase in the size of the area to which the application relates; or
  - (ii) an addition of a species, or a change to a species, of protected plant or a part of a protected plant to be taken under the licence to which the application relates; or
- (b) for an application for a protected plant clearing permit—a change to the size of the area to which the application relates.

### **30 Chief executive may request public notice of application for protected area authority**

- (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, 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 relevant authority, the chief executive must consider any written submissions

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received by the chief executive in response to the public notice.

### **31 Deciding application**

- (1) The chief executive must consider each application for a relevant authority and decide—
  - (a) to grant the authority, with or without conditions decided by the chief executive; or
  - (b) to refuse the application.
- (2) Subsection (3) applies if the application is for a new relevant authority to commence immediately after an existing relevant authority of the same type expires.
- (3) Without limiting subsection (1), when deciding the application, the chief executive may refuse the application if the chief executive reasonably believes—
  - (a) the existing relevant authority was obtained on the basis of incorrect or misleading information; or
  - (b) the holder of the existing relevant authority, or a relevant person for the holder, has contravened a condition of the authority.
- (4) The chief executive must make the decision—
  - (a) for an application for a joint marine park authority permit—
    - (i) if, under section 27, 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 relevant authority—
    - (i) if, under section 27, the chief executive asks for further information or a document—within 40

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business days after receiving the information or document; or

- (ii) if, under section 30, 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.
- (5) Without limiting any condition that may be imposed under subsection (1)(a), the chief executive may impose a condition on a wildlife authority requiring the applicant to provide an environmental offset.
- (6) In this section—  
*environmental offset* see the *Environmental Offsets Act 2014*, section 7(2).

### **32 Only suitable person can hold relevant authority**

- (1) This section applies to a relevant authority other than a camping permit.
- (2) The chief executive may grant the relevant authority only if the chief executive is satisfied the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2.

### **33 Relevant authority can not be granted if management instrument restricts the grant**

The chief executive can not—

- (a) grant a protected area authority to a person if, under the *Nature Conservation (Protected Areas Management) Regulation 2017*, the grant is not permitted; or

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*Examples—*

- a grant of a resources permit or apiary permit in contravention of the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 20(1)
  - a grant of a resources permit in contravention of the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 21
- (b) grant a wildlife authority to a person if, under the *Nature Conservation (Wildlife Management) Regulation 2006* or a conservation plan, the grant is not permitted.

*Examples—*

- a grant of a wildlife authority in contravention of the *Nature Conservation (Wildlife Management) Regulation 2006*, section 11A(1)
- a grant of a commercial wildlife licence for dead macropods in contravention of the *Nature Conservation (Macropod) Conservation Plan 2017*, section 15

*Note—*

See also section 137 of the Act.

## 34 Restriction on granting relevant authority for Aboriginal land protected area

- (1) The chief executive may grant a relevant 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—
- (a) give the indigenous landholder for the area a notice about an application for a relevant authority;
  - (b) allow the landholder to respond to the notice;
  - (c) consider the landholder's response, if any;

- (d) seek the landholder's written consent for the grant of the authority;
- (e) obtain the landholder's written consent for the grant of the authority.

**35 Restriction on granting relevant authority for particular protected areas to which indigenous land use agreements apply**

- (1) This section applies for the grant of a relevant 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 authority only if the chief executive complies with the consultation requirements, if any, under the indigenous land use agreement.
- (3) 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—

  - (a) give a person a notice about an application for a relevant authority;
  - (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.

### **36 Steps to be taken after application decided**

- (1) If the chief executive decides to grant a relevant authority, the chief executive must, as soon as practicable after making the decision, give the applicant—
  - (a) the authority; and
  - (b) for a relevant authority, other than a camping permit, on which a condition imposed by the chief executive is stated—an information notice about the decision to impose the condition.
- (2) Subsection (1)(b) does not apply for a condition that the applicant has requested or permitted in the application.

*Example—*

The applicant has applied for a commercial activity permit for carrying out a commercial activity for 30 persons and the chief executive issues a commercial activity permit with the condition that it authorises the holder of the permit to carry out the commercial activity for only 30 persons.

- (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—tell the applicant about the refusal; or
  - (b) for another relevant authority—give the applicant an information notice about the decision.

### **37 Continuing conditions of particular relevant authorities**

- (1) This section applies to a relevant authority that authorises a person to take, buy or accept a live protected animal in the State if the animal is to be lawfully moved to another State.
- (2) The chief executive may impose on the authority a condition that imposes an obligation on the holder of the authority, or a relevant person for the holder, that continues after the authority expires if—
  - (a) the obligation is about the purpose for which the animal, or a progeny of the animal, may be used, or the way the



animal, or a progeny of the animal, must be kept, after the authority expires; and

(b) the chief executive reasonably believes imposing the obligation is necessary to achieve the object of the Act.

(3) In this section—

*holder*, of a relevant authority that has expired, means the person who held the authority immediately before its expiry.

### **Subdivision 3      Renewing particular commercial activity permits**

#### **38      Definition for subdivision**

In this subdivision—

*new permit*, for the holder of a permit who has made a renewal request for an existing permit, means a commercial activity permit that would be granted to the holder if the existing permit is renewed under this subdivision.

#### **39      Permit holder may ask for permit renewal**

(1) A person (a *permit holder*) who holds 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 expires; and

(c) be accompanied by the renewal fee and the permit fee payable under part 8 for the permit.

**40 Existing permit continues in force until renewal request is decided**

- (1) This section applies if a permit holder makes a renewal request for an existing permit.
- (2) The existing permit continues in force from the day it would otherwise have expired until 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 force for 3 months after the day it would otherwise have expired.
- (3) If the chief executive renews the existing permit, the commercial activity permit granted to the permit holder under section 43(1) is taken to have commenced immediately after the existing permit would otherwise have expired.
- (4) Subsection (2) does not stop the existing permit from being suspended or cancelled under this regulation.

**41 When chief executive may renew permit**

- (1) This section applies if the chief executive receives a renewal request for an existing permit.
- (2) The chief executive may renew the permit if the chief executive—
  - (a) is satisfied the activities the permit 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 section 32, 33 or 34 or the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 52 prevents the chief executive from granting a new permit to the permit holder; and
  - (c) for a permit other than for filming or photography—is satisfied the permit holder has—

- (i) given the chief executive each return of operations required to be given for the permit under the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 67(1); and
- (ii) for each fee payable under the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 67(4) in relation to the permit—
  - (A) paid the fee within the period of payment for the fee; or
  - (B) otherwise 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 section 26 for the existing permit.

#### **42 When activities under a new permit are substantially the same as under an existing permit**

- (1) 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—

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*scale*, of activities, includes the number of people, vehicles, structures or animals for which the activities may be carried out.

#### **43 Steps to be taken if chief executive renews permit**

- (1) If the chief executive renews an existing permit under section 41, the chief executive must, as soon as practicable, grant the permit holder a new commercial activity permit.
- (2) The 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 expires.
- (3) The permit may be granted with conditions that are different from the conditions of the existing permit only if the conditions are different because of an amendment that may be made to a commercial activity permit under section 57, 58, 59 or 61.

#### **44 Step to be taken if chief executive refuses to renew permit**

If the chief executive refuses to renew an existing permit under section 41, the chief executive must give the permit holder a notice stating—

- (a) the reasons for the refusal; and
- (b) that the refusal does not prevent the permit holder from applying for a new commercial activity permit under section 23.

#### **45 Information notice not required for existing permit**

The chief executive is not required to give the permit holder an information notice about the renewal of, or refusal to renew, an existing permit under this subdivision.

### **Subdivision 4 Form of relevant authority**

#### **46 Form of authority generally**

- (1) A relevant authority granted under this division must be in writing.
- (2) The chief executive may use 1 document for the grant of 2 or more relevant authorities.
- (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 under this division.
- (4) In granting a commercial activity permit, the chief executive may combine the permit with the following—
  - (a) a commercial activity permit granted under the *Forestry Act 1959*;
  - (b) a commercial activity permit granted under the *Recreation Areas Management Act 2006*, part 4.

#### **47 General matters to be stated on relevant authority**

- (1) A relevant authority granted under this division must state each of the following—
  - (a) the type of relevant authority;
  - (b) the date it was granted;
  - (c) if it does not commence on the date it was granted—its commencement date;
  - (d) either its term or its expiry date;

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- (e) the name of the holder of the authority and, if the holder is a corporation, its ABN or ACN;
  - (f) for a relevant authority other than a camping permit—the address of the holder of the authority;
  - (g) for an Aboriginal tradition authority or an Island custom authority—the names of the individuals who may carry out activities under the authority;
  - (h) any conditions imposed by the chief executive on the authority.
- (2) For subsection (1)(g), the individuals stated on an Aboriginal tradition authority or an Island custom authority can only be individuals named in the application for the authority.

#### **48 Additional matters to be stated on protected area authority**

A protected area authority granted under this division must also state the following—

- (a) the protected area that may be entered or used under the authority;
- (b) the purpose for which the entry or use is authorised;
- (c) if the authority authorises the holder to take, use, keep or interfere with the cultural or natural resources of the area—the cultural or natural resources that may be taken, used, kept or interfered with under the authority;
- (d) 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.

#### **49 Additional matters to be stated on wildlife authority**

- (1) A wildlife authority granted under this division must also—
- (a) identify the wildlife to which it applies; and
  - (b) state the following—

- (i) the place that is the licensed premises for the authority;
  - (ii) if the authority authorises the holder to take wildlife—the place from where the wildlife may be taken;
  - (iii) if the authority is a wildlife movement permit—the place from and to where wildlife may be moved under the permit;
  - (iv) 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 or, if the activity is to be carried out at the licensed premises for the authority, the person in charge of the premises.
- (2) However, subsection (1)(a) does not apply to an authority granted for taking or using all wildlife in an area that is, or is about to be, lawfully destroyed.
- (3) For subsection (1)(a), if a relevant authority applies to more than 1 species of wildlife, the wildlife may be identified on the authority by—
- (a) stating each species of wildlife on the authority; or
  - (b) stating a taxon of wildlife on the authority; or
  - (c) stating that the authority applies to each animal or plant of a species mentioned in a schedule, or a part of a schedule, of the *Nature Conservation (Wildlife Management) Regulation 2006* or the *Nature Conservation (Wildlife) Regulation 2006*; or
  - (d) stating the name of a harvest period notice on the authority; or
  - (e) if it is not practicable to identify the multiple species by using an approach mentioned in paragraphs (a) to (d)—describing the species of wildlife on the authority—
    - (i) by using plain English; and
    - (ii) in a way that reasonably identifies all of the species.

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*Example for paragraph (e)—*

writing ‘leaf litter’ on the authority to identify parts of all protected plants in a particular area

- (4) For subsection (3)(d), stating the name of a harvest period notice on the authority identifies all the species of wildlife to which the harvest period notice applies.
- (5) In this section—

***harvest period notice*** means—

  - (a) for a protected plant—a harvest period notice under the *Nature Conservation (Wildlife Management) Regulation 2006*; or
  - (b) otherwise—a notice declaring a harvest period under a conservation plan.

## **Subdivision 5      Camping tags**

### **50      Chief executive must issue camping tags**

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



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## **Division 4                    Obtaining camping permit for e-permit camping area or self-registration camping area**

### **Subdivision 1            Camping notices and tags**

#### **51            E-permit camping 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 an additional conditions notice for the e-permit camping area.
- (4) The chief executive must make labels (*camping tags*) available in an accessible and conspicuous position in or near each e-permit distribution point stated on an e-permit camping notice.
- (5) Each camping tag must include a space for the person to write the following on it—
  - (a) the person's name;
  - (b) the number for identifying the person's camping permit for the e-permit camping area to which the permit relates.

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- (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 53(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 53(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.

## 52 Self-registration camping 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.

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- (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.

## **Subdivision 2      When and extent to which permits granted**

### **53      When camping permit for e-permit camping area taken to have been 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 details;
  - (b) the person receives a notice stating the number identifying the permit.

*Note—*

For provisions about giving or receiving information through electronic communications, see the *Electronic Transactions (Queensland) Act 2001*.

- (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 all of 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 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.

## **54 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 on the e-permit camping notice, and any additional conditions notice, for the area are taken to be conditions of the camping permit.

## **55 When camping permit for self-registration camping area taken to have been 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 all of the following steps have been completed—
- (a) the person fills in the camping form in the way stated on 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 prescribed 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.

## **56 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 on the camping form; and
  - (b) for not more than the number of people stated on the self-registration camping notice for the area as the maximum number of persons that can camp under a camping permit for the area; and
  - (c) for the time when the area the subject of the permit is a self-registration camping area; and
  - (d) for the number of days stated on 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 on the self-registration camping notice for the area are taken to be conditions of the camping permit.

## **Division 5 Amendment, suspension or cancellation of relevant authority**

### **57 Minor amendments**

- (1) This section applies if—
  - (a) the chief executive reasonably believes a relevant authority should be amended; and
  - (b) the proposed amendment is a minor amendment.
- (2) The chief executive may amend the relevant authority by—

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- (a) for a camping permit—advising the holder of the permit of the amendment; or
  - (b) for another relevant authority—giving the holder of the authority notice of the amendment.
- (3) The advice or notice must state the reasons for the amendment.
- (4) Sections 59 to 63 do not apply to the amendment.
- (5) 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.
- (6) The effect of the amendment does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 66.

