



*Nature Conservation Act 1992*

# **Nature Conservation (Protected Areas Management) Regulation 2017**

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Queensland

# Nature Conservation (Protected Areas Management) Regulation 2017

## Contents

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		Page
<b>Chapter 1</b>	<b>Preliminary</b>	
<b>Part 1</b>	<b>General</b>	
1	Short title .....	11
2	Commencement .....	11
3	Overview .....	11
4	Relationship with Nature Conservation (Administration) Regulation 2017 12	
<b>Part 2</b>	<b>Application</b>	
6	Application generally .....	12
7	Application to national park (Aboriginal land) or national park (Torres Strait Islander land) .....	12
8	Application to State forest or timber reserve in coordinated conservation area .....	13
9	Application to special wildlife reserve and nature refuge .....	13
9A	Application to coordinated conservation area .....	13
10	Application to particular activities in resources reserve .....	13
<b>Part 3</b>	<b>Interpretation</b>	
11	General .....	14
12	Scientific names .....	14
13	References to latitudes and longitudes .....	14
<b>Chapter 2</b>	<b>General provisions about particular protected areas</b>	
<b>Part 1</b>	<b>Trustees of conservation parks or resources reserves</b>	
14	Trustees of particular conservation parks to manage park—Act, s 31	15
15	Trustees of particular resources reserves to manage reserve—Act, s 31 16	
16	Application of fees charged by trustees .....	17
<b>Part 2</b>	<b>Permitted uses in national parks</b>	

Contents

---

17	Permitted uses in national parks—Act, s 35 . . . . .	17
18	Permitted uses in national parks under former Act—Act, s 37 . . . . .	18
<b>Chapter 3</b>	<b>Taking, using, keeping or interfering with cultural or natural resources</b>	
<b>Part 1</b>	<b>Considering applications for permits or authorities</b>	
19	Additional matters to be considered . . . . .	18
<b>Part 2</b>	<b>Resources permits and apiary permits</b>	
<b>Division 1</b>	<b>Restrictions on grant</b>	
19A	Restrictions on grant for special wildlife reserve and nature refuge . . . . .	19
20	Restriction on grant about insurance . . . . .	20
<b>Division 2</b>	<b>Resources permits</b>	
<b>Subdivision 1</b>	<b>Additional restrictions on grant of resources permit for particular cultural or natural resources</b>	
21	Restriction about protected area for grant of permit for quarry material . . . . .	20
22	Restrictions about permit for plant parts . . . . .	20
<b>Subdivision 2</b>	<b>Additional restrictions on grant of resources permit for educational purposes</b>	
23	General restriction on grant of permit . . . . .	21
24	Restriction about persons to whom permit may be granted . . . . .	22
25	Restriction about purposes for which permit may be granted . . . . .	22
<b>Subdivision 3</b>	<b>Additional restrictions on grant of resources permit for scientific purposes</b>	
26	General restriction on grant of permit . . . . .	23
27	Restriction about persons to whom permit may be granted . . . . .	23
28	Restriction about purposes for which permit may be granted . . . . .	24
<b>Subdivision 4</b>	<b>Activities authorised by resources permits</b>	
29	Taking, using, keeping and interfering with particular resources authorised . . . . .	25
<b>Subdivision 5</b>	<b>Conducting activities under particular resources permit</b>	
30	Royalty payable for quarry material . . . . .	25
<b>Division 3</b>	<b>Apiary permits</b>	
<b>Subdivision 1</b>	<b>Additional restrictions on grant of apiary permit</b>	
31	Restriction about protected areas for grant of permit . . . . .	26
32	Restriction about number of beehives . . . . .	27
<b>Subdivision 2</b>	<b>Activities authorised by apiary permits</b>	
33	Taking, using, keeping and interfering with particular resources for apiary authorised . . . . .	27

<b>Part 3</b>	<b>Aboriginal tradition or Island custom authorities for taking, using, keeping or interfering with cultural or natural resources</b>	
<b>Division 1</b>	<b>General restrictions on grant for Aboriginal tradition or Island custom authorities</b>	
34	Restriction about resources for which authorities may be granted	28
35	Restriction about way for taking, using, keeping or interfering with resources	29
<b>Division 2</b>	<b>Aboriginal tradition authorities</b>	
<b>Subdivision 1</b>	<b>Considering application</b>	
36	Additional matters to be considered	29
<b>Subdivision 2</b>	<b>Additional restrictions on grant</b>	
37	Restriction about persons to whom authority may be granted	30
38	Restriction about circumstances under which authority may be granted for particular national parks	31
<b>Subdivision 3</b>	<b>Activities authorised by Aboriginal tradition authority</b>	
39	Taking, using, keeping and interfering with particular resources authorised	31
<b>Subdivision 4</b>	<b>Conducting activities under Aboriginal tradition authority</b>	
40	Notifying persons about authorisations and conditions	32
41	Way cultural or natural resource may be taken	32
<b>Division 3</b>	<b>Island custom authorities</b>	
<b>Subdivision 1</b>	<b>Considering application</b>	
42	Additional matters to be considered	33
<b>Subdivision 2</b>	<b>Additional restrictions on grant</b>	
43	Restriction about persons to whom authority may be granted	33
44	Restriction about circumstances under which authority may be granted for particular national parks	34
<b>Subdivision 3</b>	<b>Activities authorised by Island custom authority</b>	
45	Taking, using, keeping and interfering with particular resources authorised	34
<b>Subdivision 4</b>	<b>Conducting activities under Island custom authority</b>	
46	Notifying persons about authorisations and conditions	35
47	Way cultural or natural resource may be taken	35
<b>Part 4</b>	<b>Other taking, using, keeping or interfering with cultural or natural resources</b>	
48	Controlling activity	36
49	Fish, invertebrate animals or mud crabs in particular protected areas	37
50	Prescribed forest reserves for temporary continuation of beekeeping—Act, s 184	38

Contents

---

<b>Chapter 4</b>	<b>Provisions about permits for access to, use of and conduct within protected areas</b>	
<b>Part 1</b>	<b>Provisions applying to all or most permits</b>	
<b>Division 1</b>	<b>Considering applications for activity permits</b>	
51	Additional matters to be considered . . . . .	39
<b>Division 2</b>	<b>Restrictions on grant</b>	
52	Permit must be consistent with management principles and management intent or plan, or conservation agreement . . . . .	40
52A	Restrictions on grant for special wildlife reserve . . . . .	40
52B	Restrictions on grant for nature refuge . . . . .	40
53	Restriction on grant about insurance . . . . .	41
<b>Division 3</b>	<b>Activity authorised by most permits or not authorised by any permit</b>	
54	Access to restricted area authorised under particular permits . .	41
55	Access to area closed to the public not authorised . . . . .	42
<b>Part 2</b>	<b>Camping permits</b>	
56	Camping authorised under permit . . . . .	42
<b>Part 3</b>	<b>Restricted access area permits</b>	
57	Entering restricted access area authorised under permit . . . . .	43
<b>Part 4</b>	<b>Stock grazing permits</b>	
58	Restriction about protected areas for which permit may be granted	43
59	Grazing stock in particular areas authorised under permit . . . . .	44
<b>Part 5</b>	<b>Stock mustering permits</b>	
60	Mustering stock in particular areas authorised under permit . . . .	44
61	Using particular animals or vehicles to muster stock authorised under particular permits . . . . .	44
<b>Part 6</b>	<b>Travelling stock permits</b>	
62	Restriction about protected areas for which permit may be granted	45
63	Travelling stock in particular areas authorised under permit . . . .	45
<b>Part 7</b>	<b>Permits to enter national park (scientific)</b>	
64	Entering particular national parks authorised under permit . . . . .	45
<b>Part 8</b>	<b>Commercial activity permits</b>	
65	Conducting particular activities in particular areas authorised under permit . . . . .	45
66	Keeping record for particular permits . . . . .	46
67	Giving return of operations for particular permits . . . . .	46
<b>Part 9</b>	<b>Permits to solicit donations or information</b>	
68	Soliciting donations or information in particular areas authorised under	

	permit .....	47
<b>Part 10</b>	<b>Organised event permits</b>	
69	Conducting particular activities in particular areas authorised under permit .....	47
<b>Part 11</b>	<b>Permits to use recreational craft</b>	
70	Using particular recreational craft in particular areas authorised under permit .....	48
<b>Part 12</b>	<b>Special activity permits</b>	
71	Conducting particular activities in particular areas authorised under permit .....	48
<b>Chapter 5</b>	<b>Regulatory notices and declarations</b>	
<b>Part 1</b>	<b>Preliminary</b>	
72	Definition for chapter .....	48
<b>Part 2</b>	<b>Regulatory notices</b>	
73	Requirements for regulatory notices .....	49
74	Particular regulatory notices for Aboriginal land protected areas	49
75	Particular regulatory notices for particular protected areas to which indigenous land use agreements apply .....	50
76	Regulatory information notice .....	51
77	Erection of regulatory notice or regulatory information notice is evidence of particular matters .....	52
<b>Part 3</b>	<b>Declaration of restricted access area</b>	
78	Declaration of restricted access area .....	52
79	Reasons for declaring restricted access area .....	53
80	Consultation with stakeholders about declarations .....	54
81	Declarations for Aboriginal land protected areas .....	55
82	Declarations for particular protected areas to which indigenous land use agreements apply .....	56
83	When declarations end .....	57
<b>Part 4</b>	<b>Declaration of prescribed commercial activity</b>	
84	Declaration of prescribed commercial activity .....	57
<b>Part 5</b>	<b>Declaration of special activity</b>	
85	Declaration of special activity .....	58
86	Activities that may be special activities .....	59
87	Consultation with stakeholders about declarations .....	59
<b>Part 6</b>	<b>Declaration of area closed to the public</b>	
88	Declaration of area closed to the public .....	60
<b>Chapter 6</b>	<b>Offences about access to, use of and conduct in protected areas</b>	

Contents

---

<b>Part 1</b>	<b>Access to, use of and conduct in protected area generally</b>	
<b>Division 1</b>	<b>Camping in protected area</b>	
89	Unlawful camping .....	61
90	Compliance with conditions of camping permit .....	62
91	Requirement about number of persons who may camp under permit or approval .....	62
92	Display of camping tags .....	63
93	Complying with direction to leave camping site for protection, safety or minimising disturbance .....	63
94	Complying with direction to leave camping site for person camping at same site for long periods .....	64
<b>Division 2</b>	<b>Conducting other activities in protected area</b>	
95	Unlawfully entering restricted access area .....	66
96	Failing to comply with particular regulatory notices .....	67
97	Unlawfully entering area closed to the public .....	67
98	Unlawfully grazing stock .....	67
99	Unlawfully grazing other animals .....	68
100	Unlawfully mustering stock .....	68
101	Unlawfully travelling stock .....	69
102	Unlawfully travelling other animals .....	69
103	Allowing stock to stray onto protected area .....	69
104	Unlawfully entering national park (scientific) .....	70
105	Unlawfully conducting commercial activity .....	70
106	Compliance with conservation conditions .....	70
107	Unlawfully soliciting donations or information .....	71
108	Unlawfully conducting organised event .....	71
109	Unlawfully conducting special activity .....	72
<b>Part 2</b>	<b>Fires</b>	
110	Unlawful lighting of fires .....	72
111	Unattended fires .....	73
112	Unauthorised things relating to fires .....	74
113	Conservation officer's powers in relation to fires .....	74
<b>Part 3</b>	<b>Unauthorised structures or works</b>	
114	Unauthorised structures and works .....	75
115	Complying with direction to remove unauthorised structures or works	75
<b>Part 4</b>	<b>Using recreational craft, aircraft, vehicles or boats</b>	



116	Unauthorised use of recreational craft generally . . . . .	77
117	Unauthorised flying of aircraft or recreational craft . . . . .	77
118	Unauthorised landing of aircraft or recreational craft . . . . .	77
119	Traffic control for vehicles, boats and recreational craft . . . . .	78
120	Licensing requirement for vehicles and boats . . . . .	79
121	Registration requirement for vehicles . . . . .	80
122	Approval requirement for conditionally registered vehicles . . . . .	80
123	Safe use of vehicles by reference to transport legislation . . . . .	82
124	Safe use of vehicles—other requirements . . . . .	83
125	Safe use of boats and recreational craft . . . . .	83
126	Complying with direction about use of vehicle, boat, aircraft or recreational craft . . . . .	84
127	Other requirements about using vehicle, boat or recreational craft . . . . .	84
<b>Part 5</b>	<b>Animals and plants</b>	
128	Unauthorised feeding of animals . . . . .	85
129	Food to be kept from animals . . . . .	86
130	Unauthorised disturbance of animals . . . . .	87
131	Restriction on animals in protected area . . . . .	87
132	Bringing dogs into or keeping dogs in protected area . . . . .	89
133	Complying with direction to remove animal . . . . .	90
134	Unlawfully bringing plants into protected area . . . . .	90
<b>Part 6</b>	<b>Pollution and waste</b>	
135	Polluting dams, lakes or watercourses . . . . .	91
136	Misusing water . . . . .	92
137	Unlawful use of offensive and harmful substances . . . . .	93
138	Unlawful disposal of offensive and harmful substances . . . . .	93
139	Dumping or abandoning recreational craft, aircraft vehicles or boats . . . . .	94
140	Dumping or abandoning waste materials . . . . .	94
141	Depositing litter brought into protected area . . . . .	95
142	Depositing other litter . . . . .	95
143	Complying with direction about litter . . . . .	95
<b>Part 7</b>	<b>Other conduct in protected area</b>	
144	Unlawfully possessing or using appliances . . . . .	96
145	Use of generator, compressor etc. in particular area of protected area . . . . .	97
146	Disturbance by amplified sound . . . . .	98

Contents

---

147	General misconduct . . . . .	98
148	Conduct in parts of protected area where estuarine crocodiles are or may be present . . . . .	99
149	Tampering with camping tags . . . . .	99
150	Tampering with structures and other things in protected area . .	100
151	Complying with direction to leave for unlawful activities . . . . .	100
152	Complying with direction to leave for dangerous circumstances or emergency or rescue activity . . . . .	101
<b>Chapter 7</b>	<b>Authorised activities in protected areas</b>	
153	Conducting general muster . . . . .	102
154	Permitted dog-walking . . . . .	103
<b>Chapter 8</b>	<b>Seizure of things in protected area</b>	
155	Seizure of particular things for the protection of cultural or natural resources . . . . .	104
156	Stray stock may be seized . . . . .	105
157	Unauthorised structures or works may be seized . . . . .	105
158	Unauthorised vehicle, aircraft, boat or recreational craft may be seized 106	
159	Abandoned structure, works, vehicle, aircraft, boat or recreational craft may be seized . . . . .	106
<b>Chapter 9</b>	<b>Transitional provisions for Nature Conservation (Protected Areas Management) Regulation 2017</b>	
160	Definitions for chapter . . . . .	107
161	Controlling activity . . . . .	108
162	Regulatory notice . . . . .	108
163	Consultation requirements in relation to regulatory notice . . . . .	108
164	Regulatory information notice . . . . .	109
165	Declaration of restricted access area . . . . .	109
166	Consultation requirements in relation to declarations of existing access area . . . . .	109
167	Declaration of prescribed commercial activity . . . . .	109
168	Declaration of special activity . . . . .	110
169	Declaration of area closed to public . . . . .	110
170	Chief executive's written approval . . . . .	110
171	Directions . . . . .	110
172	References to expired regulation . . . . .	111
<b>Schedule 1</b>	<b>Trustees of conservation parks</b> . . . . .	112
<b>Schedule 2</b>	<b>Trustees of resources reserves</b> . . . . .	124

---

<b>Schedule 3</b>	<b>Permitted uses in national parks</b> . . . . .	127
<b>Schedule 4</b>	<b>Permitted uses in national parks under former Act</b> . . . . .	146
<b>Schedule 5</b>	<b>Prescribed forest reserves for temporary continuation of beekeeping</b> . . . . .	148
<b>Schedule 6</b>	<b>Prescribed national parks within which fish, invertebrate animals and mud crabs may be taken</b> . . . . .	153
<b>Schedule 7</b>	<b>Minimum flying height over protected areas</b> . . . . .	159
<b>Schedule 8</b>	<b>Dictionary</b> . . . . .	162



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# Nature Conservation (Protected Areas Management) Regulation 2017

## Chapter 1 Preliminary

### Part 1 General

#### 1 Short title

This regulation may be cited as the *Nature Conservation (Protected Areas Management) Regulation 2017*.

#### 2 Commencement

This regulation commences on 1 September 2017.

#### 3 Overview

This regulation 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

[s 4]

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- (g) authorising particular taking, use, keeping or interference 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.

*Note—*

For land dedicated or declared as a protected area under part 4 of the Act, see the *Nature Conservation (Protected Areas) Regulation 1994*.

#### **4 Relationship with Nature Conservation (Administration) Regulation 2017**

This regulation must be read together with the *Nature Conservation (Administration) Regulation 2017*.

*Note—*

See the *Nature Conservation (Administration) Regulation 2017*, section 3.

## **Part 2 Application**

### **6 Application generally**

Subject to sections 7 to 10, this regulation applies to all protected areas.

### **7 Application to national park (Aboriginal land) or national park (Torres Strait Islander land)**

A provision of this regulation applies to a national park (Aboriginal land) or national park (Torres Strait Islander land), or a part of the national park, unless the provision declares that it does not apply to the national park or part.

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**8 Application to State forest or timber reserve in coordinated conservation area**

A provision of this regulation applies to a State forest or timber reserve under the *Forestry Act 1959* in a coordinated conservation area only if, and to the extent that, the provision declares that it applies to the forest or reserve.

**9 Application to special wildlife reserve and nature refuge**

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

**9A Application to coordinated conservation area**

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

(2) In this section—

*private land* means land other than State land.

**10 Application to particular activities in resources reserve**

(1) This regulation does not apply to the following activities on land in a resources reserve—

- (a) an activity conducted under a mineral authority or petroleum authority on land covered by the authority;
- (b) camping or fossicking under the *Fossicking Act 1994*.

(2) In this section—

*mineral authority* means an exploration permit, mineral development licence, mining claim, mining lease or prospecting permit under the *Mineral Resources Act 1989*.

*petroleum authority* means the following—

- (a) an authority to prospect or a lease under the *Petroleum Act 1923*;

[s 11]

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- (b) an authority to prospect, data acquisition authority, petroleum lease, pipeline licence, survey licence or water monitoring authority under the *Petroleum and Gas (Production and Safety) Act 2004*.

## Part 3 Interpretation

### 11 General

- (1) The dictionary in schedule 8 defines particular words used in this regulation.
- (2) Subject to subsection (1), and unless this regulation provides otherwise, words used in this regulation have the same meaning as they have in the *Nature Conservation (Administration) Regulation 2017*.
- (3) Subsection (2) is not limited to words defined in the *Nature Conservation (Administration) Regulation 2017* but also applies to a provision of that regulation aiding the interpretation of words used in that regulation.

*Note—*

For provisions aiding the interpretation of words used in the *Nature Conservation (Administration) Regulation 2017*, see sections 5 to 7 of that regulation.

### 12 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.

### 13 References to latitudes and longitudes

- (1) The latitudes and longitudes used to describe the boundary of an area mentioned in this regulation are worked out using GDA94.



- (2) In this section—

**GDA94** means the Geocentric Datum of Australia, commonly called ‘GDA 94’, notified in the Commonwealth Government Gazette No. GN 35 on 6 September 1995, at page 3369.

## Chapter 2      General provisions about particular protected areas

### Part 1            Trustees of conservation parks or resources reserves

#### 14      Trustees of particular conservation parks to manage park—Act, s 31

- (1) Each conservation park mentioned in schedule 1, column 1 must be managed by the trustee of the park.

*Note—*

Conservation parks are dedicated by the *Nature Conservation (Protected Areas) Regulation 1994*, section 5.

- (2) The trustee of the park—
- (a) is stated in schedule 1, column 2 opposite the park; and
  - (b) has, for the park, the powers of the chief executive stated in schedule 1, column 3 opposite the park.
- (3) For a conservation park mentioned in schedule 1, column 1—
- (a) the chief executive—
    - (i) is not responsible for managing the park; and
    - (ii) does not have the powers given to the trustee of the park, under subsection (2)(b); and
  - (b) a reference in this regulation, or the *Nature Conservation (Administration) Regulation 2017*, to the

[s 15]

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chief executive is taken to be a reference to the trustee of the park, to the extent the reference applies to—

- (i) the management of the park generally; or
  - (ii) the trustee’s powers under subsection (2)(b).
- (4) A reference in schedule 1 to an area of the State followed by the words ‘City Council’, ‘Regional Council’ or ‘Shire Council’ is a reference to a local government.

