



Queensland

Nature Conservation (Protected Areas Management) Regulation 2006

Subordinate Legislation 2006 No. 204

made under the

Nature Conservation Act 1992

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Chapter 1 Preliminary

Part 1 General

1 Short title

This regulation may be cited as the *Nature Conservation (Protected Areas Management) Regulation 2006*.

2 Commencement

This regulation commences on 21 August 2006.

3 Relationship with Administration Regulation

- (1) This regulation must be read together with the Administration Regulation.
- (2) In overview only, the Administration Regulation—
 - (a) provides for the administrative matters relating to the grant, amendment, suspension, cancellation, surrender and replacement of relevant authorities, including restrictions on the grant of protected area authorities in addition to restrictions stated in this regulation; and
 - (b) states requirements applying to carrying out activities under a relevant authority, including requirements applying to protected area authorities in addition to requirements stated in this regulation; and
 - (c) provides for the administrative matters relating to entering into, amending, suspending authorisations under, and cancelling, commercial activity agreements applying to protected areas; and
 - (d) provides for the review of, and appeal against, particular decisions, including decisions of the chief executive, or a conservation officer, under this regulation; and
 - (e) states the procedures applying after a thing is seized under section 145 or chapter 8; and

- (f) states the requirements for records required to be kept under the Act, including records required to be kept by the holder of a commercial activity permit other than for filming or photography, under section 64; and
- (g) states the requirements for returns of operations required to be given to the chief executive under the Act, including a return of operations required to be given by the holder of a commercial activity permit other than for filming or photography, under section 65; and
- (h) provides for the fees that are payable under the Act; and
- (i) includes additional general provisions for the Act, including—
 - (i) how demerit points are accumulated; and
 - (ii) the period for which particular documents must be kept under the Act.

Part 2 Application

4 Definition for pt 2

In this part—

prescribed protected area means—

- (a) a nature refuge; or
- (b) a coordinated conservation area; or
- (c) a wilderness area; or
- (d) a world heritage management area; or
- (e) an international agreement area.

5 Application generally

Subject to sections 6 to 9, this regulation applies to all protected areas.

6 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 to apply to the national park or part.

7 Application to State forest or timber reserves

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

8 Application to private land

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

- (2) In this section—

private land means land other than State land.

9 Application to particular activities in resources reserves

- (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 a prospecting permit, mining claim, exploration permit, mineral development licence or mining lease under the *Mineral Resources Act 1989*.

petroleum authority means the following—

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

- (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

10 Interpretation generally

- (1) The dictionary in schedule 9 defines particular terms used in this regulation.
- (2) Subject to subsection (1), and unless this regulation provides otherwise, terms used in this regulation have the same meaning they have in the Administration Regulation.
- (3) Subsection (2) is not limited to a term defined in the Administration Regulation but also applies to a provision of that regulation that aids the interpretation of a term used in that regulation.

Note—

For provisions that aid the interpretation of terms used in the Administration Regulation, see sections 5 to 7 of that regulation.

11 Scientific names

The scientific names used for wildlife mentioned in this regulation follow the scientific reference stated for the wildlife in the Wildlife Regulation, section 5.

Chapter 2 General provisions about protected areas

Part 1 Trustees of conservation parks or resources reserves

12 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.
- (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 Administration Regulation, to the 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).

13 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.

- (2) The joint trustees of the reserve are stated in schedule 2, part 2, 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 Administration Regulation, 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—

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.

14 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 12; and
 - (b) a resources reserve placed under the management of the trustee of the reserve, under section 13.
- (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

15 Permitted uses in national parks or national parks (recovery)—Act, s 35

- (1) For section 35(1)(c)¹ of the Act, a use stated in schedule 3, column 2, is a permitted use for the prescribed national park, or part of the prescribed national park, stated in schedule 3, column 1 opposite the use.
- (2) A copy of a drawing, map or plan mentioned in schedule 3 may be inspected, free of charge, during business hours, at the department's central office.²
- (3) In this section and schedule 3—

prescribed national park means a national park or a national park (recovery).

16 Permitted uses in national parks—Act, s 37

- (1) For section 37(2)³ of the Act, a use stated in schedule 4, column 2, is a permitted use for the national park, or part of the national park, stated in schedule 4, column 1 opposite the use.
- (2) A copy of a drawing, map or plan mentioned in schedule 4 may be inspected, free of charge, during business hours, at the department's central office.⁴

1 Section 35 (Chief executive's powers about permitted uses in national parks or national parks (recovery)) of the Act

2 At the commencement of this regulation, the department's central office was at 160 Ann Street, Brisbane.

3 Section 37 (Chief executive's powers to renew existing authorities for national parks) of the Act

4 At the commencement of this section, the department's central office was at 160 Ann Street, Brisbane.

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

Part 1 Considering applications for permits or authorities

17 Additional matters to be considered

In considering an application for a permit to take, use, keep or interfere with cultural or natural resources (a *resources permit*), an apiary permit, an Aboriginal tradition authority or an Island custom authority 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 Administration Regulation, section 25 for other matters the chief executive must have regard to when considering an application for a protected area authority.

Part 2 Permits for taking, using, keeping or interfering with cultural or natural resources

Division 1 Restrictions on grant for all permits for taking, using, keeping or interfering with cultural or natural resources

18 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.

Division 2 Resources permits

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

19 Restriction about permit for quarry material

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

20 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 only for a national park (recovery), conservation park or resources reserve.

Subdivision 2 Additional restriction on grant of resources permit for educational purposes

21 Additional general restriction on grant of permit

The chief executive may grant a resources permit for educational purposes for a cultural or natural resource 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 a community or group of Aboriginal people or Torres Strait Islanders particularly concerned with the land 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 community or group.

22 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) for a permit for 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.

23 Restriction about purposes for which permit may be granted

The chief executive may grant a resources permit for educational purposes only if the chief executive is satisfied—

- (a) the 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 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.

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

24 Additional general restriction on grant of permit

The chief executive may grant a resources permit for scientific purposes for a cultural or natural resource 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 a community or group of Aboriginal people or Torres Strait Islanders particularly concerned with the land where 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 community or group.

25 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 person 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 with which the person is associated; and
 - (iii) the application for the permit is supported by the person responsible for the management or control of the entity; or
 - (b) is satisfied the person 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 person 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 person 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) the corporation has an established reputation in the field of scientific research relevant to the activities to be

conducted under the permit; or

- (b) 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.

26 Restriction about purposes for which permit may be granted

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 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.

Subdivision 4 Activities authorised by resources permits

27 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 from the protected area, or the part of a protected area, stated on the permit.
- (2) Also, a resources permit that specifically states 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.

Subdivision 5 Conducting activities under particular resources permit

28 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 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
 - (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 payment of the whole or part of the royalty payable under this section if the chief executive considers it is appropriate having regard to 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 1996*, section 21.