- (7) In this section—

***minor amendment*** means an amendment that—

- (a) omits a condition, if the omission does not adversely affect the holder's interests; or
- (b) corrects an error; or
- (c) makes another change, other than a change of substance, that does not adversely affect the holder's interests.

## **58 Amendments by application**

- (1) The holder of a relevant authority may apply to the chief executive for an amendment of the authority.
- (2) The application must be—
  - (a) accompanied by the prescribed fee for the amendment; and
  - (b) if the application relates to a relevant authority other than a camping permit—

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- (i) in writing; and
  - (ii) made at least 10 business days before the holder of the authority intends for the amendment to take effect.
- (3) However, the chief executive may consider an application for an amendment even if the application does not comply with subsection (2)(b)(ii).
- (4) If the chief executive decides to make the amendment, the chief executive must—
  - (a) for a camping permit—advise the holder of the amendment; or
  - (b) for another relevant authority—give the holder notice of the amendment.
- (5) 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.
- (6) The effect of the amendment does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 66.

- (7) 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 holder of the decision; or
  - (b) for another relevant authority—give the holder an information notice about the decision.

## **59 Non-immediate amendments other than by application— grounds**

The chief executive may, by complying with section 60, amend a relevant authority—



- (a) if the chief executive reasonably believes—
  - (i) the authority was obtained because of incorrect or misleading information; or
  - (ii) the holder of the authority has contravened a condition of the authority; or
  - (iii) for a relevant authority other than a camping permit—the holder of the authority is not, or is no longer, a suitable person to hold the authority, having regard to the matters mentioned in schedule 2; or
  - (iv) the amendment is necessary having regard to the object of the Act; or
- (b) if the holder of the authority has failed to—
  - (i) pay a prescribed fee, or a royalty required to be paid under the Act for the authority, by the date or within the period during which the fee or royalty must be paid; or
  - (ii) give the chief executive information required to be given under the Act for the authority, by the date or within the period during which the information must be given; or
- (c) if the holder is convicted of an offence against the Act and the chief executive reasonably considers 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) to secure the safety of a person or a person's property; or
- (e) to conserve or protect the cultural or natural resources of a protected area; or
- (f) to conserve or protect native wildlife; or
- (g) if 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 the *Nature*

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*Conservation (Protected Areas Management) Regulation 2017; or*

- (h) if 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 the *Nature Conservation (Protected Areas Management) Regulation 2017; or*
- (i) if the authority is a joint marine park authority permit and the chief executive reasonably 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.

## **60 Non-immediate amendments other than by application—procedure**

- (1) If the chief executive proposes to make an amendment under section 59, the chief executive must notify the holder 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 representations, within a stated period, about why the proposed amendment should not be made.
- (2) For a relevant 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; and
  - (c) the representations must be in writing.

- (3) The chief executive may amend the authority if, after considering any 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 authority, the chief executive must—
  - (a) for a camping permit—advise the holder of the amendment; or
  - (b) for another relevant authority—give the holder an information notice about 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 authority.

*Note—*  
See, however, section 66.
- (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 relevant authority—give the holder notice of the decision.
- (8) Subsections (1) to (3) and (7) apply to a camping permit only if the address of the holder of the permit is stated on the permit.

**61 Immediate amendment or suspension of protected area authority for safety or conservation**

- (1) This section applies if—
  - (a) the chief executive reasonably 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 the *Nature Conservation (Protected Areas Management) Regulation 2017*.
- (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 authority.

*Note—*

See, however, section 66.

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- (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) put 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.

## **62 Immediate amendment or suspension of wildlife authority for safety or conservation**

- (1) This section applies if the chief executive reasonably believes a wildlife authority should be amended or suspended to—
- (a) secure the safety of a person or a person’s property; or
  - (b) conserve or protect native wildlife.
- (2) The chief executive may make the amendment to, or suspend, the authority.
- (3) If the chief executive acts under subsection (2)—
- (a) the chief executive must give the holder of the authority an information notice about the decision; and
  - (b) if the action is suspension, the information notice must state the suspension period; and
  - (c) the amendment or suspension takes effect on the later of the following days—

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- (i) the day the notice is given to the holder;
    - (ii) the day of effect stated in the notice; and
  - (d) if the action is suspension, it continues until the end of the suspension period stated in the notice.
- (4) However, if the decision is to suspend the authority for the immediate protection of life or property—
  - (a) subsection (3) does not apply; and
  - (b) the suspension—
    - (i) takes effect immediately after the holder is advised of the suspension; and
    - (ii) continues until the chief executive decides the reason for the suspension no longer exists; and
  - (c) the chief executive must as soon as practicable after the amendment or suspension ends—
    - (i) advise the holder of the authority that the amendment or suspension no longer applies; or
    - (ii) put a notice on the department’s website advising that the amendment or suspension no longer applies.
- (5) The effect of an amendment under this section does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 66.

### **63 Immediate amendment or suspension for failure to pay fee or royalty or give return**

- (1) This section applies if—
  - (a) the holder of a relevant authority has failed to—
    - (i) pay a prescribed fee, or a royalty required to be paid under the Act for the authority, by the date or within the period during which the fee or royalty must be paid; or

- (ii) give the chief executive a return of operations required to be given under the Act for the authority, by the date or within the period during which the return must be given; and
  - (b) the chief executive has given the holder a notice stating that—
    - (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; and
    - (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 amend or suspend the authority.
- (3) However, if the authority is a wildlife authority that authorises the holder of the authority to keep an animal under the authority—
- (a) the chief executive may only amend the authority; and
  - (b) the amendment must not have the effect of removing the authorisation to keep the animal under the authority.
- (4) If the chief executive acts under this section—
- (a) the chief executive must give the holder of the authority an information notice about the decision; and
  - (b) if the action is suspension, the information notice must state the suspension period; and
  - (c) the amendment or suspension takes effect on the later of the following days—
    - (i) the day the notice is given to the holder;
    - (ii) the day of effect stated in the notice; and

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- (d) if the action is suspension, it 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.
- (5) The effect of an amendment under this section does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 66.

## **64 Non-immediate suspension or cancellation of relevant authority—grounds**

The chief executive may, by complying with section 65, suspend or cancel a relevant authority—

- (a) for a reason mentioned in—
  - (i) for a protected area authority—section 61(1) or 63(1); or
  - (ii) for a wildlife authority—section 62(1) or 63(1); or
- (b) if the chief executive reasonably believes—
  - (i) the authority was obtained because of incorrect or misleading information; or
  - (ii) the holder of the authority has contravened a condition of the authority; or
  - (iii) for a relevant authority other than a camping permit—the holder of the authority is not, or is no longer, a suitable person to hold the authority, having regard to the matters mentioned in schedule 2; or
- (c) if the holder of the authority is convicted of an offence against the Act and the chief executive reasonably considers the activities of the holder that led to the



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

- (d) if the holder of the authority has failed to give the chief executive information, other than information required to be given in a return of operations, required to be given under the Act for the authority, by the date or within the period during which the information must be given; or
- (e) for a wildlife authority for an animal—if the chief executive reasonably believes the place where the animal is kept is not or is no longer appropriate, or does not or no longer has the appropriate facilities, for keeping the animal; or
- (f) if the chief executive reasonably 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
- (g) if the chief executive reasonably believes the activities being carried out under the relevant authority are threatening public health or safety; or
- (h) if the chief executive reasonably 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 relevant authority is granted and the relevant authority currently restricts the remaining public access to the area.

- (i) if the authority is a joint marine park authority permit and the chief executive reasonably 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; or
  - (iii) suspended or cancelled.

**65 Non-immediate suspension or cancellation of relevant authority—procedure**

- (1) If the chief executive proposes to take action (the *proposed action*) under section 64, the chief executive must notify the holder of the authority of 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 authority—the proposed suspension period;
  - (e) an invitation to make representations, within a stated period, about why the proposed action should not be taken.
- (2) For a relevant 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; and
  - (c) the representations must be in writing.
- (3) If, after considering any 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 relevant authority—give the holder an information notice about the decision.
- (5) A decision to suspend or cancel the 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 relevant authority—give the holder notice of the decision.
- (7) Despite subsections (4) and (5), if a relevant 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 relevant authority is cancelled because of the conviction of a person for an offence and the conviction is quashed, the cancellation has no further effect.
- (9) Subsections (1), (3), (4) and (6) apply to a camping permit only if the address of the holder of the permit is stated on the permit.

## **66 When holder of amended relevant authority must return authority**

- (1) The chief executive may, by notice, ask the holder of a relevant authority that has been amended under this division to return the authority to the chief executive by a day, at least 10 business days after the day the holder receives the notice, stated in the notice.

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- (2) The holder must, unless the holder has a reasonable excuse, return the authority to the chief executive by the stated day.

Maximum penalty—20 penalty units.

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

#### **67 When holder of suspended relevant authority must return authority**

- (1) The chief executive may, by notice, ask the holder of a relevant authority that has been suspended under this division to return the authority to the chief executive by a day, at least 10 business days after the day the holder receives the notice, stated in the notice.

- (2) The holder must, unless the holder has a reasonable excuse, return the authority to the chief executive by the stated day.

Maximum penalty—20 penalty units.

- (3) The chief executive must give the authority back to the holder on or before the day the period of suspension ends.

#### **68 When holder of cancelled relevant authority must return authority**

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

Maximum penalty—20 penalty units.

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## Division 6                      Carrying out activities under relevant authority

### 69            Complying with conditions of relevant authority

- (1) The holder of a relevant authority, or a relevant person for the holder, must comply with the conditions of the authority, 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 camping permits, see the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 90.

- (4) In this section—

**holder**, of a relevant authority that has expired, means the person who held the authority immediately before its expiry.

### 70            Relevant authority or identification must be available for inspection

- (1) A person carrying out an activity under a relevant authority, other than a camping permit or stock grazing permit, must, while carrying out the activity—

(a) have the following 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) a copy of the authority endorsed by the holder of the authority with the person's name and residential address; and

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- (B) if the authority is a wildlife authority—a form of identification that shows a recent colour photograph of the person; and
- (b) if asked by a conservation officer, produce the authority, copy or identification 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 the details needed to identify the following matters—
  - (a) if the permit number for the permit is stated on 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.

## **71 Display of relevant authority if animal displayed at particular places**

- (1) This section applies to a person displaying an animal under a wildlife authority at a place other than the licensed premises for the authority.
- (2) The person must display the authority or a copy of the authority at the place where the animal is being displayed.

Maximum penalty—50 penalty units.

- (3) However, if the authority or copy states the address of a person's place of residence on the authority or copy, the person may cover the address while the authority or copy is being displayed.
- (4) In this section—

*display*, an animal, includes to demonstrate the animal.

## **Division 7            Transfer of relevant authorities**

### **Subdivision 1        Transferable relevant authorities**

#### **72        Particular relevant authorities transferable**

The following relevant authorities are transferable—

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

### **Subdivision 2        Apiary permits**

#### **73        Transfer of apiary permits**

- (1) The chief executive may, on the making of an application by the holder of an apiary permit and the proposed transferee, transfer an apiary permit.
- (2) The application must be—
  - (a) in the approved form; and
  - (b) accompanied by the prescribed fee for the transfer.
- (3) The provisions of division 3, subdivision 2 apply for the application as if—
  - (a) it were an application for the permit; and
  - (b) a reference in the provisions to the applicant were a reference to the proposed transferee.

## **Subdivision 3      Joint marine park authority permits**

### **74      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 prescribed fee for the transfer.
- (3) This section—
  - (a) applies in relation to a commercial activity permit continued in force under section 82; and
  - (b) does not apply in relation to a commercial activity permit that has been suspended.

### **75      Considering application**

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

- (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 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.

## **76 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.

## **77 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 76—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 about the decision.

## **78 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 77.
- (2) The chief executive must cancel the permit and give the proposed transferee a new 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 was 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 permit if—
  - (a) the proposed transferee consents to the condition; or
  - (b) it is a condition that 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) it is a condition that 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 permit must return it to the chief executive before the end of the day after the transfer day.

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## **Division 8                      Other provisions about relevant authorities**

### **79            Requirement to notify chief executive of particular changes and ask for amendment**

- (1) This section applies to the holder of a relevant 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 on the authority;
  - (c) if the holder is a corporation—
    - (i) for a protected area authority—the person in charge of the activity carried out under the authority; or
    - (ii) for a wildlife authority—the person in charge of the activity carried out under the authority or, if the activity is carried out at the licensed premises for the authority, the person in charge of the premises;
  - (d) for a wildlife authority—
    - (i) the licensed premises for the authority; or
    - (ii) if an animal is kept under the authority—the place the animal is kept.
- (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 authority to reflect the change.

Maximum penalty—10 penalty units.

*Note—*

For amending a relevant authority by application, see section 58.

## **80 Replacing relevant authority**

- (1) The holder of a relevant authority may apply to the chief executive for the replacement of a damaged, destroyed, lost or stolen authority.
- (2) The application must be—
  - (a) in writing; and
  - (b) accompanied by the prescribed fee for the application.
- (3) The chief executive must grant the application if the chief executive is satisfied the authority has been—
  - (a) damaged in a way that requires its replacement; or
  - (b) destroyed, lost or stolen.
- (4) If the chief executive grants the application, the chief executive must give the holder another relevant authority to replace the damaged, destroyed, lost or stolen authority.
- (5) If the chief executive refuses the application, the chief executive must give the applicant an information notice about the decision within 14 days after the decision is made.

## **81 Surrendering relevant authority**

- (1) The holder of a relevant authority may surrender it by returning it and giving a notice of surrender to the chief executive.
- (2) A relevant authority surrendered under subsection (1) no longer has effect from—
  - (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.