## **15 Trustees of particular resources reserves to manage reserve—Act, s 31**

- (1) Each resources reserve mentioned in schedule 2, part 1, column 1 must be jointly managed by the joint trustees of the reserve.

*Note—*

Resources reserves are dedicated by the *Nature Conservation (Protected Areas) Regulation 1994*, section 6.

- (2) The joint trustees of the reserve are stated in schedule 2, part 1, column 2 opposite the reserve.
- (3) Subsection (4) applies to a resources reserve mentioned in schedule 2, part 2, column 1.
- (4) The other joint trustee has, for the reserve, the powers of the chief executive stated in schedule 2, part 2, column 2 opposite the reserve.
- (5) For a resources reserve mentioned in schedule 2, part 1, column 1 a reference in this regulation, or the *Nature Conservation (Administration) Regulation 2017*, to the chief executive is taken to include a reference to the other joint trustee, to the extent the reference applies to—
- (a) the management of the reserve generally; or
  - (b) if the other joint trustee has been given powers of the chief executive under subsection (4)—the other joint trustee’s powers under subsection (4).
- (6) In this section—

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*other joint trustee*, for a resources reserve mentioned in schedule 2, part 1, column 1 means the joint trustee, other than the chief executive, stated in schedule 2, part 1, column 2 opposite the reserve.

## **16 Application of fees charged by trustees**

- (1) This section applies to—
  - (a) a conservation park placed under the management of the trustee of the park under section 14; and
  - (b) a resources reserve placed under the management of the trustee of the reserve under section 15.
- (2) If the trustee of the park or reserve charges a fee for a service the trustee provides in the park or reserve, the trustee must use the fee for giving effect to the management principles for the park or reserve.

## **Part 2 Permitted uses in national parks**

### **17 Permitted uses in national parks—Act, s 35**

- (1) For section 35(1)(d) of the Act—
  - (a) a use stated in schedule 3, part 1, column 2 is prescribed as a permitted use for the national park stated opposite the use in part 1, column 1 of that schedule if the use is only for a service facility; and
  - (b) a use stated in schedule 3, part 2, column 2 is prescribed as a permitted use for the national park stated opposite the use in part 2, column 1 of that schedule if the use is only for an ecotourism facility.
- (2) A drawing, map or plan mentioned in schedule 3 is—
  - (a) held by the department; and

[s 18]

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- (b) available for inspection, free of charge, by members of the public at the head office of the department during normal business hours.
- (3) A reference in schedule 3 to an area of the State followed by the words ‘City Council’ or ‘Regional Council’ is a reference to a local government.

## **18 Permitted uses in national parks under former Act—Act, s 37**

- (1) For section 37(2) of the Act, a use stated in schedule 4, column 2 is prescribed as a permitted use for the national park, or part of the national park, under the former Act stated in schedule 4, column 1 opposite the use.
- (2) A map or plan mentioned in schedule 4 is a map or plan—
  - (a) held by the department; and
  - (b) available for inspection, free of charge, by members of the public at the head office of the department during normal business hours.

# **Chapter 3 Taking, using, keeping or interfering with cultural or natural resources**

## **Part 1 Considering applications for permits or authorities**

### **19 Additional matters to be considered**

- (1) In considering an application for a permit to take, use, keep or interfere with cultural or natural resources of a protected area (a *resources permit*), an apiary permit, an Aboriginal tradition

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authority or an Island custom authority for a protected area the chief executive must have regard to each of the following—

- (a) the impact the activities that may be conducted under the permit or authority may have on the character and amenity of the protected area to which the permit or authority applies and adjacent areas;
- (b) the likely cumulative effect of the proposed use and other uses on the protected area to which the permit or authority applies.

*Note—*

See the *Nature Conservation (Administration) Regulation 2017*, section 26 for other matters the chief executive must have regard to when considering an application for a protected area authority.

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

## **Part 2                      Resources permits and apiary permits**

### **Division 1                Restrictions on grant**

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

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

- (3) The chief executive may grant a resources permit mentioned in this section only with the consent of the landholder of the land in the special wildlife reserve or nature refuge.

## **20 Restriction on grant about insurance**

- (1) The chief executive may grant a resources permit or an apiary permit to a person only if the chief executive considers there is adequate insurance cover for the activities proposed to be conducted under the permit.
- (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) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **Division 2 Resources permits**

### **Subdivision 1 Additional restrictions on grant of resources permit for particular cultural or natural resources**

#### **21 Restriction about protected area for grant of permit for quarry material**

The chief executive may grant a resources permit authorising the removal of quarry material only for a resources reserve.

#### **22 Restrictions about permit for plant parts**

- (1) The chief executive may grant a resources permit authorising the taking of only the following parts of a plant (each a *permitted plant part*)—
  - (a) a seed or other propagative material;

- (b) foliage, a flower or an inflorescence.
- (2) The chief executive may grant a resources permit authorising the taking of a permitted plant part of only a least concern plant.
- (3) The chief executive may grant a resources permit authorising the taking of a permitted plant part of a least concern plant for only—
  - (a) a special management area (controlled action); or
  - (b) a conservation park; or
  - (c) a resources reserve.
- (4) However, the chief executive may grant a resources permit mentioned in subsection (3) for a special management area (controlled action) only for a prescribed activity stated in the notice declaring the area under section 42A of the Act.

## **Subdivision 2      Additional restrictions on grant of resources permit for educational purposes**

### **23      General restriction on grant of permit**

- (1) The chief executive may grant a resources permit for educational purposes for a cultural or natural resource of a protected area only if the chief executive is satisfied—
  - (a) the proposed taking, use or keeping of, or interference with, the resource is ecologically sustainable; and
  - (b) if the resource is a cultural resource of significance to an interested group in relation to the protected area from which the resource is to be taken—the proposed taking, use or keeping of, or interference with, the resource has appropriate regard to the wishes of the interested group.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

**24 Restriction about persons to whom permit may be granted**

- (1) The chief executive may grant a resources permit for educational purposes to an individual only if the chief executive is satisfied—
  - (a) the individual—
    - (i) holds a tertiary qualification relevant to the activities to be conducted under the permit; or
    - (ii) has demonstrated experience and knowledge in relation to the activities to be conducted under the permit; and
  - (b) if the permit is to authorise the individual to keep live animals—the individual has experience in the care and husbandry of the species of animals for which the permit is to be granted.
- (2) The chief executive may grant a resources permit for educational purposes to a corporation only if the corporation is an educational institution or organisation.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

**25 Restriction about purposes for which permit may be granted**

- (1) The chief executive may grant a resources permit for educational purposes only if the chief executive is satisfied—
  - (a) the educational purpose for which the resource is proposed to be taken, used, kept or interfered with under the permit is a genuine educational purpose; and
  - (b) the educational purpose can only reasonably be conducted in the protected area, or the part of a protected area, for which the permit is to be granted.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.



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### **Subdivision 3      Additional restrictions on grant of resources permit for scientific purposes**

#### **26      General restriction on grant of permit**

- (1) The chief executive may grant a resources permit for scientific purposes for a cultural or natural resource of a protected area only if—
  - (a) the proposed taking, use or keeping of, or interference with, the resource is ecologically sustainable; and
  - (b) if the resource is a cultural resource of significance to an interested group in relation to the protected area from which the resource is to be taken—the proposed taking, use or keeping of, or interference with, the resource has appropriate regard to the wishes of the interested group.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

#### **27      Restriction about persons to whom permit may be granted**

- (1) The chief executive may grant a resources permit for scientific purposes to an individual only if the chief executive—
  - (a) is satisfied—
    - (i) the individual is associated with an entity that is involved in scientific research; and
    - (ii) the way the scientific purpose, for which the permit is to be granted, is to be achieved is consistent with the requirements of the entity; and
    - (iii) the application for the permit is supported by the person responsible for the management or control of the entity; or

[s 28]

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- (b) is satisfied the individual is receiving, or has completed, postgraduate training in scientific research relevant to the activities to be conducted under the permit; or
  - (c) is satisfied the individual has achieved a satisfactory level of competence in scientific research relevant to the activities to be conducted under the permit; or
  - (d) is satisfied the individual has an established reputation in the field of scientific research relevant to the activities to be conducted under the permit.
- (2) The chief executive may grant a resources permit for scientific purposes to a corporation only if the chief executive is satisfied—
- (a) 1 or more of the executive officers or employees of the corporation have achieved a satisfactory level of competence in scientific research relevant to the activities to be conducted under the permit; or
  - (b) the corporation has an established reputation in the field of scientific research relevant to the activities to be conducted under the permit.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **28 Restriction about purposes for which permit may be granted**

- (1) The chief executive may grant a resources permit for scientific purposes only if the chief executive is satisfied—
- (a) the scientific purpose for which the resource is to be taken, used, kept or interfered with is a genuine scientific purpose; and
  - (b) the scientific purpose can only reasonably be conducted in the protected area, or the part of a protected area, for which the permit is to be granted.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

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## **Subdivision 4      Activities authorised by resources permits**

### **29      Taking, using, keeping and interfering with particular resources authorised**

- (1) A resources permit authorises the holder of the permit, or a relevant person for the holder, to take, use, keep and interfere with the cultural or natural resources stated on the permit of the protected area, or the part of a protected area, stated on the permit.
- (2) Also, a resources permit specifically stating entry into a stated restricted access area is authorised authorises the holder of the permit, or a relevant person for the holder, to enter and remain in the restricted access area.
- (3) However, a resources permit does not authorise the holder of the permit, or a relevant person for the holder, to enter or remain in an area closed to the public.
- (4) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **Subdivision 5      Conducting activities under particular resources permit**

### **30      Royalty payable for quarry material**

- (1) The holder of a resources permit authorising the removal of quarry material from a resources reserve must pay the State \$2.80 for each cubic metre of quarry material removed from the reserve.
- (2) The royalty is payable—
  - (a) if the permit is granted for a stated amount of quarry material to be removed under the permit—in total when the permit is granted; or

[s 31]

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- (b) otherwise—monthly, at the end of each month during which quarry material is removed under the permit.
- (3) However, the chief executive may exempt a government entity or a local government from paying the whole or part of the royalty payable under this section if the chief executive considers it is appropriate having regard to each of the following—
  - (a) the purpose for which the reserve was declared to be a resources reserve;
  - (b) whether the material is to be used for a public purpose;
  - (c) whether there is another source for the material that is not in a protected area;
  - (d) if there is another source for the material that is not in a protected area—the costs involved in obtaining the material from the other source relative to the costs involved in obtaining the material from the resources reserve.
- (4) A royalty payable under this section, other than a royalty payable by an entity representing the State, is a debt due to the State.
- (5) In this section—  
*government entity* see the *Public Service Act 2008*, section 24.

## **Division 3            Apiary permits**

### **Subdivision 1        Additional restrictions on grant of apiary permit**

#### **31            Restriction about protected areas for grant of permit**

- (1) The chief executive may grant an apiary permit for only 1 or more of the following areas—

- 
- (a) an apiary area that is a national park or a part of a national park;
  - (b) a special management area (controlled action);
  - (c) a conservation park;
  - (d) a resources reserve.
- (2) However, the chief executive can not grant an apiary permit for an apiary area that is a national park, or a part of a national park, if, were the permit granted, there would be more than the permitted number of apiary sites for the park or part.
  - (3) For subsection (2), the permitted number of apiary sites for an apiary area that is a national park, or a part of a national park, is the number of apiary sites stated in schedule 5 opposite the name of the forest reserve that became the apiary area.
  - (4) Despite subsection (1)(b), the chief executive may grant an apiary permit for a special management area (controlled action) only for a prescribed activity stated in the notice declaring the area under section 42A of the Act.

### **32 Restriction about number of beehives**

The chief executive can not grant an apiary permit allowing more than 150 beehives for an apiary site.

## **Subdivision 2 Activities authorised by apiary permits**

### **33 Taking, using, keeping and interfering with particular resources for apiary authorised**

- (1) An apiary permit authorises the holder of the permit, or a relevant person for the holder, to take, use, keep and interfere with the cultural or natural resources of the protected area, or the part of a protected area, stated on the permit.
- (2) However, an apiary permit authorises the holder of the permit, or a relevant person for the holder, to take, use, keep or

[s 34]

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interfere with cultural or natural resources only for operating an apiary.

- (3) An apiary permit specifically stating entry into a stated restricted access area is authorised, authorises the holder of the permit, or a relevant person for the holder, to enter and remain in the restricted access area.
- (4) However, an apiary permit does not authorise the holder of the permit, or a relevant person for the holder, to enter or remain in an area closed to the public.

## **Part 3**

### **Aboriginal tradition or Island custom authorities for taking, using, keeping or interfering with cultural or natural resources**

#### **Division 1**

##### **General restrictions on grant for Aboriginal tradition or Island custom authorities**

#### **34**

##### **Restriction about resources for which authorities may be granted**

- (1) The chief executive can not grant an Aboriginal tradition authority or Island custom authority for—
  - (a) a natural resource of a national park (scientific); or
  - (b) threatened or near threatened wildlife, other than a part of a vulnerable or near threatened plant.
- (2) Subsection (3) applies to—
  - (a) a part of a vulnerable or near threatened plant; and
  - (b) least concern wildlife.

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- (3) The chief executive can not grant an Aboriginal tradition authority or Island custom authority for the plant part or the wildlife if the taking, use or keeping of, or interference with, the plant part or wildlife will reduce the ability of the plant or the wildlife to maintain or recover the plant's or wildlife's natural population levels in the protected area, or the part of a protected area, to which the authority applies.

### **35 Restriction about way for taking, using, keeping or interfering with resources**

- (1) The chief executive can not grant an Aboriginal tradition authority or Island custom authority that authorises—
- (a) the taking of, or interference with, the cultural or natural resources of a protected area by using a weapon; or
  - (b) the taking, use, keeping of, or interference with, the cultural or natural resources of a protected area in a way that may cause harm to a person visiting the area.

- (2) In this section—

*weapon* see the *Weapons Act 1990*, schedule 2.

## **Division 2 Aboriginal tradition authorities**

### **Subdivision 1 Considering application**

#### **36 Additional matters to be considered**

In considering an application for an Aboriginal tradition authority for a cultural or natural resource of a protected area, or a part of a protected area, the chief executive must have regard to—

- (a) any advice given by the corporation applying for the authority on the significance, under Aboriginal tradition, of the activity the subject of the application; and

[s 37]

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- (b) whether there is a reasonable alternative to taking, using, keeping or interfering with the resource; and
- (c) the extent to which the activity will interfere with the public use of the area, or part, to which the authority applies.

*Note—*

See section 19 and the *Nature Conservation (Administration) Regulation 2017*, section 26 for other matters the chief executive must have regard to when considering an application for an Aboriginal tradition authority.

## **Subdivision 2      Additional restrictions on grant**

### **37      Restriction about persons to whom authority may be granted**

- (1) The chief executive may grant an Aboriginal tradition authority for a protected area, or a part of a protected area, only to a corporation that—
  - (a) represents a community or group of Aboriginal people particularly concerned with land within the area or part; and
  - (b) has consulted with, and considered the views of, Aboriginal people particularly concerned with land within the area or part; and
  - (c) is satisfied the way the activity to be conducted under the authority will be conducted is consistent with Aboriginal tradition.
- (2) Also, the chief executive may grant an Aboriginal tradition authority to the corporation only if the corporation has an office in the State.



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**38 Restriction about circumstances under which authority may be granted for particular national parks**

- (1) The chief executive may grant an Aboriginal tradition authority for a natural resource of a relevant national park only if the chief executive is satisfied—
  - (a) the purpose for which the resource is to be taken, used, kept, or interfered with is of particular significance under Aboriginal tradition, according to the views of the people who the members of the interested group for the authority regard as having authority to state the traditional significance of the resource; or
  - (b) the interested group will be on the park to prepare a claim or management plan for the park under the *Aboriginal Land Act 1991*.
- (2) This section does not apply to a seed or another part of a vulnerable, near threatened or least concern plant.
- (3) In this section—

*interested group*, for an Aboriginal tradition authority, means the community or group represented by the corporation applying for the authority.

**Subdivision 3 Activities authorised by Aboriginal tradition authority**

**39 Taking, using, keeping and interfering with particular resources authorised**

- (1) An Aboriginal tradition authority authorises each relevant person for the holder of the authority to take, use, keep and interfere with, under Aboriginal tradition, the cultural or natural resources stated on the permit of the protected area, or the part of a protected area, stated on the permit.
- (2) Also, an Aboriginal tradition authority specifically stating entry into a stated restricted access area is authorised

[s 40]

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authorises each relevant person for the holder of the authority to enter and remain in the restricted access area.

- (3) However, an Aboriginal tradition authority does not authorise a relevant person for the holder of the authority to enter or remain in an area closed to the public.

## **Subdivision 4      Conducting activities under Aboriginal tradition authority**

### **40      Notifying persons about authorisations and conditions**

The holder of an Aboriginal tradition authority must take all reasonable steps to ensure each relevant person for the holder acting under the authority is aware of—

- (a) the activities that are authorised, and the activities that are not authorised, to be conducted under the authority; and
- (b) the conditions applying to the authority.

Maximum penalty—165 penalty units.

### **41      Way cultural or natural resource may be taken**

A person acting under an Aboriginal tradition authority must not take, use, keep or interfere with a cultural or natural resource of a protected area other than in a way that is consistent with Aboriginal tradition.

Maximum penalty—165 penalty units.

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## **Division 3            Island custom authorities**

### **Subdivision 1        Considering application**

#### **42        Additional matters to be considered**

In considering an application for an Island custom authority for a cultural or natural resource of a protected area, the chief executive must have regard to—

- (a) any advice given by the corporation applying for the authority on the significance, under Island custom, of the activity the subject of the application; and
- (b) whether there is a reasonable alternative to taking, using, keeping or interfering with the resource; and
- (c) the extent to which the activity will interfere with the public use of the protected area, or the part of a protected area, to which the authority applies.

*Note—*

See section 19 and the *Nature Conservation (Administration) Regulation 2017*, section 26 for other matters the chief executive must have regard to when considering an application for an Island custom authority.

### **Subdivision 2        Additional restrictions on grant**

#### **43        Restriction about persons to whom authority may be granted**

- (1) The chief executive may grant an Island custom authority for a protected area, or a part of a protected area, only to a corporation that—
  - (a) represents a community or group of Torres Strait Islanders particularly concerned with land within the area or part; and

[s 44]

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- (b) has consulted with, and considered the views of, Torres Strait Islander people particularly concerned with land within the area or part; and
  - (c) is satisfied the way the activity to be conducted under the authority will be conducted is consistent with Island custom.
- (2) Also, the chief executive may grant an Island custom authority to the corporation only if the corporation has an office in the State.

#### **44 Restriction about circumstances under which authority may be granted for particular national parks**

- (1) The chief executive may grant an Island custom authority for a natural resource of a relevant national park only if the chief executive is satisfied the purpose for which the resource is to be taken, used, kept or interfered with is of particular significance under Island custom, according to the views of the people who the members of the interested group for the authority regard as having authority to state the customary significance of the resource.
- (2) This section does not apply to a seed or another part of a vulnerable, near threatened or least concern plant.
- (3) In this section—  
*interested group*, for an Island custom authority, means the community or group represented by the corporation applying for the authority.

### **Subdivision 3 Activities authorised by Island custom authority**

#### **45 Taking, using, keeping and interfering with particular resources authorised**

- (1) An Island custom authority authorises each relevant person for the holder of the authority to take, use, keep and interfere

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with, under Island custom, the cultural or natural resources stated on the permit in the protected area, or the part of a protected area, stated on the permit.

- (2) Also, an Island custom authority specifically stating entry into a stated restricted access area is authorised authorises each relevant person for the holder of the authority to enter and remain in a restricted access area.
- (3) However, an Island custom authority does not authorise a relevant person for the holder of the authority to enter or remain in an area closed to the public.

## **Subdivision 4      Conducting activities under Island custom authority**

### **46      Notifying persons about authorisations and conditions**

The holder of an Island custom authority must take all reasonable steps to ensure each relevant person for the holder acting under the authority is aware of—

- (a) the activities that are authorised, and the activities that are not authorised, to be conducted under the authority; and
- (b) the conditions applying to the authority.