Division 3 Apiary permits

Subdivision 1 Additional restriction on grant of apiary permits

29 Restriction about protected areas for which permit may be granted

- (1) The chief executive may grant an apiary permit for only 1 or more of the following areas—
 - (a) a national park or national park (recovery), or a part of a national park or national park (recovery), that is an apiary area;
 - (b) a conservation park;
 - (c) a resources reserve.
- (2) However, the chief executive can not grant an apiary permit for a national park or national park (recovery), or a part of a national park or national park (recovery), that is an apiary area 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 a national park or national park (recovery), or a part of a national park or national park (recovery), that is an apiary area is the number of apiary sites stated in schedule 5, opposite the name of the forest reserve that became the apiary area.

30 Restriction about number of beehives for which permit may be granted

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

31 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 interfere with cultural or natural resources only for operating an apiary.
- (3) An apiary permit that specifically states entry into a stated restricted access area is authorised, authorises the holder of the permit, or a relevant person for the holder, to enter 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

32 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, rare or near threatened wildlife, other than a protected plant part of a vulnerable, rare or near threatened plant.
- (2) Subsection (3) applies to—
 - (a) a protected plant part of a vulnerable, rare or near threatened plant; and
 - (b) least concern wildlife.
- (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 the 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.

33 Restriction about way for taking, keeping, using or interfering with resources

The chief executive can not grant an Aboriginal tradition

authority or Island custom authority that authorises—

- (a) the taking of, or interfering with, the cultural or natural resources of a protected area by using a weapon; or
- (b) the taking, keeping or using of, or interfering with, the cultural or natural resources of a protected area in a way that may cause harm to a person visiting the area.

Division 2 Aboriginal tradition authorities

Subdivision 1 Considering application

34 Additional matters to be considered

In considering an application for an Aboriginal tradition 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 named in the application for the authority on the significance, under Aboriginal tradition, of the activity the subject of the application; and
- (b) whether there is a reasonable alternative to taking, keeping, using 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 21 and the Administration Regulation, section 25, 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

35 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 the 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.

36 Additional restriction about circumstances under which authority may be granted for national parks

- (1) The chief executive may grant an Aboriginal tradition authority for a natural resource of a national park only if the chief executive is satisfied—
 - (a) the purpose for which the resource is to be taken, kept, used or interfered with is of particular significance under Aboriginal tradition, according to the views of the people regarded by the members of the relevant group as having authority to state the traditional significance of the resource; or
 - (b) the community or group of Aboriginal people for which the application is made 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, rare, near threatened or least concern plant.
- (3) In this section—
relevant group, for an Aboriginal tradition authority, means the group the corporation named in the application for the authority represents.

Subdivision 3 Activities authorised by Aboriginal tradition authority

37 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 in the protected area, or the part of a protected area, stated on the permit.
- (2) Also, an Aboriginal tradition authority that specifically states entry into a stated restricted access area is authorised, authorises each relevant person for the holder of the authority to enter 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

38 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.

39 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.

Division 3 Island custom authorities

Subdivision 1 Considering application

40 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 named in the application 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, keeping, using 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 21 and the Administration Regulation, section 25, 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

41 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
 - (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.

42 Additional restriction about circumstances under which authority may be granted for national parks

- (1) The chief executive may grant an Island custom authority for a natural resource of a national park only if the chief executive is satisfied—
 - (a) the purpose for which the resource is to be taken, kept, used or interfered with is of particular significance under Island custom, according to the views of the people regarded by the members of the relevant group as having authority to state the customary significance of the resource; or
 - (b) the community or group of Torres Strait Islanders for which the application is made will be on the park to prepare a claim or management plan for the park under the *Torres Strait Islander Land Act 1991*.

- (2) This section does not apply to a seed or another part of a vulnerable, rare, near threatened or least concern plant.
- (3) In this section—
relevant group, for an Island custom authority, means the group that the corporation named in the application for the authority represents.

Subdivision 3 Activities authorised by Island custom authority

43 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 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 that specifically states 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

44 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.

45 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.

Part 4 Other taking, using, keeping or interfering with cultural or natural resources

46 Controlling activity

- (1) The chief executive may give a person a written permission to conduct a controlling activity in a protected area.
- (2) The permission must state—
 - (a) how, where and when the activity may be conducted; and
 - (b) the conditions of the permission.
- (3) Without limiting the conditions the chief executive may impose on the permission, the chief executive may impose conditions about any of the following matters—
 - (a) taking out public liability insurance for the activity;
 - (b) dealing with wildlife taken under the permission;
 - (c) reporting to the chief executive.

- (4) A permission given under this section authorises the person to whom it is given to take, use, keep or interfere with the cultural or natural resources of the protected area stated on the permission, for conducting the controlling activity stated on the permission.

- (5) In this section—

controlling activity means an activity the chief executive considers to be reasonable and necessary to significantly reduce the population of, or eradicate, wildlife that is not native wildlife.

47 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 crays) 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; and

(b) an invertebrate animal; and

(c) a mud crab (*Scylla serrata*).

prescribed area means—

(a) a part of a national park, stated in schedule 6, column 2, opposite the national park; and

(b) a conservation park; and

(c) a resources reserve.

48 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 184⁵ 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 is dedicated as a national park or national park (recovery).
- (4) The chief executive must ensure a map that shows the part of the national park or national park (recovery) that was formerly dedicated as the forest reserve is available for inspection by the public, free of charge, at the department's central office.

5 Section 184 (Provision to allow beekeeping in particular former forest reserves until 2025) of the Act

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

49 Additional matters to be considered

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 Administration Regulation, section 25 for other matters the chief executive must have regard to when considering an application for an activity permit.

Division 2 Restrictions on grant

50 Permit must be consistent with management principles and management intent or plan

The chief executive can not grant an activity permit for a protected area that is inconsistent with—

- (a) the management principles for the area; or
- (b) the interim or declared management intent, or management plan, for the area.

51 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

52 Access to restricted area authorised under particular permits

- (1) A prescribed activity permit that specifically states entry into a stated restricted access area is authorised, authorises the holder of the permit, or a relevant person for the holder, to enter or remain in the restricted access area.
- (2) In this section—

prescribed activity permit means—

 - (a) a stock grazing permit; and
 - (b) a stock mustering permit; and
 - (c) a permit to enter national park (scientific); and

- (d) a commercial activity permit; and
- (e) a group activity permit.

53 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

54 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

55 Entering restricted access area authorised under permit

A restricted access area permit authorises the holder of the permit, or a relevant person for the holder, to enter the restricted access area stated on the permit for the purpose stated on the permit.

Part 4 Stock grazing permits

56 Restriction about protected areas for which permit may be granted

The chief executive may grant a stock grazing permit only for a conservation park or resources reserve.

57 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

58 Mustering stock in particular areas authorised under permit

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.

59 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) has 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.

Part 6 Travelling stock permits

60 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).

61 Travelling stock within particular areas authorised under permit

A travelling stock permit authorises the holder of the permit, or a relevant person for the holder, to travel stock within the protected area, or the part of a protected area, stated on the permit.

Part 7 Permits to enter national park (scientific)

62 Entering particular national parks (scientific) 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 national park (scientific), or the part of a national park (scientific), stated on the permit for the purpose stated on the permit.