## **82 Particular existing relevant authorities taken to be in force while new application is considered**

- (1) This section applies if—

- (a) the holder of an existing relevant authority makes an application for a new relevant authority of the same type; and
  - (b) the existing relevant authority is—
    - (i) a commercial activity permit; or
    - (ii) a wildlife authority, other than a wildlife authority authorising the holder to take protected wildlife; and
  - (c) the new relevant authority is intended to commence immediately after the expiry of the existing relevant authority.
- (2) The existing relevant authority is taken to continue in force from its otherwise expiration day until the day on which the earliest of the following happens—
- (a) the chief executive grants the new relevant authority;
  - (b) the chief executive decides to refuse the application and gives the applicant an information notice about the decision;
  - (c) the applicant is taken to have withdrawn the application under section 27;
  - (d) if the existing relevant authority is not a joint marine park authority permit—the authority has continued for 3 months after its otherwise expiration day.
- (3) If the chief executive grants the new relevant authority—
- (a) the existing authority is taken to have expired on its otherwise expiration day; and
  - (b) the new relevant authority is taken to have commenced immediately after the existing relevant authority's otherwise expiration day; and
  - (c) for the period during which the existing relevant authority is taken to have continued in force under subsection (2), the new relevant authority is taken to be subject to the same conditions and authorise the same activities as the existing relevant authority.

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- (4) Subsection (2) does not stop the existing relevant authority from being suspended or cancelled under this regulation.
- (5) In this section—  
*otherwise expiration day*, for an existing relevant authority, means the day it would have expired but for subsection (2).

## Part 3                      Commercial activity agreements

### Division 1                Preliminary

#### 83      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 agreement in 1 or more of the following ways—
  - (a) by using an expression of interest process under division 2;
  - (b) by using an application process under division 3;
  - (c) by 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 either or both of the following—
  - (a) a commercial activity agreement entered into by the person under the *Marine Parks Regulation 2017*, section 52;
  - (b) a commercial activity agreement entered into by the person under the *Recreation Areas Management Act 2006*, section 69.

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**84 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

***management principles***, for a protected area, means the principles prescribed under part 4, division 1 of the Act.

**85 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 under part 2 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 schedule 2, be a suitable person to hold the permit.

**86 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 authorised under the agreement.
- (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 authorised under a commercial activity agreement, 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.

**87 Content of agreement**

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



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

*Note—*

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

## **88 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 the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 106.

## **Division 2                      Expression of interest process**

### **89            Application of division**

This division applies if the chief executive uses an expression of interest process for entering into a commercial activity agreement for conducting a commercial activity in a protected area.

### **90            Invitation for expressions of interest**

- (1) The chief executive may invite expressions of interest for a commercial activity agreement for the activity for the 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 reasonably 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 the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 105(2), a person may conduct the prescribed

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commercial activity in the area only under a commercial activity agreement;

- (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 prescribed under this regulation is payable for submitting the expression of interest, and the amount of the fee;
- (g) that details of each 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.

## **91 Requirements for expression of interest**

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

- (a) in writing; and
- (b) accompanied by the prescribed fee for submitting the expression of interest; and
- (c) submitted in the way, and by the day and time, stated in the invitation under section 90.

## **92 Requirements for process**

- (1) Subject to the restrictions about entering into a commercial activity agreement mentioned in division 1, any process the

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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 reasonably considers relevant.

*Note—*

For the matters the chief executive must have regard to for considering an application for a commercial activity permit, see—

- (a) part 2, division 3, subdivision 2; and
- (b) the *Nature Conservation (Protected Areas Management) Regulation 2017*, chapter 4, parts 1 and 8.

### **93 Chief executive may request further information**

- (1) Without limiting section 92(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.

**94 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.

**95 Notice to unsuccessful submitters**

The chief executive must, within 14 business days after making a decision under section 92, give each unsuccessful submitter of an expression of interest a notice for the decision.

**Division 3 Application process**

**96 Application of division**

This division applies if the chief executive uses an application process for entering into a commercial activity agreement for conducting a commercial activity in a protected area.

**97 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 prescribed fee for the application.

**98 Matters to be considered for application**

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

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- (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 reasonably considers relevant.

*Note—*

For the matters the chief executive must have regard to for considering an application for a commercial activity permit, see—

- (a) part 2, division 3, subdivision 2; and
- (b) the *Nature Conservation (Protected Areas Management) Regulation 2017*, chapter 4, parts 1 and 8.

## **99 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.

## **100 Amending the application**

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

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**101 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, 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.

**102 Negotiating application for agreement**

- (1) The chief executive must consider each application for a commercial activity agreement and decide—
  - (a) to negotiate the signing of the agreement; 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.

### **103 Steps to be taken after application decided**

- (1) If, after negotiation, the chief executive decides to enter into a 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 about the decision.

## **Division 4 Requirements applying to, and nature of, agreements**

### **104 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 commences.
- (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.

### **105 Nature of agreement**

A commercial activity agreement—

- (a) authorises the party to the agreement other than the chief executive (the *other party* to the agreement) to





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- (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 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) put 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.

### **107 Non-immediate amendment of agreement—grounds**

The chief executive may, by complying with section 108, amend a commercial activity agreement—

- (a) for a reason mentioned in section 106(1); or
- (b) if the chief executive reasonably 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 85; 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 reasonably 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 the *Nature Conservation (Protected Areas Management) Regulation 2017*.

## **108 Non-immediate amendment of agreement—procedure**

- (1) Before amending the agreement under section 107, 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 about the decision.

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- (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.

#### **109 Non-immediate cancellation of agreement or suspension of authorisation under agreement—grounds**

The chief executive may, by complying with section 110, cancel a commercial activity agreement or suspend the authorisation under the agreement—

- (a) for a reason mentioned in section 107; or
- (b) if the chief reasonably believes the impact 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 reasonably believes the activities being conducted under the agreement are threatening public health or safety; or
- (d) if the chief executive reasonably 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

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agreement applies and the agreement currently restricts the remaining public access to the area

**110 Non-immediate cancellation of agreement or suspension of authorisation under agreement—procedure**

- (1) Before taking action (the *proposed action*) under section 109, 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 about the decision.
- (4) The cancellation or suspension takes effect on the later of the following days—

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- (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 has no further 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.

## **Division 6                      Transfer of authorisation under agreement**

### **111      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 division.

### **112      Approval or non-approval of transfer**

- (1) The chief executive may approve the transfer only if the chief executive is satisfied, under section 85(2) and (3), that the

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buyer is a suitable person to be a party to the commercial activity agreement the subject of the authorisation.

- (2) If the chief executive refuses to approve the transfer, the chief executive must give the seller and the buyer an information notice about the decision.

### **113 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 prescribed fee 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.

## **Division 7                      Requirement to have agreement or copy available for inspection**

### **114 Agreement or copy must be available for inspection**

- (1) A person acting under a commercial activity agreement must—
- (a) have the following 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 person’s name and residential address; and
  - (b) if asked by a conservation officer, produce the agreement or copy 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 details needed to identify the following matters—
- (a) the names of the parties to the agreement;
  - (b) the date on which the agreement was entered into;
  - (c) the protected area to which the agreement applies;
  - (d) the activity authorised under the agreement.



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## **Part 4 Internal and external reviews**

### **Division 1 Preliminary**

#### **115 Internal review process before external review**

Every review of a reviewable decision must be, in the first instance, by way of an application for internal review.

### **Division 2 Internal review**

#### **116 Applying for an internal review**

- (1) An application for internal review must be in the approved form and—
  - (a) made to the chief executive within 20 business days after—
    - (i) for a reviewable decision for which an information notice is given to a person—the day the person is given the information notice; or
    - (ii) for another reviewable decision—the day the person the subject of the decision is notified of the decision; and
  - (b) supported by enough information to enable the chief executive to decide the application.
- (2) The chief executive may extend the time for applying for the internal review.
- (3) The application does not stay the reviewable decision.

*Note—*  
However, see section 118.
- (4) The application must not be dealt with by—
  - (a) the person who made the reviewable decision; or

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- (b) a person in a less senior office than the person who made the reviewable decision.
- (5) Subsection (4)—
- (a) applies despite the *Acts Interpretation Act 1954*, section 27A; and
  - (b) does not apply to a reviewable decision made by the chief executive.

## 117 Internal review

- (1) If the chief executive is satisfied an applicant has complied with section 116, the chief executive must, within 28 days after receiving the application—
- (a) review the reviewable decision; and
  - (b) make a decision (the *internal review decision*) to—
    - (i) confirm the reviewable decision; or
    - (ii) amend the reviewable decision; or
    - (iii) substitute another decision for the reviewable decision.
- (2) The chief executive may, by notice to the applicant, extend the period for making the internal review decision if—
- (a) the reviewable 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; and
  - (c) the chief executive reasonably considers the outcome of the review of the decision about the related permission is likely to affect the chief executive's internal review decision.
- (3) Within 14 days after making the internal review decision, the chief executive must give the applicant a notice complying with the QCAT Act, section 157(2) about the decision.

- (4) If the chief executive does not comply with subsection (1) or (2), the chief executive is taken to have made a decision confirming the reviewable decision.
- (5) For the purpose of an application to QCAT for external review—
  - (a) if the internal review decision confirms the reviewable decision—the reviewable decision is taken to be the internal review decision; or
  - (b) if the internal review decision amends the reviewable decision—the reviewable decision as amended is taken to be the internal review decision.

### **118 Stay of operation of reviewable decision**

- (1) If an application is made for an internal review of a reviewable decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the reviewable decision.

*Note—*

However, see section 1730A of the Act.

- (2) QCAT may stay the reviewable decision to secure the effectiveness of the internal review and a later application to QCAT for external review.
- (3) The stay—
  - (a) may be given on conditions QCAT considers appropriate; and
  - (b) operates for the period fixed by QCAT; and
  - (c) may be revoked or amended by QCAT.
- (4) The period of the stay must not extend past the time when the chief executive makes an internal review decision about the reviewable decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the decision.

- (5) The application affects the reviewable decision, or carrying out of the decision, only if the decision is stayed.

## **Division 3 External reviews by QCAT**

### **119 Who may apply for external review**

A person who is given, or is entitled to be given, a notice under section 117(3) about a decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.

### **120 Extending time for application**

QCAT may extend the time for applying for external review 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 external review under this division.

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## Part 5 Provisions about dealing with seized things

### 121 Application of part

This part applies if a thing (a *seized thing*) is seized under any of the following provisions—

- (a) the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 153 or chapter 8;
- (b) the *Nature Conservation (Wildlife Management) Regulation 2006*, section 346.

### 122 General powers for seized things

- (1) A conservation officer who has seized the thing may—
  - (a) move it from the place where it was seized; or
  - (b) leave it at the place where it was seized, but take reasonable action to restrict access to it.

*Examples of restricting access to a seized thing—*

- branding, marking, sealing, tagging or otherwise identifying it 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 it inoperable.

*Example of making equipment inoperable—*

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

- (3) If the seized thing is an animal, the conservation officer may also do 1 or more of the following as is appropriate to ensure its survival—
  - (a) take it to a place the conservation officer considers appropriate;

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- (b) give it accommodation, food, rest, water or other appropriate living conditions;
- (c) if the conservation officer reasonably believes it requires veterinary or other treatment—arrange for the 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).

### **123 Tampering with seized thing**

- (1) This section does not apply to a person from whom an animal was seized if the person—
  - (a) is complying with a direction under section 122(3)(e); and
  - (b) does not, without the written approval of a conservation officer, move the animal from the place where it was seized.
- (2) A person, other than a conservation officer or a person authorised by a conservation officer for the purpose, must not do, or attempt to do, any of the following unless the person has a reasonable excuse—
  - (a) tamper with a seized thing or something done under section 122(1)(b) to restrict access to it;
  - (b) enter, or be at, the place where the 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.

## **124 Particular seized things must be destroyed**

- (1) This section applies to a seized thing that is—
  - (a) an explosive within the meaning of 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 thing.
- (3) The thing must be destroyed at the time the chief executive considers appropriate having regard to the reason for the seizure and any other relevant matter.
- (4) In this section—

***poison*** means—

  - (a) a poison as defined under the *Health (Drugs and Poisons) Regulation 1996*, appendix 9; and
  - (b) any other substance that operates in a similar way to a poison mentioned in paragraph (a).

## **125 Way seized thing must be kept**

- (1) This section applies—
  - (a) to a seized thing, other than a seized thing to which section 124 applies; 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.

## **126 Notice for other seized things with market value of more than \$500**

- (1) This section applies to a seized thing, other than a seized thing to which section 124 applies.
- (2) If the conservation officer who seized the thing reasonably 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, the notice—
  - (a) must be given in a newspaper circulating throughout the State; and
  - (b) 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.
- (4) The notice must state that—
  - (a) the owner may claim the thing within the claim period for the thing; and
  - (b) the thing may be disposed of if not claimed within the claim period.

## **127 Release of seized things**

- (1) If a person claims a seized thing, the chief executive may release it to the person only if the person—
  - (a) satisfies the chief executive the person has a right to the thing; and
  - (b) pays the chief executive's reasonable costs of—
    - (i) seizing, removing and holding the thing; and
    - (ii) giving notice of the seizure; and



- (iii) if notice is given of the sale of the thing—giving the notice; and
  - (iv) 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 the thing by a statutory declaration before releasing the thing to the person.