Maximum penalty—165 penalty units.

### **47      Way cultural or natural resource may be taken**

A person acting under an Island custom authority must not take, use, keep or interfere with a cultural or natural resource of a protected area other than in a way that is consistent with Island custom.

Maximum penalty—165 penalty units.



**49 Fish, invertebrate animals or mud crabs in particular protected areas**

- (1) A person may take a permitted animal in a prescribed area.
- (2) However, the taking is subject to the condition that the following animals must not be taken—
  - (a) an invertebrate animal other than for use as bait;
  - (b) a species of permitted animal that is a regulated fish under the *Fisheries Act 1994*;
  - (c) a species of permitted animal if the species is taken from a place where, or during a period when, the taking is prohibited under the *Fisheries Act 1994*;
  - (d) any species of the genus *Euastacus* (freshwater spiny crabs) for use as bait.
- (3) Also, the taking is subject to the condition that a permitted animal must not be taken in a way that is prohibited under the *Fisheries Act 1994*.
- (4) A person must not take a permitted animal in a prescribed area, or a part of a prescribed area, if a regulatory notice prohibits the taking.

Maximum penalty—165 penalty units.

- (5) In this section—  
***permitted animal*** means—

- (a) a fish; or
- (b) an invertebrate animal; or
- (c) a mud crab (*Scylla serrata*).

***prescribed area*** means—

- (a) for a prescribed national park—the parts stated in schedule 6, column 2 opposite the park; or
- (b) a conservation park; or
- (c) a resources reserve.

**50 Prescribed forest reserves for temporary continuation of beekeeping—Act, s 184**

- (1) Each forest reserve and former forest reserve mentioned in schedule 5 is prescribed for section 184(1) of the Act.
- (2) For subsection (1) and schedule 5, a reference to a former forest reserve in schedule 5 is a reference to the area that was dedicated as the forest reserve immediately before the area became dedicated as a national park or national park (recovery).
- (3) Subsection (4) applies if an area that was formerly dedicated as a forest reserve—
  - (a) is dedicated as a national park; or
  - (b) was dedicated as a national park (recovery) that under section 197(1) of the Act continues as a national park.
- (4) The chief executive must ensure a map that shows the part of the national park that was formerly dedicated as the forest reserve is available for inspection by members of the public, free of charge, at the department's head office.



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## **Chapter 4      Provisions about permits for access to, use of and conduct within protected areas**

### **Part 1            Provisions applying to all or most permits**

#### **Division 1        Considering applications for activity permits**

##### **51      Additional matters to be considered**

- (1) In considering an application for an activity permit for a protected area, the chief executive must have regard to each of the following—
  - (a) the impact the activities that may be conducted under the authority may have on the character and amenity of the area and adjacent areas;
  - (b) the likely cumulative effect of the proposed use and other uses on the area;
  - (c) the orderly and proper management of the area.

*Note—*

See the *Nature Conservation (Administration) Regulation 2017*, section 26 for other matters the chief executive must have regard to when considering an application for an activity permit.

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

## **Division 2                      Restrictions on grant**

### **52        Permit must be consistent with management principles and management intent or plan, or conservation agreement**

- (1) The chief executive can not grant an activity permit for a protected area that is inconsistent with—
  - (a) the management principles for the area; and
  - (b) any of the following for the area—
    - (i) the interim or declared management intent;
    - (ii) the management plan;
    - (iii) the conservation agreement.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

### **52A      Restrictions on grant for special wildlife reserve**

- (1) The only types of activity permit the chief executive may grant for a special wildlife reserve are the following—
  - (a) a restricted access area permit;
  - (b) a stock mustering permit;
  - (c) a travelling stock permit.
- (2) The chief executive may grant an activity permit mentioned in this section only with the consent of the landholder of the land in the special wildlife reserve.

### **52B      Restrictions on grant for nature refuge**

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

### **53 Restriction on grant about insurance**

- (1) This section applies to an activity permit other than—
  - (a) a camping permit; or
  - (b) a permit to solicit donations or information.
- (2) The chief executive may grant the activity permit to a person only if the chief executive considers there is adequate insurance cover for the activities proposed to be conducted under the permit.
- (3) However, subsection (2) 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.

## **Division 3 Activity authorised by most permits or not authorised by any permit**

### **54 Access to restricted area authorised under particular permits**

- (1) A prescribed activity permit specifically stating entry into a stated restricted access area is authorised authorises the holder of the permit, or a relevant person for the holder, to enter and remain in the restricted access area.
- (2) For section 9, this section applies in relation to a special wildlife reserve, to the extent the reserve is a restricted access area.
- (3) In this section—

***prescribed activity permit*** means—

  - (a) a stock grazing permit; or
  - (b) a stock mustering permit; or
  - (c) a permit to enter a national park (scientific); or
  - (d) a commercial activity permit; or
  - (e) an organised event permit.

## **55 Access to area closed to the public not authorised**

- (1) An activity permit does not authorise the holder of the permit, or a relevant person for the holder, to enter or remain in an area closed to the public.
- (2) For subsection (1), a person camping under a camping permit, other than the holder of the permit, is taken to be a relevant person for the holder.

## **Part 2 Camping permits**

### **56 Camping authorised under permit**

- (1) A camping permit authorises the holder of the permit to—
  - (a) camp in the protected area or the part of a protected area stated on the permit; and
  - (b) allow the number of persons stated on the permit to camp in the area or part.
- (2) For applying subsection (1) to an e-camping permit—
  - (a) a reference to the protected area or the part of a protected area stated on the permit is taken to be a reference to the e-permit camping area for which the permit is taken to be granted; and
  - (b) a reference to the number of persons stated on the permit is taken to be a reference to the number stated by the holder of the permit in the application for the permit.
- (3) For applying subsection (1) to a self-registered camping permit—
  - (a) a reference to the protected area or the part of a protected area stated on the permit is taken to be a reference to the self-registration camping area for which the permit is taken to be granted; and
  - (b) a reference to the number of persons stated on the permit is taken to be a reference to the lower of the following—

- (i) the number stated on the camping form for the permit;
- (ii) the number stated on the self-registration camping notice for the area as the maximum number of persons that may camp under a camping permit in the area.

## **Part 3                      Restricted access area permits**

### **57            Entering restricted access area authorised under permit**

- (1) A restricted access area permit authorises the holder of the permit, or a relevant person for the holder, to enter and remain in the restricted access area stated on the permit for the purpose stated on the permit.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge, to the extent the reserve or refuge is a restricted access area.

## **Part 4                      Stock grazing permits**

### **58            Restriction about protected areas for which permit may be granted**

- (1) The chief executive may grant a stock grazing permit for only—
  - (a) a special management area (controlled action); or
  - (b) a conservation park; or
  - (c) a resources reserve.
- (2) However, the chief executive may grant a stock grazing permit for a special management area (controlled action) only for a prescribed activity stated in the notice declaring the area under section 42A of the Act.

**59 Grazing stock in particular areas authorised under permit**

A stock grazing permit authorises the holder of the permit, or a relevant person for the holder, to graze stock in the protected area, or the part of a protected area, stated on the permit.

## **Part 5 Stock mustering permits**

**60 Mustering stock in particular areas authorised under permit**

- (1) A stock mustering permit authorises the holder of the permit, or a relevant person for the holder, to muster stock in the protected area, or the part of a protected area, stated on the permit.
- (2) For section 9, this section applies in relation to a special wildlife reserve.

**61 Using particular animals or vehicles to muster stock authorised under particular permits**

- (1) This section applies if the chief executive has—
  - (a) written on a stock mustering permit that the holder of the permit may use a horse, a stated breed of dog or a stated type of vehicle for mustering stock under the permit; or
  - (b) given the holder of a stock mustering permit a notice stating the holder may use a horse, a stated breed of dog or a stated type of vehicle for mustering stock under the permit.
- (2) The permit authorises the holder, or a relevant person for the holder, to use a horse, a dog of the stated breed or a vehicle of the stated type for mustering stock under the permit.
- (3) For section 9, this section applies in relation to a special wildlife reserve.

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## **Part 6 Travelling stock permits**

### **62 Restriction about protected areas for which permit may be granted**

The chief executive can not grant a travelling stock permit for a national park (scientific).

### **63 Travelling stock in particular areas authorised under permit**

- (1) A travelling stock permit authorises the holder of the permit, or a relevant person for the holder, to travel stock in the protected area, or the part of a protected area, stated on the permit.
- (2) For section 9, this section applies in relation to a special wildlife reserve.

## **Part 7 Permits to enter national park (scientific)**

### **64 Entering particular national parks authorised under permit**

A permit to enter a national park (scientific) authorises the holder of the permit, or a relevant person for the holder, to enter the park stated on the permit for the purpose stated on the permit.

## **Part 8 Commercial activity permits**

### **65 Conducting particular activities in particular areas authorised under permit**

A commercial activity permit authorises the holder of the permit, or a relevant person for the holder, to conduct the

activity stated on the permit in the protected area, or the part of a protected area, stated on the permit.

## 66 Keeping record for particular permits

- (1) The holder of a commercial activity permit other than for filming or photography must keep a record complying with the *Nature Conservation (Administration) Regulation 2017*, section 133 for the permit.

Maximum penalty—120 penalty units.

*Note—*

For the requirements for records required to be kept under the Act, see the *Nature Conservation (Administration) Regulation 2017*, part 6.

- (2) The holder complies with subsection (1) if a relevant person for the holder keeps the record for the holder.

## 67 Giving return of operations for particular permits

- (1) The holder of a commercial activity permit other than for filming or photography must give the chief executive a return of operations complying with the *Nature Conservation (Administration) Regulation 2017*, section 142.

Maximum penalty—120 penalty units.

*Note—*

For the requirements for returns of operations required to be given under the Act, see the *Nature Conservation (Administration) Regulation 2017*, part 7.

- (2) After receiving the return, the chief executive must give the holder an invoice for any additional daily fee and any camping fee payable under the *Nature Conservation (Administration) Regulation 2017*, schedule 3 for the permit for the period to which the return relates.
- (3) The invoice must state a period (the *period for payment*), of at least 7 days after the holder receives the invoice, within which the fees must be paid to the chief executive.





## **Part 11**                      **Permits to use recreational craft**

### **70**      **Using particular recreational craft in particular areas authorised under permit**

A permit to use recreational craft authorises the holder of the permit, or a relevant person for the holder, to use the recreational craft stated on the permit in the protected area, or the part of a protected area, stated on the permit.

## **Part 12**                      **Special activity permits**

### **71**      **Conducting particular activities in particular areas authorised under permit**

A special activity permit authorises the holder of the permit, or a relevant person for the holder, to conduct the activity stated on the permit in the protected area, or the part of a protected area, stated on the permit.

## **Chapter 5**                      **Regulatory notices and declarations**

### **Part 1**                      **Preliminary**

#### **72**      **Definition for chapter**

In this chapter—

*Aboriginal land protected area* means—

- (a) a national park (Cape York Peninsula Aboriginal land);  
or

- (b) an indigenous joint management area.

## Part 2 Regulatory notices

### 73 Requirements for regulatory notices

- (1) This section applies for an activity that—
  - (a) relates to a public health and safety act; or
  - (b) under this regulation may be authorised, regulated or prohibited by a regulatory notice.
- (2) The chief executive may erect or display a notice (a *regulatory notice*) at the entrance to a protected area or a part of a protected area to which the notice applies.
- (3) However, if section 74 or 75 (each a *notice consultation provision*) applies, the chief executive may act under subsection (2) only if the chief executive complies with the consultation requirements mentioned in the relevant notice consultation provision.
- (4) The notice must—
  - (a) be easily visible to passers-by; and
  - (b) identify the limits of the area to which the notice applies; and
  - (c) state the activity to which it applies and how the activity is authorised, regulated or prohibited.
- (5) The notice may expressly state that a contravention of a requirement of the notice is an offence against the Act and the maximum penalty for the offence.

### 74 Particular regulatory notices for Aboriginal land protected areas

- (1) This section applies if the chief executive proposes to erect or display a regulatory notice—
  - (a) that is for an activity mentioned in section 73(1)(b); and

[s 75]

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- (b) at the entrance to an Aboriginal land protected area or a part of an Aboriginal land protected area.
- (2) The chief executive must comply with the consultation requirements under the indigenous management agreement for the area.
- (3) 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 the proposed erecting or display of a regulatory notice;
  - (b) allow the landholder to respond to the notice;
  - (c) consider the landholder’s response, if any;
  - (d) seek the landholder’s consent for the erecting or display of the notice;
  - (e) obtain the landholder’s consent for the erecting or display of the notice.

**75 Particular regulatory notices for particular protected areas to which indigenous land use agreements apply**

- (1) This section applies if—
  - (a) the chief executive proposes to erect or display a regulatory notice—
    - (i) that is for an activity mentioned in section 73(1)(b); and
    - (ii) at the entrance to a protected area, or a part of a protected area, other than an Aboriginal land protected area, 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 must comply 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 the proposed erecting or display of a regulatory notice;
  - (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 erecting or display of the notice;
  - (e) obtain the person’s consent for the erecting or display of the notice.

## 76 Regulatory information notice

- (1) This section applies if a regulatory notice for a protected area or a part of a protected area does not expressly state that a requirement of the notice is an offence against the Act and the penalty for the offence.
- (2) The chief executive must erect or display, at the entrance to the area or part and other places the chief executive considers appropriate, a notice (a *regulatory information notice*) expressly stating—
  - (a) that a contravention of the requirement of the regulatory notice is an offence against the Act; and
  - (b) the penalty for the offence.
- (3) The regulatory information notice must be easily visible to passers-by.

[s 77]

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- (4) The regulatory information notice may contain other information about the protected area the chief executive considers appropriate.

**77 Erection of regulatory notice or regulatory information notice is evidence of particular matters**

Evidence that a regulatory notice or a regulatory information notice was erected or displayed at the entrance to a protected area, or a part of a protected area, is evidence the notice was erected or displayed by the chief executive.

**Part 3 Declaration of restricted access area**

**78 Declaration of restricted access area**

- (1) The chief executive may declare all or part of a protected area to be a restricted access area by erecting or displaying a notice (a *restricted access area notice*) at the entrance to the protected area or part.
- (2) However, the chief executive may act under subsection (1)—
- (a) only for a reason mentioned in section 79; and
  - (b) if section 80 applies—only after the consultation process mentioned in section 75 is completed; and
  - (c) if section 81 or 82 (each a *declaration consultation provision*) applies—only if the chief executive complies with the consultation requirements mentioned in the relevant declaration consultation provision.
- (3) The restricted access area notice must—
- (a) be easily visible to passers-by; and
  - (b) identify the limits of the area to which the notice applies; and

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- (c) state how access to the area is restricted or prohibited; and
  - (d) state that a contravention of a requirement of the notice is an offence against the Act and the maximum penalty for the offence.
- (4) When the notice is erected or displayed, the chief executive—
- (a) must publish a copy of the notice on the department’s website; and
  - (b) may publish the notice in other ways the chief executive considers appropriate.
- (5) If the chief executive is satisfied the reason for making the declaration no longer exists, the chief executive must remove the restricted access area notice as soon as practicable.
- (6) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **79 Reasons for declaring restricted access area**

- (1) The chief executive may declare a protected area or a part of a protected area to be a restricted access area only if the chief executive reasonably believes the declaration is necessary or desirable—
- (a) to secure the safety of a person or a person’s property; or
  - (b) because of a fire or other natural disaster; or
  - (c) to conserve or protect the cultural or natural resources of the area or native wildlife, including, for example—
    - (i) to protect significant cultural or natural resources of the area; or
    - (ii) to enable the restoration or rehabilitation of the area or part; or
    - (iii) to protect a breeding area for native wildlife; or
    - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or

[s 80]

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- (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom; or
  - (d) to protect a facility or service in the area, including, for example, infrastructure, a water supply facility or power generating equipment; or
  - (e) to protect the character and amenity of the area or an adjacent area; or
  - (f) for the orderly or proper management of the area.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.
- (3) In this section—

*significant Aboriginal area* see the *Aboriginal Cultural Heritage Act 2003*, section 9.

*significant Torres Strait Islander area* see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

## **80 Consultation with stakeholders about declarations**

- (1) This section applies if the nature or extent of activities being conducted, or to be conducted, under an organised event permit, commercial activity permit or commercial activity agreement would be significantly affected by the making of a declaration under section 78.
- (2) However, this section does not apply if the declaration is to be made—
- (a) to secure the safety of a person or a person's property; or
  - (b) because of a fire or other natural disaster; or
  - (c) to conserve or protect the cultural or natural resources of a protected area or native wildlife.
- (3) The chief executive must give the holder of the permit, or the other party to the agreement, a notice stating each of the following—



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- (a) consideration is being given to the making of a declaration under section 78;
  - (b) if the chief executive is also proposing a restrictive act for the permit or agreement for the proposed declaration—the restrictive act;
  - (c) that the holder or other party is invited to make written submissions in relation to the proposed declaration or restrictive act.
- (4) The submissions must be made to the chief executive—
- (a) at an address stated in the notice; and
  - (b) within the period, of at least 20 business days, stated in the notice.
- (5) The chief executive must consider all submissions received in response to the notice.

## 81 Declarations for Aboriginal land protected areas

- (1) This section applies if the chief executive proposes to declare all or part of an Aboriginal land protected area to be a restricted access area under section 78(1).
- (2) The chief executive must comply with the consultation requirements under the indigenous management agreement for the protected area.
- (3) 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 a proposed declaration under section 78(1);
  - (b) allow the landholder to respond to the notice;
  - (c) consider the landholder’s response, if any;
  - (d) seek the landholder’s consent for the declaration;

- (e) obtain the landholder's consent for the declaration.

## **82 Declarations for particular protected areas to which indigenous land use agreements apply**

- (1) This section applies if—
  - (a) the chief executive proposes to declare all or part of a protected area, other than an Aboriginal land protected area, to be a restricted access area under section 78(1); and
  - (b) the protected area is in the Cape York Peninsula Region; and
  - (c) there is an indigenous land use agreement for the protected area; and
  - (d) there is no indigenous management agreement for the protected area.
- (2) The chief executive must comply with the consultation requirements, if any, under the indigenous land use agreement.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.
- (4) In this section—

***consultation requirement***, under an indigenous land use agreement for a protected area, means a requirement under the agreement for the chief executive or department to do any of the following—

  - (a) give a person a notice about a proposed declaration under section 78(1);
  - (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 declaration;
  - (e) obtain a person's consent for the declaration.

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### **83 When declarations end**

- (1) A declaration made under section 78 ends on the day the chief executive removes the restricted access area notice for the area.
- (2) When a restricted access area notice for a restricted access area is removed, the chief executive must—
  - (a) remove the copy of the notice from the department’s website; and
  - (b) publish notice of the removal in the same way the chief executive published the notice under section 78(4).
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **Part 4 Declaration of prescribed commercial activity**

### **84 Declaration of prescribed commercial activity**

- (1) The chief executive may, by public notice, declare a commercial activity to be a prescribed commercial activity for a protected area or a part of a protected area.
- (2) The notice must state the following—
  - (a) that the stated commercial activity is a prescribed commercial activity for the stated protected area or the stated part of a protected area;
  - (b) that, under section 105(2), a person may conduct the prescribed commercial activity in the area or part only under a commercial activity agreement;
  - (c) how the person may obtain further information about entering into a commercial activity agreement for conducting the prescribed commercial activity in the area or part.
- (3) The chief executive must also publish the notice on the department’s website.

[s 85]

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- (4) In deciding whether to make the declaration, the chief executive must have regard to the following—
  - (a) the object of the Act, including, in particular the conservation of the cultural and natural resources of the area or part;
  - (b) the management principles for the area;
  - (c) the interim or declared management intent, or management plan, for the area or part;
  - (d) the orderly and proper management of the area or part;
  - (e) the existing use and amenity, and the future or desirable use and amenity, of the area or part, and areas adjacent to the area or part, including the likely cumulative effect of the proposed use and other uses on the area;
  - (f) the likely contributions that potential parties to commercial activity agreements applying to the area or part will make to the management of the area or part, including, for example, contributions to the conservation and presentation of the values of the area or part.