Part 8 Commercial activity permits

63 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.

64 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 Administration Regulation, section 121,⁶ for the permit.

Note—

For the requirements for records required to be kept under the Act, see the Administration Regulation, part 6.

Maximum penalty—120 penalty units.

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

65 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 Administration Regulation, section 131.⁷

Note—

For the requirements for returns of operations required to be given under the Act, see the Administration Regulation, part 7.

Maximum penalty—120 penalty units.

- (2) The holder must also, with the return, give the chief executive the fees payable under the Act for the period to which the return relates.

Maximum penalty—120 penalty units.

- (3) The holder complies with subsection (1) and (2) if a relevant person for the holder complies with the subsections for the holder.

6 Administration Regulation, section 121 (How records must be kept)

7 Administration Regulation, section 131 (Form and nature of return of operations)

Part 9 Permits to solicit donations or information

66 Soliciting donations or information in particular areas authorised under permit

A permit to solicit donations or information authorises the holder of the permit, or a relevant person for the holder, to—

- (a) if the permit states the holder or person may solicit donations under the permit—solicit donations in the protected area, or the part of a protected area, stated on the permit for the purpose stated on the permit; or
- (b) if the permit states the holder or person may solicit information under the permit—solicit information in the protected area, or the part of a protected area, stated on the permit for the purpose stated on the permit.

Part 10 Group activity permits

67 Conducting particular activities in particular areas authorised under permit

A group 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.

Part 11 Permits to use recreational craft

68 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

69 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 Regulatory notices

70 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 of a protected area or a part of a protected area to which the notice applies.
- (3) 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.
- (4) 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.

71 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.
- (4) The regulatory information notice may contain other information about the protected area the chief executive considers appropriate.

**72 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 of a protected area, or a part of a protected area, is evidence the notice was erected or displayed by the chief executive.

**Part 2 Declaration of restricted
access area**

73 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 of the protected area or part.
- (2) However, the chief executive may act under subsection (1)—
 - (a) only for a reason mentioned in section 74; and
 - (b) if section 75 applies—only after the consultation process mentioned in section 75 has been completed.
- (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
 - (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.

74 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
 - (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) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.⁸

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.⁹

75 Consultation with stakeholders about declarations

- (1) This section applies if the nature or extent of activities being conducted, or to be conducted, under a group activity permit, commercial activity permit or commercial activity agreement would be significantly affected by the making of a declaration under section 73.
- (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 the following—
 - (a) consideration is being given to the making of a declaration under section 73;
 - (b) if the chief executive is also proposing to do 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

⁸ *Aboriginal Cultural Heritage Act 2003*, section 9 (Meaning of *significant Aboriginal area*)

⁹ *Torres Strait Islander Cultural Heritage Act 2003*, section 9 (Meaning of *significant Torres Strait Islander area*)

- (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.

76 When declarations end

- (1) A declaration made under section 73 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 on the department's website; and
 - (b) publish notice of the removal in the same way the chief executive published the notice under section 73(4).

Part 3 Declaration of prescribed commercial activity

77 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 96(2),¹⁰ a person may conduct the prescribed commercial activity in the area or part only under a commercial activity agreement;

10 Section 96 (Unlawfully conducting commercial activity)

- (c) how the person may obtain further information about entering into a commercial activity agreement for the conducting of the prescribed commercial activity in the area or part.
- (3) The chief executive must also publish the notice on the department's website.
- (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 4 Declaration of special activity

78 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 of the protected area or part.

- (2) However, the chief executive may act under subsection (1)—
 - (a) only for an activity mentioned in section 79; and
 - (b) if section 80 applies—only after the consultation process mentioned in section 80 has been completed.
- (3) The special activity 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 that is a special activity for the area; and
 - (d) state that, under section 100,¹¹ a person may conduct the special activity in the area or part only under—
 - (i) a special activity permit; or
 - (ii) a group activity permit, commercial activity permit or commercial activity agreement that specifically authorises the conducting of the activity.

79 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

¹¹ Section 100 (Unlawfully conducting special activity)

80 Consultation with stakeholders about declarations

- (1) This section applies if the nature or extent of activities being conducted, or to be conducted, under a group activity 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—
 - (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 the following—
 - (a) consideration is being given to the making of a declaration under section 78;
 - (b) if the chief executive is also proposing to do 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 5 Declaration of area closed to the public

81 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 of 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, using and conduct in protected areas

Part 1 Access to, using and conduct in protected area generally

Division 1 Camping in protected area

82 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 written approval from 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, that specifically authorises the camping.
- (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 does not exceed 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.

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

83 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 Administration Regulation, section 43(2).
- 2 For the conditions of a self-registered camping permit, see the Administration Regulation, section 45(2).

84 Requirement about number of persons who may camp under permit or approval

- (1) The holder of a camping permit, or the chief executive's written approval allowing camping in a protected area, must not allow more people to camp 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
- (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.

85 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 using for camping under the permit.

86 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 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 in the protected area; or
 - (b) secure the safety of a person or a person's property; or
 - (c) minimise disturbance to persons in the protected area.
- (3) In giving the direction the conservation officer must—
- (a) advise the reason why the direction has been 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.

87 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 has been 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

88 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 that specifically authorises the entry; or
 - (c) enters the area under a written approval from the chief executive; or
 - (d) has a reasonable excuse.

Maximum penalty—80 penalty units.

- (2) In this section—

prescribed authority means—

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

89 Unlawfully grazing stock

A person must not graze stock in a protected area unless the person grazes the stock under—

- (a) a stock grazing permit authorising the grazing; or
- (b) an authority granted under section 36¹² of the Act that authorises the grazing; or
- (c) another Act.

Maximum penalty—165 penalty units.

90 Unlawfully grazing other animals

A person must not graze animals other than stock in a protected area unless the person grazes the animals under an authority granted under section 36¹³ of the Act that authorises the grazing.

Maximum penalty—165 penalty units.

91 Unlawfully mustering stock

- (1) A person must not muster stock in a protected area unless the person musters the stock—
 - (a) under a stock mustering permit authorising the mustering; or
 - (b) on a part of a protected 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 145.
- (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

12 Section 36 (Authorities for new national park or national park (recovery)) of the Act

13 Section 36 (Authorities for new national park or national park (recovery)) of the Act

when the holder or relevant person is not using the horse or dog to muster stock.

Maximum penalty for subsection (4)—120 penalty units.

92 Unlawfully travelling stock

A person must not travel stock in a protected area unless—

- (a) the person travels the stock—
 - (i) under a travelling stock permit authorising the travelling; or
 - (ii) to or from land in a protected 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.

93 Unlawfully travelling other animals

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.

94 Allowing stock to stray onto protected area

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.

95 Unlawfully entering national park (scientific)

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

Maximum penalty—165 penalty units.

96 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 that is in force when the prescribed commercial activity is declared under section 77 and is still in force.

Maximum penalty—165 penalty units.

97 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 Administration Regulation, section 72.

98 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.

