



Queensland

Nature Conservation and Other Legislation Amendment Regulation 2023

Subordinate Legislation 2023 No. 77

made under the

Environmental Offsets Act 2014

Nature Conservation Act 1992

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Nature Conservation and Other Legislation Amendment Regulation 2023*.

Part 2 Amendment of Environmental Offsets Regulation 2014

2 Regulation amended

This part amends the *Environmental Offsets Regulation 2014*.

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

Section 6, ‘version 1.13’—

omit, insert—

version 1.14

Part 3 Amendment of Nature Conservation (Animals) Regulation 2020

4 Regulation amended

This part amends the *Nature Conservation (Animals) Regulation 2020*.

5 Amendment of s 42 (Taking animals)

(1) Section 42(1)(a)(i), ‘at an airport’—

omit, insert—

to the aviation infrastructure of an airport

- (2) Section 42(1)(a)(ii), ‘a person’s health or wellbeing’—
omit, insert—

the safety of aircraft, or persons on or around
aircraft, operating at an airport

- (3) Section 42—
insert—

- (4) In this section—

aviation infrastructure, of an airport, means
infrastructure directly connected with the
operation of aircraft at the airport.

6 Replacement of s 66 (Keeping and using particular fish for non-commercial purposes)

Section 66—
omit, insert—

66 Keeping and using particular fish for non-commercial purposes

- (1) This section applies in relation to a fish of a
relevant species that has, at all times, been
lawfully obtained and kept, other than under an
animal authority.
- (2) A person may carry out any of the following
activities in relation to the fish for a purpose other
than a commercial purpose—
- (a) keep the fish;
 - (b) accept or receive the fish;
 - (c) give the fish away;
 - (d) if the fish is given away—move the fish
from the place where the fish was kept
before the fish was given away to the place

[s 7]

where the person who accepted or received the fish intends to keep it.

(3) In this section—

relevant species means each of the following species of fish—

- (a) Elizabeth Springs goby (*Chlamydogobius micropterus*);
- (b) Oxleyan pygmy perch (*Nannoperca oxleyana*).

7 **Amendment of s 88 (Dealing with kept animals after death—other animals)**

Section 88(3)(b), from ‘to’—

omit, insert—

to—

- (i) the licensed premises for the dealer licence or the dead animal collection authority; or
- (ii) the State museum.

8 **Amendment of s 163 (Restrictions on grant of permit to prevent damage or loss by protected animals other than flying-foxes)**

(1) Section 163, heading, from ‘by protected animals’—

omit.

(2) Section 163(1), from ‘for a protected animal’—

omit, insert—

for an animal.

(3) Section 163—

insert—

(1A) However, this section does not apply in relation to a damage mitigation permit for a purpose

mentioned in section 162(1)(a) for a flying-fox.

(4) Section 163—

insert—

(3) This subsection and subsection (1A) expire on 30 June 2026.

9 Amendment of s 164 (Restrictions on grant of permit to prevent damage or loss by flying-foxes)

(1) Section 164(2)—

insert—

(h) the landholder holds, or has held—

(i) a damage mitigation permit for a purpose mentioned in section 162(1)(a) for a flying-fox; or

(ii) a damage mitigation permit for taking a flying-fox for a reason mentioned in the repealed *Nature Conservation (Wildlife Management) Regulation 2006*, section 185(2), granted under that regulation and the repealed *Nature Conservation (Administration) Regulation 2017*.

(2) Section 164—

insert—

(5) This section expires on 30 June 2026.

10 Amendment of s 167 (Killing dependent flying-foxes)

Section 167—

insert—

(3) This section expires on 30 June 2026.

[s 11]

11 Replacement of s 171 (Way flying-foxes to be taken)

Section 171—

omit, insert—

171 Way animals to be taken

- (1) The holder of a damage mitigation permit, or a relevant person for the holder, may take an authorised animal only—
 - (a) in a way that causes minimal damage and disturbance to other wildlife and the environment; and
 - (b) by using—
 - (i) if a method for taking the animal is stated in the permit—the stated method; or
 - (ii) otherwise—another method that is humane.
- (2) However, if the authorised animal is a flying-fox, the holder or relevant person must not shoot the flying-fox.
- (3) This section does not apply in relation to a damage mitigation permit for a purpose mentioned in section 162(1)(a) for a flying-fox.
- (4) This subsection and subsection (3) expire on 30 June 2026.

171A Way flying-foxes to be taken

- (1) The holder of a damage mitigation permit for a purpose mentioned in section 162(1)(a) for a flying-fox, or a relevant person for the holder, may take an authorised animal that is a flying-fox only in a way that complies with the flying-fox damage mitigation code.
- (2) This section expires on 30 June 2026.

12 Amendment of s 176 (Restrictions on grant of permits to prevent or minimise threat to health or wellbeing)

Section 176(2)(c), from ‘and not likely’—
omit.

