



Queensland

# Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021

## Subordinate Legislation 2021 No. 165

made under the

*Environmental Offsets Act 2014*

*Nature Conservation Act 1992*

*State Penalties Enforcement Act 1999*

*Statutory Instruments Act 1992*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021*.

### 2 Commencement

The following provisions commence on 1 January 2022—

- (a) section 7;
- (b) section 26;
- (c) section 30(1), to the extent it omits the definitions *harvest macropod* and *harvest period*;
- (d) section 30(2);
- (e) parts 8 and 9.

## Part 2 Amendment of Environmental Offsets Regulation 2014

### 3 Regulation amended

This part amends the *Environmental Offsets Regulation 2014*.

### 4 Amendment of s 6 (Environmental offsets policy—Act, s 12)

Section 6, ‘Queensland Environmental Offsets Policy (version 1.10)’—

*omit, insert—*

Queensland Environmental Offsets Policy  
(version 1.11)



- (3) Section 133(3)—  
*renumber* as section 133(2).

## 8 Replacement of s 239 (Suitability based on demerit points, suspensions and cancellations)

Section 239—

*omit, insert*—

### 239 Suitability based on other matters

- (1) A person is not a suitable person to hold an animal authority if the chief executive is satisfied the person would be unable to carry out activities under the authority in a competent and ethical way.
- (2) Without limiting subsection (1), the chief executive may be satisfied the person is unable to carry out activities under the animal authority in a competent and ethical way if—
  - (a) the person, or an associate of the person, has accumulated 10 or more demerit points under section 240 within 3 years before the relevant day; or
  - (b) the person, or an associate of the person, was the holder of a relevant authority that was cancelled within 2 years before the relevant day because the person or associate accumulated 10 or more demerit points under section 240; or
  - (c) the person, or an associate of the person, is or was the holder of an authority, however described, under the law of another jurisdiction that—
    - (i) is or was equivalent to a relevant authority; and

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(ii) was suspended or cancelled within 3 years before the relevant day.

(3) In this section—

*relevant authority* means—

- (a) an animal authority; or
- (b) a licence, permit or other authority granted under the repealed *Nature Conservation (Administration) Regulation 2017*, section 11, 12, or 13.

**9 Amendment of s 341 (Approved person may keep records and give returns of operations)**

Section 341(1), ‘return or operations’—

*omit, insert—*

return of operations

**10 Insertion of new ch 12, pt 4**

Chapter 12—

*insert—*

**Part 4**

**Transitional provision  
for Nature  
Conservation and  
Other Legislation  
Amendment Regulation  
(No. 2) 2021**

**423 Continuing application of former s 239 to existing applications**

(1) This section applies if—

- 
- (a) before the commencement, a person made an application (the *existing application*) for the grant, amendment or renewal of an animal authority; and
- (b) immediately before the commencement, the existing application had not been decided.
- (2) Former section 239 continues to apply in relation to the existing application as if the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021* had not commenced.
- (3) In this section—  
*former section 239* means section 239 as in force immediately before the commencement.

**11 Amendment of sch 1, s 2 (Mammals)**

Schedule 1, section 2—

*insert—*

<i>Conilurus capricornensis</i>	Capricorn rabbit-rat
<i>Pseudomys glaucus</i>	blue-grey mouse
<i>Pteropus brunneus</i>	Percy Island flying-fox

**12 Amendment of sch 1, s 8 (Mammals)**

Schedule 1, section 8, entry for *Pteropus brunneus*—  
*omit.*

**13 Amendment of sch 1, s 12 (Amphibians)**

Schedule 1, section 12—

*insert—*

<i>Taudactylus rheophilus</i>	northern tinkerfrog
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[s 14]

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**14 Amendment of sch 1, s 15 (Reptiles)**

Schedule 1, section 15—

*insert—*

<i>Emydura subglobosa angkibaanya</i>	Jardine River turtle
<i>Oedura lineata</i>	Arcadia velvet gecko
<i>Orraya occultus</i>	McIlwraith leaf-tailed gecko
<i>Phyllurus pinnaclensis</i>	Pinnacles leaf-tailed gecko
<i>Saltuarius eximius</i>	Cape Melville leaf-tailed gecko

**15 Amendment of sch 1, s 19 (Amphibians)**

(1) Schedule 1, section 19, entry for *Taudactylus rheophilus*—  
*omit.*

(2) Schedule 1, section 19—  
*insert—*

<i>Cophixalus aenigma</i>	tapping nursery frog
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**16 Amendment of sch 1, s 20 (Birds)**