99 Unlawfully conducting group activity

- (1) A person must not conduct a group activity in a protected area, or a part of a protected area, unless the person conducts the activity—
- (a) under a group activity permit authorising the conducting of the activity; or
 - (b) under a commercial activity permit or commercial activity agreement that specifically authorises the conducting of the activity.

Maximum penalty—50 penalty units.

- (2) If special access is to be allowed, special supervision is needed, or an area reserved for use, for an activity to be conducted under a group activity permit, the holder of the permit must pay the additional daily fee payable under the Administration Regulation for the permit within 10 business days after the day the activity is conducted.

Maximum penalty—120 penalty units.

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

100 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 a group activity permit, commercial activity permit or commercial activity agreement that specifically authorises the conducting of the activity.

Maximum penalty—80 penalty units.

101 Unlawfully entering area closed to the public

A person must not, without the chief executive's written approval or a reasonable excuse, enter an area closed to the public.

Maximum penalty—120 penalty units.

102 Failing to comply with particular regulatory notices

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

Maximum penalty—50 penalty units.

Part 2 Fires

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

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

Maximum penalty—165 penalty units.

- (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 a barbecue or fireplace is not 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) In this section—

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

104 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.

105 Unauthorised things relating to fires

- (1) A person must not deposit any of the following in a protected area—
- (a) a lit match, pipe, cigar, cigarette 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 a barbecue or fireplace is not 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—

can, bottle, brick, piece of steel

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

106 Conservation officers 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 the fire out or lower its intensity to a reasonable level; or

- (b) put out the fire.

Example of basis for reasonable belief—

a prevailing strong wind appears likely to carry wind-borne embers away from the fire

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

Maximum penalty for subsection (2)—165 penalty units.

Part 3 Unauthorised structures or works

107 Unauthorised structures and works

A person must not erect or keep a structure, other than a camping structure being used under a camping permit, or carry out works in a protected area—

- (a) without the chief executive's written approval; or
(b) in contravention of the approval.

Maximum penalty—165 penalty units.

108 Complying with direction to remove unauthorised structures or works

- (1) This section applies to a structure or works in a protected area in contravention of section 107 if the name of the person who erected the structure or works is known by the chief executive or a conservation officer.
- (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 located.

Example for subsection (2)(b)—

A person who has, without the chief executive's approval, constructed a walking track in a protected area may be given a 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.

Part 4 Using recreational craft, aircraft, vehicle or boat

109 Unauthorised use of recreational craft generally

A person must not use or operate a recreational craft in a protected area or a part of a protected area unless the person is using or operating the craft under a permit to use recreational craft authorising the use.

Maximum penalty—80 penalty units.

110 Unauthorised flying of aircraft or recreational craft

- (1) A person must not fly an aircraft or recreational craft of a type stated in schedule 7, column 2, over a protected area, or the part of a protected area, stated opposite the aircraft or craft in schedule 7, column 1 at a height less than the minimum height stated opposite the aircraft or craft in schedule 7, column 3.

Maximum penalty—120 penalty units.

- (2) This section does not apply to a person flying aircraft or recreational craft over a protected area, or a part of a protected area, if the flying is authorised by the chief executive's written approval.

111 Unauthorised landing of aircraft or recreational craft

- (1) A person must not land an aircraft or recreational craft in a protected area, other than on a designated landing area, unless the landing is authorised by the chief executive's written approval.

Maximum penalty—120 penalty units.

- (2) In this section—

designated landing area, for an aircraft or recreational craft, or a 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.

112 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 or 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 or recreational craft, or 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 erected 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 4.¹⁴

official traffic sign see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.¹⁵

113 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.

114 Registration requirement for vehicles

- (1) A person must not, in a protected area, drive or ride a vehicle that is required, under an Act, to be registered for use on a road if it is not registered under the relevant law for the vehicle.

Maximum penalty—20 penalty units.

- (2) In this section—

14 Under the *Transport Operations (Road Use Management) Act 1995*, schedule 4 (Dictionary)—

indication given by an official traffic sign includes—

- (a) a direction on an official traffic sign; and
- (b) a direction, indication or requirement that, under a regulation, is prescribed as being given or imposed, because of an official traffic sign.

15 Under the *Transport Operations (Road Use Management) Act 1995*, schedule 4 (Dictionary)—

official traffic sign means a sign, marking, light or device placed or erected to regulate, warn or guide traffic.

relevant law, for a vehicle that is required, under an Act (the **Registration Act**), to be registered for use on a road, means—

- (a) the Registration Act; or
- (b) a law of another State that corresponds to the Registration Act.

115 Approval requirement for conditionally registered vehicles

- (1) A person must not, in a protected area, drive or ride a vehicle that is conditionally registered under the *Transport Operations (Road Use Management) Act 1995* unless the person has the chief executive's written approval.

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 vehicles 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

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) by a person conducting an activity under a group activity permit; or
- (d) by a person the chief executive reasonably believes is suffering from a condition that—

- (i) is not temporary; and
- (ii) significantly restricts the person's mobility; or
- (e) 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

- (f) to carry out an emergency or rescue activity; or
- (g) to enforce a law of the State.
- (3) For subsection (2)(d), the chief executive may ask a person to provide a medical certificate to verify the nature of the person's condition.

116 Safe use of vehicles—compliance with Transport legislation

- (1) A person driving or riding a motor vehicle that is moving, or is stationary but not parked, in a protected area must comply with the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*, sections 264, 266, 270(1) and 271(4) and (5).

Maximum penalty—20 penalty units.

- (2) A passenger in or on a motor vehicle that is moving, or is stationary but not parked, in a protected area must comply with the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*, sections 265 and 270(2).

Maximum penalty—20 penalty units.

- (3) A person in a protected area must not drive, ride or travel in a vehicle in a way that would constitute an offence against—
 - (a) the *Transport Operations (Road Use Management) Act 1995*, section 83 or 84; or
 - (b) the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*, section 268.

Maximum penalty—20 penalty units.

- (4) A person can not be charged with an offence against subsection (1), (2) or (3) if the person has been charged with an offence against the relevant provision of the *Transport Operations (Road Use Management—Road Rules) Regulation 1999* or *Transport Operations (Road Use Management) Act 1995* mentioned in the subsection.

117 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 motorised quad or motorised trike other than on a seat designed to carry a passenger.

Maximum penalty—20 penalty units.

- (3) A person in a protected area must not ride a bicycle without wearing a helmet.

Maximum penalty—20 penalty units.

- (4) A person in a protected area must not ride a motorised quad or motorised trike without wearing a helmet.

Maximum penalty—20 penalty units.

- (5) In this section—

motorised quad means a motorised quad that is not a motorbike within the meaning of the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

motorised trike means a motorised trike that is not a motorbike within the meaning of the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

118 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.

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

- (1) If a conservation officer believes it is reasonably 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, or loss or destruction of, the area's cultural or natural resources;
 - (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.