## Part 5 Declaration of special activity

### 85 Declaration of special activity

- (1) The chief executive may declare an activity to be a special activity for all or part of a protected area by erecting or displaying a notice (a *special activity notice*) at the entrance to the protected area or part.
- (2) However, the chief executive may act under subsection (1)—
  - (a) only for an activity mentioned in section 86; and
  - (b) if section 87 applies—only after the consultation process mentioned in section 87 is completed.
- (3) The special activity notice must—
  - (a) be easily visible to passers-by; and

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- (b) identify the limits of the area to which the notice applies; and
  - (c) state the activity that is a special activity for the area; and
  - (d) state that, under section 109, a person may conduct the special activity in the area or part only under—
    - (i) a special activity permit; or
    - (ii) an organised event permit, commercial activity permit or commercial activity agreement specifically authorising the conducting of the activity.

## **86 Activities that may be special activities**

The chief executive may declare only 1 or more of the following activities to be a special activity for all or part of a protected area—

- (a) an activity that will, or is reasonably likely to, have an unusual or significant impact on the cultural or natural resources of the area or part;
- (b) an activity for which special training or supervision is needed before a person can safely engage in the activity;
- (c) an activity that will, or is reasonably likely to, involve a risk to the public.

*Examples of activities that may be declared as special activities—*

rock climbing, white water rafting

## **87 Consultation with stakeholders about declarations**

- (1) This section applies if the nature or extent of activities being conducted, or to be conducted, under an organised event permit, commercial activity permit or commercial activity agreement would be significantly affected by the making of a declaration under section 85.
- (2) However, this section does not apply if—

[s 88]

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- (a) the activity is declared to be a special activity for the area or part for the protection of wildlife or individuals from potential danger; and
  - (b) it is not practicable for the chief executive to delay the declaration for the reason of complying with this section.
- (3) The chief executive must give the holder of the permit, or the other party to the agreement, a notice stating each of the following—
- (a) consideration is being given to the making of a declaration under section 85;
  - (b) if the chief executive is also proposing a restrictive act for the permit or agreement—the restrictive act;
  - (c) that the holder or other party is invited to make written submissions in relation to the proposed declaration or restrictive act.
- (4) The submissions must be made to the chief executive—
- (a) at an address stated in the notice; and
  - (b) within the period, of at least 20 business days, stated in the notice.
- (5) The chief executive must consider all written submissions received in response to the notice.

## **Part 6 Declaration of area closed to the public**

### **88 Declaration of area closed to the public**

- (1) The chief executive may declare a protected area or a part of a protected area to be closed to the public for a period by erecting or displaying a regulatory notice at the entrance to the protected area or part.

- (2) However, the chief executive may declare the protected area or part as closed to the public only if the chief executive reasonably believes the declaration is necessary or desirable for public health or safety.

## **Chapter 6      Offences about access to, use of and conduct in protected areas**

### **Part 1            Access to, use of and conduct in protected area generally**

#### **Division 1        Camping in protected area**

##### **89      Unlawful camping**

- (1) A person must not camp in a protected area, or a part of a protected area, unless—
- (a) the person is camping under a camping permit for the area or part; or
  - (b) the person—
    - (i) is conducting activities under another protected area authority that applies to the area or part; and
    - (ii) has the written approval of the chief executive to camp in the area or part, or is accompanying a person who has the approval.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person camping under a commercial activity permit, or a commercial activity agreement, specifically authorising the camping.

[s 90]

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- (3) For subsection (1)(a), a person other than the holder of a camping permit is taken to be camping under the permit only if the number of persons accompanying the holder is not more than the number of persons authorised to camp under the permit.
- (4) A person must not camp in a protected area contrary to a regulatory notice applying to the area.

Maximum penalty for subsection (4)—80 penalty units.

## **90 Compliance with conditions of camping permit**

A person camping under a camping permit must comply with the conditions of the permit.

Maximum penalty—10 penalty units.

*Notes—*

- 1 For the conditions of an e-camping permit, see the *Nature Conservation (Administration) Regulation 2017*, section 54(2).
- 2 For the conditions of a self-registered camping permit, see the *Nature Conservation (Administration) Regulation 2017*, section 56(2).

## **91 Requirement about number of persons who may camp under permit or approval**

- (1) The holder of a camping permit for, or the written approval of the chief executive authorising camping in, a protected area, must not allow more people to camp in the area under the permit or approval than the number stated on the permit or approval.

Maximum penalty—20 penalty units.

- (2) For applying subsection (1) to an e-camping permit or self-registered camping permit, a reference to the number of persons stated on the permit is taken to be a reference to—
  - (a) for an e-camping permit—the number stated by the holder of the permit in the application for the permit; or



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- (b) for a self-registered camping permit—the lower of the following—
- (i) the number stated on the camping form for the permit;
  - (ii) the number stated on the self-registration camping notice for the area as the maximum number of persons that may camp under a camping permit in the area.

## 92 Display of camping tags

- (1) A person camping under a camping permit must, immediately after the person makes camp, display in the prescribed way, the camping tag for the permit.

Maximum penalty—2 penalty units.

- (2) The person must take reasonable steps to ensure the camping tag remains displayed at the place where the person is camping while the person is camping under the permit.

Maximum penalty—2 penalty units.

- (3) In this section—

*prescribed way*, for displaying a camping tag for a camping permit, means to display the tag by attaching it, in a conspicuous position, to—

- (a) a tent, caravan or another structure being used for camping under the permit; or
- (b) if no tent, caravan or structure is being used for camping under the permit—a vehicle or equipment being used for camping under the permit.

## 93 Complying with direction to leave camping site for protection, safety or minimising disturbance

- (1) A conservation officer may give a person camping in a part of a protected area (the *camping site*) an oral or written direction

[s 94]

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requiring the person, and each other person camping with the person, to immediately—

- (a) leave the camping site; and
  - (b) remove all of the person's possessions and the equipment or other things being used for camping from the site.
- (2) However, the officer may give the direction only if the officer reasonably believes it is necessary for the person, and the other persons camping with the person, to leave the site to—
- (a) protect cultural or natural resources of the protected area; or
  - (b) secure the safety of a person or a person's property; or
  - (c) minimise disturbance to persons in the area.
- (3) In giving the direction the conservation officer must—
- (a) advise the reason why the direction is given; and
  - (b) warn the person to whom it is given, and the other persons camping with the person, that it is an offence to fail to comply with the direction unless the person has a reasonable excuse.
- (4) The conservation officer's failure to comply with subsection (3) does not affect the validity of the direction.
- (5) A person to whom a direction is given under subsection (1), and each other person camping with the person, must, unless the person has a reasonable excuse, comply with the direction.

Maximum penalty for subsection (5)—50 penalty units.

## **94 Complying with direction to leave camping site for person camping at same site for long periods**

- (1) A conservation officer may give a person camping in a part of a protected area (the *camping site*) a written direction stating the person, and each person camping with the person, must—
- (a) leave the camping site; and

- (b) remove all of the person's possessions and the equipment or other things being used for camping from the site; and
  - (c) not return to the site for a stated period.
- (2) However, the officer may give the direction only if—
- (a) the officer reasonably believes—
    - (i) the same, or predominantly the same, equipment or other things used for camping have occupied the site for 30 days or more and it is necessary or desirable to allow the site to be used by another person who is authorised under the Act to camp at the site; or
    - (ii) the natural condition of the site has been, or is being, degraded by the presence of the equipment or other things being used for camping at the site; or
    - (iii) it is necessary for the person to leave the site for health or safety reasons; and
  - (b) another part of the protected area is available for the person to use for camping.
- (3) The direction must—
- (a) state the reason why the direction is given; and
  - (b) include a warning that it is an offence to fail to comply with the direction.
- (4) The conservation officer's failure to comply with subsection (3) does not affect the validity of the direction.
- (5) A person to whom a direction is given under subsection (1), and each person camping with the person, must comply with the direction.

Maximum penalty for subsection (5)—50 penalty units.

## **Division 2                      Conducting other activities in protected area**

### **95            Unlawfully entering restricted access area**

- (1) A person must not enter or remain in a restricted access area unless the person—
  - (a) enters the area under a restricted access area permit authorising the entry; or
  - (b) enters the area under a prescribed authority specifically stating the entry is authorised; or
  - (c) enters the area under the written approval of the chief executive; or
  - (d) has a reasonable excuse.

Maximum penalty—80 penalty units.

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

- (3) In this section—

***prescribed authority*** means—

- (a) a resources permit; or
- (b) an apiary permit; or
- (c) an Aboriginal tradition authority; or
- (d) an Island custom authority; or
- (e) a stock grazing permit; or
- (f) a stock mustering permit; or
- (g) a permit to enter a national park (scientific); or
- (h) a commercial activity permit; or
- (i) an organised event permit; or
- (j) a commercial activity agreement.

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**96 Failing to comply with particular regulatory notices**

A person in a protected area must comply with a regulatory notice regulating or prohibiting a public health and safety act unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

**97 Unlawfully entering area closed to the public**

A person must not enter or remain in an area closed to the public unless the person has—

- (a) the written approval of the chief executive; or
- (b) a reasonable excuse.

Maximum penalty—120 penalty units.

**98 Unlawfully grazing stock**

- (1) A person must not graze stock in a protected area unless the person grazes stock in the area under—

- (a) a stock grazing permit authorising the grazing of the stock; or
- (b) an authority granted under section 36 of the Act that authorises the grazing of the stock; or
- (c) another Act.

Maximum penalty—165 penalty units.

- (2) A person must not graze stock in a special wildlife reserve unless the person grazes stock in the area under—

- (a) a previous use authority granted under section 43H of the Act that authorises the grazing of stock; or
- (b) a written permission for conducting a controlling activity given under section 48.

Maximum penalty—165 penalty units.

## **99 Unlawfully grazing other animals**

- (1) A person must not graze animals other than stock in a protected area unless the person grazes animals in the area under an authority granted under section 36 of the Act that authorises the grazing of the animals.

Maximum penalty—165 penalty units.

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

Maximum penalty—165 penalty units.

## **100 Unlawfully mustering stock**

- (1) A person must not muster stock in a protected area unless the person musters stock in the area—
- (a) under a stock mustering permit authorising the mustering of the stock; or
  - (b) on a part of the area on which the person may lawfully graze the stock under an Act.

Maximum penalty—120 penalty units.

- (2) Subsection (1) does not apply to the chief executive conducting a general muster under section 153.
- (3) Subsection (4) applies if a stock mustering permit states the holder of the permit may use a horse or stated breed of dog to muster stock under the permit.
- (4) If the holder, or a relevant person for the holder, of the permit brings a horse or dog into a protected area under the permit, the holder or relevant person must restrain the horse or dog when the holder or relevant person is not using the horse or dog to muster stock.

Maximum penalty—120 penalty units.

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

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## **101 Unlawfully travelling stock**

- (1) A person must not travel stock in a protected area unless—
  - (a) the person travels stock in the area—
    - (i) under a travelling stock permit authorising the travelling of the stock; or
    - (ii) to or from land in the area on which the person may lawfully graze the stock under an Act; or
  - (b) the person has otherwise lawfully brought the stock into the protected area under the Act.

Maximum penalty—120 penalty units.

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

## **102 Unlawfully travelling other animals**

- (1) A person must not travel animals other than stock in a protected area unless—
  - (a) the person is travelling a horse or dog under a stock mustering permit authorising the use of the horse or dog for mustering stock under the permit; or
  - (b) the person has otherwise lawfully brought the animal into the protected area under the Act.

Maximum penalty—120 penalty units.

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

## **103 Allowing stock to stray onto protected area**

- (1) A person in charge of stock on land adjoining or near a protected area must take all reasonable steps to ensure the stock does not stray onto the protected area.

Maximum penalty—165 penalty units.

[s 104]

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

#### **104 Unlawfully entering national park (scientific)**

A person must not enter or remain in a national park (scientific) unless the person enters the area under a permit to enter a national park (scientific) authorising the entry.

Maximum penalty—165 penalty units.

#### **105 Unlawfully conducting commercial activity**

- (1) A person must not, in a protected area, or a part of a protected area, conduct a commercial activity unless the person is authorised to conduct the activity under—

- (a) a commercial activity permit; or
- (b) a commercial activity agreement.

Maximum penalty—165 penalty units.

- (2) If a commercial activity is a prescribed commercial activity for a protected area or a part of a protected area, a person must not conduct the activity in the area or part except under—

- (a) a commercial activity agreement; or
- (b) a commercial activity permit in force when the prescribed commercial activity is declared under section 84 and still in force when the activity is conducted.

Maximum penalty—165 penalty units.

#### **106 Compliance with conservation conditions**

- (1) A person acting under a commercial activity agreement must comply with each conservation condition of the agreement.

Maximum penalty—80 penalty units.

- (2) In this section—



*conservation condition*, of a commercial activity agreement, see the *Nature Conservation (Administration) Regulation 2017*, section 88.

## **107 Unlawfully soliciting donations or information**

- (1) A person must not solicit donations or information in a protected area, or part of a protected area, unless the person solicits the donations or information under a permit to solicit donations or information authorising the solicitation.

Maximum penalty—20 penalty units.

- (2) The holder of a permit to solicit donations or information for a protected area, or part of a protected area, must not solicit donations or information in a way that causes a disturbance to other persons in the area or part.

Maximum penalty—20 penalty units.

## **108 Unlawfully conducting organised event**

- (1) A person must not conduct an organised event in a protected area, or a part of a protected area, unless the person conducts the activity—

- (a) under an organised event permit authorising the conducting of the activity; or  
(b) under a commercial activity permit or commercial activity agreement specifically authorising the conducting of the activity.

Maximum penalty—50 penalty units.

- (2) If the *Nature Conservation (Administration) Regulation 2017*, section 158(3) requires the holder of an organised event permit to pay an additional daily fee, the holder must comply with the requirement.

Maximum penalty—120 penalty units.

### **109 Unlawfully conducting special activity**

A person must not conduct a special activity for a protected area, or a part of a protected area, in the area or part unless the person conducts the activity—

- (a) under a special activity permit authorising the conducting of the activity; or
- (b) under an organised event permit, commercial activity permit or commercial activity agreement specifically authorising the conducting of the activity.

Maximum penalty—80 penalty units.

## **Part 2 Fires**

### **110 Unlawful lighting of fires**

(1) A person must not light a fire, or a type of fire, in a protected area, or a part of a protected area, if lighting a fire, or the type of fire, is prohibited in the area or part by—

- (a) a management program; or
- (b) a regulatory notice; or
- (c) a condition of a permit held by the person; or
- (d) a condition of a commercial activity agreement to which the person is a party; or
- (e) another authority held by the person.

Maximum penalty—165 penalty units.

*Examples of types of fires—*

- a fire using a material other than sawn timber
- a fire using a material other than timber provided in the protected area for making fires

(2) A person must not light, keep or use a fire in a place in a protected area, other than—

- 
- (a) a barbecue or fireplace provided by the chief executive;  
or
  - (b) if no barbecue or fireplace is provided—a place that is more than 2m from flammable material.

Maximum penalty—165 penalty units.

- (3) This section does not apply to—
  - (a) a person lighting a fire with the written approval of the chief executive; or
  - (b) a person lighting or using a specified cooking or heating appliance or lighting or smoking a smoking product if the person takes reasonable steps to ensure the lighting, using or smoking does not result in damage to—
    - (i) a cultural or natural resource of the protected area;  
or
    - (ii) property, other than property owned by the person, in the protected area.
- (4) For section 9, this section, other than subsection (2), applies in relation to a special wildlife reserve.
- (5) In this section—

*smoking product* has the meaning given by the *Tobacco and Other Smoking Products Act 1998*, schedule, definition *smoking product*, paragraph (b).

## 111 Unattended fires

- (1) A person who lights or assumes control of a fire in a protected area must put the fire out before leaving the fire.

Maximum penalty—165 penalty units.

- (2) Subsection (1) does not apply if another person assumes control of the fire before the person mentioned in subsection (1) leaves the fire.
- (3) For section 9, this section applies in relation to a special wildlife reserve.

## **112 Unauthorised things relating to fires**

- (1) A person must not deposit any of the following in a protected area—
- (a) a lit cigar, cigarette, match, pipe or tobacco;
  - (b) hot ashes;
  - (c) a burning or smouldering substance;
  - (d) a substance or device that ignites on impact or by spontaneous combustion.

Maximum penalty—165 penalty units.

- (2) Subsection (1) does not apply to a person depositing a thing mentioned in subsection (1) for—
- (a) lighting or using a specified cooking or heating appliance; or
  - (b) lighting a barbecue or fireplace provided by the chief executive; or
  - (c) if no barbecue or fireplace is provided by the chief executive for the area—lighting a fire in a place that is more than 2m from flammable material.
- (3) A person must not deposit non-combustible material in a fire in a protected area.

*Example of non-combustible material—*

bottle, brick, can, piece of steel

Maximum penalty for subsection (3)—50 penalty units.

## **113 Conservation officer's powers in relation to fires**

- (1) If a conservation officer reasonably believes a fire in a protected area is, or may become, a hazard to the area, a person or the property of a person, the officer may—
- (a) give the person apparently in charge of the fire an oral or written direction to put out the fire or lower its intensity to a reasonable level; or
  - (b) put out the fire.



- (2) A conservation officer may give the person a written direction to—
- (a) remove the structure or works, and anything in the structure, and restore the place from which it is removed as nearly as practicable to its former state; or
  - (b) if the works can not be removed—stabilise or rehabilitate the works, or the place where the works are situated.

*Example for paragraph (b)—*

A person who has, without the written approval of the chief executive, constructed a walking track in a protected area may be given a written direction to rehabilitate the part of the area in which the track is constructed.

- (3) The person must, unless the person has a reasonable excuse, comply with the direction.

Maximum penalty—

- (a) for a direction given under subsection (2)(a)—80 penalty units; or
  - (b) for a direction given under subsection (2)(b)—165 penalty units.
- (4) It is not a reasonable excuse for subsection (3) that the person is required to, and does not, hold a licence, permit or other authority under an Act to remove the structure or works, or stabilise or rehabilitate the works, unless—
- (a) the person has made a reasonable attempt at obtaining the licence, permit or authority; and
  - (b) has been unsuccessful in obtaining the licence, permit or authority.
- (5) For section 9, this section applies in relation to a special wildlife reserve.



[s 119]

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*Examples of an aircraft landing that is part of an emergency response—*

- the landing of an aircraft involved in a medivac
- the landing of a fire-fighting helicopter

Maximum penalty—120 penalty units.

(2) In this section—

***designated landing area***, for an aircraft, recreational craft, or type of aircraft or recreational craft, means the area—

- (a) designated by the chief executive as an appropriate landing area for the aircraft, recreational craft or type; and
- (b) details of which are published on the department's website.

## **119 Traffic control for vehicles, boats and recreational craft**

(1) The chief executive may erect a sign, or place a marking, at a place in a protected area regulating the use of a vehicle, boat, recreational craft or a type of vehicle, boat or recreational craft, in the place, including, for example—

- (a) by imposing a speed limit; or
- (b) by marking a pedestrian crossing; or
- (c) stating a part of a place where the use, or a particular use, of the vehicle, boat, recreational craft or the type of vehicle, boat or recreational craft is prohibited or restricted; or
- (d) stating a part of a place where—
  - (i) only authorised persons may use a vehicle, boat or recreational craft; or
  - (ii) only an authorised vehicle, boat or recreational craft may be used.

(2) An official traffic sign installed in a protected area under the *Transport Operations (Road Use Management) Act 1995* is taken to be a sign erected under subsection (1).



- (3) A person in control of a vehicle, boat or recreational craft in the protected area must comply with the sign or marking.

Maximum penalty—20 penalty units.

- (4) For subsection (3), if the sign is an official traffic sign, a person complies with the subsection only if the person complies with the indication given by the sign.

- (5) An authorised person using a vehicle in a place where, because of a sign erected under subsection (1), only authorised persons may use vehicles must comply with the authorisation.

Maximum penalty—20 penalty units.

- (6) A person in control of an authorised vehicle in a place where, because of a sign erected under subsection (1), only authorised vehicles may be used must comply with the authorisation.

Maximum penalty—20 penalty units.

- (7) In this section—

*authorised* means authorised in writing by the chief executive.

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

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

## 120 Licensing requirement for vehicles and boats

- (1) A person must not, in a protected area, drive or ride a vehicle or boat for which the person is required, under an Act, to hold a licence to drive or ride the vehicle or boat unless the person holds the licence.

Maximum penalty—20 penalty units.