Schedule 1, section 20—

*insert—*

<i>Probosciger aterrimus macgillivrayi</i>	southern palm cockatoo
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**17 Amendment of sch 1, s 23 (Mammals)**

Schedule 1, section 23—

*insert—*

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<i>Petauroides volans</i> (southern and central populations)	greater glider (southern and central populations)
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**18 Amendment of sch 1, s 29 (Birds)**

Schedule 1, section 29, entry for *Probosciger aterrimus*—  
*omit.*

**19 Amendment of sch 1, s 32 (Mammals)**

(1) Schedule 1, section 32, entries for *Megaptera novaeangliae* and *Petauroides volans*—

*omit.*

(2) Schedule 1, section 32—

*insert—*

<i>Petauroides minor</i>	northern greater glider
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<i>Petaurus australis australis</i>	yellow-bellied glider (south-eastern subspecies)
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**20 Amendment of sch 1, s 33 (Reptiles)**

Schedule 1, section 33, entries for *Emydura subglobosa subglobosa* and *Orraya occultus*—

*omit.*

**21 Amendment of sch 1, s 37 (Amphibians)**

Schedule 1, section 37, entry for *Cophixalus aenigma*—

*omit.*

**22 Amendment of sch 1, s 54 (Reptiles)**

Schedule 1, section 54—

[s 23]

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*insert—*

*Leiopython* sp.

white-lipped python

## **Part 4**                      **Amendment of Nature Conservation (Koala) Conservation Plan 2017**

### **23**      **Plan amended**

This part amends the *Nature Conservation (Koala) Conservation Plan 2017*.

### **24**      **Amendment of s 16 (Restriction on grant of scientific purposes permit authorising release into wild)**

Section 16, heading, ‘scientific purposes’—

*omit, insert—*

**research**

## **Part 5**                      **Amendment of Nature Conservation (Macropod) Conservation Plan 2017**

### **25**      **Plan amended**

This part amends the *Nature Conservation (Macropod) Conservation Plan 2017*.

### **26**      **Replacement of pt 3, div 2**

Part 3, division 2—

*omit, insert—*

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## Division 2      Harvest periods and harvest period notices

### 11 Harvest period notices

- (1) The chief executive may, by publishing a notice on a relevant website (a *harvest period notice*), declare a period to be a harvest period for taking macropods.
- (2) Before publishing a harvest period notice, the chief executive must have regard to—
  - (a) the precautionary principle; and
  - (b) the Queensland wildlife trade management plan for macropods.
- (3) A harvest period notice must state the following information—
  - (a) the days on which the harvest period starts and ends;
  - (b) each species of macropod (each a *harvest macropod species*) that may be taken during the harvest period;
  - (c) the size (the *minimum area*) that the skin of a harvest macropod must exceed if the macropod is taken, during the harvest period, for its skin only;
  - (d) the weight (the *minimum whole weight*) that the whole form carcass of a harvest macropod must exceed if the macropod is taken, during the harvest period, for its meat only or for both its meat and skin;
  - (e) the weight (the *minimum dressed weight*) that the dressed carcass of a harvest macropod must exceed if the macropod is taken, during the harvest period, for its meat only or for both its meat and skin.

[s 26]

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- (4) For subsection (3), the harvest period notice may state that—
  - (a) all macropod species may be taken during the harvest period; or
  - (b) there is no minimum area for harvest macropods; or
  - (c) there is no minimum whole weight for harvest macropods; or
  - (d) there is no minimum dressed weight for harvest macropods.

## 12 Harvest regions, harvest zones and maximum take number

- (1) The chief executive may, in a harvest period notice, declare 1 or more areas within the State to be—
  - (a) a harvest region for the harvest period stated in the notice; or
  - (b) a harvest zone for the harvest period stated in the notice.
- (2) If the chief executive declares a harvest region or harvest zone for a harvest period under subsection (1), the chief executive may, in the harvest period notice, also declare the maximum number (the *maximum take number*) of macropods, of 1 or more harvest macropod species, that may be taken in the region or zone during the period.

*Note*—

See also section 14B in relation to early ending of harvest periods for harvest zones or harvest regions.