**128 Procedure if seized thing for which notice given is not claimed and has market value of more than \$500**

- (1) This section applies if—
- (a) a conservation officer has given a seizure notice for a seized thing; and
  - (b) the owner of the thing does not claim it within the claim period for the thing; and
  - (c) the chief executive reasonably believes the thing has a market value of more than \$500.
- (2) The chief executive may sell the seized thing in the way the chief executive considers will best realise its market value.
- (3) Before selling the seized thing, the chief executive must publish a notice 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 seized thing is not sold, the chief executive may dispose of it in the way the chief executive considers appropriate.

## **129 Procedure for seized thing with market value of \$500 or less**

- (1) This section applies to a seized thing—
  - (a) if the chief executive reasonably believes the thing does not have a market value of more than \$500; and
  - (b) whether or not a conservation officer has given a seizure notice for the thing; and
  - (c) if a conservation officer has given a seizure notice 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 seized 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.

## **130 Application of proceeds of sale**

If the chief executive sells a seized thing, 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—
  - (i) seizing, removing and holding the thing; and
  - (ii) giving notice of the seizure;
- (c) in payment of the reasonable cost of work necessary to restore the site 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.

### 131 Compensation not payable

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

## Part 6 Provisions about records

### 132 Application of part

- (1) This part applies to—
- (a) a record required to be kept under the Act for a commercial activity permit other than for filming or photography; and
  - (b) a record (a *prescribed exempt bird record*) required to be kept for a prescribed exempt bird under the *Nature Conservation (Wildlife Management) Regulation 2006*, section 44; and
  - (c) a record required to be kept under the Act for a wildlife authority for animals; and
  - (d) a record (a *protected plant harvest record*) required to be kept for a whole restricted plant or a part of a restricted plant taken under—
    - (i) a protected plant growing licence; or
    - (ii) a protected plant harvesting licence; or
    - (iii) an exemption under the *Nature Conservation (Wildlife Management) Regulation 2006*, chapter 4, part 3; and

*Note—*

See the *Nature Conservation (Wildlife Management) Regulation 2006*, section 245 for who is required to keep a protected plant harvest record.

- (e) a record (a *protected plant trade record*) required to be kept for a whole restricted plant or a part of a restricted plant used for trade under a protected plant harvesting licence or protected plant trade exemption under the

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*Nature Conservation (Wildlife Management) Regulation 2006.*

*Note—*

See the *Nature Conservation (Wildlife Management) Regulation 2006*, section 261ZJ for who is required to keep a protected plant trade record.

(2) In this section—

***restricted plant*** see the *Nature Conservation (Wildlife Management) Regulation 2006*, schedule 5.

### **133 How records must be kept**

(1) A record for a commercial activity permit or a prescribed exempt bird record must be kept in either—

- (a) a record book or record and return book; or
- (b) an electronic record system approved by the chief executive.

(2) A wildlife authority for animals must be kept—

- (a) if a conservation plan states how the record must be kept—in the way stated in the conservation plan; or

*Note—*

See the *Nature Conservation (Macropod) Conservation Plan 2017* for how a record for particular wildlife authorities for macropods must be kept.

(b) otherwise—in either—

- (i) a record book or record and return book; or
- (ii) an electronic record system approved by the chief executive.

(3) A protected plant harvest record or protected plant trade record must be kept in a written or electronic record system.

*Note for subsections (1) to (3)—*

See also section 138 about requirements for information included in a record.

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- (4) For subsection (1)(b) and (2)(b)(ii), if a 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 a form approved by the chief executive; and
    - (b) the document is taken to be a part of the system.
  - (5) For subsection (3), if a record is kept in an electronic record system (the *primary system*) and the primary system is not working on the day particular information must be included in the record—
    - (a) the information must be recorded in a written record system or another electronic record system; and
    - (b) the written record system or other electronic system is taken to be a part of the primary system.
  - (6) An electronic record system mentioned in subsection (3) may, but need not, be a system approved by the chief executive.
  - (7) Also, a protected plant harvest record or a protected plant trade record must be kept in a way that it is available on demand for checking by a conservation officer.
  - (8) A record book or a record and return book is the property of the State.

### **134 Where records or copies must be kept**

- (1) The person who, under the Act, keeps a record to which this part applies must keep the record, or a copy of the record, in a secure way at the following place—
  - (a) for a record for a commercial activity permit—
    - (i) if the chief executive has given the holder of the permit a notice stating the place where the record is to be kept—the stated place; or
    - (ii) otherwise—the holder’s place of business;

- (b) for a prescribed exempt bird record—the place the bird to which the record relates is kept;
- (c) for a record for a wildlife authority for animals—
  - (i) if a conservation plan states the place where the record or copy must be kept—the place stated in the conservation plan; or
  - (ii) otherwise—
    - (A) the licensed premises for the authority; or
    - (B) if the holder of the authority is a corporation and the licensed premises for the authority are not open for business—an office of the corporation that is in the State;

*Note—*

See the *Nature Conservation (Macropod) Conservation Plan 2017* for where a record for a commercial wildlife harvesting licence for macropods, or a copy of the record, must be kept.

- (d) for a protected plant harvest record or a protected plant trade record—
  - (i) if an individual is keeping the record—the person’s place of residence; or
  - (ii) if a recreational plant society is keeping the record—the society’s office or other usual place for keeping the society’s records; or
  - (iii) if a corporation is keeping the record under a wildlife authority for protected plants—
    - (A) the licensed premises for the authority; or
    - (B) if the licensed premises for the authority are not a place open for business—an office of the corporation that is in the State; or
  - (iv) if a corporation is keeping the record under an exemption under the *Nature Conservation (Wildlife Management) Regulation 2006*—an office of the corporation in the State.

Maximum penalty—120 penalty units.

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- (2) However, subsection (1) does not apply if a provision of a conservation plan—
- (a) states where a record, or a part of a record, kept for a relevant authority must be kept; and
  - (b) contains an offence applying to a person contravening the provision.

### **135 How long records or copies must be kept**

- (1) The person who, under the Act, keeps a record to which this part applies must—
- (a) ensure the record or a copy of the record is kept for the period required under section 171; 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) If asked, in writing, by the chief executive, the person must, unless the person has a reasonable excuse, surrender the record or copy to the chief executive.

Maximum penalty—120 penalty units.

### **136 General information that must be included in record**

- (1) The person who, under the Act, keeps a record to which this part applies must ensure the following information is included in the record—
- (a) if a conservation plan states the information that must be included in the record—the stated information;
  - (b) otherwise—the relevant record particulars for the record.

*Notes—*

- 1 See the *Nature Conservation (Macropod) Conservation Plan 2017* for the information that must be included in a record for particular wildlife authorities for macropods.

- 2 See the *Nature Conservation (Wildlife Management) Regulation 2006*, section 345 for other information that is required to be included in particular records.

Maximum penalty—

- (a) for a record for a commercial activity permit—50 penalty units; or
  - (b) for another record—120 penalty units.
- (2) In this section—

*relevant record particulars*, for a record, means—

- (a) for a record for a commercial activity permit—details about the activities carried out, under the permit, including the number of persons taking part in the activities; or
- (b) for a prescribed exempt bird record—the animal record particulars for each prescribed exempt bird to which the record relates; or
- (c) for a record for a wildlife authority for an animal other than a museum licence—the animal record particulars for each animal kept under the licence; or
- (d) for a record for a museum licence—the animal record particulars for each live animal kept under the licence; or
- (e) for a protected plant harvest record or a protected plant trade record—a particular that the protected plants code of practice states must be included in the record.

### **137 When record particulars to be included in record**

- (1) The person who, under the Act, keeps a record to which this part applies must ensure the information to be included in the record is included on—
  - (a) for information stated in a conservation plan as the information that must be included in the record—the day stated in the conservation plan; or



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- (b) for a relevant record particular for a record—
- (i) if a conservation plan states the day the particular must be included—the stated day; or
  - (ii) otherwise—the prescribed day for the particular.

*Note—*

See the *Nature Conservation (Macropod) Conservation Plan 2017* for when information must be included in a record for particular wildlife authorities for macropods.

Maximum penalty—120 penalty units.

- (2) For subsection (1)(b)(ii), the ***prescribed day*** for a relevant record particular for a record is—
- (a) for a particular relating to activities carried out under a commercial activity permit—the day the activities are carried out; or
  - (b) for an animal record particular—
    - (i) for the particulars of an animal—on the day the animal is obtained; or
    - (ii) for the particulars of the taking of an animal—on the day the animal is taken; or
    - (iii) for the particulars of a transaction under which an animal is obtained or disposed of—on the day of the transaction; or
    - (iv) for the particulars of an escape or death of an animal—on the day of the escape or death; or
    - (v) for the particulars about an offspring of an animal—
      - (A) if the offspring is raised by the offspring’s parents—the day the offspring becomes independent of the offspring’s parents; or
      - (B) if the offspring is raised by hand or artificial incubation—the day the offspring is separated from the offspring’s parents; or

- (c) for a particular for a protected plant harvest record—  
within 24 hours after the event to which the record  
relates happens; or
  - (d) for a particular for a protected plant trade record—
    - (i) if a whole protected plant is taken or otherwise  
obtained under a licence or exemption mentioned  
in section 132(1)(e)—
      - (A) for the particulars of a whole protected plant  
obtained other than under a transaction,  
natural increase or propagation—on the day  
the plant was obtained; or
      - (B) for the particulars of a whole protected plant  
obtained or disposed of under a  
transaction—on the day of the transaction; or
      - (C) for the particulars about a natural increase or  
artificial propagation—on the day of the  
increase or propagation; or
      - (D) for the particulars about the death of the  
plant—on the day of the death; or
    - (ii) if parts of a protected plant are taken or otherwise  
obtained under a licence or exemption mentioned  
in section 132(1)(e)—
      - (A) for the particulars of a part of the protected  
plant obtained other than under a  
transaction—on the day the part was  
obtained; or
      - (B) for the particulars of a part of the protected  
plant obtained or disposed of under a  
transaction—on the day of the transaction; or
      - (C) for the particulars about a loss or destruction  
of a part of the protected plant—on the day  
of the loss or destruction of the part.
- (3) In this section—  
***relevant record particulars***, for a record, see section 136(2).

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**138 Information must be complete, accurate and legible**

- (1) A person who, under the Act, keeps a record to which this part applies must ensure the information included in the record is—
  - (a) complete and accurate; and
  - (b) legible; and
  - (c) in ink.Maximum penalty—100 penalty units.
- (2) However, subsection (1)(c) does not apply to information recorded in electronic form.

**139 Notice of theft, loss or destruction of, or damage to, record**

- (1) This section applies if a record or a copy of a record required to be kept under the Act is stolen, lost, destroyed or damaged.
- (2) The person required to keep the record under the Act must, immediately after becoming aware of the theft, loss, destruction or damage, give the chief executive a notice stating the record or copy has been stolen, lost, destroyed or damaged.  
Maximum penalty—120 penalty units.
- (3) If the person who keeps the record under the Act is not the person mentioned in subsection (2), the person must, immediately after becoming aware of the theft, loss, destruction or damage, notify the person mentioned in subsection (2) of the theft, loss, destruction or damage.

Maximum penalty—40 penalty units.

**140 Tampering with records**

- (1) A person must not, without reasonable excuse—
  - (a) deface, erase or obliterate an entry in a record kept under the Act; or

(b) otherwise remove or modify an entry from the record.

Maximum penalty—120 penalty units.

- (2) However, subsection (1) does not apply to a person who removes, from a record book or a record and return book, a page that is a copy of a return of operations if the person gives the page to the chief executive.
- (3) In this section—  
*record* includes a copy of the record.

## **Part 7**

### **Provisions about returns of operations**

#### **141 Application of part**

This part applies to a return of operations required, under the Act, to be given to the chief executive for a relevant authority.

#### **142 Form and nature of return of operations**

- (1) A return of operations required to be given to the chief executive under the Act must be in the approved form.
- (2) To remove any doubt, it is declared that the approved form may be an electronic form.
- (3) A return of operations given to the chief executive under the Act is the property of the State.

#### **143 When return of operations must be given and the period for which they must be given**

- (1) The person required, under the Act, to give a return of operations to which this part applies must ensure the return is given to the chief executive—
  - (a) for each prescribed period for the relevant authority for which it is given; and

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- (b) within—
- (i) for a return for a commercial activity permit—20 business days after each prescribed period for the permit; or
  - (ii) for a return for another relevant authority—10 business days after each prescribed period for the authority.

Maximum penalty—120 penalty units.

- (2) Subsection (1) applies even if no relevant event for the return happened during the prescribed period.
- (3) However, subsection (1) does not apply if a provision of a conservation plan—
  - (a) states when a return of operations must be given for a relevant authority, and the period for which it must be given; and
  - (b) contains an offence applying to a person contravening the provision.

*Note—*

See the *Nature Conservation (Macropod) Conservation Plan 2017* for when a return of operations for particular wildlife authorities for macropods must be given and the period for which it must be given.

- (4) In this section—

***prescribed period*** means—

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

- (b) for a commercial wildlife licence for an animal, wildlife farming licence, museum licence, educational purposes permit, or scientific purposes permit—
  - (i) each period of 1 year starting after the licence or permit is granted; and
  - (ii) if the licence or permit ends within a year mentioned in subparagraph (i)—the period starting on the day the year started and ending on the day the licence or permit ends; or
- (c) for a commercial wildlife harvesting licence, recreational wildlife harvesting licence, damage mitigation permit, or collection authority to take and keep least concern animals—
  - (i) each period of 3 months starting after the licence, permit or authority is granted; and
  - (ii) if the licence, permit or authority 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 licence, permit or authority ends; or
- (d) for a permit to keep wildlife—
  - (i) if the holder of the permit is required to keep a record for an animal kept under the permit—
    - (A) each period of 1 year starting after the permit is granted; and
    - (B) if the permit ends within a year mentioned in sub-subparagraph (A)—the period starting on the day the year started and ending on the day the permit ends; or
  - (ii) otherwise—each day an animal kept under the permit dies or escapes.