- (2) If asked by a conservation officer, the person must, unless the person has a reasonable excuse, produce the licence for inspection by the officer.

Maximum penalty—20 penalty units.

## 121 Registration requirement for vehicles

- (1) A person must not, in a protected area, drive or ride a vehicle that is required, under a Registration Act, to be registered unless the vehicle is registered.

Maximum penalty—20 penalty units.

- (2) In this section—

*registered*, in relation to a vehicle, means the vehicle may, under a Registration Act, be lawfully used on a road.

*Registration Act* means—

- (a) the *Transport Operations (Road Use Management) Act 1995*; or
- (b) a law of another State or the Commonwealth that corresponds to the *Transport Operations (Road Use Management) Act 1995*.

## 122 Approval requirement for conditionally registered vehicles

- (1) A person must not, in a protected area, drive or ride a conditionally registered vehicle unless the person has the written approval of the chief executive.

Maximum penalty—20 penalty units.

- (2) The chief executive may give an approval under subsection (1) only if the vehicle is to be used—

- (a) for a commercial purpose authorised under a licence, permit or other authority or a commercial activity agreement; or

*Examples of using a vehicle for a commercial purpose—*

- using a vehicle to conduct a commercial activity under a commercial activity permit or commercial activity agreement
- using a vehicle to muster stock under a stock mustering permit

- (b) to provide a service to users of the area; or

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*Examples of using a vehicle for providing services to users of a protected area—*

- using a vehicle to provide a mechanical or vehicle towing service to a visitor in a national park
  - using a vehicle for carrying out maintenance on a privately owned facility in a national park
- (c) to conduct an activity under an organised event permit;  
or
- (d) for the management of the area; or

*Example of using a vehicle for the management of a protected area—*

using a vehicle for carrying out works, spraying weeds or controlling animals for the chief executive

- (e) to carry out an emergency or rescue activity; or
- (f) to enforce a law of the State; or
- (g) for the sole purpose of going directly through the area to or from a parcel of land outside the area if—
- (i) the person owns or occupies the land or is authorised by the owner or occupier of the land to enter the land; and
  - (ii) the chief executive considers the most direct and reasonable route to or from the land is through the area.

*Example—*

A person would be using a vehicle for the sole purpose of going directly through a protected area if the person were using the vehicle only to go through the area and not for another purpose, such as recreation, during the journey.

- (3) Also, the chief executive may give an approval under subsection (1) if the chief executive reasonably believes the person who is to drive or ride the conditionally registered vehicle is suffering from a condition that—
- (a) is not temporary; and
  - (b) significantly restricts the person's mobility.

[s 123]

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- (4) However, the chief executive must not give an approval for the use of a conditionally registered vehicle in a protected area under subsection (2)(a), (b), (c) or (g) or (3) if the chief executive considers the use of the conditionally registered vehicle would be likely to—
  - (a) cause unreasonable damage to a cultural resource of the area; or
  - (b) have a significant adverse effect on a natural resource of the area; or
  - (c) pose a serious risk to the health or safety of the public in the area.
- (5) For subsection (3), the chief executive may ask a person to give the chief executive a medical certificate or other document issued by a doctor to verify the nature of the person's condition.
- (6) In this section—

*conditionally registered vehicle* has the meaning given by the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.

## 123 Safe use of vehicles by reference to transport legislation

- (1) If a person, while in a protected area, does an act or makes an omission that, if done or made on a road, would contravene any of the following provisions of the Queensland Road Rules, the person commits an offence against this subsection—
  - (a) section 256(1);
  - (b) section 264;
  - (c) section 265(1) or (3);
  - (d) section 266;
  - (e) section 268;
  - (f) section 270;
  - (g) section 271(4) or (5).

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Maximum penalty—20 penalty units.

- (2) If a person, while in a protected area, does an act or makes an omission that, if done or made on a road, would contravene the *Transport Operations (Road Use Management) Act 1995*, section 83 or 84, the person commits an offence against this subsection.

Maximum penalty—20 penalty units.

## 124 Safe use of vehicles—other requirements

- (1) A person in a protected area must not ride or travel in or on something being towed by a moving motor vehicle.

Maximum penalty—20 penalty units.

- (2) A person in a protected area must not carry a passenger, or travel as a passenger, on a quad bike or motorised trike other than on a seat designed to carry a passenger.

Maximum penalty—20 penalty units.

- (3) In this section—

***motorised trike*** means a motorbike within the meaning of the *Transport Operations (Road Use Management) Act 1995*, schedule 4, definition *motorbike*, paragraph (b).

***quad bike*** see the Queensland Road Rules, schedule 5.

## 125 Safe use of boats and recreational craft

A person must not, in a protected area—

- (a) operate a boat in a way that causes or may cause the boat to swerve, veer or turn violently; or
- (b) operate a boat or recreational craft in a way that causes or may cause—
- (i) danger to the person; or
- (ii) danger or fear to someone else.

Maximum penalty—20 penalty units.

**126 Complying with direction about use of vehicle, boat, aircraft or recreational craft**

- (1) If a conservation officer reasonably believes it is necessary, the officer may give the person in control of a vehicle, boat, aircraft or recreational craft in a protected area an oral or written direction regulating or prohibiting the driving, riding, flying, parking, mooring or use of it in the area.
- (2) The direction may also be given in a way that sufficiently shows the officer's intention.

*Example—*

by use of a sign or signal

- (3) The directions the officer may give include directions for all or any of the following—
  - (a) preventing or remedying any harm to, loss or destruction of, the cultural or natural resources of the area;
  - (b) securing the safety of a person or a person's property;
  - (c) minimising disturbance to persons in the area.
- (4) Without limiting subsection (3), a direction may require the person in control of a vehicle, boat, aircraft or recreational craft to remove it from the area.
- (5) A person must comply with a direction given under this section unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (6) It is not a reasonable excuse for subsection (5) that the person holds a protected area authority that is inconsistent with the direction.

**127 Other requirements about using vehicle, boat or recreational craft**

- (1) A person must not, in a protected area—
  - (a) drive or ride a vehicle, boat or recreational craft at a speed or in a way that causes or may cause damage to the area; or



feed an animal if a regulatory notice prohibits the feeding of the animal.

Maximum penalty—

- (a) if the animal is a dingo (*Canis familiaris dingo*) and the offence is committed on Fraser Island—80 penalty units; or
  - (b) otherwise—40 penalty units.
- (3) However, a person may, without the written approval of the chief executive, feed an animal lawfully taken into the protected area under the Act.
- (4) For section 9, this section applies in relation to a special wildlife reserve.
- (5) In this section—
- feed*, in relation to an animal, includes—
- (a) use food to tease or lure the animal; and
  - (b) attempt to feed the animal.

## 129 Food to be kept from animals

- (1) A person in a protected area must ensure food in the person's possession or under the person's control is kept—
- (a) in a way that prevents animals that are dangerous, venomous or capable of injuring a person from gaining access to the food; and
  - (b) if a regulatory notice states the way in which the food must be kept—in the stated way.

Maximum penalty—40 penalty units.

- (2) In this section—

*food* does not include food—

- (a) at the time it is being consumed by a person or prepared for human consumption; or
- (b) lawfully deposited or disposed of under the Act; or



- (c) given to an animal lawfully taken into a protected area under the Act.

### 130 Unauthorised disturbance of animals

- (1) A person, other than an authorised person, in a protected area must not disturb an animal if—
  - (a) it is dangerous, venomous or capable of injuring a person; or
  - (b) a regulatory notice prohibits the disturbance of the animal.

Maximum penalty—

- (a) if the animal is a dingo (*Canis familiaris dingo*) and the offence is committed on Fraser Island—80 penalty units; or
  - (b) otherwise—40 penalty units.
- (2) This section does not apply to a person who disturbs an animal—
    - (a) under a protected area authority or with the written approval of the chief executive; or
    - (b) in the course of a lawful activity not directed towards the disturbance if the disturbance could not have been reasonably avoided.

- (3) In this section—

*disturb*, an animal, includes—

- (a) to approach, harass, harm, lure, pursue, tease or touch the animal; and
- (b) to attempt to disturb the animal.

### 131 Restriction on animals in protected area

- (1) A person must not, without the written approval of the chief executive—

[s 131]

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- (a) bring a live animal into a protected area; or
  - (b) keep a live animal in a protected area.
- Maximum penalty—20 penalty units.
- (2) Subsection (1) does not apply to—
- (a) a live animal brought into the area—
    - (i) under a stock grazing permit; or
    - (ii) for mustering stock under a stock mustering permit; or
    - (iii) under a travelling stock permit; or
  - (b) a fish or mud crab brought into or kept in the area if the fish or mud crab is lawfully taken in the area or a place adjacent to the area; or
  - (c) an invertebrate animal brought into or kept in the area if the animal is lawfully taken in the area or a place adjacent to the area for use as bait for fishing; or
  - (d) a horse brought into a conservation park, a resources reserve or a national park for horse riding if—
    - (i) bringing the horse into the park or reserve is authorised under a regulatory notice; and
    - (ii) the horse is brought into the park or reserve in accordance with the notice; or
  - (e) a dog brought into a conservation park or resources reserve if—
    - (i) bringing the dog into the park or reserve is authorised under a regulatory notice; and
    - (ii) the dog is brought into the park or reserve in accordance with the notice; or
  - (f) an animal brought into, or kept in, a special wildlife reserve under the management program for the reserve.
- (3) For section 9, this section applies in relation to a special wildlife reserve.

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## 132 Bringing dogs into or keeping dogs in protected area

- (1) A person in charge of a dog in a protected area must ensure the dog is under control in the protected area.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person in charge of a dog in a protected area if—
- (a) the person conducts an activity in the protected area under an authority under an Act; and
  - (b) the dog is being used to help conduct the activity under the authority.

*Example—*

The holder of a stock grazing permit for the area is using a dog to muster stock being grazed on the area.

- (3) A person in charge of a dog in a protected area must, if the dog defecates in the area—
- (a) immediately collect any faeces deposited by the dog and enclose them in a secure bag or wrapping; and
  - (b) deposit the enclosed faeces—
    - (i) in a bin identified by the chief executive as appropriate for that purpose; or
    - (ii) if no bin in the protected area has been identified by the chief executive—in, on or at a place outside the area.

Maximum penalty—20 penalty units.

- (4) In this section—

***under control***, for a dog, means—

- (a) a person who is physically able to control the dog is holding the dog by a leash that is appropriate to restrain the dog; or
- (b) the dog—
  - (i) is securely tethered to a fixed object; and

[s 133]

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- (ii) is under the supervision of a person who is physically able to control the dog; or
- (c) the dog is being transported in an enclosed vehicle, carry cage or other suitable closed container; or
- (d) the dog is being transported on the tray of a vehicle and is securely tethered so as to be confined to the tray.

### **133 Complying with direction to remove animal**

- (1) A conservation officer may give a person in charge of an animal in a protected area an oral or a written direction to remove the animal from the area if the officer reasonably believes that the animal—
  - (a) is unlawfully in the area; or
  - (b) has been causing a nuisance or disturbance in the area; or
  - (c) is a danger to persons or wildlife in the area.
- (2) The person must, unless the person has a reasonable excuse—
  - (a) remove the animal from the area; and
  - (b) ensure the animal is not returned to the area within 24 hours after its removal.

Maximum penalty—40 penalty units.

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

### **134 Unlawfully bringing plants into protected area**

- (1) A person must not bring a plant into a protected area unless—
  - (a) the plant is for consumption by humans as food; or
  - (b) the person brings the plant into the area in accordance with the written approval of the chief executive; or

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- (c) the plant is for use as firewood and the person brings the plant into the area in accordance with a protected area authority held by the person or a regulatory notice; or
  - (d) the plant is for consumption by an animal lawfully brought into the protected area; or
  - (e) the plant remains securely stored in or on a vehicle or boat at all times while the plant is in the area; or
  - (f) the protected area is a special wildlife reserve and the person brings the plant into the reserve in accordance with the management program for the reserve.

Maximum penalty—50 penalty units.

- (2) Without limiting subsection (1)(e), a plant is securely stored in or on a vehicle or boat if it is kept in or on the vehicle or boat in a way that ensures that no part of the plant is spread or released into the protected area, including, for example, by keeping the plant—
  - (a) in a cabin of the vehicle or boat; or
  - (b) covered at all times.

## **Part 6                      Pollution and waste**

### **135      Polluting dams, lakes or watercourses**

- (1) A person must not pollute a dam, lake or watercourse in a protected area.

Maximum penalty—50 penalty units.

- (2) Without limiting subsection (1), a person pollutes a dam, lake or watercourse if the person—
  - (a) discharges waste from a boat into the dam, lake or watercourse; or
  - (b) uses soap, detergent or shampoo in the dam, lake or watercourse; or

[s 136]

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- (c) puts oil, grease or a harmful or dangerous substance in the dam, lake or watercourse; or
  - (d) washes a cooking utensil, clothing, vehicle or other thing in the dam, lake or watercourse.
- (3) For section 9, this section applies in relation to a special wildlife reserve.

### **136 Misusing water**

- (1) A person must not, in a protected area—
- (a) take water from a lake, watercourse or other water storage, other than—
    - (i) for personal use within the area; or
    - (ii) to water an animal the person lawfully brought into the area; or
  - (b) dam or divert a watercourse; or
  - (c) tamper with or damage a water supply or water storage facility; or

*Examples of water supply or water storage facilities—*

dam, water pipeline, water pump, water tank

- (d) allow water from a tap to run to waste.

Maximum penalty—50 penalty units.

- (2) Subsection (1) does not apply to—
- (a) a person doing an act mentioned in subsection (1) if doing the act is authorised under—
    - (i) the Act; or
    - (ii) the management program for a special wildlife reserve; and
  - (b) a person conducting a lawful activity not directed towards doing an act in contravention of the subsection if the contravention could not have been reasonably avoided.

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

### **137 Unlawful use of offensive and harmful substances**

- (1) A person must not, without the written approval of the chief executive, use a herbicide or pesticide in a protected area.

Maximum penalty—120 penalty units.

- (2) A person must not use another noxious, offensive or harmful substance in a protected area.

Maximum penalty—120 penalty units.

- (3) This section does not apply to a person doing an act under subsection (1) or (2) if doing the act is authorised under the management program for a special wildlife reserve.

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

### **138 Unlawful disposal of offensive and harmful substances**

- (1) A person must not bury or otherwise dispose of, or leave, a noxious, offensive or harmful substance in a protected area.

Maximum penalty—120 penalty units.

- (2) A person must not, without the written approval of the chief executive, bury or otherwise dispose of, or leave, the offal, carcass or skeleton of an animal in a protected area.

Maximum penalty—120 penalty units.

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

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

**139 Dumping or abandoning recreational craft, aircraft vehicles or boats**

A person must not dump or abandon a recreational craft, aircraft, vehicle or boat, or a part of a recreational craft, aircraft, vehicle or boat, in a protected area.

Maximum penalty—120 penalty units.

**140 Dumping or abandoning waste materials**

- (1) A person must not dump or abandon used or waste materials, including, for example, building materials, fencing materials, drums or vegetation, in a protected area.

Maximum penalty—120 penalty units.

- (2) A person in a protected area must not—
- (a) defecate, other than in a facility provided by the chief executive for the purpose, within the prescribed minimum distance of a lake, watercourse or walking track in the area; or
  - (b) bury human waste, other than in a facility provided by the chief executive for the purpose, within the prescribed minimum distance of any of the following—
    - (i) a lake or watercourse in the area;
    - (ii) an occupied or established camp site;
    - (iii) a site designated by a regulatory notice as a camp site;
    - (iv) a walking track or other public facility; or
  - (c) leave human waste unburied.

Maximum penalty—50 penalty units.

- (3) In this section—

***prescribed minimum distance***, in relation to a protected area, means 10m or, if a regulatory notice erected or displayed at the entrance to the area states a longer minimum distance, the longer minimum distance.



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### **141 Depositing litter brought into protected area**

- (1) This section applies to litter brought into a protected area by a person.
- (2) The person, or anyone accompanying the person, must not deposit the litter in the protected area unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

*Example of reasonable excuse—*

The person has been collecting litter from public land adjacent to the protected area and brings the litter into the protected area to deposit it in a litter bin.

### **142 Depositing other litter**

- (1) This section applies to litter other than litter brought into the area.
- (2) If there are litter bins in a protected area, a person must not—
  - (a) deposit litter in the area other than in a litter bin; or
  - (b) deposit litter in contravention of a regulatory notice.

Maximum penalty—20 penalty units.

- (3) If there are no litter bins in a protected area, a person must not deposit litter in the area.

Maximum penalty—20 penalty units.

### **143 Complying with direction about litter**

- (1) If a conservation officer reasonably considers it necessary or desirable, the officer may give an oral or written direction to a person to remove the person's litter from a protected area even if there is a litter bin in the area.

*Example of when a direction under subsection (1) may be given—*  
when all the litter bins in a protected area are full

- (2) The person must comply with the direction.

Maximum penalty for subsection (2)—20 penalty units.



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- (d) an appliance used, or to be used, solely for conducting an activity under a permit or authority or the written approval of the chief executive; or
  - (e) an appliance securely stored in or on a vehicle or boat at all times while it is in the area.
- (3) Without limiting subsection (2)(e), an appliance is securely stored in or on a vehicle or boat if it is kept in a place in or on the vehicle or boat where it is not easily accessible and is out of sight.
- (4) In this section—  
*possess*, in relation to an appliance, means to have control over the appliance.

#### **145 Use of generator, compressor etc. in particular area of protected area**

- (1) A person must not, in a protected area, use a generator, compressor or similar machine unless its use is authorised under—
- (a) the written approval of the chief executive; or
  - (b) a regulatory notice erected or displayed in or near the area; or
- Maximum penalty—50 penalty units.
- (2) Subsection (1) does not apply to a person if—
- (a) the person uses a generator to operate a device for the treatment of a person's medical condition; and
  - (b) the generator does not emit a noise of more than 65dB(A) when measured 7m from the generator.
- (3) In this section—  
*medical condition*, of a person, means a medical condition for which the person has a medical certificate or other document issued by a doctor stating that the person has the condition.

## **146 Disturbance by amplified sound**

A person in a protected area must not use a sound amplifying system, including, for example, a radio, in a way that unreasonably disturbs someone else or an animal in the area.

Maximum penalty—50 penalty units.

## **147 General misconduct**

- (1) A person in a protected area must not, without a reasonable excuse—
  - (a) be disorderly or unreasonably disturb someone else in the area; or
  - (b) do anything that interferes, or is likely to interfere, with the health or safety of the person or someone else in the area.

Maximum penalty—50 penalty units.

- (2) Subsection (1)(b) does not apply to conduct to the extent to which the *Work Health and Safety Act 2011* applies to the conduct.
- (3) A person must not, in a protected area, restrict access to a part of the area or a barbecue, table or other facility in the area unless the person—
  - (a) has the written approval of the chief executive; or
  - (b) has a reasonable excuse.

Maximum penalty—50 penalty units.

*Examples of restricting access—*

cordoning off, claiming to have an exclusive right to use

- (4) Subsection (3) does not apply to a person who restricts the access mentioned in subsection (3) under a permit or commercial activity agreement authorising the person to restrict the access.

## 148 Conduct in parts of protected area where estuarine crocodiles are or may be present

- (1) A person must not, unless the person has a reasonable excuse, swim in a part of a protected area if a sign in or near the part gives a warning, in any form, of the possible presence of estuarine crocodiles.

Maximum penalty—100 penalty units.

- (2) A person must not, unless the person has a reasonable excuse, swim in a part of a protected area that the person knows, or ought reasonably to know, is a place where estuarine crocodiles have been frequently sighted.

Maximum penalty—100 penalty units.

- (3) A person must not, unless the person has a reasonable excuse, stand knee-high or more than knee-high in water in a protected area that the person knows, or ought reasonably to know, is water in which estuarine crocodiles normally live.

Maximum penalty—100 penalty units.

- (4) For subsection (3), it is a reasonable excuse for a person to stand knee-high or more than knee-high in water in a protected area if the person needs to stand in the water for a brief period to carry out another activity that the person is authorised to carry out in the protected area.

*Example for subsection (4)—*

standing in water to get into or out of a boat being used to carry out an activity the person is authorised to carry out in the protected area

- (5) In this section—

*estuarine crocodile* means an animal of the species *Crocodylus porosus*.