120 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
 - (b) use a vehicle, boat or recreational craft in a way that disrupts or may disrupt someone else's enjoyment of the area; or
 - (c) drive, ride or attempt to drive or ride a vehicle other than—
 - (i) on a road; or
 - (ii) along a route or surface that a regulatory notice states is a route or surface along which a vehicle of that type may be driven or ridden; or
 - (d) park or stand a vehicle, or moor a boat, in a way or in a place that may—
 - (i) obstruct or prevent the free passage of another vehicle; or
 - (ii) cause damage to or disturb the area.

Maximum penalty—20 penalty units.

- (2) Subsection (1)(c) does not apply to an act done under a licence, permit or other authority granted under the Act.

Part 5 Animals and plants

121 Unauthorised feeding of animals

- (1) A person, other than an authorised person, in a protected area must not, without the chief executive's approval, feed an animal that is dangerous, venomous or capable of injuring a person.

Maximum penalty—40 penalty units.

- (2) A person, other than an authorised person, in a protected area must not, without the chief executive's approval, feed an animal if a regulatory notice prohibits the feeding of the animal.

Maximum penalty—40 penalty units.

- (3) However, a person may, without the chief executive's approval, feed an animal lawfully taken into the area under the Act.
- (4) 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.

122 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) that is lawfully deposited or disposed of under the Act; or
 - (c) given to an animal lawfully taken into a protected area under the Act.

123 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—40 penalty units.

- (2) This section does not apply to a person who disturbs an animal—
- (a) under a protected area authority or with written approval from the chief executive; or
 - (b) in the course of a lawful activity that was 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.

124 Restriction on animals in protected area

- (1) A person must not, without the chief executive's written approval—
- (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) an animal brought into the area—
 - (i) under a stock grazing permit; or
 - (ii) under a travelling stock permit; or

- (iii) for mustering stock under a stock mustering permit; or
- (iv) with written approval from chief executive; or
- (b) a guide dog; or
- (c) a fish or mud crab lawfully taken in the area or a place adjacent to the area; or
- (d) an invertebrate animal lawfully taken in the area or a place adjacent to the area for use as bait for fishing; or
- (e) a horse brought into a prescribed national park (recovery), if the horse is kept in a part of the park identified on a regulatory notice as being a horse trail; or
- (f) a horse brought into a conservation park or resources reserve for horse riding if—
 - (i) bringing the horse into the park or reserve is permitted under a regulatory notice; and
 - (ii) the horse is brought into the park or reserve in accordance with the notice; or
- (g) a dog brought into a conservation park or resources reserve if—
 - (i) bringing the dog into the park or reserve is permitted under a regulatory notice; and
 - (ii) the dog is brought into the park or reserve in accordance with the notice.
- (3) In this section—

prescribed national park (recovery) means a national park (recovery), or a part of a national park (recovery)—

 - (a) to which section 184A¹⁶ of the Act applies; and

16 Section 184A (Provision to allow horse riding in particular former forest reserves until 24 November 2013) of the Act

- (b) that was formerly a forest reserve prescribed under section 147 and schedule 8.¹⁷

125 Bringing into and keeping of dogs in protected area

- (1) A person must not bring a dog into, or keep a dog in, a protected area unless the dog is under control.

Maximum penalty—20 penalty units.

- (2) A person who brings a dog into, or keeps 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.

- (3) 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 an object that the dog can not move; and

- (ii) is under the supervision of a person who is physically able to control the dog; or

¹⁷ Section 147 (Prescribed forest reserves for temporary continuation of horse riding—Act, s 184A) and schedule 8 (Prescribed forest reserves for temporary continuation of horse riding)

- (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.

126 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 for subsection (2)—40 penalty units.

127 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 chief executive's written approval; or
 - (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.

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

128 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
 - (c) puts oil, grease or a harmful or dangerous substance in the dam, lake or watercourse; or
 - (d) washes a vehicle, clothing, cooking utensil or another thing in the dam, lake or watercourse.

129 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 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 a thing mentioned in subsection (1) if the thing is authorised under the Act; and
 - (b) a person conducting a lawful activity that is not directed towards doing an act in contravention of the subsection if the contravention could not have been reasonably avoided.

130 Unlawful use of offensive and harmful substances

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

Maximum penalty—120 penalty units.

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

Maximum penalty—120 penalty units.

131 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 chief executive's written approval, bury or otherwise dispose of, or leave, the offal,

carcass or skeleton of an animal in a protected area.

Maximum penalty—120 penalty units.

132 Dumping or abandoning vehicles, boats, recreational craft or aircraft

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

Maximum penalty—120 penalty units.

133 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 campsite;
 - (iii) a site designated by a regulatory notice as a campsite;
 - (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 protected area, means 10m or, if a regulatory notice erected or displayed at

the entrance of the area states a longer minimum distance, the longer minimum distance.

134 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.

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

Maximum penalty—20 penalty units.

135 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.

136 Complying with direction about litter

- (1) If a conservation officer considers it reasonably 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 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.

Part 7 Other conduct in protected area

137 Unlawfully possessing or using appliances

- (1) A person must not possess or use an appliance in a protected area unless the person—
- (a) has the chief executive's written approval for possessing or using the appliance; and
 - (b) possesses or uses the appliance in a way that complies with the approval.

Maximum penalty—120 penalty units.

- (2) Subsection (1) does not apply to—
- (a) an unloaded spear gun if—
 - (i) the gun is to be used in an area adjoining the area; and
 - (ii) the use of the gun in the adjoining area is not prohibited under any Act; or
 - (b) a rigged fishing rod that is to be used in a national park mentioned in schedule 6 or another protected area in which fishing is permitted under the Act; or
 - (c) an appliance that is, or is to be, used solely for camping or a domestic purpose, if, when the appliance is used, it does not cause unreasonable disturbance to a person or animal in a protected area; or
 - (d) an appliance that is, or is to be, used solely for conducting an activity under a permit or authority or a written approval from the chief executive; or
 - (e) an appliance that is 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.

138 Unauthorised use of generators, compressors or motors

A person must not use a generator, compressor or other similar engine or motor in a protected area unless its use is permitted under, and it is used in accordance with—

- (a) the chief executive's written approval; or
- (b) a regulatory notice.

Maximum penalty—50 penalty units.

139 Disturbance by radio, tape recorder or sound system

A person must not use a radio, tape recorder or other sound or amplifier system in a way that may cause unreasonable disturbance to a person or animal in a protected area.

Maximum penalty—50 penalty units.

140 General misconduct

- (1) A person in a protected area must not, unless the person has a reasonable excuse—

- (a) be disorderly or create a disturbance; or
- (b) do anything that interferes, or is likely to interfere, with the safety or health of the person or someone else in the area.

Maximum penalty—50 penalty units.

- (2) A person in a protected area must not, unless the person has a reasonable excuse or the chief executive's written approval—

- (a) restrict access to, for example by cordoning off, a part of the area or a barbecue, table or other facility in the area; or
- (b) claim to have an exclusive right to use a part of the area or a barbecue, table or other facility in the area.

Maximum penalty—50 penalty units.

- (3) Subsection (2) does not apply to a person who restricts access to a part of a protected area, or a barbecue, table or other facility in the area, under a permit or commercial activity agreement that authorises the person to restrict the access.