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*relevant event*, for a return of operations, means an event the particulars of which must be included in the return.

#### **144 Information must be complete, accurate and legible**

- (1) The person required, under the Act, to give a return of operations to which this part applies must ensure the information included in the return is—
  - (a) complete and accurate; and
  - (b) legible; and
  - (c) in ink.Maximum penalty—100 penalty units.
- (2) However, subsection (1)(c) does not apply to a return that is given in electronic form.

#### **145 Way and how long return of operations must be kept**

- (1) The person required, under the Act, to give a return of operations to which this part applies must keep a copy of the return in a secure way at—
  - (a) if the return is given for a commercial activity permit—the place of business of the holder of the permit; or
  - (b) otherwise—the licensed premises for the relevant authority for which it is given.Maximum penalty—120 penalty units.
- (2) The person must—
  - (a) keep the copy for the period required under section 171; 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.

**146 Notice of theft, loss or destruction of, or damage to, return**

- (1) This section applies if—
  - (a) a person keeps a return of operations given under the Act; and
  - (b) the return is stolen, lost, destroyed or damaged.
- (2) The person must, immediately after becoming aware of the theft, loss, destruction or damage, give the chief executive a notice stating the return has been stolen, lost, destroyed or damaged.

Maximum penalty—120 penalty units.

- (3) In this section—

*return of operations* includes a copy of the return of operations.

**147 Tampering with return of operations**

- (1) A person must not, without reasonable excuse—
  - (a) deface, erase or obliterate an entry in a return of operations; or
  - (b) otherwise remove or modify an entry from the return.

Maximum penalty—120 penalty units.

- (2) In this section—

*return of operations* includes a copy of the return of operations.



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## Part 8 Fees payable under the Act

### Division 1 Fees payable

#### 148 Definition for division

In this division—

*relevant wildlife authority* means a recreational wildlife licence, or a permit to keep wildlife, for any of the following animals—

- (a) glossy black cockatoo (*Calyptorhynchus funereus*);
- (b) palm cockatoo (*Probosciger aterrimus*);
- (c) green python (Australian population) (*Chondropython viridis*).

#### 149 Fees generally

- (1) The fees payable under the Act are stated in schedule 3.
- (2) To remove any doubt, it is declared that a fee payable under the Act is a debt due to the State.
- (3) A proceeding may be instituted against a person for the recovery of a fee, or part of a fee, payable under the Act whether or not—
  - (a) a prosecution has been instituted against the person for an offence in relation to the nonpayment; or
  - (b) the person has been convicted of an offence in relation to the nonpayment.
- (4) For schedule 3—
  - (a) a least concern plant mentioned in schedule 4, column 1, is of the category of the number stated opposite the plant in column 2 of the schedule; and

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- (b) a least concern plant mentioned in schedule 5, column 1, is of the category of the letter stated opposite the plant in column 2 of the schedule.
- (5) To remove any doubt, it is declared that, subject to section 6, a reference to a whole species of plant in schedule 4 or 5 is a reference to only the plants within the species that are prescribed as a least concern plant under the *Nature Conservation (Wildlife) Regulation 2006*.

*Example—*

The reference in schedule 4 to *Eucalyptus* spp. is a reference to plants of a species within the genus of *Eucalyptus* that are prescribed as least concern plants under the *Nature Conservation (Wildlife) Regulation 2006*.

It does not include the plants of a species within the genus of *Eucalyptus* that are prescribed as an endangered, vulnerable or near threatened plant.

## **150 Additional fee for relevant wildlife authority—no sample taken**

- (1) This section applies to the holder of a relevant wildlife authority if—
- (a) the Minister has approved a scientific institution as an approved scientific institution for an animal the subject of the authority; and
  - (b) the holder has not taken a biological tissue sample from the animal and given it to the institution.
- (2) The holder must pay twice the fee stated in schedule 3 for the relevant wildlife authority.
- (3) However, this section does not apply if—
- (a) the Minister has approved an electromagnetic implant as an approved electromagnetic implant; and
  - (b) the holder has inserted the implant into the animal and given the identification code for it to the chief executive.

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**151 Additional fee for relevant wildlife authority—no implant inserted**

- (1) This section applies to the holder of a relevant wildlife authority if—
  - (a) the Minister has approved an electromagnetic implant as an approved electromagnetic implant; and
  - (b) the holder has not inserted the implant into an animal the subject of the authority and given the identification code for it to the chief executive.
- (2) The holder must pay twice the fee stated in schedule 3 for the relevant wildlife authority.
- (3) However, this section does not apply if—
  - (a) the Minister has approved a scientific institution as an approved scientific institution for the animal; and
  - (b) the holder has taken a biological tissue sample from the animal and given it to the institution.

**152 Reduced application fee for commercial activity permits, organised event permits or commercial activity agreements**

- (1) This section applies 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—
    - (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

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- (b) the applicant has also made an application 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.

*Example—*

A person applies for a commercial activity permit for conducting a commercial tour that is to be conducted in the Cooloola Section of 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 and the chief executive has not started considering that application under that Act.

- (2) The chief executive may waive all or part of the application fee payable for the NCA application.
- (3) However, subsection (2) applies only if the holder has paid an application fee (however called) for the related application.
- (4) Also, if the application fee payable for the NCA application is higher than the application fee paid for the related application, the chief executive can only waive an amount equivalent to the application fee paid for the related application.

### **153 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 152(2); and
  - (b) the holder of the permit has paid a permit fee (however called) for an authority mentioned in section 152(1)(b) (the *equivalent authority*).
- (2) The chief executive must also waive—

- (a) if the permit fee paid for the equivalent authority is the same or higher than the permit fee stated in schedule 3 for the commercial activity permit—the permit fee stated in schedule 3 for the commercial activity permit; or
- (b) if the permit fee paid for the equivalent authority is lower than the permit fee stated in schedule 3 for the commercial activity permit—the amount of the permit fee for the commercial activity permit equivalent to the permit fee paid for the equivalent authority.

**154 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 part 2, division 7 (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 made an application 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 payable for the transfer application.
- (3) However, if the application fee payable for the transfer application is higher than the application fee paid for the related application, the chief executive can only waive an

amount equivalent to the application fee paid for the related application.

**155 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—
    - (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 protected area and the forest reserve, recreation area or State forest under an equivalent permit (however called); 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 the amount worked out by deducting the amount of the daily fee paid for conducting the activity under the equivalent permit from the additional daily fee stated in schedule 3 for the NCA permit.
- (3) To remove any doubt, it is declared that a deduction 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 Glasshouse Mountains National Park and Bribie Island Recreation Area and the holder has paid a daily fee of \$25.50 (\$2.55 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 3 for conducting the tour (\$2.55 for each client) reduced by \$25.55, being the daily fee paid under the *Recreation Areas Management Act 2006* for conducting the tour in 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.

## 156 Reduced fee for particular landholders

(1) This section applies to the following licences—

- (a) a commercial wildlife harvesting licence for macropods;
- (b) a commercial wildlife licence for macropods.

(2) If the licence is granted to a prescribed person for the land from where the macropods are to be taken, the fee payable for the licence is half the fee stated in schedule 3 for the licence.

(3) In this section—

*close relative*, of an individual, means the individual's—

- (a) spouse; or
- (b) parent or grandparent; or
- (c) brother or sister; or
- (d) child or grandchild.

*controlling member*, of a corporation, means a person who—

- (a) is a member of the corporation; and

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- (b) has a controlling role in the management of the corporation.

*prescribed person*, for land, means—

- (a) if the landholder of the land is a corporation and a controlling member of the corporation lives on the land—
  - (i) the corporation; or
  - (ii) the controlling member; or
- (b) if the landholder of the land is an individual—
  - (i) if the individual lives on the land—
    - (A) the individual; or
    - (B) a corporation for which the individual is a controlling member; or
  - (ii) if a close relative of the individual lives on the land—the close relative.

### **157 Reduced fee for particular wildlife authorities for protected plants**

- (1) This section applies to a wildlife authority for a protected plant if the activity to be carried out under the authority is—
  - (a) to be carried out for—
    - (i) an educational purpose; or
    - (ii) a scientific research purpose; or
  - (b) an activity directed at conservation; or
  - (c) clearing to establish or maintain a fence, firebreak, road or vehicular track that is necessary for managing or protecting a property; or
  - (d) a traditional owner activity.
- (2) The fee payable for the authority is the concessional fee stated in schedule 3 for the authority.
- (3) In this section—



*educational purpose* means the purpose of teaching at an educational institution or by an educational organisation.

*scientific research purpose* means the purpose of scientific research carried out at a tertiary or other institution administered by the Commonwealth, a State or an entity that is involved in scientific research.

*traditional owner activity* means an activity by which a protected plant is taken and used by a person of Aboriginal or Torres Strait Islander descent for a traditional cultural practice recognised by the Aboriginal or Torres Strait Islander community generally.

## 158 When particular fees payable

- (1) The holder of a stock grazing permit must pay the permit fee stated in schedule 3 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 stated in schedule 3 for the permit within the period in which the fees must be paid stated in an invoice issued under the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 67(2).

*Note—*

For the requirement to pay the additional daily fee and camping fee, see the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 67.

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

*Note—*

For the requirement to pay the additional daily fee, see the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 108.

## Division 2 Exemptions generally

### 159 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.

### 160 Exemption for recreational wildlife harvesting licence for lizards granted to particular persons

- (1) No fee is payable for a recreational wildlife harvesting licence for a racing lizard if—
  - (a) it is granted to the secretary of the committee of the Cunnamulla–Eulo Festival of Opals; and
  - (b) the lizard is to be used for racing at the festival.
- (2) Also, no fee is payable for a tag supplied to the secretary, under the *Nature Conservation (Wildlife Management) Regulation 2006*, chapter 8, part 2, for attaching to the lizard while it is being used for racing at the festival.
- (3) In this section—

**racing lizard** means—

  - (a) *Trachydosaurus rugosus* (shingle back); or
  - (b) *Pogona vitticeps*.

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**161 Exemption for particular wildlife farming licences**

No fee is payable for a wildlife farming licence for an animal if—

- (a) the licence is granted to a research or educational institution; and
- (b) the animal is to be used for genuine scientific research or educational purposes related to wildlife farming.

**162 Exemption for particular permits to keep wildlife**

No fee is payable for a permit to keep wildlife granted for the life of an animal.

**163 Exemption for particular collection authorities**

(1) No fee is payable for a collection authority to keep a collection of dead protected animals granted to or for any of the following—

- (a) the Queensland Ambulance Service;
- (b) a non-profit organisation that is an incorporated association;
- (c) a school, college or registered higher education provider.

(2) In this section—

*registered higher education provider* see the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth), section 5.

## **Division 3                      Exemptions for particular activities directed at conservation**

### **164      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) a protected area authority; or
  - (b) a wildlife authority for protected plants.
- (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 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 relevant authority is made.

### **165      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 relevant authority for which the application is made will make a significant contribution to—

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- (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; and
  - (c) for an exemption for a wildlife authority for protected plants—the applicant for the wildlife authority is a recreational plant society, a voluntary conservation organisation or a volunteer community organisation.
- (3) In this section—

*volunteer community organisation* means an organisation whose primary object or function is organising the provision of community services by volunteers.

*voluntary conservation organisation* means an organisation that—

- (a) is an incorporated association; and
- (b) has, as 1 of its objects or functions, the conservation of native plants.

## 166 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 relevant 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 relevant authority is granted on the condition that the activities carried out under the relevant authority are carried out for a stated purpose that is consistent with the object of the Act.

## **167 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.

## **168 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.

# **Division 4 Refund of fees**

## **169 Refund of fees**

- (1) This section applies if a relevant authority has been—
  - (a) amended to an extent that the 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 64(f), (g), (h) or (i); or
  - (c) surrendered under section 81.

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- (2) The chief executive may refund all or part of a fee paid for the authority 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—*

- 1 by giving the person a cheque for the amount refunded
  - 2 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.

## Part 9 General provisions

### 170 Demerit points

- (1) This section applies to a person who is given an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against the Act and either—
- (a) pays the infringement notice penalty for the offence; or

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- (b) is convicted of the offence.
- (2) The person accumulates demerit points for the offence.
- (3) The number of demerit points the person accumulates is as follows—
  - (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.

### **171 Period for which particular documents must be kept**

- (1) This section applies to a person required, under the Act, to keep any of the following documents—
  - (a) a record or a copy of a record;
  - (b) a return of operations or a copy of a return of operations;
  - (c) a document required to be kept under the *Nature Conservation (Wildlife Management) Regulation 2006*, section 76, 245, 261ZJ, 329, 337, 338 or 345.
- (2) If a conservation plan states the period for which the document must be kept, the person must keep the document for the period stated in the plan.