## 149 Tampering with camping tags

- (1) A person must not, unless the person has a reasonable excuse, tamper with a camping tag displayed on a tent, caravan, structure, vehicle or other equipment being used for camping.

Maximum penalty—20 penalty units.

(2) In this section—

*tamper with*, a camping tag, means—

- (a) damage, destroy or remove the tag; or
- (b) change anything written on the tag.

## **150 Tampering with structures and other things in protected area**

(1) A person must not tamper with a building, fence, gate or other structure or a notice or sign in a protected area unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

(2) In this section—

*tamper with*, a building, fence, gate or other structure or a notice or sign, includes—

- (a) deface, damage, destroy or mark the building, fence, gate or other structure or the notice or sign; or
- (b) remove the building, fence, gate or other structure or the notice or sign.

## **151 Complying with direction to leave for unlawful activities**

(1) Subsection (2) applies if, in a protected area, a conservation officer—

- (a) finds a person committing, or about to commit, an offence against the Act; or
- (b) finds a person in circumstances that lead the officer to reasonably suspect the person has committed an offence against the Act; or
- (c) has information that leads the officer to reasonably suspect a person has committed an offence against the Act.

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- (2) The conservation officer may direct the person to immediately leave the protected area or a stated part of it if the officer reasonably believes giving the direction is necessary to—
    - (a) prevent the continuation of the offence; or
    - (b) secure evidence of the offence; or
    - (c) prevent another offence from being committed.
  - (3) When giving a direction under subsection (2), the officer must warn the person it is an offence to fail to comply with the direction.
  - (4) The person must comply with the direction and not re-enter the area or part within 24 hours after leaving it.

Maximum penalty—80 penalty units.
  - (5) If a person fails to comply with a direction given under this section, a conservation officer may take steps that appear to the officer to be reasonable and necessary to secure compliance with the direction, including, for example—
    - (a) using reasonable force; and
    - (b) removing the person's property to a place inside or outside the protected area.

## **152 Complying with direction to leave for dangerous circumstances or emergency or rescue activity**

- (1) If a conservation officer reasonably believes circumstances exist that are a danger to a person, or the person's property, in a protected area, the officer may direct the person to leave the area, or the part of the area, where the danger exists.
- (2) If a conservation officer reasonably believes the presence of a person in a protected area may interfere with an emergency or rescue activity, the officer may direct the person to leave the area, or the part of the area, where the emergency or rescue activity is taking place.
- (3) When giving a direction under subsection (1) or (2), the officer must warn the person it is an offence to fail to comply with the direction.

[s 153]

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- (4) A person must comply with a direction given under this section and not re-enter the area until the person becomes aware that the conservation officer, or another conservation officer, is satisfied the reason for giving the direction no longer exists.

Maximum penalty—80 penalty units.

*Example of how person may become aware for subsection (4)—*

The chief executive makes a public announcement that persons may re-enter the area.

- (5) If a person fails to comply with a direction given under this section, a conservation officer may take reasonable steps to secure compliance with the direction, including, for example—
- (a) using reasonable force; and
  - (b) removing the person's property to a place inside or outside the protected area.

## **Chapter 7      Authorised activities in protected areas**

### **153      Conducting general muster**

- (1) This section applies if the chief executive reasonably believes it is necessary to muster stock on a protected area for the management of the area.
- (2) The chief executive may conduct a general muster of the stock.
- (3) However, the chief executive must give each relevant landholder for the area a notice stating the chief executive intends to conduct the muster on a stated day.
- (4) The notice must be given at least 5 business days before the stated day.



- (5) A relevant landholder for the protected area may be present at and take part in the muster.
- (6) The chief executive may ask the person the chief executive reasonably believes is the owner of stock found on the protected area during the muster to remove the stock from the area.
- (7) If the chief executive can not find the owner of stock found on the protected area during the muster, or the owner does not remove the stock from the protected area, the chief executive may seize the stock and remove it from the area.

*Note—*

For provisions about seized things, see the *Nature Conservation (Administration) Regulation 2017*, part 5.

- (8) In this section—  
***relevant landholder***, for a protected area, means a landholder of land adjoining the area.

## 154 Permitted dog-walking

- (1) The chief executive may erect or place a regulatory notice at the entrance to a conservation park or resources reserve stating that dog-walking is permitted in the park or reserve.
- (2) However, the chief executive may erect or place the notice only if the chief executive is satisfied—
  - (a) the area of the conservation park or resources reserve was widely used for dog-walking before the initial dedication of the area under the Act; and
  - (b) that allowing dogs into the conservation park or resources reserve will not result in—
    - (i) any damage to a cultural resource of the park or reserve; or
    - (ii) a significant adverse effect on a natural resource of the park or reserve.
- (3) In this section—

*initial dedication*, of an area, means the initial dedication of the area as any 1 of the following—

- (a) a conservation park;
- (b) a resources reserve;
- (c) a regional park within the meaning of the Act as in force immediately before 1 July 2016.

## Chapter 8      Seizure of things in protected area

*Note—*

For provisions about seized things, see the *Nature Conservation (Administration) Regulation 2017*, part 5.

### 155      **Seizure of particular things for the protection of cultural or natural resources**

- (1) This section applies if a conservation officer reasonably believes—
  - (a) a vehicle or appliance is in a protected area for the purpose of taking, using or interfering with a cultural or natural resource of the area and the taking, use or interference is not authorised under the Act; or
  - (b) it is necessary to remove a vehicle or appliance from a protected area for the protection of a cultural or natural resource of the area.
- (2) The officer may—
  - (a) seize the vehicle, and anything attached to, in or on the vehicle, or the appliance; and
  - (b) remove the seized vehicle, thing or appliance from the area.

- (3) In this section—  
*vehicle* includes a boat, recreational craft and aircraft.

### **156 Stray stock may be seized**

- (1) If a conservation officer reasonably suspects stock found on a protected area are stray stock, the officer may—
- (a) seize the stock; and
  - (b) remove the seized stock from the area.
- (2) For subsection (1), a conservation officer may suspect stock is stray stock only if the stock—
- (a) is in a part of a protected area other than a part where someone may lawfully graze stock under an Act; or
  - (b) has strayed onto a protected area from land outside the area.

### **157 Unauthorised structures or works may be seized**

- (1) This section applies if a conservation officer reasonably believes a structure or works in a protected area are not authorised to be in the area under the Act.
- (2) The conservation officer may—
- (a) seize the structure or works, and anything in, on or attached to the structure or works; and
  - (b) take the steps that are reasonable and necessary to remove the seized structure, works or thing from the area.
- (3) However, if the conservation officer knows, or ought reasonably to know, the name of the person in charge of the structure or works, the conservation officer may seize the structure or works only if—
- (a) the officer has given the person a written direction to remove the structure or works under section 115; and
  - (b) the person has not complied with the direction.

**158 Unauthorised vehicle, aircraft, boat or recreational craft may be seized**

- (1) This section applies if a conservation officer reasonably believes a vehicle in a protected area is not authorised to be in the area under the Act.
- (2) The conservation officer may—
  - (a) seize the vehicle and anything in the vehicle; and
  - (b) remove the seized vehicle, and anything in the vehicle, from the area.
- (3) However, if the conservation officer knows, or ought reasonably to know, the name of the person in control of the vehicle, the officer may seize the vehicle only if—
  - (a) the officer has given the person a written direction to remove the vehicle, and anything in the vehicle, within a stated time; and
  - (b) the person has not complied with the direction.
- (4) Also, a conservation officer may seize and remove a vehicle or other thing under this section only if the officer reasonably believes it is necessary or desirable to seize and remove the vehicle or thing, having regard to—
  - (a) the safety of people in the protected area; and
  - (b) the need to protect the cultural and natural resources of the area; and
  - (c) the orderly or proper management of the area.
- (5) In this section—

*vehicle* includes an aircraft, boat and recreational craft.

**159 Abandoned structure, works, vehicle, aircraft, boat or recreational craft may be seized**

- (1) This section applies if a conservation officer reasonably believes a structure, works or vehicle in a protected area has been abandoned and needs to be removed from the area.

- (2) The officer may—
- (a) seize the structure, works or vehicle, and anything in, on or attached to the structure, works or vehicle; and
  - (b) for a seized structure, works or thing in, on or attached to the structure or works—take the steps that are reasonable and necessary to remove the structure, works or thing; and
  - (c) for a seized vehicle, or thing attached to the vehicle—remove the vehicle or thing from the area.
- (3) In this section—  
*vehicle* includes an aircraft, boat and recreational craft.

## Chapter 9      Transitional provisions for Nature Conservation (Protected Areas Management) Regulation 2017

### 160      Definitions for chapter

In this chapter—

*corresponding provision*, for an expired provision, means a provision of this regulation that is substantially the same as or equivalent to the expired provision.

*expired*, in relation to a provision of the expired *Nature Conservation (Protected Areas Management) Regulation 2006*, means the provision as in force immediately before the commencement.

### **161 Controlling activity**

- (1) This section applies to a written permission to conduct a controlling activity given under expired section 46 that would, if expired section 46 had not expired, be in force on the commencement.
- (2) The permission continues in force under section 48 and is subject to the same conditions imposed under expired section 46 on the permission.

### **162 Regulatory notice**

- (1) This section applies to a regulatory notice erected or displayed under expired section 70 that had not been removed by the chief executive before the commencement.
- (2) The regulatory notice is taken to be a regulatory notice erected or displayed under section 73(2).

### **163 Consultation requirements in relation to regulatory notice**

- (1) Subsection (2) applies if, under expired section 70A, the chief executive had not, before the commencement, completed all actions in relation to complying with the consultation requirements under the indigenous management agreement for a protected area.
- (2) The chief executive may complete the actions under section 74.
- (3) Subsection (4) applies if, under expired section 70B, the chief executive had not, before the commencement, completed all actions in relation to complying with the consultation requirements under the indigenous land use agreement for a protected area.
- (4) The chief executive may complete the actions under section 75.

#### **164 Regulatory information notice**

- (1) This section applies to a regulatory information notice erected or displayed under expired section 71 that the chief executive had not removed before the commencement.
- (2) The regulatory information notice is taken to be a regulatory information notice erected or displayed under section 76(2).

#### **165 Declaration of restricted access area**

- (1) This section applies to an area declared to be a restricted access area under expired section 73 if the declaration was in force immediately before the commencement.
- (2) The area is taken to be a restricted access area declared under section 78.

#### **166 Consultation requirements in relation to declarations of existing access area**

- (1) Subsection (2) applies if, under expired section 75A, the chief executive had not, before the commencement, completed all actions in relation to complying with the consultation requirements under the indigenous management agreement for an Aboriginal land protected area.
- (2) The chief executive may complete the actions under section 81.
- (3) Subsection (4) applies if, under expired section 75B, the chief executive had not, before the commencement, completed all actions in relation to complying with the consultation requirements under the indigenous land use agreement for a protected area.
- (4) The chief executive may complete the actions under section 82.

#### **167 Declaration of prescribed commercial activity**

- (1) This section applies to a commercial activity declared to be a prescribed commercial activity for all or part of a protected

area under expired section 77 if the declaration was in force immediately before the commencement.

- (2) The activity is taken to be a prescribed commercial activity declared under section 84.

### **168 Declaration of special activity**

- (1) This section applies to an activity declared to be a special activity for all or part of a protected area under expired section 78 if the declaration was in force immediately before the commencement.
- (2) The activity is taken to be a special activity declared under section 85.

### **169 Declaration of area closed to public**

- (1) This section applies to a protected area or part of a protected area declared, under expired section 81, to be an area closed to the public for a period if the declaration was in force immediately before the commencement.
- (2) The area or part is taken to be declared under section 88 to be closed to the public for the period.

### **170 Chief executive's written approval**

- (1) This section applies to a written approval given under an expired provision that would, if the expired provision had not expired, be in force on the commencement.
- (2) The approval continues in force under the corresponding provision for the expired provision.

### **171 Directions**

- (1) This section applies to an oral or written direction, given under an expired provision that had not been complied with before the commencement.



- (2) The direction is taken to be direction under the corresponding provision for the expired provision.

## **172 References to expired regulation**

- (1) In a document, a reference to the expired *Nature Conservation (Protected Area Management) Regulation 2006* may, if the context permits, be taken to be a reference to this regulation.
- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.

## Schedule 1 Trustees of conservation parks

section 14

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Anderson Street Conservation Park Kamerunga Conservation Park	Cairns Regional Council	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <p>(a) charge a fee for entry to the park; or</p> <p>(b) grant any of the following—</p> <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit; or</li> </ul> <p>(c) enter into a commercial activity agreement</p>

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Bayview Conservation Park	Redland City Council	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority</li> </ul> </li> </ul>
Beachmere Conservation Park Buckleys Hole Conservation Park Byron Creek Conservation Park Neurum Creek Conservation Park Sheep Station Creek Conservation Park Wararba Creek Conservation Park	Moreton Bay Regional Council	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) enter into a commercial activity agreement; or</li> <li>(d) approve the use of a herbicide or pesticide</li> </ul>

## Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Conservation park</b>	<b>Trustee</b>	<b>Powers of trustee</b>
Bolger Bay Conservation Park	Magnetic Island Nature Care Association Inc. IA18957	the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a permit to take, use, keep or interfere with cultural or natural resources; (ii) an apiary permit; (iii) an Aboriginal tradition authority or Island custom authority; (iv) a commercial activity permit or special activity permit; or (c) enter into a commercial activity agreement
Bukkulla Conservation Park	Wildlife Land Fund Ltd. ACN 096317967	the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a permit to take, use, keep or interfere with cultural or natural resources; (ii) an apiary permit; (iii) an Aboriginal tradition authority or Island custom authority; or (c) enter into a commercial activity agreement

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Cooroibah Conservation Park	Noosa Shire Council	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) an organised event permit;</li> <li>(vi) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) enter into a commercial activity agreement; or</li> <li>(d) give permission to conduct a controlling activity; or</li> <li>(e) erect or display a regulatory notice; or</li> <li>(f) approve— <ul style="list-style-type: none"> <li>(i) the lighting of a fire; or</li> <li>(ii) the use of a herbicide or pesticide; or</li> <li>(iii) the possession or use of an appliance; or</li> </ul> </li> </ul>

Schedule 1

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
		(g) erect a sign or place a marking regulating the use of a vehicle, boat or recreational craft, or a type of vehicle, boat or recreational craft; or (h) release, sell or dispose of a seized thing; or (i) declare a restricted access area
Denmark Hill Conservation Park Flinders Peak Conservation Park Ipswich Pteropus Conservation Park Mount Beau Brummell Conservation Park White Rock Conservation Park	Ipswich City Council	the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a permit to take, use, keep or interfere with cultural or natural resources; (ii) an apiary permit; (iii) an Aboriginal tradition authority or Island custom authority; (iv) a commercial activity permit or special activity permit; (v) a stock grazing permit, stock mustering permit or travelling stock permit; or (c) enter into a commercial activity agreement; or (d) approve the use of a herbicide or pesticide

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Lake Broadwater Conservation Park	Western Downs Regional Council	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a stock grazing permit or travelling stock permit; or</li> </ul> </li> <li>(c) grant a commercial activity permit other than— <ul style="list-style-type: none"> <li>(i) to a vendor of food and beverages temporarily within the conservation park for an event approved by the trustees; or</li> <li>(ii) for a commercial activity associated with the conduct of power boat activities; or</li> </ul> </li> <li>(d) enter into a commercial activity agreement; or</li> <li>(e) approve— <ul style="list-style-type: none"> <li>(i) the use of a herbicide or pesticide; or</li> <li>(ii) the landing of an aircraft or recreational craft</li> </ul> </li> </ul>

## Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Conservation park</b>	<b>Trustee</b>	<b>Powers of trustee</b>
Lark Quarry Conservation Park	Winton Shire Council	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) enter into a commercial activity agreement; or</li> <li>(d) approve the use of a herbicide or pesticide</li> </ul>



Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Mount Whitfield Conservation Park	Cairns Regional Council	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority; or</li> </ul> </li> <li>(c) grant a commercial activity permit other than for a commercial activity associated with the conduct of rock climbing at the Aeroglen quarry; or</li> <li>(d) grant a special activity permit other than for a special activity associated with the conduct of rock climbing at the Aeroglen quarry; or</li> <li>(e) enter into a commercial activity agreement</li> </ul>

## Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Conservation park</b>	<b>Trustee</b>	<b>Powers of trustee</b>
Mutton Hole Wetlands Conservation Park	Carpentaria Shire Council	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) give permission to conduct a controlling activity</li> </ul>

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Southend Conservation Park	Gladstone Regional Council	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit; <ul style="list-style-type: none"> <li>an Aboriginal tradition authority or Island custom authority;</li> </ul> </li> <li>(iii) a commercial activity permit or special activity permit;</li> <li>(iv) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) enter into a commercial activity agreement; or</li> <li>(d) approve the landing of an aircraft or recreational craft</li> </ul>

## Schedule 1

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Springwood Conservation Park	Logan City Council	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) enter into a commercial activity agreement; or</li> <li>(d) approve the use of a herbicide or pesticide</li> </ul>

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Wongaloo Conservation Park	The Wetlands and Grasslands Foundation ACN 086 542 109	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) an organised event permit;</li> <li>(vi) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) give permission to conduct a controlling activity; or</li> <li>(d) erect or display a regulatory notice; or</li> <li>(e) approve— <ul style="list-style-type: none"> <li>(i) the lighting of a fire; or</li> <li>(ii) the use of a herbicide or pesticide; or</li> <li>(iii) the possession or use of an appliance; or</li> </ul> </li> <li>(f) erect a sign or place a marking regulating the use of a vehicle, boat or recreational craft, or a type of vehicle, boat or recreational craft; or</li> <li>(g) release, sell or dispose of a seized thing</li> </ul>

## Schedule 2 Trustees of resources reserves

section 15

### Part 1 Resources reserves placed under joint management of joint trustees

Column 1	Column 2
Resources reserve	Joint trustees
Bouldercombe Gorge Resources Reserve	chief executive and mining chief executive
Cudmore Resources Reserve	chief executive and mining chief executive
Eurimbula Resources Reserve	chief executive and mining chief executive
Flat Top Range Resources Reserve	chief executive and mining chief executive
Homevale Resources Reserve	chief executive and mining chief executive
Lawn Hill (Arthur Creek) Resources Reserve Lawn Hill (Lilydale) Resources Reserve Lawn Hill (Littles Range) Resources Reserve Lawn Hill (Widdallion) Resources Reserve	chief executive and mining chief executive
Moonstone Hill Resources Reserve	chief executive and mining chief executive

<b>Column 1</b>	<b>Column 2</b>
<b>Resources reserve</b>	<b>Joint trustees</b>
Mount Rosey Resources Reserve	chief executive and mining chief executive
Palmer Goldfield Resources Reserve	chief executive and mining chief executive
Rundle Range Resources Reserve	chief executive and mining chief executive
Stones Country Resources Reserve	chief executive and mining chief executive
Sundown Resources Reserve	chief executive and mining chief executive
White Mountains Resources Reserve	chief executive and mining chief executive

## Part 2 Resources reserves for which other joint trustee is given powers of chief executive

Column 1	Column 2
Resources reserve	Powers of other joint trustee
<p>Cudmore Resources Reserve                      Flat Top Range Resources Reserve                      Moonstone Hill Resources Reserve                      Stones Country Resources Reserve</p>	<p>the powers of the chief executive under this regulation or the <i>Nature Conservation (Administration) Regulation 2017</i> other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the reserve; or</li> <li>(b) grant any of the following—                             <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) enter into a commercial activity agreement; or</li> <li>(d) approve the use of a herbicide or pesticide</li> </ul>



## Schedule 3 Permitted uses in national parks

section 17

### Part 1 Service facilities

Column 1	Column 2
National park	Permitted use
Barron Gorge National Park	<p>construction, maintenance and use of the following facilities for the extraction of not more than 50ML of water a day from Lake Placid—</p> <ul style="list-style-type: none"> <li>(a) a submerged water intake tower in Lake Placid;</li> <li>(b) a vehicle access bridge from Barron Gorge Road to the water intake tower;</li> <li>(c) a pump station on the north bank of the Barron River;</li> <li>(d) a water mains under Barron Gorge Road</li> </ul>
Blackdown Tableland National Park—the part identified as ‘Communications Tower’ on CENAP045, CENAP046, CENAP047, CENAP048 and CENAP049	a communications use
Bowling Green Bay National Park—the following parts—	