## 13 Conditions for harvest period notices

- (1) The chief executive may, in a harvest period notice, state conditions on the taking of harvest

macropods during the harvest period stated in the notice.

*Example—*

A harvest period notice may state 1 or more ways in which a harvest macropod must be taken.

- (2) A condition stated in a harvest period notice—
  - (a) is taken to be a condition that applies to all macropod harvesting licences; and
  - (b) prevails over any other condition of a macropod harvesting licence to the extent of any inconsistency.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under the *Nature Conservation (Animals) Regulation 2020*, section 318.
- 2 Also, under the *Nature Conservation (Animals) Regulation 2020*, chapter 5, part 6, failure to comply with a condition of an animal authority is a ground for amendment, suspension or cancellation of the authority.

#### **14 Size requirement for skin of harvest macropod taken for skin only**

- (1) This section applies if—
  - (a) the holder of a macropod harvesting licence intends to take a harvest macropod—
    - (i) under the licence; and
    - (ii) during a harvest period stated in a harvest period notice; and
    - (iii) for the macropod's skin only; and
  - (b) the harvest period notice states a minimum area for the macropod.
- (2) The holder must not take the harvest macropod if

[s 26]

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the holder reasonably believes the size of the macropod's skin will be less than the minimum area.

Maximum penalty—120 penalty units.

- (3) Without limiting subsection (2), the holder contravenes subsection (2) if the size of the harvest macropod's skin is or becomes less than the minimum area at any time—
  - (a) starting when the macropod is taken; and
  - (b) ending when the holder sells, gives away, processes or otherwise disposes of the skin.

#### **14A Weight requirement for carcass of harvest macropod taken for meat only or meat and skin**

- (1) This section applies if—
  - (a) the holder of a macropod harvesting licence intends to take a harvest macropod—
    - (i) under the licence; and
    - (ii) during a harvest period stated in a harvest period notice; and
    - (iii) for the macropod's meat only or for both the macropod's meat and skin; and
  - (b) the harvest period notice states—
    - (i) a minimum whole weight for the macropod; or
    - (ii) a minimum dressed weight for the macropod.
- (2) The holder must not take the harvest macropod if the holder reasonably believes—
  - (a) if subsection (1)(b)(i) applies—the weight of the whole form carcass of the macropod

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will be less than the minimum whole weight; or

- (b) if subsection (1)(b)(ii) applies—the weight of the dressed carcass of the macropod will be less than the minimum dressed weight.

Maximum penalty—120 penalty units.

- (3) Without limiting subsection (2), the holder contravenes subsection (2)(a) if the weight of the whole form carcass of the harvest macropod is or becomes less than the minimum whole weight at any time—
  - (a) starting when the macropod is taken; and
  - (b) ending when the macropod is dressed.
- (4) Without limiting subsection (2), the holder contravenes subsection (2)(b) if the weight of the dressed carcass of the harvest macropod is or becomes less than the minimum dressed weight at any time—
  - (a) starting when the macropod is dressed; and
  - (b) ending when the holder sells, gives away, processes, consumes or otherwise disposes of the macropod.

### **14B Early ending of harvest period for harvest regions or harvest zones**

- (1) This section applies if—
  - (a) a harvest period notice declares 1 or more harvest regions or harvest zones for a harvest period; and
  - (b) the chief executive is satisfied—
    - (i) the maximum take number, for a harvest macropod species in a harvest region or harvest zone, is likely to be exceeded in the harvest period; or

[s 26]

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- (ii) it is necessary to end the harvest period, for a harvest macropod species in a harvest region or harvest zone, because an event has reduced, or is likely to reduce, the population size for the species in the region or zone.

*Examples of events—*

flood, disease outbreak

- (2) The chief executive may, by publishing a notice on a relevant website (a **harvesting end notice**), declare that the harvest period, for the harvest macropod species in the harvest region or harvest zone, ends.
- (3) The harvesting end notice must state—
  - (a) the matter of which the chief executive is satisfied under subsection (1)(b)(i) or (ii); and
  - (b) the day the harvest period, for the harvest macropod species in the harvest region or harvest zone, ends.
- (4) Without limiting subsection (2), the harvesting end notice may apply in relation to—
  - (a) all harvest macropod species in 1 or more harvest regions or harvest zones; or
  - (b) 1 or more harvest macropod species in all harvest regions or all harvest zones.