13 Insertion of new s 178A

After section 178—
insert—

178A Way flying-fox roost action to be taken

The holder of a flying-fox roost management permit, or a relevant person for the holder, may carry out an activity under the permit only in a way that—

- (a) causes minimal damage and disturbance to other wildlife and the environment; and
- (b) is humane.

14 Amendment of s 208 (Way animal must be kept)

Section 208(4), definition *rehabilitation code* and note—
omit, insert—

rehabilitation code means—

- (a) for a koala—the koala rehabilitation code; or
- (b) for another animal—the document called ‘Code of practice—care of sick, injured or orphaned protected animals in Queensland’, approved by the chief executive under section 174A of the Act.

15 Amendment of s 209 (When to release animals)

Section 209—

[s 16]

insert—

Note—

See also the *Nature Conservation (Koala) Conservation Plan 2017*, section 16A for an additional condition in relation to releasing a koala under a rehabilitation permit.

16 Insertion of new ch 12, pt 7

Chapter 12—

insert—

Part 7

Transitional provisions for Nature Conservation and Other Legislation Amendment Regulation 2023

426 Definitions for part

In this part—

former, for a provision of this regulation, means the provision as in force immediately before the commencement.

new, for a provision of this regulation, means the provision as in force from the commencement.

427 Application of new ss 163 and 164 to existing applications for damage mitigation permits

- (1) This section applies in relation to an application for a damage mitigation permit—
 - (a) that was made, but not decided, before the commencement; and

(b) to which former sections 163 and 164 applied.

- (2) New sections 163 and 164 apply in relation to deciding the application.

428 Application of new ss 171 and 171A to existing damage mitigation permits

New sections 171 and 171A apply from the commencement in relation to a damage mitigation permit, even if the permit was granted before the commencement.

429 Application of new s 178A to existing flying-fox roost management permits

New section 178A applies from the commencement in relation to a flying-fox roost management permit, even if the permit was granted before the commencement.

430 Applications for damage mitigation permits made, but not decided, on 1 July 2026

- (1) This section applies in relation to an application made for a damage mitigation permit that, on 1 July 2026, has not been decided.
- (2) Chapter 4, part 10, division 1, as in force from 1 July 2026, applies in relation to deciding the application.

17 Amendment of sch 1, s 15 (Reptiles)

Schedule 1, section 15—

insert—

Austroablepharus barrylyoni

Lyon's soil-crevice skink

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18 Amendment of sch 1, s 20 (Birds)

Schedule 1, section 20, entry for *Neochmia phaeton evangelinae*—

omit.

19 Amendment of sch 1, s 21 (Fish)

Schedule 1, section 21—

insert—

Nannoperca oxleyana

Oxleyan pygmy perch

20 Amendment of sch 1, s 22 (Invertebrates)

Schedule 1, section 22—

insert—

Euastacus suttoni

Sutton's crayfish

21 Amendment of sch 1, s 23 (Mammals)

(1) Schedule 1, section 23, entry for *Pseudomys australis*—
omit.

(2) Schedule 1, section 23—

insert—

Chalinolobus dwyeri

large-eared pied bat

Dasyuroides byrnei

kowari

22 Amendment of sch 1, s 24 (Reptiles)

Schedule 1, section 24—

insert—

Wollumbinia belli

Bell's turtle

23 Amendment of sch 1, s 28 (Amphibians)

Schedule 1, section 28—

insert—

Assa darlingtoni

pouched frog

24 Amendment of sch 1, s 30 (Fish)

(1) Schedule 1, section 30, entry for *Nannoperca oxleyana*—
omit.

(2) Schedule 1, section 30, entry for *Stiphodon pelewensis*,
'daintree'—
omit, insert—

Daintree

25 Amendment of sch 1, s 32 (Mammals)

(1) Schedule 1, section 32, entries for *Chalinolobus dwyeri* and
Dasyuroides byrnei—
omit.

(2) Schedule 1, section 32—
insert—

Pseudomys australis

plains rat

26 Amendment of sch 1, s 33 (Reptiles)

(1) Schedule 1, section 33, entries for *Cryptophis incredibilis* and
Wollumbinia belli—
omit.

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(2) Schedule 1, section 33—

insert—

Harrisoniascincus zia rainforest cool-skink

27 Amendment of sch 3 (Categories of animals)

Schedule 3, part 1—

insert—

1A Fish

Scientific name	Common name
<i>Chlamydogobius squamigenus</i>	Edgbaston goby
<i>Melanotaenia</i> sp. nov. ‘Malanda’	Malanda rainbowfish
<i>Melanotaenia</i> sp. nov. ‘Running River’	Running River rainbowfish
<i>Pseudomugil mellis</i>	honey blue eye
<i>Scaturiginichthys vermeilipinnis</i>	redfin blue eye

28 Amendment of sch 3, s 8 (Reptiles)

Schedule 3, section 8, entry for *Elseya albagula*, ‘southern’—

omit, insert—

white-throated

29 Amendment of sch 5 (Processed products)

Schedule 5, part 1, definition *emu code*, note—

omit.