## Schedule 3

Column 1	Column 2
National park	Permitted use
<p>(a) the part identified as ‘Alligator Creek VHF Repeater Tower’ shown on the map titled ‘Bowling Green Bay National Park Alligator Creek Tower Site’, containing an area of about 50m<sup>2</sup>;</p> <p>(b) the part shown as lot 38 on survey plan Ep1963, containing an area of about 20.24ha</p>	<p>a communications use</p> <p>a communications use</p>
Brampton Islands National Park—the part identified as ‘Communications Tower’ on CENAP052	a communications use
Bulburin National Park—the part described as the existing tower on the map titled ‘Ergon Communication Bulburin National Park Lot 53 on NPW737’, containing an area of 0.09ha	a communications use
Bunya Mountains National Park—the part described as EMT B on the plan titled ‘Bunya Mountains National Park Powerlink Interest Area’, containing an area of 9.084ha	an electricity distribution use
Bunya Mountains National Park—the part identified as ‘Radio Tower’ on plan S35Bunya –1	a communications use
<p>Burrum Coast National Park—the following parts—</p> <p>(a) the parts identified as ‘Proposed Reuse Main’, ‘Proposed Hydrant 1’, ‘Proposed Hydrant 2’ and ‘Proposed Hydrant 3’ on plan WBW 83 08/09;</p> <p>(b) the part identified as an easement on the plan titled ‘BCNP001’</p>	<p>construction, maintenance and use of hydrants and an effluent reuse pipeline</p> <p>an electricity distribution use</p>

Column 1	Column 2
National park	Permitted use
Capricornia Cays National Park—the part of Lady Musgrave Island shown as lots 1 and 2 on CP882206, containing an area of 1,276m <sup>2</sup>	a marine navigation use
<p>Capricornia Cays National Park—the following parts shown on CEN AP079—</p> <p>(a) lot A, containing an area of about 0.041ha;</p> <p>(b) lot B, containing an area of about 0.020ha;</p> <p>(c) lot C, containing an area of about 0.003ha;</p> <p>(d) lot D, containing an area of about 0.016ha;</p> <p>(e) lot E, containing an area of about 0.018ha;</p> <p>(f) lot F, containing an area of about 0.021ha</p>	<p>maintenance and use of the potable water supply network</p> <p>maintenance and use of the non-potable water supply network</p> <p>maintenance and use of the electricity connection</p> <p>maintenance and use of the water intake pipeline</p> <p>maintenance and use of the water outlet pipeline</p> <p>maintenance and use of the fuel pipeline</p>
Conondale National Park—the part identified as ‘Authority Area’ covering part of Lots 135 and 274 on NPW746 on QPWSAP000051, containing an area of 360m <sup>2</sup>	a communications use
Claremont Isles National Park—the part of Fife Island shown as lot 1 on CP882212, containing an area of 267m <sup>2</sup>	a marine navigation use
<p>Conway National Park—the following parts—</p> <p>(a) the part identified as ‘Crown Castle Australia Communications Tower’ on ACENAP068;</p>	a communications use

## Schedule 3

Column 1	Column 2
National park	Permitted use
<p>(b) the part identified as ‘Proposed Authority Area’ on plan S35Conway-1;</p> <p>(c) the parts shown as lots 284, 285 and 286 on survey plan Hr1228</p> <p>(d) the part identified as ‘Authority Area’ within Lot 43 on NPW1144 on QPWS 1980, containing an area of 1,015m<sup>2</sup></p>	<p>an electricity distribution use</p> <p>a communications use</p> <p>a water supply use</p>
<p>D’Aguilar National Park—the following parts—</p> <p>(a) the part identified as ‘D’Aguilar Range (Energex) Site’ on the plan titled ‘DCS Communication site ‘D’Aguilar Range’ D’Aguilar National Park’;</p> <p>(b) the part identified as ‘Mount Tenison Wood Radio Tower’ on the plan titled ‘Mount Tenison Wood Radio Tower’;</p> <p>(c) lot A on AP20928;</p> <p>(d) lot A on AP20929;</p> <p>(e) the part identified as lot A over part of lot 309 on NPW751 on QPWSAP00031, containing an area of 268m<sup>2</sup>;</p> <p>(f) the parts identified as ‘Authority Area A’ and ‘Authority Area B’ over parts of Lot 309 on NPW751 on QPWSAP00031, containing an area of 545m<sup>2</sup></p>	<p>a communications use</p> <p>a communications use</p> <p>a communications use</p> <p>a communications use</p> <p>a communications use</p> <p>a communications use</p>

Column 1	Column 2
National park	Permitted use
Daintree National Park—the fenced areas identified as ‘Telstra & Other Users’ and ‘DERM & DCS site’ shown on drawing ‘A7P1592-2’	a communications use
<p>Deer Reserve National Park—the following parts—</p> <p>(a) the part identified as ‘Radio Hut Site’ on the map titled ‘Deer Reserve National Park’;</p> <p>(b) the part shown as lot C on AP17861, containing an area of about 3,898m<sup>2</sup>;</p> <p>(c) the part shown as Lot A on QPWSAP00010, containing an area of about 120m<sup>2</sup></p>	<p>a communications use</p> <p>a communications use</p> <p>a communications use</p>
Denham Group National Park—the part of Cairncross Island shown as lot 10 on CP898341, containing an area of 1,682m <sup>2</sup>	a marine navigation use
<p>Dinden National Park—the following parts—</p> <p>(a) the part identified as ‘Miles Electronics’, containing an area of 456m<sup>2</sup> shown on the plan titled ‘Location Plan of Communications Towers Dinden NP’;</p> <p>(b) the part identified as ‘Black and White Taxis’, containing an area of 289m<sup>2</sup> shown on the plan titled ‘Location Plan of Communications Towers Dinden NP’;</p>	<p>a communications use</p> <p>a communications use</p>

## Schedule 3

Column 1	Column 2
National park	Permitted use
(c) the part described as existing tower (Miles Electronic) on the plan titled 'Ergon Communication Equipment attached on Miles Electronics Tower Dinden National Park Lot 62 on NPW920', containing an area of 300m <sup>2</sup>	a communications use
<p>Dryander National Park—the following parts—</p> <p>(a) the site described as the Ergon Energy Riordanvale communication site shown on the map titled 'Ergon Energy Riordanvale Communication Site Dryander National Park Lot 24 on NPW772', containing an area of 900m<sup>2</sup>;</p> <p>(b) the part of lot 24 on AP19346 shown as 'NBN installation' on drawings 4AIR-51-07-WDWE-T1, 4AIR-51-07-WDWE-C1 to C5 and 4AIR-51-07-WDWE-A1, containing an area of about 700m<sup>2</sup></p>	<p>a communications use</p> <p>an electricity distribution use</p>
Dularcha National Park	construction, maintenance and use of an underground sewer rising main constructed in accordance with drawing numbers 10606000–003 to 10606000–012 showing the route and construction details for the main
Eubenangee Swamp National Park—the part identified as 'Proposed Transmission Line' on plan A3–H–132537–06	an electricity distribution use

Column 1	Column 2
National park	Permitted use
Ferntree Creek National Park—the part identified as ‘Licence Area’ on drawing U-DWG-302-1016 for the Northern Pipeline Interconnector Stage 2	construction, maintenance and use of a water pipeline
Girramay National Park—the part identified as ‘Proposed Transmission Line’ on plan A3-H-137240-21	an electricity distribution use
<p>Girringun National Park—the following parts—</p> <p>(a) the part identified as ‘Wallaman Falls Radio Tower and Hut’ on the map, dated 11 January 2010, titled ‘FPQ Infrastructure on DERM Lands’ ‘Wallaman Falls Radio tower and Hut’;</p> <p>(b) the part identified as ‘Proposed Transmission Line’ on plans A3-H-137240-08, A3-H-137240-09, A3-H-137240-10, A3-H-137240-11, A3-H-137240-12, A3-H-137240-13, A3-H-137240-14 and A3-H-137240-15</p>	<p>a communications use</p> <p>an electricity distribution use</p>
<p>Glass House Mountains National Park—the following parts—</p> <p>(a) the part identified as ‘Proposed Easement’ on plan 11549 for the Northern Pipeline Interconnector Stage 1;</p>	construction, maintenance and use of a water pipeline

Schedule 3

Column 1	Column 2
National park	Permitted use
(b) the parts identified as ‘Authority Areas A, B, C, D and E’ over parts of Lot 127 and Lot 589 on NPW725, and Lot 1 on AP19221, on QPWSAP00013, containing an area of about 44,963.3m <sup>2</sup>	a water supply use
Goold Island National Park	construction, maintenance and use of a communications tower and supporting structures, constructed on an area of 6m diameter at latitude 18°9.645' south, longitude 146°9.991' east, for the operation of a radio repeater, seaphone repeater and radio link



Column 1	Column 2
<b>National park</b>	<b>Permitted use</b>
Great Sandy National Park	<p>the following uses—</p> <ul style="list-style-type: none"> <li>(a) an electricity distribution use, or a communications use, consistent with orthophoto maps 15993-A1 and 15994-A1 and works plan 1100532;</li> <li>(b) a communications use consistent with drawing 254913F1;</li> <li>(c) construction, maintenance and use of a water pipeline in the area shown as 'Existing Easement—Water Pipeline' on the plan titled 'Great Sandy National Park Cooloola Coast water pipeline';</li> <li>(d) maintenance and use of a facility, by Gympie Regional Council, for providing communication services to the Tin Can Bay and Cooloola Cove communities;</li> <li>(e) maintenance and use of a water reservoir by Gympie Regional Council to service the Tin Can Bay and Cooloola Cove communities;</li> <li>(f) a communications use on the part identified as the radio tower site on plan 'Bowarrady QA200108';</li> <li>(g) a communications use on the part identified as communications tower on the map titled 'Cooloola Rainbow Beach Aggregation'</li> </ul>
Green Island National Park—the part around the tower situated at about latitude 16°45.6' south, longitude 145°58.4' east, containing an area of about 0.0405ha	construction and use of support structures for an extension of the tower

## Schedule 3

Column 1	Column 2
National park	Permitted use
Herberton Range National Park—the parts identified as ‘Queensland Police Service and Co-users’ and ‘Telstra and Co-users’ on administrative plan WT001	a communications use
Holbourne Island National Park—the part shown as lot 115 on CP882203, containing an area of 203m <sup>2</sup>	a marine navigation use
Homevale National Park—the part identified as the authority area on the map, of 31 May 2007, titled ‘Homevale National Park s35-1’	an electricity distribution use
Howick Group National Park (Cape York Peninsula Aboriginal land)—the part of South Barrow Island shown as lot 1 on CP882197, containing an area of 212m <sup>2</sup>	a marine navigation use
Hull River National Park—the part identified as the ‘Use Area for Cassowary Coast Regional Council in Hull River National Park’ on drawing PR116239–1A, PR116239–2A, PR116239–3A, and PR116239–4A, containing an area of about 11,267m <sup>2</sup>	a water supply use
<p>Koombooloomba National Park—the following parts—</p> <p>(a) the part identified as ‘Communications Hut and Tower’ on the map titled ‘Kareeya Power Station Communications Hut and Tower’;</p> <p>(b) the part identified as ‘Gauging Station’ on the map titled ‘Nitchaga Creek Flow Gauging Station’</p>	<p>a communications use</p> <p>a communications use maintenance and use of a water flow gauging station</p>

Column 1	Column 2
National park	Permitted use
Kroombit Tops National Park—the part identified as ‘Communications Tower’ on CENAP050	a communications use
Kuranda National Park—the parts identified as ‘Optus Building’, ‘Telstra Building’, ‘Airservices Building’, ‘Bureau of Meteorology Building’ and ‘TV Hut’ shown on the drawing titled ‘Saddle Mountain Communications Facilities Site Details’	a communications use
<p>Littabella National Park—the following parts—</p> <p>(a) the part shown as lot F on QPWSAP00004, containing an area of about 366m<sup>2</sup>;</p> <p>(b) the part described as an existing tower on the plan titled ‘Communication Infrastructure Littabella National Park Lot 212 on NPW784’, containing an area of 600m<sup>2</sup>;</p> <p>(c) the part shown as lot A on QPWSAP00004, containing an area of about 196m<sup>2</sup>;</p> <p>(d) the part shown as Lot C on QPWSAP00004, containing an area of about 50m<sup>2</sup></p>	<p>a communications use</p> <p>a communications use</p> <p>a communications use carried out by Maritime Safety Queensland</p> <p>a communications use</p>
<p>Lizard Island National Park—the following parts—</p> <p>(a) the part of Palfrey Island shown as lot 1 on CP882213, containing an area of 220m<sup>2</sup>;</p>	a marine navigation use

## Schedule 3

Column 1	Column 2
National park	Permitted use
(b) the part identified as ‘Repeater site’ on the plan titled ‘FNAP-001 Australian Volunteer Coastguard Association Repeater Location’, containing an area of 25m <sup>2</sup>	a communications use
Ma’alpiku Island National Park (Cape York Peninsula Aboriginal land)—Restoration Rock, shown as lot 42 on SP241424, containing an area of 1.162ha	a marine navigation use
Macalister Range National Park—the part identified as lot A over part of lot 174 on NPW930 on QPWSAP00039, containing an area of 3m <sup>2</sup>	a communications use
Magnetic Island National Park—the following parts—  (a) the part identified as ‘Authority Area’ on the plan titled ‘NCA Authority Area’;  (b) the part identified as ‘The Forts’ on plan S35Mag—1;  (c) the part identified as ‘overlandcable_buffer’ within Lot 456 on NPW398 on the map titled ‘Ergon Energy Electricity Cable Authority Area’	maintenance and use of a water pipeline  a communications use  an electricity distribution use
Main Range National Park—the part identified as ‘Bald Mountain Radio Tower’ on the map, dated 11 January 2010, titled ‘FPQ Infrastructure on DERM Lands’ ‘Bald Mountain Radio Tower’	a communications use

Column 1	Column 2
National park	Permitted use
Mooloolah River National Park—the part identified as ‘Easement Total Area 1.9ha’ on drawing titled ‘Pressure Main Route and Easement’ for the Diversion of South Buderim Sewerage Project—Project No. A1231400	construction, maintenance and use of a sewerage pipeline
Mount Cook National Park—the part identified as ‘Mt Cook QPS QAS SES’ on administrative plan LPF/10739	a communications use
Mount Mackay National Park—the parts identified as ‘Far North Queensland Electricity Board Radio Repeater Site’ and ‘Cleared Area for Helicopter Access’ shown on plan 352-F-1A4 at about latitude 17°56.803' south, longitude 145°58.450' east, shown on the plan titled ‘Mount Mackay NP Communications Tower’	a communications use
Mount Windsor National Park—the part identified as ‘Roadtek site’ shown on the plan titled ‘Mount Windsor Tableland Radio Site’	a communications use
Mowbray National Park—the sites identified as ‘Ergon tower’ and ‘QPS tower’ shown on the plan titled ‘Mowbray National Park Location Plan of QPS and Ergon Communication Towers’	a communications use
Ngalba Bulal National Park—the part of the Mangkalba (Cedar Bay) section, south of an east-west line passing through Obree Point, shown on the map titled ‘Mangkalba (Cedar Bay) section map’	a communications use
Noosa National Park—the following parts—	

Schedule 3

Column 1	Column 2
<p><b>National park</b></p> <p>(a) the parts identified as ‘Area A’ and ‘Area B’ in Lot 147 on NPW889;</p> <p>(b) the part identified as lot A over part of lot 147 on NPW889 on QPWSAP00017, containing an area of 162m<sup>2</sup></p>	<p><b>Permitted use</b></p> <p>maintenance and use of water infrastructure</p> <p>a communications use</p>
<p>Orpheus Island National Park—the part of White Rock shown as lot 11 on CP882221, containing an area of 326m<sup>2</sup></p>	<p>a marine navigation use</p>
<p>Paluma Range National Park—the following parts—</p> <p>(a) the part shown on Townsville City Council water supply infrastructure overall plan consistent with drawing 60024604/131, including the following—</p> <p>(i) Mt Kinduro water treatment plant consistent with drawing 60024604/132;</p> <p>(ii) Crystal Creek water supply infrastructure consistent with drawing 60024604/133;</p> <p>(b) the following parts shown as easement—</p> <p>(i) AP on DP211715;</p> <p>(ii) AR and AS on SP211717;</p> <p>(iii) AU, AV and AX on DP211719;</p> <p>(iv) ASR on SP211737</p>	<p>construction, maintenance and use of a water treatment facility and associated infrastructure</p> <p>an electricity distribution use</p>
<p>Percy Isles National Park—the following parts—</p>	

Column 1	Column 2
National park	Permitted use
(a) the part of Pine Peak Island shown as lot 4 on CP882204, containing an area of 319m <sup>2</sup> ;  (b) the part of Vernon Rocks shown as lot 1 on CP882205, containing an area of 235m <sup>2</sup>	a marine navigation use  a marine navigation use
Possession Island National Park—Eborac Island, shown as lot 11 on plan SO7, containing an area of about 4.45ha	a marine navigation use
Russell River National Park—the part identified as ‘Proposed Transmission Line’ on plan A3–H–132537–15	an electricity distribution use
Tamborine National Park—the following parts—  (a) the part identified as ‘RRTMB Mt Tamborine Radio Site’ on plan 11044-A4, containing an area of 268m <sup>2</sup> ;  (b) the part shown as ‘Approved Route’ on sheet 26 of the map for the Powerlink transmission grid for Greenbank–Maudsland	a communications use  an electricity distribution use
Tewantin National Park—the following parts—  (a) the part identified as ‘Area A’ in Lot 959 on NPW1140;  (b) the part identified as lot A covering part of lot 4 on AP19222 on MCYAP1402, containing an area of about 360m <sup>2</sup>	a communications use  a communications use
Three Islands Group National Park—the part of Three Isles shown as lot 1 on CP882196, containing an area of 406m <sup>2</sup>	a marine navigation use

## Schedule 3

Column 1	Column 2
National park	Permitted use
Tuchekoi National Park—the part identified as ‘Area A’ in Lot 210 on NPW833	maintenance and use of water infrastructure
Turtle Group National Park—the part of Petherbridge Island shown as lot 1 on CP882190, containing an area of 235m <sup>2</sup>	a marine navigation use
<p>Whitsunday Islands National Park—the following parts—</p> <p>(a) the part of Edward Island shown as lot 7 on CP882207, containing an area of 392m<sup>2</sup>;</p> <p>(b) the part of Hook Island shown as lot 6 on CP882209, containing an area of 261m<sup>2</sup>;</p> <p>(c) the part identified as ‘Mount Robinson Communication Tower’ on CEN AP076, containing an area of about 266m<sup>2</sup></p>	<p>a marine navigation use</p> <p>a marine navigation use</p> <p>a marine navigation use</p>
Wild Cattle Island National Park	<p>construction, maintenance and use of the following facilities by Queensland Transport for the Port of Gladstone—</p> <p>(a) a shipping navigation leads tower and associated solar power equipment;</p> <p>(b) a firebreak around the tower;</p> <p>(c) a sight line of trimmed vegetation across the island;</p> <p>(d) a vehicle access track within the sight line</p>
Wongi National Park—the parts identified as ‘Easement H’ and ‘Easement J’ on SP211763, containing an area of 17.26ha	an electricity distribution use



Column 1	Column 2
National park	Permitted use
<p>Woondum National Park—the following parts—</p> <p>(a) lot A on AP17855;</p> <p>(b) the part identified as ‘EGX’ on AP17876 and AP17879, containing an area of about 900m<sup>2</sup>;</p> <p>(c) the part identified as ‘Authority Area A’ on lot 2 on AP19217 on QPWSAP000087, containing an area of about 700m<sup>2</sup>;</p> <p>(d) the part identified as ‘Authority Area A’ on lot 3 on AP19217 on QPWSAP000090, containing an area of about 40m<sup>2</sup></p>	<p>a communications use</p> <p>a communications use</p> <p>a communications use</p> <p>a communications use</p>
<p>Wooroonooran National Park—the following parts—</p> <p>(a) the part identified as ‘Proposed Transmission Line’ on plans A3–H–132537–03, A3–H–132537–04 and A3–H–132537–05;</p> <p>(b) the part that is 10m on each side of the overhead powerline route through lot 19 on NPW921, as shown on plan 2361-01;</p> <p>(c) the parts identified as area A on plan 1758-01, area B on plan 1759-01, area A on plan 7876CRC-01, area C on plan 7876CRC-02 and area B on plan 7876CRC-03;</p> <p>(d) the parts identified as ‘Power Line’ and ‘Cableway’ on drawing No. BA4091.98;</p>	<p>an electricity distribution use</p> <p>an electricity distribution use</p> <p>maintenance and use of water supply facilities, and construction, maintenance and use of associated infrastructure for the facilities</p> <p>construction, maintenance and use of cableway</p> <p>an electricity distribution use</p>