#### **14C Advance advice of harvesting end notice**

- (1) This section applies if the chief executive intends to publish a harvesting end notice for a harvest macropod species in a harvest region or harvest zone.
- (2) The chief executive must give each holder of a macropod harvesting licence, for the harvest

macropod species, a notice (an *advance advice*) stating—

- (a) the matter of which the chief executive is satisfied under section 14B(1)(b)(i) or (ii); and
  - (b) the day the harvest period, for the harvest macropod species in the harvest region or harvest zone, will end under the harvesting end notice.
- (3) The chief executive must give the advance advice to each holder at least 7 days before the day mentioned in subsection (2)(b).
  - (4) Failure to comply with subsection (2) or (3) does not invalidate the harvesting end notice.

## **27 Replacement of s 26 (How record must be kept)**

Section 26—

*omit, insert—*

### **26 How records must be kept**

- (1) For the *Nature Conservation (Animals) Regulation 2020*, section 342(1)(b)(i), a record for a dealer licence for dead macropods must be kept—
  - (a) in an approved electronic record system; or
  - (b) if the chief executive gives the person required to keep the record written approval to keep the record in a record book—in a record book.
- (2) The chief executive may give a person an approval under subsection (1)(b) only if the chief executive is satisfied that exceptional circumstances—
  - (a) prevent the person from using an approved electronic record system; or

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- (b) make it impractical for the person to use an approved electronic record system.

*Example of exceptional circumstances—*

the person does not have access to the internet

## **28 Replacement of s 61 (How records must be kept)**

Section 61—

*omit, insert—*

### **61 How records must be kept**

- (1) For the *Nature Conservation (Animals) Regulation 2020*, section 342(1)(b)(i), a record for a macropod harvesting licence must be kept—
  - (a) in an approved electronic record system; or
  - (b) if the chief executive gives the person required to keep the record written approval to keep the record in a record book—in a record book.
- (2) The chief executive may give a person an approval under subsection (1)(b) only if the chief executive is satisfied that exceptional circumstances—
  - (a) prevent the person from using an approved electronic record system; or
  - (b) make it impractical for the person to use an approved electronic record system.

*Example of exceptional circumstances—*

the person does not have access to the internet

## **29 Amendment of s 64 (Information that must be included in record)**

Section 64, ‘on or after the electronic record start day’—

*omit.*

### 30 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *electronic record start day*, *electronic record system start notice*, *harvest macropod* and *harvest period*—

*omit.*

- (2) Schedule 2—

*insert—*

*harvesting end notice* see section 14B(2).

*harvest macropod* means a macropod of a harvest macropod species.

*harvest macropod species*, in relation to a harvest period notice, see section 11(3)(b).

*harvest period*, for a macropod, means a period declared, under section 11(1), to be a harvest period for taking the macropod.

*harvest region*, for a harvest period stated in a harvest period notice, means an area within the State declared, under section 12(1)(a), to be a harvest region in the notice.

*harvest zone*, for a harvest period stated in a harvest period notice, means an area within the State declared, under section 12(1)(b), to be a harvest zone in the notice.

*maximum take number*, for a harvest macropod species in a harvest region or harvest zone, see section 12(2).

*minimum area*, for a harvest macropod, see section 11(3)(c).

*minimum dressed weight*, for a harvest macropod, see section 11(3)(e).

*minimum whole weight*, for a harvest macropod, see section 11(3)(d).

*relevant website* means—



- (b) the person, or an associate of the person, was the holder of a relevant authority that was cancelled within 2 years before the relevant day because the person or associate accumulated 10 or more demerit points under section 103; or
  - (c) the person, or an associate of the person, is or was the holder of an authority, however described, under the law of another jurisdiction that—
    - (i) is or was equivalent to a relevant authority; and
    - (ii) was suspended or cancelled within 3 years before the relevant day.
- (3) In this section—
- relevant authority* means—
- (a) a plant authority; or
  - (b) a licence, permit or other authority granted under the repealed *Nature Conservation (Administration) Regulation 2017*, section 14, 15 or 16.

**33 Replacement of ch 12, pt 1, hdg (Preliminary)**

Chapter 12, part 1, heading—

*omit, insert—*

**Part 1 Transitional provisions  
for SL No. 137 of 2020**

**Division 1 Preliminary**

[s 34]

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**34 Amendment of s 208 (Definitions for chapter)**

(1) Section 208, heading, ‘chapter’—

*omit, insert—*

**part**

(2) Section 208, ‘this chapter’—

*omit, insert—*

this part

**35 Relocation and renumbering of ch 12, pts 2–7**

Chapter 12, parts 2 to 7—

*relocate* to chapter 12, part 1, as amended by this regulation,  
and *renumber* as divisions 2 to 7.