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- (3) If subsection (2) does not apply, the person must keep the document for—
- (a) if the document is about an animal kept under a relevant authority—at least 2 years after the person ceases to hold any relevant authority for the animal; or
  - (b) if the document is about a protected plant taken or otherwise obtained or used under—
    - (i) a wildlife authority—at least 5 years after the person ceases to hold the authority for the plant; or
    - (ii) an exemption under the *Nature Conservation (Wildlife Management) Regulation 2006*, chapter 4, part 3—at least 5 years after the person ceases to carry out the activity to which the document relates; or
  - (c) if the document is of another type—at least 2 years after the person ceases to carry out the activity, or possess the wildlife, to which the document relates.

## **172 Particular approvals not transferable**

A written approval of the chief executive, other than a written approval given to the other party to a commercial activity agreement, is not transferable.

## **173 Prescribed class—Act, s 130**

For section 130(1)(a) of the Act, a person is an officer of a prescribed class if the person—

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

## **174 Approved forms**

- (1) The chief executive may approve forms for use under the Act.

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- (2) The approved form for a movement advice given under the *Nature Conservation (Wildlife Management) Regulation 2006* must include—
- (a) a part that is marked ‘part 1’ to be given to the chief executive by the person who fills in the advice (the *sender*); and
  - (b) a part that is marked ‘part 2’ to accompany the wildlife for which it is filled in while the wildlife is being moved under the advice; and
  - (c) a part that is marked ‘part 3’ to be—
    - (i) given, by the sender, to the person (the *receiver*) who is to receive the wildlife for which it is filled in; and
    - (ii) given to the chief executive by the receiver after the receiver receives the wildlife; and
  - (d) a part that is marked ‘part 4’ to be kept by the sender.

## Part 10 Transitional provisions

### 175 Definitions for part

In this part—

*corresponding provision*, for an expired provision, means a provision of this regulation that provides for the same matter as the expired provision.

*expired provision* means a provision of the expired regulation.

*expired regulation* means the *Nature Conservation (Administration) Regulation 2006* as in force from time to time before the commencement.

## **176 Relevant authorities and commercial activity agreements**

- (1) A relevant authority granted under an expired provision is taken to be a relevant authority granted under the corresponding provision for the expired provision.
- (2) A commercial activity agreement entered into under the expired regulation, section 67 is taken to be a commercial activity agreement entered into under section 83.

## **177 Amendments and suspensions**

- (1) This section applies if, immediately before the commencement, an amendment or suspension of a relevant authority or commercial activity agreement under an expired provision was in effect.
- (2) The amendment or suspension continues in effect as if it were made under the corresponding provision for the expired provision.

## **178 Applications, invitations and notices**

- (1) This section applies if, immediately before the commencement—
  - (a) an application made under an expired provision had not been decided; or
  - (b) an invitation or notice given under an expired provision was in effect.
- (2) The application, invitation or notice is taken to have been made or given under the corresponding provision for the expired provision.

## **179 Applications for review**

If, immediately before the commencement, an application for a review of a decision made under the expired regulation, part 4 had not been decided—

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- (a) the application is taken to have been made under part 4; and
- (b) the decision to which the application relates is taken to have been made under the corresponding provision for the expired provision under which it was made.

### **180 Entitlement to QCAT notice**

- (1) This section applies if, immediately before the commencement, a person—
  - (a) was entitled to be given a notice under the expired regulation, section 101(3) about a decision; and
  - (b) had not been given the notice.
- (2) The person—
  - (a) is taken to be entitled to be given a notice under section 117(3); and
  - (b) may apply, under section 119, to QCAT for a review of the decision as if the decision were made under the corresponding provision for the expired provision under which it was made.

### **181 Seized things**

- (1) This section applies if, immediately before the commencement, a thing seized under an expired provision was being kept under an expired provision.
- (2) The thing is taken—
  - (a) to have been seized under the corresponding provision for the expired provision under which it was seized; and
  - (b) to be kept under the corresponding provision for the expired provision under which it was being kept.

## **182 References to expired regulation**

- (1) In an instrument, if the context permits, a reference to the expired regulation may be taken to be a reference to this regulation.
- (2) For subsection (1), a reference in the instrument to an expired provision may be taken to be a reference to the corresponding provision for the expired provision.

## **Schedule 1      Overview of regulation and management instruments**

section 3(2)

### **1      Overview of Nature Conservation (Protected Areas Management) Regulation 2017**

- (1) This section states a general overview of the *Nature Conservation (Protected Areas Management) Regulation 2017*.
- (2) The *Nature Conservation (Protected Areas Management) Regulation 2017* provides for the management of protected areas by—
  - (a) requiring the trustees of particular conservation parks or resources reserves to manage the parks or reserves; and
  - (b) permitting particular uses of protected areas under the Act; and
  - (c) prescribing restrictions on the grant of particular protected area authorities; and
  - (d) stating the activities authorised under each protected area authority; and
  - (e) regulating activities carried out under particular protected area authorities; and
  - (f) prohibiting particular conduct in protected areas; and
  - (g) authorising particular taking, using, keeping or interfering with the cultural or natural resources of a protected area other than under a protected area authority; and
  - (h) providing for the seizure of particular things in protected areas.

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## **2 Overview of Nature Conservation (Wildlife Management) Regulation 2006 and conservation plans**

- (1) This section states a general overview of the *Nature Conservation (Wildlife Management) Regulation 2006* and conservation plans.
- (2) The *Nature Conservation (Wildlife Management) Regulation 2006* provides for the management of wildlife, other than wildlife in a protected area, by—
  - (a) prescribing restrictions on the grant of particular wildlife authorities; and
  - (b) stating the activities authorised under each wildlife authority; and
  - (c) regulating activities carried out under particular wildlife authorities; and
  - (d) authorising particular taking, keeping, using and moving of wildlife other than under a wildlife authority, including by declaring particular products to be processed products for the definition of *protected animal* and *protected plant* under the Act; and
  - (e) prohibiting particular activities relating to wildlife; and
  - (f) providing for the seizure of particular things for the protection of native wildlife; and
  - (g) providing for the supply or approval of tags for attaching to wildlife; and
  - (h) prescribing the conservation value payable for particular wildlife.
- (3) Conservation plans provide for the management of wildlife, other than wildlife in a protected area, by doing 1 or more things mentioned in subsection (2).

## **3 Overview of this regulation and its relationship with the management instruments**

- (1) This section states a general overview of this regulation and its relationship with the management instruments.

- (2) Part 2 provides for the administrative matters relating to the grant, amendment, suspension, cancellation, surrender and replacement of relevant authorities.
- (3) The management instruments include—
  - (a) additional matters the chief executive must have regard to in considering an application for particular relevant authorities; and
  - (b) additional restrictions on the grant of particular relevant authorities to a person or to any person.
- (4) The *Nature Conservation (Protected Areas Management) Regulation 2017* states the activities that are authorised under each protected area authority.
- (5) The *Nature Conservation (Wildlife Management) Regulation 2006* states the activities that are authorised under each wildlife authority, which may be limited or extended by a conservation plan.
- (6) Part 2 also includes requirements applying to carrying out activities under a relevant authority that apply to most or all relevant authorities.
- (7) The management instruments include additional requirements applying to the carrying out of activities under particular relevant authorities.
- (8) Part 3 provides for the administrative matters relating to entering into, amending, suspending authorisations under, and cancelling, commercial activity agreements.
- (9) Part 4 provides for the review of, and appeal against, particular decisions, including decisions of the chief executive, or a conservation officer, under a management instrument.
- (10) Part 5 states the procedures applying after a thing is seized under the *Nature Conservation (Protected Areas Management) Regulation 2017* or the *Nature Conservation (Wildlife Management) Regulation 2006*.
- (11) Part 6 states the requirements for records required to be kept under the Act, which are required to be kept under the management instruments.



- (12) Part 7 states the requirements for returns of operations required to be given to the chief executive under the Act, which are required to be given under the management instruments.
- (13) Part 8 provides for the fees that are payable under the Act.
- (14) Part 9 provides for some general matters applying to all persons acting under the Act.

## **Schedule 2      Matters for deciding whether person is a suitable person for relevant authority**

sections 26(1)(h), 32(2), 59(a)(iii), 64(b)(iii) and 85(3)

### **1      Definitions for schedule**

In this schedule—

*associate*, of a person who is being considered as suitable or not suitable to hold a relevant authority, means—

- (a) if the person being considered is a corporation—each executive officer of the corporation; or
- (b) if the person being considered is an individual—another person who—
  - (i) is, or will be, regularly or usually in charge of the individual's activity or business, or proposed activity or business, that relates, or will relate, to the authority; or
  - (ii) regularly directs staff of the activity or business in their duties; or
  - (iii) is, or will 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) in relation to deciding whether or not the person is a suitable person to hold a relevant authority—the day the person applied for the authority under part 2 of this regulation; or
- (b) in relation to deciding whether or not the holder of a relevant authority is not, or is no longer, a suitable person to hold the authority—the day the decision is made.

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**2 Matters to which chief executive may have regard**

In deciding whether a person is a suitable person to hold a relevant authority, the chief executive may have regard to any matter relevant to the person's ability to carry out activities under the authority in a competent and ethical way.

**3 When person not a suitable person—protected area authorities and wildlife authorities**

- (1) A person is not a suitable person to hold a relevant authority if 1 or more of the following apply—
  - (a) the person, or an associate of the person, has accumulated 10 or more demerit points on a day that is within the 3 years before the relevant day;
  - (b) the person, or an associate of the person, is the former holder of a relevant authority and the authority was cancelled within 2 years before the relevant day because the person or associate accumulated 10 or more demerit points;
  - (c) the person, or an associate of the person, has had an equivalent relevant authority (however called) in another State or country suspended or cancelled within 3 years before the relevant day.
- (2) However, subsection (1) applies only if the chief executive is satisfied the circumstances are relevant to the person's ability to carry out activities under the relevant authority in a competent and ethical way.

**4 When person not a suitable person—protected area authorities only**

- (1) A person is not a suitable person to hold a protected area authority if the person, or an associate of the person, has, within 3 years before the relevant day, been convicted of—
  - (a) an offence against the Act; or
  - (b) an offence that is—

- (i) an animal welfare offence under the *Animal Care and Protection Act 2001*; or
  - (ii) an offence relating to wildlife against another Act; or
  - (c) an offence against the *Recreation Areas Management Act 2006* relating to a recreation area; or
  - (d) an offence against the *Forestry Act 1959* relating to a State forest or timber reserve; or
  - (e) an offence against the *Marine Parks Act 2004* relating to a marine park; or
  - (f) an offence, however described, equivalent to an offence mentioned in paragraphs (a) to (e) in another State or country.
- (2) However, subsection (1) applies only if the chief executive is satisfied the activities of the person that led to the person's conviction are of the same nature as the activities for which the protected area authority is sought.

*Examples—*

- 1 The person was convicted of an offence against section 62 of the Act for taking a cultural or natural resource of a protected area and the person has applied for a protected area authority authorising the taking of the cultural or natural resources of a protected area.
  - 2 The person was convicted of an offence against section 88 of the Act for taking a protected animal and the person has applied for a protected area authority authorising the taking of an animal that is a natural resource of a protected area.
- (3) Also, this section does not apply if the person's conviction is for an offence for which the person was given an infringement notice under the *State Penalties Enforcement Act 1999*.

## **5 When person not a suitable person—wildlife authorities only**

- (1) A person is not a suitable person to hold a wildlife authority if the person, or an associate of the person, has, within 3 years before the relevant day, been convicted of—
- (a) an offence against the Act; or

- 
- (b) an offence that is—
    - (i) an animal welfare offence under the *Animal Care and Protection Act 2001*; or
    - (ii) an offence relating to wildlife against another Act; or
  - (c) an offence, however described, equivalent to an offence mentioned in paragraph (a) or (b) in another State or country.
- (2) Subsection (1) applies to a person's conviction only if the chief executive is satisfied the activities of the person that led to the person's conviction are of the same nature as the activities for which the wildlife authority is sought.

*Examples—*

- 1 The person was convicted of an offence against section 62 of the Act for taking an animal that was a natural resource of a protected area and the person has applied for a wildlife authority authorising the taking of a protected animal.
  - 2 The person was convicted of an offence against section 88 of the Act for taking a protected animal and the person has applied for a wildlife authority authorising the taking of a protected animal.
- (3) Also, subsection (1) does not apply to a person's conviction for an offence for which the person was given an infringement notice under the *State Penalties Enforcement Act 1999*.
- (4) Further, subsection (1) does not apply to a person applying for a damage mitigation permit if—
- (a) the conviction mentioned in subsection (1) of the person, or an associate of the person, happened after the commencement; and
  - (b) the chief executive considers the person to be a suitable person to hold the permit having regard to—
    - (i) the person's ability to carry out activities under the permit in a competent and ethical way; and
    - (ii) the nature of the offence the subject of the conviction, including whether it is against a provision of an Act or a provision of subordinate legislation under an Act; and

- (iii) any previous conviction, other than a spent conviction, of the person, or an associate for the person, for an offence mentioned in subsection (1); and
  - (iv) the classification of any wildlife the subject of the conviction mentioned in paragraph (a) or subparagraph (iii) under the law of the State in which the conviction happened.
- (5) In this section—
- spent conviction*** means a conviction—
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
  - (b) that is not revived as prescribed under section 11 of that Act.