## Schedule 3

<b>Column 1</b>	<b>Column 2</b>
<b>National park</b>	<b>Permitted use</b>
(e) the parts identified as portions 208 and 209 and 'Cableway' on survey plan Nr.5584	a communications use
Woowoonga National Park—the part described as the lease area on the map, dated 29 November 2010, titled 'Woowoonga National Park - telecommunications site', containing an area of 400m <sup>2</sup>	a communications use
Woowoonga National Park—the part identified as 'Cleared area' on the map titled 'Woowoonga National Park - telecommunications site', containing an area of about 400m <sup>2</sup>	a communications use

## Part 2 Ecotourism facilities

<b>Column 1</b>	<b>Column 2</b>
<b>National park</b>	<b>Permitted use</b>
Lamington National Park—the following parts in Lot 496 on AP22466, shown on SP305395—	
(a) the part identified as Lot X, containing an area of 4.201ha;	construction, refurbishment, maintenance and use of a campground and buildings or other structures associated with the campground
(b) the part identified as Lot Y, containing an area of 1,111m <sup>2</sup>	maintenance and use of caretaker premises associated with the campground

Column 1	Column 2
National park	Permitted use
<p>Main Range National Park—the following parts—</p> <p>(a) the part identified as Lot A in Lot 933 on NPW718, shown on SP304648, containing an area of 5,459m<sup>2</sup>;</p> <p>(b) the part identified as Lot B in Lot 750 on NPW718, shown on SP304647, containing an area of 2,336m<sup>2</sup></p>	<p>construction, maintenance and use of buildings or other structures for overnight accommodation and other services related to ecotourism</p> <p>construction, maintenance and use of buildings or other structures for overnight accommodation and other services related to ecotourism</p>
<p>Wooroonooran National Park—the part identified as ‘(Lease Area “A”)', on plan CN 001 titled ‘Mamu Rainforest Canopy Walkway Lease Area “Wooroonooran” National Park’</p>	<p>Maintenance and use of a canopy walkway and maintenance, use, refurbishment or conversion of associated facilities for the walkway</p>

## Schedule 4 Permitted uses in national parks under former Act

section 18

Column 1	Column 2
National park or part of national park under former Act	Permitted use
<p>Brampton Islands National Park—the following parts shown on CEN AP075—</p> <p>(a) lot A, containing an area of about 1.60ha;</p> <p>(b) lot B, containing an area of about 0.66ha;</p> <p>(c) lot C, containing an area of about 1.03ha;</p> <p>(d) lot D, containing an area of about 0.28ha</p>	<p>maintenance and use of an airstrip</p> <p>maintenance and use of a sewage treatment facility</p> <p>maintenance and use of a tramway</p> <p>maintenance and use of an airstrip</p>
Crater Lakes National Park—the part identified as the ‘Agreement area’ on plan Sec 37 Crater Lakes–1	construction, maintenance and use of buildings, structures and other improvements as part of, or for, a facility for providing tourism services
Molle Islands National Park—the parts identified on plan ‘South Molle Island Infrastructure on Lot A and B on HR1825’	maintenance and use of a water pipeline, water tanks, pumping station and sewage pipeline
<p>Molle Islands National Park—the following parts shown on CEN AP078—</p> <p>(a) lot A, containing an area of about 2.4ha;</p>	maintenance and use of the water storage facility

Column 1	Column 2
<b>National park or part of national park under former Act</b>	<b>Permitted use</b>
(b) lot B, containing an area of about 0.70ha;	maintenance and use of the power substation
(c) lot C, containing an area of about 2.7ha	maintenance and use of the powerline corridor
Pioneer Peaks National Park— lots A and B on QPWSAP000058	a communications use

## **Schedule 5 Prescribed forest reserves for temporary continuation of beekeeping**

sections 31(3) and 50 and schedule 8, definition *apiary area*

### **Part 1 Forest reserves to become, and former forest reserves that have become, national park**

<b>Name of forest reserve or former forest reserve</b>	<b>Permitted number of apiary sites</b>
Alford Forest Reserve	2
Austinville Forest Reserve 1	1
Bania Forest Reserve	4
Beerburrum Forest Reserve 1	9
Beerburrum Forest Reserve 2	1
Beerwah Forest Reserve	5
Bellthorpe Forest Reserve 2	25
Bingera Forest Reserve	2
Blackdown Tableland Forest Reserve	14
Boompa Forest Reserve 2	2
Bulburin Forest Reserve	6
Burnett Creek Forest Reserve	2
Cherbourg Forest Reserve	8
Clagiraba Forest Reserve	3

<b>Name of forest reserve or former forest reserve</b>	<b>Permitted number of apiary sites</b>
Conondale Forest Reserve 1	12
Conondale Forest Reserve 2	134
Cordalba Forest Reserve	5
D' Aguilar Forest Reserve	38
Danbulla South Forest Reserve	1
Danbulla West Forest Reserve	1
Dan Dan Forest Reserve	1
Deer Reserve Forest Reserve	4
Emu Vale Forest Reserve	1
Enoggera Forest Reserve	6
Gatton Forest Reserve	3
Geham Forest Reserve	1
Goomborian Forest Reserve	15
Goomburra Forest Reserve	2
Grongah Forest Reserve	15
Gympie Forest Reserve	18
Imbil Forest Reserve 1	4
Kandanga Forest Reserve	79
Kenilworth Forest Reserve	53
Kirrama Forest Reserve	3
Kroombit Tops Forest Reserve	32
Littabella Forest Reserve	6
Lockyer Forest Reserve	10
Maleny Forest Reserve 3	1

## Schedule 5

<b>Name of forest reserve or former forest reserve</b>	<b>Permitted number of apiary sites</b>
Mapleton Forest Reserve	28
Marodian Forest Reserve	14
Maroochy Forest Reserve 1	2
Maroochy Forest Reserve 3	1
Miva Forest Reserve	1
Mooloolah Forest Reserve	4
Mount Binga Forest Reserve	2
Mount Mee Forest Reserve	30
Mt Glorious Forest Reserve	60
Mt Mathieson Forest Reserve	2
Nangur Forest Reserve	12
Nerang Forest Reserve	19
Neumgna Forest Reserve	12
Nour Nour Forest Reserve	9
Numinbah Forest Reserve	8
Palen Forest Reserve 1	1
Palen Forest Reserve 2	1
Perseverance Creek Forest Reserve	9
Pidna Forest Reserve	2
Polmaily Forest Reserve 2	1
Ringtail Forest Reserve	2
Spicers Gap Forest Reserve	3
Tamborine Forest Reserve	7
Teebar Forest Reserve 1	1



<b>Name of forest reserve or former forest reserve</b>	<b>Permitted number of apiary sites</b>
Teviot Forest Reserve	1
Tewantin Forest Reserve 1	7
Tewantin Forest Reserve 3	1
Toolara Forest Reserve	7
Tuchekoi Forest Reserve	4
Walli Forest Reserve	4
Warro Forest Reserve	11
Womalah Forest Reserve	1
Wonbah Forest Reserve	1
Wongi Forest Reserve	51
Woocoo Forest Reserve	2
Woondum Forest Reserve 1	21
Woondum Forest Reserve 2	4
Wrattens Forest Reserve	95
Yabba Forest Reserve 2	3
Yurol Forest Reserve	3

## **Part 2**

### **Forest reserves to become, and former forest reserves that have become, national park (recovery)**

<b>Name of forest reserve or former forest reserve</b>	<b>Permitted number of apiary sites</b>
Austinville Forest Reserve 2	1
Bellthorpe Forest Reserve 2	1
Lockyer Forest Reserve	31
Mapleton Forest Reserve	14
Moggill Forest Reserve	9
Mount Mee Forest Reserve	11
Numinbah Forest Reserve	4
Tamborine Forest Reserve	2
Tewantin Forest Reserve 1	9

## Schedule 6 Prescribed national parks within which fish, invertebrate animals and mud crabs may be taken

section 49(5), definition *prescribed area* and schedule 8, definition *prescribed national park*

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
Bladensburg National Park	all parts
Boodjamulla (Lawn Hill) National Park	the part within the Gregory River
Bowling Green Bay National Park	all parts other than the parts that are inland of the Bruce Highway
Brampton Islands National Park	the parts that are tidal
Bribie Island National Park	the parts within the following— (a) First Lagoon; (b) Mermaid Lagoon; (c) Second Lagoon; (d) Welsby Lagoon
<b>Broad Sound Islands National Park</b>	the parts of Wild Duck Island that are tidal
Cape Melville National Park (Cape York Peninsula Aboriginal Land)	all parts
Cape Palmerston National Park	the parts that are tidal

## Schedule 6

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
Cape Upstart National Park	the following— (a) the parts that are tidal; (b) the part within Station Creek
Conway National Park	the following— (a) the parts that are tidal, other than Repulse Creek; (b) the parts within the part of Repulse Creek between— (i) its mouth; and (ii) the line that joins the point where Repulse Creek meets the western bank of Boulder Creek and the regulatory notice erected on the northern bank of Repulse Creek  <i>Editor's note—</i> The line that joins the point where Repulse Creek meets the western bank of Boulder Creek and the regulatory notice erected on the northern bank of Repulse Creek is about 4.2km upstream from Repulse Bay, at about latitude 20°25.407' south, longitude 148°45.664' east.
Currawinya National Park	all parts

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
Daintree National Park	the parts that are tidal and south of Cape Tribulation, other than— (a) the parts within Coopers Creek; and (b) the parts within Mossman Gorge
Davies Creek National Park	all parts
Diamantina National Park	all parts
Dryander National Park	the parts that are tidal
Ella Bay National Park	all parts
Endeavour River National Park	all parts
Errk Oykangand National Park (Cape York Peninsula Aboriginal Land)	all parts
Eurimbula National Park	the part within the estuary of Eurimbula Creek
Girramay National Park	all parts other than— (a) the parts that are south of Cardwell; and (b) the parts that are inland of the Bruce Highway
Girringun National Park	all parts
Gloucester Islands National Park	the parts that are tidal

## Schedule 6

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
Great Sandy National Park	the following— (a) the parts that are on the mainland; (b) the parts of Fraser Island that are tidal and north of the line that joins Eli Creek and Tenimby Creek
Grey Peaks National Park	all parts
Hinchinbrook Island National Park	the parts that are tidal other than the parts within Channel 9
Homevale National Park	all parts
Japoon National Park	all parts
Jardine River National Park	all parts other than— (a) the parts within the Jardine River, and any of its tributaries, that are downstream of the line that is 5km upstream of the point where the river intersects the Old Peninsula Development Road; and (b) the part within Eliot Creek
<b>Juunju Daarrba Nhirrpan National Park (Cape York Peninsula Aboriginal Land)</b>	all parts
Kurrimine Beach National Park	all parts
Lindeman Islands National Park	the parts that are tidal
Lochern National Park	all parts
Maria Creek National Park	all parts

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
Millstream Falls National Park	all parts
Molle Islands National Park	the parts that are tidal
Newry Islands National Park	the following— (a) all parts that are tidal; (b) the part within Rabbit Creek
Northumberland Islands National Park	the parts that are tidal
<b>Oyala Thumotang National Park (Cape York Peninsula Aboriginal land)</b>	all parts other than the part within Peach Creek
Paluma Range National Park	the part within Crystal Creek
Percy Isles National Park	the parts of North East Island and South Island that are tidal
Poona National Park	the part within Kalah Creek
Reliance Creek National Park	all parts
Repulse Islands National Park	the parts that are tidal
Rinyirru (Lakefield) National Park (Cape York Peninsula Aboriginal Land)	all parts
Russell River National Park	all parts
Smith Islands National Park	the parts that are tidal
South Cumberland Islands National Park	the parts that are tidal
Sundown National Park	all parts
Swain Reefs National Park	the parts that are tidal

## Schedule 6

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
Tully Gorge National Park	the parts within the Tully River and Koolomon Creek that are downstream of Elizabeth Grant Falls
Welford National Park	all parts
West Hill National Park	the part within Bone Creek
Whitsunday Islands National Park	the parts that are tidal
Wooroonooran National Park	all parts other than— (a) the part within Beatrice River Falls; and (b) the part within Behana Creek



## Schedule 7      Minimum flying height over protected areas

section 117

Column 1	Column 2	Column 3
Protected area or part of a protected area	Aircraft to which minimum height applies	Minimum height
Capricornia Cays National Park (scientific)—the parts within the following islands— <ul style="list-style-type: none"> <li>• East Fairfax Island</li> <li>• East Hoskyn Island</li> <li>• West Fairfax Island</li> <li>• West Hoskyn Island</li> <li>• Wreck Island</li> </ul>	all	1,500ft above sea level
Capricornia Cays National Park—the parts within the following islands— <ul style="list-style-type: none"> <li>• Erskine Island</li> <li>• Heron Island</li> <li>• Lady Musgrave Island</li> <li>• Masthead Island</li> <li>• North West Island</li> <li>• Tryon Island</li> <li>• Wilson Island</li> </ul>	all	1,500ft above sea level

## Schedule 7

Column 1	Column 2	Column 3
Protected area or part of a protected area	Aircraft to which minimum height applies	Minimum height
<p>Carnarvon National Park—the parts within the following areas—</p> <p>(a) the area formed by joining the following points—</p> <ul style="list-style-type: none"> <li>• latitude 24°51' south, longitude 147°58' east</li> <li>• latitude 24°51' south, longitude 148°02' east</li> <li>• latitude 25°01' south, longitude 148°18' east</li> <li>• latitude 25°09' south, longitude 148°16' east</li> <li>• latitude 24°59' south, longitude 148°00' east;</li> </ul> <p>(b) the area formed by joining the following points—</p> <ul style="list-style-type: none"> <li>• latitude 25°07' south, longitude 148°20' east</li> <li>• latitude 25°07' south, longitude 148°32' east</li> </ul>	all	1,500ft above ground level

Column 1	Column 2	Column 3
Protected area or part of a protected area	Aircraft to which minimum height applies	Minimum height
<ul style="list-style-type: none"> <li>• latitude 25°15' south, longitude 148°32' east</li> <li>• latitude 25°15' south, longitude 148°20' east</li> </ul>		
Currawinya National Park	all	1,500ft above ground level
Hinchinbrook Island National Park	all	1,500ft above ground level

## Schedule 8 Dictionary

section 11(1)

*Aboriginal land protected area*, for chapter 5, see section 72.

*Aboriginal people particularly concerned with land* means Aborigines particularly concerned with land within the meaning given by the *Aboriginal Land Act 1991*, section 3.

*activity permit* means any of the following—

- (a) a camping permit;
- (b) a restricted access area permit;
- (c) a stock grazing permit;
- (d) a stock mustering permit;
- (e) a travelling stock permit;
- (f) a permit to enter a national park (scientific);
- (g) a commercial activity permit;
- (h) a permit to solicit donations or information;
- (i) an organised event permit;
- (j) a permit to use recreational craft;
- (k) a special activity permit.

*aircraft* includes a helicopter.

*apiary area* means a national park, including a national park (recovery) that under section 197(1)(a) of the Act continues as a national park—

- (a) to which section 184 of the Act applies; and
- (b) that was previously a forest reserve mentioned in schedule 5.

*area closed to the public* means a protected area or a part of a protected area declared to be closed to the public under section 88.

***associated facilities***, for a canopy walkway in a national park, means facilities in the area for—

- (a) the management of the walkway; or
- (b) tourism services, other than overnight accommodation, for visitors to the walkway.

*Example of tourism services—*

services relating to the provision of tourism information, food and beverages or souvenirs

***camping permit*** includes an e-camping permit and a self-registered camping permit.

***camping tag*** means—

- (a) generally—a tag made available by the chief executive for display at a person’s camp site to indicate the person has a camping permit for the site; and
- (b) for an e-camping permit and a self-registered camping permit—a tag with the following information on it—
  - (i) the person’s name;
  - (ii) the number for identifying the permit.

***canopy walkway*** means a walkway with sections in and above a forest canopy.

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

***communications use*** means the construction, maintenance and use of buildings, structures and other improvements as part of, or for, a facility for providing communication services.

***controlling activity*** see section 48.

***deposit*** includes drop, leave, place and throw.

***e-camping permit***, for an e-permit camping area, means a camping permit taken to have been granted for the area, under the *Nature Conservation (Administration) Regulation 2017*, section 53.

**ecotourism**, for schedule 3, part 2, see section 17(4) of the Act.

**electricity distribution use** means the construction, maintenance and use of either or both of the following—

- (a) a supply network within the meaning of the *Electricity Act 1994*, section 8;
- (b) a transmission grid within the meaning of the *Electricity Act 1994*, section 6.

**insurance cover**, for activities to be conducted under a permit, means a policy of insurance that insures the applicant for the permit against a claim for damage, injury or loss to a person, and damage to property, arising from the activities to be conducted under the permit.

**interested group**, in relation to a protected area, means a community or group of—

- (a) Aboriginal people particularly concerned with land within the protected area; or
- (b) Torres Strait Islanders particularly concerned with land within the protected area.

**lake** includes lagoon, swamp, marsh and any other natural collection of water.

**litter** includes broken glass.

**litter bin** means a receptacle for litter, provided by the chief executive.

**marine navigation use** means the construction, maintenance or use of buildings, structures or other improvements as part of, or for, a facility for assisting marine navigation.

**Maritime Safety Queensland** means Maritime Safety Queensland established under the *Maritime Safety Queensland Act 2002*, section 7.

**mining chief executive** means the chief executive of the department in which the *Mineral Resources Act 1989* is administered.

**motor vehicle**—

1 *Motor vehicle* means a vehicle propelled by a motor that forms part of the vehicle, and includes a trailer attached to the vehicle.

2 *Motor vehicle* does not include an aircraft, a bicycle, a hovercraft or a motorised wheelchair.

*national park (recovery)* means an area dedicated as a national park (recovery) under the Act as in force before the commencement of section 197 of the Act.

*person in charge*, of an animal, has the meaning given by the *Animal Care and Protection Act 2001*, section 12.

*prescribed commercial activity* means a commercial activity declared to be a prescribed commercial activity under section 84.

*prescribed national park* means a national park, or national park (Cape York Peninsula Aboriginal land), mentioned in schedule 6, column 1.

*public health and safety act* means an act, the regulation or prohibition of which, the chief executive believes is necessary or desirable to diminish the risk of death, injury or illness of users of a protected area or adjacent areas.

*quarry material* does not include—

- (a) a mineral under the *Mineral Resources Act 1989*; or
- (b) bush rock; or
- (c) guano.

*Queensland Transport* means the department in which the *Transport Operations (Marine Safety) Act 1994* is administered.

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

*recreational craft* includes a hot air balloon, hang-glider, paraglider and an ultralight aircraft.

*regulatory information notice* see section 76(2).

*regulatory notice* see section 73(2).

***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.

***resources permit*** see section 19.

***restricted access area*** means an area declared to be a restricted access area under section 78.

***restrictive act*** means—

- (a) for an organised event permit or commercial activity permit—an amendment, suspension or cancellation of the permit; or
- (b) for a commercial activity agreement—an amendment or cancellation of the agreement or suspension of the authorisation under it.

***scientific purpose*** includes an archaeological, anthropological or sociological purpose.

***self-registered camping permit***, for a self-registration camping area, means a camping permit taken to have been granted for the area under the *Nature Conservation (Administration) Regulation 2017*, section 55.

***special activity***, for a protected area or a part of a protected area, means an activity that is declared to be a special activity for the area or part under—

- (a) a special activity notice erected or displayed under section 85; or
- (b) a conservation plan that identifies the area or part as, or including, a critical habitat for wildlife.

***specified cooking or heating appliance*** means a portable cooking or heating appliance that is self-contained and uses manufactured fuel, including, for example, refined oil or gas.

***Torres Strait Islanders particularly concerned with land*** has the meaning given by the *Torres Strait Islander Land Act 1991*, section 3.

***watercourse*** means a river, creek or stream in which water flows permanently or intermittently.