**36 Amendment of s 224 (Other undecided applications, invitations, requests, notices and notifications)**

Section 224(2), ‘part 3 or 4’—

*omit, insert—*

division 3 or 4

**37 Insertion of new ch 12, pt 2**

Chapter 12, as amended by this regulation—

*insert—*

**Part 2**

**Transitional provision  
for Nature  
Conservation and  
Other Legislation  
Amendment Regulation  
(No. 2) 2021**

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## 227 Continuing application of former s 102 to existing applications

- (1) This section applies if—
  - (a) before the commencement, a person made an application (the *existing application*) for the grant or amendment of a plant authority; and
  - (b) immediately before the commencement, the existing application had not been decided.
- (2) Former section 102 continues to apply in relation to the existing application as if the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021* had not commenced.
- (3) In this section—  
*former section 102* means section 102 as in force immediately before the commencement.

### 38 Amendment of sch 1, s 5 (Plants)

Schedule 1, section 5, entry for *Antrophyum austroqueenslandicum*—  
*omit.*

### 39 Amendment of sch 1, s 9 (Plants)

- (1) Schedule 1, section 9, entries for *Marsdenia araujacea* and *Rhodamnia dumicola*—  
*omit.*
- (2) Schedule 1, section 9—  
*insert—*

*Antrophyum austroqueenslandicum*

*Gossia gonoclada*

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*Leichhardtia araujacea*

*Macadamia janssenii*

#### **40 Amendment of sch 1, s 13 (Plants)**

- (1) Schedule 1, section 13, entries for *Gossia gonoclada*, *Macadamia janssenii*, *Phlegmariurus filiformis* and *Solanum hamulosum*—

*omit.*

- (2) Schedule 1, section 13—

*insert—*

*Camptacra perdita*

*Rhodamnia dumicola*

#### **41 Amendment of sch 1, s 17 (Plants)**

- (1) Schedule 1, section 17, entries for *Acacia ruppia*, *Albizia* sp. (Windsor Tableland B.Gray 2181), *Cestichis condylobulbon*, *Marsdenia brevifolia*, *Marsdenia coronata*, *Marsdenia longiloba*, *Marsdenia paludicola*, *Marsdenia pumila*, *Marsdenia rara* and *Marsdenia straminea*—

*omit.*

- (2) Schedule 1, section 17—

*insert—*

*Acacia torringtonensis*

*Blepharoglossum condylobulbon*

*Gymnema stramineum*

*Leichhardtia brevifolia*

*Leichhardtia coronata*



[s 44]

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under section 71AI within 3 years before the relevant day; or

- (b) the person, or an associate of the person, was the holder of a relevant authority that was cancelled within 2 years before the relevant day because the person or associate accumulated 10 or more demerit points under section 71AI; or
  - (c) the person, or an associate of the person, is or was the holder of an authority, however described, under the law of another jurisdiction that—
    - (i) is or was equivalent to a relevant authority; and
    - (ii) was suspended or cancelled within 3 years before the relevant day.
- (3) In this section—
- relevant authority* means—
- (a) a protected area authority; or
  - (b) a permit or authority granted under the repealed *Nature Conservation (Administration) Regulation 2017*, section 9 or 10.

#### **44 Insertion of new ch 11**

After chapter 10—

*insert—*

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## Chapter 11 Transitional provision for Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021

### 187 Continuing application of former s 71AH to existing applications

- (1) This section applies if—
  - (a) before the commencement, a person made an application (the *existing application*) the grant, amendment or renewal of a protected area authority; and
  - (b) immediately before the commencement, the existing application had not been decided.
- (2) Former section 71AH continues to apply in relation to the existing application as if the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021* had not commenced.
- (3) In this section—

*former section 71AH* means section 71AH as in force immediately before the commencement.



- (2) Schedule 1, items 2 to 4—  
*renumber* as schedule 1, items 1 to 3.

Endnotes

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ENDNOTES

- 1 Made by the Governor in Council on 9 November 2021.
- 2 Notified on the Queensland legislation website on 10 November 2021.
- 3 The administering agency is the Department of Environment and Science.

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