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

142 Tampering with structures and other things in protected area

- (1) A person must not tamper with a building, fence, gate, notice, sign or structure 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, notice, sign or structure, includes to—

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

- (b) remove the building, fence, gate, notice, sign or structure.

143 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.
- (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 it is necessary to do so—
 - (a) to prevent the continuation of the offence; or
 - (b) to secure evidence of the offence; or
 - (c) to 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.

144 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 the 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 (2), the officer must warn the person it is an offence to fail to comply with the direction.
- (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 the giving of the direction no longer exists.

Example of how person may become aware—

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

Maximum penalty—80 penalty units.

- (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**

145 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 land-holder 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 land-holder 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.
- (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.
- (8) Stock seized under this section must be dealt with under the Administration Regulation, part 5.¹⁸
- (9) In this section—
relevant land-holder, for a protected area, means a land-holder of land that adjoins the area.

146 Permitted dog-walking

- (1) The chief executive may erect or place a regulatory notice at

18 Administration Regulation, part 5 (Provisions about dealing with seized things)

the entrance of 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 conservation park or resources reserve was previously widely used for dog-walking before it was dedicated as a conservation park or resources reserve; 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.

147 Prescribed forest reserves for temporary continuation of horse riding—Act, s 184A

- (1) Each forest reserve and former forest reserve mentioned in schedule 8 is prescribed for section 184A¹⁹ of the Act.
- (2) For subsection (1) and schedule 8, a reference to a former forest reserve in schedule 8 is a reference to the area that was dedicated as the forest reserve immediately before it became dedicated as a national park (recovery).
- (3) Subsection (4) applies if an area that was formerly dedicated as a forest reserve is dedicated as a national park (recovery).
- (4) The chief executive must ensure a map that shows the part of the national park (recovery) that was formerly dedicated as the forest reserve is available for inspection by the public, free of charge, at the department's central office.

¹⁹ Section 184A (Provision to allow horse riding in particular former forest reserves until 24 November 2013) of the Act

Chapter 8 Seizure of things in protected area

148 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 in 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.

149 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.

150 Unauthorised structures or works may be seized

- (1) This section applies if a conservation officer reasonably believes a structure or work in a protected area is not authorised to be in the area under the Act.
- (2) The conservation officer may—
 - (a) seize the structure or work, and anything in, on or attached to the structure or work; and
 - (b) take the steps that are reasonable and necessary to remove the seized structure, work 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 work, 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 work under section 108; and
 - (b) the person has not complied with the direction.

151 Unauthorised vehicles, boat, recreational craft or aircraft 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 protected area; and
 - (c) the orderly or proper management of the area.
- (5) In this section—
vehicle includes an aircraft, a boat and a recreational craft.

152 Abandoned structure, work, vehicle, boat, recreational craft or aircraft may be seized

- (1) This section applies if a conservation officer reasonably believes a structure, work 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, work or vehicle, and anything in, on or attached to the structure, work or vehicle; and
 - (b) for a seized structure, work or thing in, on or attached to the structure or work—take the steps that are reasonable and necessary to remove the structure, work 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, a boat and a recreational craft.

153 Dealing with things seized under this chapter

Any thing seized under this chapter must be dealt with under the Administration Regulation, part 5.²⁰

²⁰ Administration Regulation, part 5 (Provisions about dealing with seized things)

Schedule 1 Trustees of conservation parks

section 12

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Anderson Street Conservation Park Kamerunga Conservation Park	Cairns City Council	The powers of the chief executive under this regulation or the Administration Regulation 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.
Bayview Conservation Park	Redland Shire Council	The powers of the chief executive under this regulation or the Administration Regulation 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.

Schedule 1 (continued)

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Beachmere Conservation Park Buckleys Hole Conservation Park Byron Creek Conservation Park Neurum Creek Conservation Park Sheep Station Creek Conservation Park Wararba Creek Conservation Park	Caboolture Shire Council	The powers of the chief executive under this regulation or the Administration Regulation 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.
Bukkulla Conservation Park	Wildlife Land Fund Ltd. ACN 096317967	The powers of the chief executive under this regulation or the Administration Regulation 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.

Schedule 1 (continued)

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Denmark Hill Conservation Park Flinders Peak Conservation Park Ipswich Pteropus Conservation Park Mount Beau Brummell Conservation Park White Rock Conservation Park White Rock (Limited Depth) Conservation Park	Ipswich City Council	The powers of the chief executive under this regulation or the Administration Regulation other than the power— (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.

Schedule 1 (continued)

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Lake Broadwater Conservation Park	Wambo Shire Council	The powers of the chief executive under this regulation or the Administration Regulation 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 stock grazing permit or travelling stock permit; or (c) grant a commercial activity permit other than— (i) to a vendor of food and beverages temporarily within the conservation park for an event approved by the trustees; or (ii) for a commercial activity associated with the conduct of power boat activities; or (d) enter into a commercial activity agreement; or (e) approve— (i) the use of a herbicide or pesticide; or (ii) the landing of an aircraft or recreational craft.

Schedule 1 (continued)

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Lark Quarry Conservation Park	Winton Shire Council	The powers of the chief executive under this regulation or the Administration Regulation 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.

Schedule 1 (continued)

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Mount Whitfield Conservation Park	Cairns City Council	The powers of the chief executive under this regulation or the Administration Regulation 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) grant a commercial activity permit other than for a commercial activity associated with the conduct of rock climbing at the Aeroglen quarry; or (d) grant a special activity permit other than for a special activity associated with the conduct of rock climbing at the Aeroglen quarry; or (e) enter into a commercial activity agreement.

Schedule 1 (continued)

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Springwood Conservation Park	Logan City Council	The powers of the chief executive under this regulation or the Administration Regulation 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.

Schedule 2 Trustees of resources reserves

section 13

Part 1 Resources reserves placed under joint management of joint trustees

Column 1	Column 2
Resources reserve	Joint trustees
Abbot Bay Resources Reserve	chief executive and mining chief executive
Blackbraes Resources Reserve	chief executive and mining chief executive
Bouldercombe Gorge Resources Reserve	chief executive and mining chief executive
Cudmore 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
Iron Range Resources Reserve	chief executive and mining chief executive
Jardine River Resources Reserve	chief executive and mining chief executive
Lawn Hill (Arthur Creek) Resources Reserve	chief executive and mining chief executive
Lawn Hill (Creek) Resources Reserve	
Lawn Hill (Gorge Mouth) Resources Reserve	
Lawn Hill (Gregory) Resources Reserve	
Lawn Hill (Gregory River Base) Resources Reserve	
Lawn Hill (Lilydale) Resources Reserve	
Lawn Hill (Littles Range) Resources Reserve	
Lawn Hill (Stockyard Creek) Resources Reserve	
Lawn Hill (Widdallion) Resources Reserve	
Moonstone Hill Resources Reserve	chief executive and mining chief executive
Mount Rosey Resources Reserve	chief executive and mining chief executive

Schedule 2 (continued)

Column 1	Column 2
Resources reserve	Joint trustees
Munburra 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

Schedule 2 (continued)

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
Blackbraes Resources Reserve Cudmore Resources Reserve Flat Top Range Resources Reserve Moonstone Hill Resources Reserve Stones Country Resources Reserve	The powers of the chief executive under this regulation or the Administration Regulation 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.