## Schedule 3 Fees

part 8, division 1

### Part 1 Fees for protected area authorities and commercial activity agreements

#### Division 1 Fees for permit 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—
  - (a) for each kilogram of seed, or each linear metre of other propagative material, of a least concern plant mentioned in schedule 4—
    - (i) if the plant is a category 1 least concern plant 1.65
    - (ii) if the plant is a category 2 least concern plant 3.30
    - (iii) if the plant is a category 3 least concern plant 7.15
    - (iv) if the plant is a category 4 least concern plant 10.90
    - (v) if the plant is a category 5 least concern plant 14.55
    - (vi) if the plant is a category 6 least concern plant 18.35
    - (vii) if the plant is a category 7 least concern plant 22.20
    - (viii) if the plant is a category 8 least concern plant 25.80
    - (ix) if the plant is a category 9 least concern plant 29.65
    - (x) if the plant is a category 10 least concern plant 33.35

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	\$
(xi) if the plant is a category 11 least concern plant	37.25
(xii) if the plant is a category 12 least concern plant	40.85
(xiii) if the plant is a category 13 least concern plant	44.70
(xiv) if the plant is a category 14 least concern plant	48.40
(xv) if the plant is a category 15 least concern plant	52.15
(xvi) if the plant is a category 16 least concern plant	55.90
(xvii) if the plant is a category 17 least concern plant	65.30
(xviii) if the plant is a category 18 least concern plant	74.70
(xix) if the plant is a category 19 least concern plant	84.05
(xx) if the plant is a category 20 least concern plant	93.50
(xxi) if the plant is a category 21 least concern plant	102.80
(xxii) if the plant is a category 22 least concern plant	112.00
(xxiii) if the plant is a category 23 least concern plant	121.40
(xxiv) if the plant is a category 24 least concern plant	130.90
(xxv) if the plant is a category 25 least concern plant	140.00
(xxvi) if the plant is a category 26 least concern plant	149.40
(xxvii) if the plant is a category 27 least concern plant	158.80
(xxviii) if the plant is a category 28 least concern plant	168.10
(xxix) if the plant is a category 29 least concern plant	178.40
(xxx) if the plant is a category 30 least concern plant	187.10
(xxxi) if the plant is a category 31 least concern plant	224.60
(xxxii) if the plant is a category 32 least concern plant	262.00
(xxxiii) if the plant is a category 33 least concern plant	299.40
(xxxiv) if the plant is a category 34 least concern plant	337.20



	\$
(xxxv) if the plant is a category 35 least concern plant	374.70
(xxxvi) if the plant is a category 36 least concern plant	412.00
(b) for each kilogram of seed of a least concern plant not mentioned in schedule 4—	
(i) if there are not more than 10 seeds of the plant in the kilogram	1.65
(ii) if there are more than 10 but not more than 1,000 seeds of the plant in the kilogram	3.30
(iii) if there are more than 1,000 but not more than 10,000 seeds of the plant in the kilogram	10.90
(iv) if there are more than 10,000 but not more than 50,000 seeds of the plant in the kilogram	18.40
(v) if there are more than 50,000 but not more than 100,000 seeds of the plant in the kilogram	29.65
(vi) if there are more than 100,000 seeds of the plant in the kilogram	40.85
(c) for each linear metre of other propagative material of a least concern plant not mentioned in schedule 4	1.65
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—	
(a) for each kilogram of foliage, flowers or inflorescences of a least concern plant mentioned in schedule 5—	
(i) if the plant is a category A least concern plant	1.46
(ii) if the plant is a category B least concern plant	1.80
(iii) if the plant is a category C least concern plant	2.31
(b) for each kilogram of foliage, flowers or inflorescences of a least concern plant not mentioned in schedule 5	2.19
3 Apiary permit, for each apiary site—	

Schedule 3

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	\$
(a) for a term of 6 months or less	90.85
(b) for a term of more than 6 months but not more than 1 year	135.60
(c) for a term of more than 1 year but not more than 2 years	244.10
(d) for a term of more than 2 years but not more than 3 years	345.80
(e) for a term of more than 3 years but not more than 4 years	433.90
(f) for a term of more than 4 years	508.50
4 Transfer of apiary permit	61.45

**Division 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	3.50
(ii) for each other person 5 years or older	6.35
(b) for each night the camp the subject of the permit is unattended	6.35
(c) maximum for a family for each night	4 times the fee stated for 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 between 1 head each hectare and 1 head each 4ha	20.31
(ii) for an area with a stock-carrying capacity between 1 head each 4ha and 1 head each 10ha	14.05
(iii) for an area with a stock-carrying capacity between 1 head each 10ha and 1 head each 15ha	7.72
(iv) for an area with a stock-carrying capacity between 1 head each 15ha and 1 head each 25ha	6.15
(v) for an area with a stock-carrying capacity greater than 1 head each 25ha	4.44
(b) minimum fee payable	87.00
7 Travelling stock permit—	
(a) for cattle or horses—for each 1km, for each 20 head or part of 20 head	.07
(b) for other stock—for each 1km, for each 150 head or part of 150 head	.07
8 Commercial activity permit for filming or photography that involves 11 or more persons if no prescribed structure is involved—	
(a) application fee	350.30
(b) renewal fee	350.30
(c) permit fee—for each day on which activities are carried out under the permit	175.70
9 Commercial activity permit for filming or photography if prescribed structure is involved—	
(a) only 1 to 5 persons involved in the filming or photography—	
(i) application fee	175.70

## Schedule 3

	\$
(ii) renewal fee	175.70
(iii) permit fee—for each day on which activities are carried out under the permit	175.70
(b) only 6 to 25 persons involved in the filming or photography—	
(i) application fee	870.00
(ii) renewal fee	870.00
(iii) permit fee—for each day on which activities are carried out under the permit	870.00
(c) only 26 to 50 persons involved in the filming or photography—	
(i) application fee	1,750.00
(ii) renewal fee	1,750.00
(iii) permit fee—for each day on which activities are carried out under the permit	1,750.00
(d) 51 or more persons involved in the filming or photography—	
(i) application fee	3,512.00
(ii) renewal fee	3,512.00
(iii) permit fee—for each day on which activities are carried out under the permit	3,512.00
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	166.60
(ii) otherwise	333.60
(b) renewal fee	166.60
(c) permit fee—	

	\$
(i) for a term of 3 months or less	66.80
(ii) for a term of more than 3 months but not more than 1 year	266.50
(iii) for a term of more than 1 year but not more than 2 years	535.00
(iv) for a term of more than 2 years but not more than 3 years	755.00
(v) for a term of more than 3 years—	
(A) for the first 3 years of the term	755.00
(B) for each year after the third year of the term	252.30
(d) transfer fee	166.20
(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	1.98
(ii) for an activity lasting 3 hours or more	3.55
(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	3.50
(ii) otherwise	6.35
11 Organised event permit—	
(a) application fee	33.05
(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 activities are carried out under the permit—	

## Schedule 3

	\$
(i) for a vehicle-based activity—for each vehicle used for the activity	4.80
(ii) for a people-based activity—for each person taking part in the activity	2.45
(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	3.50
(B) otherwise	6.35
(ii) maximum for a family	4 times the fee stated for subparagraph (i)(B)

### **Division 3                      Fees for commercial activity agreements**

	\$
12 Commercial activity agreement—	
(a) for submission of an expression of interest	333.60
(b) for an application	333.60
(c) for using a way, not involving a submission of an expression of interest or an application, to enter into a commercial activity agreement	nil

## Part 2 Fees for wildlife authorities

### Division 1 Licences for animals

	\$
1 Commercial wildlife licence (wildlife interaction)	158.80
2 Commercial wildlife licence for live animals—	
(a) for live birds but not live reptiles or live scorpions and live spiders—	
(i) for a term of 1 month or less	133.50
(ii) for a term of more than 1 month but not more than 1 year	665.00
(iii) for a term of more than 1 year	1,902.00
(b) for live reptiles but not live birds or live scorpions and live spiders—	
(i) for a term of 1 month or less	133.50
(ii) for a term of more than 1 month but not more than 1 year	665.00
(iii) for a term of more than 1 year	1,902.00
(c) for live birds and live reptiles but not live scorpions and live spiders—	
(i) for a term of 1 month or less	212.00
(ii) for a term of more than 1 month but not more than 1 year	822.00
(iii) for a term of more than 1 year	2,342.00
(d) for live scorpions and live spiders but not live birds or live reptiles—	
(i) for a term of 1 month or less	31.20
(ii) for a term of more than 1 month but not more than 1 year	157.30

## Schedule 3

	\$
(iii) for a term of more than 1 year	441.30
(e) for live scorpions and live spiders and either live birds or live reptiles—	
(i) for a term of 1 month or less	151.00
(ii) for a term of more than 1 month but not more than 1 year	689.00
(iii) for a term of more than 1 year	1,970.00
(f) for live scorpions and live spiders and live birds and live reptiles—	
(i) for a term of 1 month or less	230.00
(ii) for a term of more than 1 month but not more than 1 year	842.00
(iii) for a term of more than 1 year	2,410.00
(g) for adding only live birds, only live reptiles, only live scorpions and live spiders or adding a combination of live birds, live reptiles or live scorpions and live spiders to licence	the CWL addition fee
3 Commercial wildlife licence for dead animals—	
(a) for dead macropods—	
(i) for a term of 1 year or less—	
(A) until the end of 31 December 2017	674.00
(B) on and from 1 January 2018	697.00
(ii) for a term of more than 1 year—	
(A) until the end of 31 December 2017	1,915.00
(B) on and from 1 January 2018	1,982.00
(b) for other dead animals—	
(i) for a term of 1 month or less	133.50



	\$
(ii) for a term of more than 1 month but not more than 1 year	665.00
(iii) for a term of more than 1 year	1,902.00
4 Recreational wildlife licence for animals—	
(a) standard fee	78.60
(b) additional fee if the licence is for restricted animals	236.20
(c) additional fee if the licence is for international animals	17.35
(d) for adding restricted animals to a licence granted for animals other than restricted animals	236.20
(e) for adding international animals to a licence granted for animals other than international animals	17.35
5 Commercial wildlife harvesting licence for animals—	
(a) for macropods—	
(i) until the end of 31 December 2017	153.50
(ii) on and from 1 January 2018	158.80
(b) for spiders or scorpions	322.70
(c) for other animals	333.60
6 Recreational wildlife harvesting licence for animals	75.10
7 Wildlife farming licence—	
(a) for butterflies—	
(i) for a term of 1 year or less	175.70
(ii) for a term of more than 1 year	501.00
(b) for crocodiles—	
(i) for a term of 1 year or less	1,374.00
(ii) for a term of more than 1 year	3,934.00
(c) for emus—	
(i) for a term of 1 year or less	517.00

Schedule 3

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	\$
(ii) for a term of more than 1 year	1,475.00
(d) for reptiles of the family Elapidae, Hydrophiidae or Laticaudidae—	
(i) for a term of 1 year or less	350.20
(ii) for a term of more than 1 year	996.00
(e) for water buffalos—	
(i) for a term of 1 year or less	501.00
(ii) for a term of more than 1 year	1,426.00

**Division 2                      Permits for animals**

	\$
8    Permit to keep wildlife	78.60

**Division 3                      Collection authorities for animals**

	\$
9    Collection authority to keep a collection of dead protected animals	78.60
10   Collection authority to take and keep least concern animals	100.30

**Division 4                      Licences for protected plants**

	\$
11   Protected plant growing licence—	

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	\$
(a) fee	572.00
(b) concessional fee	143.20
12 Protected plant harvesting licence—	
(a) fee	1,146.00
(b) concessional fee	286.70

### **Division 5                      Permits for protected plants**

	\$
13 Protected plant clearing permit—	
(a) fee	2,866.00
(b) concessional fee	715.00

### **Division 6                      Permit or movement advice for moving wildlife**

	\$
14 Wildlife movement permit	16.35
15 Movement advice	3.65

### **Part 3                              Fees for tags**

	\$
1 Tag for a farm crocodile skin	2.04
2 Tag for a farm emu skin	1.46

## Schedule 3

	\$
3 Tag for a macropod skin or carcass—	
(a) for a commercial wildlife harvesting licence for macropods—each lot of 500 tags—	
(i) until the end of 31 December 2017	460.00
(ii) on and from 1 January 2018	476.00
(b) for a commercial wildlife harvesting licence for macropods—each lot of 50 tags—	
(i) until the end of 31 December 2017	46.00
(ii) on and from 1 January 2018	47.60
(c) for a recreational wildlife harvesting licence for macropods, until the end of 31 December 2017—each tag	1.01
4 Tag for a protected plant	0.47
5 Tag that is an approved mark of the department	8.25

## Part 4 Fees for sampling or implanting animals

	\$
1 An approved electromagnetic implant	17.55
2 Consumable used to obtain a biological tissue sample of an animal and storage of the sample by an approved scientific institution	34.05

## Part 5 Fees for record books and record and return books

	\$
1 Record and return book for holder of commercial wildlife licence for macropods—	
(a) until the end of 31 December 2017	32.90
(b) on and from 1 January 2018	34.05
2 Record and return book for holder of commercial wildlife harvesting licence for macropods—	
(a) until the end of 31 December 2017	8.00
(b) on and from 1 January 2018	8.25
3 Record book for another licence or a permit to keep wildlife—	
(a) for a book with 20 pages	8.25
(b) for a book with 50 pages	20.60

## Part 6 Fees for other amendments

	\$
1 For an amendment of a relevant 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 an amendment of a camping permit taken to be granted under section 42 for an e-permit camping area—	
(i) for every third amendment	14.25
(ii) for every other amendment	nil

Schedule 3

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	<b>\$</b>
(b) for an amendment of any other camping permit	nil
(c) for any other amendment of the relevant authority—for each amendment	17.35