Schedule 3 Permitted uses in prescribed national parks

section 15

Column 1

Prescribed national park or part of prescribed national park

Barron Gorge National Park

Bunya Mountains National Park—the part identified as ‘Radio Tower’ on plan S35Bunya – 1

Capricornia Cays National Park—the part of Lady Musgrave Island shown as lots 1 and 2 on CP882206, containing an area of 1276m²

Claremont Isles National Park—the part of Fife Island shown as lot 1 on CP882212, containing an area of 267m²

Column 2

Permitted use

construction, maintenance and use of the following facilities for the extraction of not more than 50ML of water a day from Lake Placid—

- (a) a submerged water intake tower in Lake Placid;
- (b) a vehicle access bridge from Barron Gorge Road to the water intake tower;
- (c) a pump station on the north bank of the Barron River;
- (d) a water mains under Barron Gorge Road

a communications use

a marine navigation use

a marine navigation use

Schedule 3 (continued)

Column 1	Column 2
Prescribed national park or part of prescribed national park	Permitted use
Denham Group National Park—the part of Cairncross Island shown as lot 10 on CP898341, containing an area of 1682m ²	a marine navigation use
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
Flinders Group National Park—the part of King Island shown as lot 3 on CP882215, containing an area of 282m ²	a marine navigation use
Goold Island National Park	construction, maintenance and use of a communications tower and supporting structures, constructed on an area of 6m diameter at the point 18.1607525 south and 146.1665211 east, for the operation of a radio repeater, seaphone repeater and radio link

Schedule 3 (continued)

Column 1 Prescribed national park or part of prescribed national park	Column 2 Permitted use
Great Sandy National Park	The following uses— (a) an electricity distribution use, or a communications use, consistent with orthophoto maps 15993-A1 and 15994-A1 and works plan 1100532; (b) a communications use consistent with drawing 254913F1.
Green Island National Park	construction and use of support structures for an extension of the tower on the Commonwealth land to allow the operation of a ship reporting radar device
Holbourne Island National Park—the part shown as lot 115 on CP882203, containing an area of 203m ²	a marine navigation use
Howick Group National Park—the part of South Barrow Island shown as lot 1 on CP882197, containing an area of 212m ²	a marine navigation use
Lizard Island National Park—the part of Palfrey Island shown as lot 1 on CP882213, containing an area of 220m ²	a marine navigation use
Magnetic Island National Park—the part identified as ‘The Forts’ on plan S35Mag–1	a communications use

Schedule 3 (continued)

Column 1	Column 2
Prescribed national park or part of prescribed national park	Permitted use
Orpheus Island National Park—the part of White Rock shown as lot 11 on CP882221, containing an area of 326m ²	a marine navigation use
Percy Isles National Park—the following parts—	
(a) the part of Pine Peak Island shown as lot 4 on CP882204, containing an area of 319m ² ;	a marine navigation use
(b) the part of Vernon Rocks shown as lot 1 on CP882205, containing an area of 235m ²	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
Restoration Island National Park—Restoration Rock, shown as lot 1 on plan WMT5, containing an area of about 2024m ²	a marine navigation use
Tamborine National Park—the part shown as ‘Approved Route’ on sheet 26 of the map for the Powerlink transmission grid for Greenbank–Maudsland	an electricity distribution use
Three Islands Group National Park—the part of Three Isles shown as lot 1 on CP882196, containing an area of 406m ²	a marine navigation use

Schedule 3 (continued)

Column 1	Column 2
Prescribed national park or part of prescribed national park	Permitted use
Turtle Group National Park—the part of Petherbridge Island shown as lot 1 on CP882190, containing an area of 235m ²	a marine navigation use
Whitsunday Islands National Park—the following parts—	
(a) the part of Edward Island shown as lot 7 on CP882207, containing an area of 392m ² ;	a marine navigation use
(b) the part of Hook Island shown as lot 6 on CP882209, containing an area of 261m ²	a marine navigation use
Wild Cattle Island National Park	Construction, maintenance and use of the following facilities by Queensland Transport for the Port of Gladstone—
	(a) a shipping navigation leads tower and associated solar power equipment;
	(b) a firebreak around the tower;
	(c) a sight line of trimmed vegetation across the island;
	(d) a vehicle access track within the sight line.

Schedule 4 Permitted uses in national parks

section 16

Column 1

National park or part of national park

Crater Lakes National Park—the part identified as the ‘Agreement area’ on plan Sec 37 Crater Lakes – 1

Pioneer Peaks National Park—the part that is portion 410 on plan Ci. 2614, in the Parish of Ossa, Country of Carlisle

Column 2

Permitted use

construction, maintenance and use of buildings, structures and other improvements as part of, or for, a facility for providing tourism services

a communications use

Schedule 5 Prescribed forest reserves for temporary continuation of beekeeping

sections 29(3) and 48 and schedule 9, definition *apiary area*

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

Name of forest reserve or former forest reserve	Permitted number of apiary sites
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
Conondale Forest Reserve 1	12
Conondale Forest Reserve 2	134
Cordalba Forest Reserve	5
D'Aguilar Forest Reserve	38
Dan Dan Forest Reserve	1
Deer Reserve Forest Reserve	4
Emu Vale Forest Reserve	1

Schedule 5 (continued)

Name of forest reserve or former forest reserve	Permitted number of apiary sites
Enoggera Forest Reserve	6
Gatton Forest Reserve	1
Geham Forest Reserve	1
Goomboorian 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
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

Schedule 5 (continued)

Name of forest reserve or former forest reserve	Permitted number of apiary sites
Palen Forest Reserve 1	1
Palen Forest Reserve 2	1
Perserverence Creek Forest Reserve	9
Pidna Forest Reserve	2
Polmaily Forest Reserve 2	1
Spicers Gap Forest Reserve	3
Tamborine Forest Reserve	7
Teebar Forest Reserve 1	1
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

Schedule 5 (continued)

**Part 2 Forest reserves to become, and
former forest reserves that
have become, national park
(recovery)**

Name of forest reserve or former forest reserve	Permitted number of apiary sites
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 National parks within which fish, invertebrate animals and mud crabs may be taken

section 47(5), definition *prescribed area* and section 137(2)(b)

National park	Part of national park within which fish, invertebrate animals and mud crabs may be taken
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
Bushy Island National Park	the parts that are tidal
Cape Melville National Park	all parts
Cape Palmerston National Park	the parts that are tidal
Cape Upstart National Park	the following— (a) the parts that are tidal; (b) the part within Station Creek
Cedar Bay National Park	all parts

Schedule 6 (continued)

National park	Part of national park within which fish, invertebrate animals and mud crabs may be taken
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.¹
Currawinya National Park	all parts
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
Edmund Kennedy National Park	all parts
Ella Bay National Park	all parts
Endeavour River National Park	all parts
Eurimbula National Park	the part within the estuary of Eurimbula Creek
Girringun National Park	all parts

Schedule 6 (continued)

National park	Part of national park within which fish, invertebrate animals and mud crabs may be taken
Gloucester Islands National Park	the parts that are tidal
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
Kurrimine Beach National Park	all parts
Lakefield National Park	all parts
Lindeman Islands National Park	the parts that are tidal
Lochern National Park	all parts
Maria Creek National Park	all parts

Schedule 6 (continued)

National park	Part of national park within which fish, invertebrate animals and mud crabs may be taken
Millstream Falls National Park	all parts
Mitchell-Alice Rivers National Park	all parts
Molle Islands National Park	the parts that are tidal
Mungkan-Kandju National Park	all parts other than the part within Peach Creek
Newry Islands National Park	the following— (a) all parts that are tidal; (b) the part within Rabbit Creek
North East Island National Park	the parts that are tidal
Northumberland Islands National Park	the parts that are tidal
Paluma Range National Park	the part within Crystal Creek
Poona National Park	the part within Kalah Creek
Reliance Creek National Park	all parts
Repulse Islands National Park	the parts that are tidal
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
South Island National Park	the parts that are tidal
Starcke National Park	all parts
Sundown National Park	all parts
Swain Reefs National Park	the parts that are tidal

Schedule 6 (continued)

National park	Part of national park within which fish, invertebrate animals and mud crabs may be taken
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
Wild Duck Island 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

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- 1 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 approximately 4.2km upstream from Repulse Bay, at approximately latitude 20°25.50' south, longitude 148°45.60' east.

Schedule 7 Minimum flying height over protected areas

section 110

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—the parts within the following islands— • Erskine Island • Heron Island • Lady Musgrave Island • Masthead Island • North West Island • Tryon Island • Wilson Island	all	500ft above sea level
Capricornia Cays National Park (scientific)—the parts within the following islands— • East Fairfax Island • East Hoskyn Island • West Fairfax Island • West Hoskyn Island • Wreck Island	all	500ft above sea level

Schedule 7 (continued)

Column 1	Column 2	Column 3
Protected area or part of a protected area	Aircraft to which minimum height applies	Minimum height
Carnarvon National Park—the parts within the following areas— (a) the area formed by joining the following points— • latitude 24°51' south, longitude 147°58' east • latitude 24°51' south, longitude 148°02' east • latitude 25°01' south, longitude 148°18' east • latitude 25°09' south, longitude 148°16' east • latitude 24°59' south, longitude 148°00' east (b) the area formed by joining the following points— • latitude 25°07' south, longitude 148°20' east • latitude 25°07' south, longitude 148°32' east • latitude 25°15' south, longitude 148°32' east • latitude 25°15' south, longitude 148°20' east	all	1500ft above ground level
Currawinya National Park	all	1500ft above ground level
Hinchinbrook Island National Park	all	1500ft above ground level

Schedule 8 Prescribed forest reserves for temporary continuation of horse riding

section 124(3), definition *prescribed national park (recovery)* and
section 147

Austinville Forest Reserve 2
Bania Forest Reserve
Bellthorpe Forest Reserve 2
Conondale Forest Reserve 1
Conondale Forest Reserve 2
D'Aguilar Forest Reserve
Enoggera Forest Reserve
Goomborian Forest Reserve
Imbil Forest Reserve 1
Lockyer Forest Reserve
Kenilworth Forest Reserve
Mapleton Forest Reserve
Moggill Forest Reserve
Mooloolah Forest Reserve
Mount Mee Forest Reserve
Mt Glorious Forest Reserve
Nour Nour Forest Reserve
Tamborine Forest Reserve
Tewantin Forest Reserve 1
Wickham Forest Reserve
Woondum Forest Reserve 1

Schedule 9 Dictionary

section 10(1)

Aboriginal people particularly concerned with land means Aborigines particularly concerned with land within the meaning given by the *Aboriginal Land Act 1991*, section 4.

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) a group activity permit;
- (j) a permit to use recreational craft;
- (k) a special activity permit.

Administration Regulation, means the *Nature Conservation (Administration) Regulation 2006*.

aircraft includes a helicopter.

apiary area means a national park or a national park (recovery), or a part of a national park or a national park (recovery)—

- (a) to which section 184²¹ of the Act applies; and
- (b) that was previously a forest reserve mentioned in schedule 5.

21 Section 184 (Provision to allow beekeeping in particular former forest reserves until 2025) of the Act

Schedule 9 (continued)

area closed to the public means an area declared to be closed to the public under section 81.

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.

Commonwealth land, for schedule 3, means the land held by the Commonwealth under special lease 9/36573, situated in the County of Nares, Parish of Trinity, containing an area of about 0.0405ha.

communications use, for schedules 3 and 4, means the construction, maintenance and use of buildings, structures and other improvements as part of, or for, a facility for providing communication services.

deposit includes drop, leave, place or throw.

e-camping permit, for an e-permit camping area, means a camping permit taken to have been granted for the area, under the Administration Regulation, section 42.

electricity distribution use, for schedule 3, 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.

Schedule 9 (continued)

group activity—

- 1 A *group activity* is an activity involving an organised use of a part of a protected area—
 - (a) by a group of persons; and
 - (b) in a way that may restrict access to the part by the general public, or affect the enjoyment of the part by the general public, having regard to—
 - (i) the location of the part; and
 - (ii) the number of members of the public that are likely to be in the area at the time the activity is being conducted.

Examples of activities that may be a group activity—

a concert, rally, organised sporting activity, public meeting, religious activity, wedding

- 2 A *group activity* does not include—
 - (a) an activity conducted by a community or group of Aboriginal people under Aboriginal tradition in a protected area with which the community or group has a traditional, customary or historical link under Aboriginal tradition; and
 - (b) an activity conducted by a community or group of Torres Strait Islanders under Island custom in a protected area with which the community or group has a traditional, customary or historical link under Island custom.

guide dog see the *Guide Dogs Act 1972*, section 3.

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.

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

Schedule 9 (continued)

litter includes broken glass.

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

marine navigation use, for schedule 3, means the construction, maintenance and use of buildings, structures and other improvements as part of, or for, a facility for assisting marine navigation.

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.

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

prescribed protected area, for chapter 1, part 2, see section 4.

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*; and
- (b) bush rock; and
- (c) guano.

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 71(2).

Schedule 9 (continued)

resources permit see section 17.

restricted access area means an area declared to be a restricted access area under section 73.

restrictive act means—

- (a) for a group activity permit or commercial activity permit—amend, suspend or cancel the permit; or
- (b) for a commercial activity agreement—amend or cancel the agreement or suspend 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 Administration Regulation, section 44.

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 regulatory notice erected or displayed, under section 78; 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 4.

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

weapon see the *Weapons Act 1990*, schedule 2.²²

ENDNOTES

- 1 Made by the Governor in Council on 10 August 2006.
- 2 Notified in the gazette on 11 August 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Environmental Protection Agency.