## Schedule 4 Categories of least concern plants for fees payable for seeds or other propagative material

section 149(4)(a) and (5) and schedule 3, part 1, division 1, item 1

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
<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

## Schedule 4

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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
<i>Acacia mangium</i> found south of latitude 15° south	19
<i>Acacia melanoxydon</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



<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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</i> spp. other than a species of least concern plants not already mentioned in this schedule	12
<i>Acacia stenophylla</i>	13
<i>Acacia suaveolens</i>	9
<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
<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

## Schedule 4

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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
<i>Callistemon rigidus</i>	10
<i>Callistemon salignus</i>	9
<i>Callistemon sieberi</i>	10
<i>Callistemon</i> spp. other than a species of least concern plants already mentioned in this schedule	12
<i>Callistemon viminalis</i>	11
<i>Callitris columellaris</i>	16
<i>Callitris macleayana</i>	18
<i>Callitris rhomboidea</i>	11

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Callitris</i> spp. other than a species of least concern plants 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
<i>Corymbia peltata</i>	12
<i>Corymbia polycarpa</i>	14
<i>Corymbia setosa</i>	19
<i>Corymbia</i> spp. other than a species of least concern plants already mentioned in this schedule	14
<i>Corymbia tessellaris</i>	19
<i>Corymbia torelliana</i>	21
<i>Corymbia trachyphloia</i>	14
<i>Cupaniopsis</i> spp.	5
<i>Cycas media</i> subsp. <i>banksii</i>	1

## Schedule 4

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<i>Cycas media</i> subsp. <i>media</i>	1
<i>Cycas</i> spp. other than a species of least concern plants 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
<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

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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
<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

## Schedule 4

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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
<i>Eucalyptus</i> spp. other than a species of least concern plants already mentioned in this schedule	14
<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>Euodia</i> spp.	6
<i>Ficus</i> spp.	12

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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</i> spp. other than a species of least concern plants already mentioned in this schedule	19
<i>Grevillea whiteana</i>	19
<i>Hakea</i> spp.	21
<i>Hardenbergia violacea</i>	12
<i>Harpullia</i> spp.	6
<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 of least concern plants already mentioned in this schedule	9
<i>Lophostemon confertus</i>	6

## Schedule 4

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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 of least concern plants 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
<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</i> spp. other than a species of least concern plants already mentioned in this schedule	12
<i>Melaleuca stenostachya</i>	13
<i>Melaleuca styphelioides</i>	12
<i>Melaleuca thymifolia</i>	16
<i>Melaleuca viridiflora</i>	18



<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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
<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

## Schedule 5 Categories of least concern plants for fees payable for foliage, flowers or inflorescences

section 149(4)(b) and (5) and schedule 3, part 1, division 1, item 2

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
<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

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<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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

## Schedule 6 Dictionary

### section 4

***Aboriginal land protected area***, for part 2, division 3, subdivision 2, see section 25.

***additional conditions notice***, for an e-permit camping area, means a notice erected or displayed near an e-permit camping notice for the area stating conditions, applying to a person camping in the area, additional to the conditions stated on the e-permit camping notice.

***animal record particulars***, for an animal, means each of the following—

- (a) the particulars of the animal;
- (b) if the animal was obtained by taking the animal—the particulars of the taking;
- (c) if the animal was obtained, or is disposed of, under a transaction—the particulars of the transaction;
- (d) if the animal escapes or dies—the particulars of the escape or death;
- (e) if the animal produces offspring—the particulars for the offspring.

***approved electromagnetic implant*** means an electromagnetic implant approved by the Minister for use on animals for identification purposes.

***approved scientific institution***, for an animal, means a scientific institution approved by the Minister for accepting biological tissue samples of the animal.

***associate***, of a person who is being considered as suitable or not suitable to hold a relevant authority, see schedule 2, section 1.

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

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***attach***, to a plant, means any of the following—

- (a) insert into, or fasten to the outside of, the individual tube or pot containing the plant;
- (b) attach to the stem of the plant;
- (c) fasten to the board or other material on which the plant is mounted;
- (d) insert between the board or other material on which the plant is mounted and any backing material for the board or other material in a way that allows the tag to be seen.

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

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

***buyer***, for part 3, division 6, see section 111(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 prescribed fee for camping in a protected area.

***camping fee container*** see section 52(3).

***camping fee envelope*** see section 52(5)(b).

***camping form*** see section 52(3).

***camping tag*** see section 51(4).

***Cape York Peninsula Region***, for part 2, division 3, subdivision 2, see section 25.

***character***, of an area, see section 7.

***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—2 months after the seizure notice is given for the thing.

***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 83(1).

**condition**, in relation to a relevant authority, includes a condition of a relevant authority that has expired if the condition imposed an obligation that continues to apply after the authority has expired.

**corporation** see the Corporations Act, section 57A.

**CWL addition fee**, for schedule 3, part 2, division 1, item 2(g) for adding only live birds, only live reptiles, only live scorpions and live spiders or adding a combination of live birds, live reptiles or live scorpions and live spiders to a commercial wildlife licence for live animals, means the amount that is the difference between—

- (a) the fee stated in schedule 3, part 2 for a commercial wildlife licence for the animals to which the licence will apply immediately after the addition; and
- (b) the fee stated in schedule 3, part 2 for a commercial wildlife licence for the animals to which the licence applied immediately before the addition.

**demerit point** means a demerit point accumulated under section 170.

**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 51(1).

**e-permit distribution point**, for an e-permit camping area, means a place where a camping tag may be obtained for the area.

***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
- conducting an activity 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
- providing a mechanical or vehicle towing service 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***, for part 2, division 3, subdivision 3, see section 39(1).

***external review***, for a decision, means a review of the decision by QCAT under the QCAT Act.

***farm animal***—

- 1 An animal of a species mentioned in paragraph 2 is a *farm animal* if the animal—



- 
- (a) is wild by nature and is lawfully taken from the wild under the Act; or
  - (b) is farmed; or
  - (c) has been, or is being, lawfully moved into the State for use for farming.
- 2 For paragraph 1, the species are as follows—
- (a) a reptile of the family Elapidae, Hydrophiidae or Laticaudidae;
  - (b) birdwing butterfly (*Ornithoptera* sp.);
  - (c) emu (*Dromaius novaehollandiae*);
  - (d) estuarine crocodile (*Crocodylus porosus*);
  - (e) freshwater crocodile (*Crocodylus johnstoni*);
  - (f) Ulysses butterfly (*Papilio ulysses*);
  - (g) water buffalo (*Bubalus bubalis*).

***farm crocodile*** means a crocodile that is a farm animal.

***farm emu*** means an emu that is a farm animal.

***harvest period***, for wildlife, means a period during which a person may take the wildlife.

***identification code*** means—

- (a) for an electromagnetic implant—a sequence of letters and numbers produced by the implant to identify the implant; or
- (b) for a tag—a sequence of letters and numbers that identify the tag.

***incorporated association*** means an association incorporated under the *Associations Incorporation Act 1981*.

***information notice***, about a decision, means a notice stating the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) all rights of internal review under this regulation;

- (d) the period in which any internal review under this regulation must be started;
- (e) how rights of internal review under this regulation are to be exercised;
- (f) if applicable, that a person may apply, as provided under the QCAT Act, to QCAT for a stay of a decision the subject of an internal review.

***internal review decision*** see section 117(1)(b).

***joint marine park authority*** means an instrument 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.

***lawfully***, in relation to doing an act, means to do the act in a way that is authorised under an Act or a law of another State.

***licensed premises***, for a wildlife authority, means the premises stated on the authority as the licensed premises for the authority.

***macropod*** means an animal within the family Macropodidae.

***management instrument*** means any of the following—

- (a) the *Nature Conservation (Protected Areas Management) Regulation 2017*;
- (b) the *Nature Conservation (Wildlife Management) Regulation 2006*;
- (c) a conservation plan.

***marine park Act*** means either of the following—

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

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

***member***, of the Australian Defence Force, see the *Defence Act 1903* (Cwlth), section 4.

***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 part 2, division 3, subdivision 3, see section 38.

***notice*** means written notice.

***officer***, of an incorporated association, see the *Associations Incorporation Act 1981*, schedule.

***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 animals 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 party***, to a commercial activity agreement, see section 105(a).

***owner***, of a seized thing, means—

(a) if the chief executive 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.

***part***, of a protected plant, includes a stem, phyllode, foliage, bud, flower, spore, seed, fruit, bark, oil, root, rhizome, resin, gum, exudate, gall, genetic material, chemical and any other structural component or constituent, of the plant.

***particulars***, of an animal or a protected plant, includes the identification code for the following—

(a) for an animal—any electromagnetic implant inserted into the animal or any tag attached to the animal;

(b) for a protected plant—any tag attached to the plant.

**permit holder** for part 2, division 3, subdivision 3, see section 39(1).

**prescribed commercial activity** see the *Nature Conservation (Protected Areas Management) Regulation 2017*, schedule 8.

**prescribed exempt bird record** see section 132(1)(b).

**prescribed fee** means a fee payable under part 8.

**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** means a protected area to which the *Nature Conservation (Protected Areas Management) Regulation 2017* applies, or a part of the protected area.

*Note—*

For the protected areas to which the *Nature Conservation (Protected Areas Management) Regulation 2017* applies, see chapter 1, part 2 of that regulation.

**protected area authority** means a permit or authority mentioned in section 9 or 10.

**protected plant harvest record** see section 132(1)(d).

**protected plants code of practice** means the document called ‘The code of practice for the harvest and use of protected plants’, approved by the chief executive under section 174A of the Act and published on the department’s website.

*Note—*

A copy of the code is open for public inspection, during office hours on business days, at the department's head office and each regional office of the department. See section 174A(3) of the Act.

***protected plant trade record*** see section 132(1)(e).

***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.

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

***reasonably considers*** means considers on grounds that are reasonable in all the circumstances.

***record***, for a relevant authority or an exemption under the *Nature Conservation (Wildlife Management) Regulation 2006*, means the record required, under the Act, to be kept for the authority or exemption.

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

***record book*** means a record book supplied by the chief executive.

***recreational plant society*** means a society that—

- (a) is an incorporated association; and
- (b) has, as 1 of its main functions, the conservation of plants.

***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 authority*** means—

- (a) a protected area authority; or
- (b) a wildlife authority.

***relevant day***, for a person, see schedule 2, section 1.

***relevant person***—

- 1 *A relevant person*, for the holder of a protected area authority, is—
  - (a) for an Aboriginal tradition 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 if the employee or agent is acting under the direction of the individual; or
    - (ii) if the holder is a corporation—an executive officer, employee or agent of the corporation, if the officer, employee or agent is acting for the corporation.
- 2 *A relevant person*, for the holder of a wildlife authority, is—
  - (a) for a rehabilitation permit—
    - (i) if the holder is an individual—an employee or agent of the individual if the employee or

- agent is acting under the direction of the individual; or
- (ii) if the holder is a corporation other than an incorporated association—
    - (A) the person stated on the permit as the person in charge of the licensed premises for the permit; and
    - (B) an executive officer, employee or agent of the corporation, if the officer, employee or agent is acting under the direction of the person mentioned in sub-subparagraph (A); or
  - (iii) if the holder is an incorporated association—
    - (A) the person stated on the permit as the person in charge of the activity for which the permit is granted; and
    - (B) an officer, member, employee or agent of the holder, if the member, employee or agent is acting under the direction of the person mentioned in sub-subparagraph (A); or
  - (b) for an Aboriginal tradition or Island custom authority—each person stated on the authority as a person who may take, keep or use wildlife, under the authority; or
  - (c) for a collection authority to take and keep least concern animals—each member of the Australian Defence Force; or
  - (d) for another wildlife authority—
    - (i) if the holder is an individual—an employee or agent of the individual if the employee or agent is acting under the direction of the holder; or
    - (ii) if the holder is a corporation—



- 
- (A) the person stated on the licence, permit or authority as the person in charge of the licensed premises for the licence, permit or authority; and
  - (B) an executive officer, employee or agent of the corporation, if the officer, employee or agent is acting under the direction of the person mentioned in sub-subparagraph (A).

***relevant wildlife authority***, for part 8, division 1, see section 148.

***renewal request***, for part 2, division 3, subdivision 3, see section 39(1).

***reviewable decision*** means the following decisions of the chief executive—

- (a) a decision for which an information notice must be given;
- (b) a decision to refuse to give an approval or authorisation under a management instrument;
- (c) a decision to impose a condition on an approval or authorisation given under a management instrument;
- (d) a decision to give a notice under the *Nature Conservation (Wildlife Management) Regulation 2006*, section 331(2).

***seized thing*** see section 121.

***seizure notice***, for a seized thing, means a notice given under section 126 for the thing.

***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 52(1).

***seller***, for part 3, division 6, see section 111(1).

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

**substantially the same**, for part 2, division 3, subdivision 3, see section 42(1).

**tag** includes a band, ring, implant, label or other thing that may be attached to wildlife.

**term**, of a relevant authority, see section 17.

**truck** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**whole**, for a protected plant, includes—

- (a) a seedling, but not an ungerminated seed; and
- (b) if a person divides a plant into 1 or more viable plants—each viable plant.

**wildlife authority** means a licence, permit or authority mentioned in section 11, 12, 13, 14, 15 or 16.

**year** means a period of 12 months—

- (a) starting at the beginning of any day of a calendar year; and
- (b) ending—
  - (i) immediately before the beginning of the corresponding day of the following calendar year; or
  - (ii) if the year started on 29 February of a year—at the end of 28 February of the following calendar year.