30 Amendment of sch 7 (Dictionary)

(1) Schedule 7—

insert—

koala means an animal of the species *Phascolarctos cinereus*.

koala rehabilitation code means the document called ‘Code of practice—rehabilitation of sick, injured or orphaned koalas in Queensland’, approved by the chief executive under section 174A of the Act.

- (2) Schedule 7, definitions *aviculture code*, *exhibition code*, *flying-fox damage mitigation code*, *flying-fox roost low impact activities code*, *flying-fox roost management code* and *reptile and amphibian code*, notes—
omit.

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

31 **Plan amended**

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

32 **Amendment of s 4 (Main purposes of plan and how they are to be achieved)**

Section 4(2)—

insert—

- (f) prescribing an additional condition for rehabilitation permits for koalas taken from the wild.

33 **Amendment of s 7B (Koala habitat areas)**

Section 7B—

[s 34]

insert—

- (5) Without limiting subsections (3) and (4), the chief executive may be satisfied the koala habitat is essential as mentioned in subsection (3)(b) even if the information available to the chief executive does not show evidence of koalas living in or crossing the koala habitat.

34 Insertion of new pt 4A

After part 4—

insert—

Part 4A Additional condition for rehabilitation permits for koalas taken from wild

16A Where to release koala taken from wild

- (1) This section states, in subsection (3), a condition that applies to a rehabilitation permit if—
 - (a) the authorised animal under the permit is a koala taken from the wild; and
 - (b) the holder of the permit, or a relevant person for the holder, is releasing the koala under the permit into a prescribed natural habitat for the koala.
- (2) The condition applies in addition to any other conditions applying to the rehabilitation permit under the *Nature Conservation (Animals) Regulation 2020*.

Note—

See the *Nature Conservation (Animals) Regulation 2020*, chapter 4, part 2, division 4 and part 14, division 3 for other conditions.

-
- (3) The holder of the rehabilitation permit, or a relevant person for the holder, must release the koala into prescribed natural habitat for the koala that—
 - (a) is as close as practicable to the place where the koala was taken; and
 - (b) is suitable for maximising the koala's chance of long-term survival in the wild; and
 - (c) is suitable for minimising negative impacts on any existing koala population in the habitat.
 - (4) Subsection (3)(a) applies subject to subsection (3)(b) and (c).
 - (5) A person complies with subsection (3) if the person releases the koala in a way that complies with the koala rehabilitation code to the extent the code provides for where the koala should be released.
 - (6) Subsection (5) does not limit the ways in which a person may otherwise comply with subsection (3).

35 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *koala*—
omit.
- (2) Schedule 2, definition *prescribed natural habitat*, paragraph (a)—
omit, insert—
 - (a) for a koala taken from the wild—
 - (i) if, when the koala was taken, the koala was or would have been dependent on its mother—koala habitat within a

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maximum distance of 20 kilometres
from where the koala was taken; or

- (ii) otherwise—koala habitat within a
maximum distance of 10 kilometres
from where the koala was taken; or

Part 5 **Amendment of Nature Conservation (Plants) Regulation 2020**

36 Regulation amended

This part amends the *Nature Conservation (Plants) Regulation 2020*.

37 Amendment of sch 1, s 9 (Plants)

- (1) Schedule 1, section 9, entries for *Borya inopinata*, *Coleus acariformis* and *Notelaea ipsviciensis*—
omit.
- (2) Schedule 1, section 9—
insert—

Acacia lumholtzii

Bubbia whiteana

Melaleuca uxorum

Mitrantia bilocularis

Notelaea x ipsviciensis

38 Amendment of sch 1, s 13 (Plants)

- (1) Schedule 1, section 13, entries for *Hibbertia* sp. (Taravale J.E.Kemp+ 20074, *Melaleuca uxorum* and *Mitrantia bilocularis*—
omit.
- (2) Schedule 1, section 13—
insert—

Acacia solenota

Auranticarpa edentata

Coleus acariformis

Euodia pubifolia

Hakea macrorrhyncha

Hibbertia advena

39 Amendment of sch 1, s 17 (Plants)

- (1) Schedule 1, section 17, entries for *Acacia guyeri*, *Acacia lumholtzii*, *Acacia solenota*, *Argophyllum cryptophlebium*, *Bubbia whiteana*, *Euodia pubifolia*, *Goodenia stirlingii*, *Hakea macrorrhyncha* and *Xylosma* sp. (Mt Lewis G.Sankowsky+ 1108)—
omit.
- (2) Schedule 1, section 17—
insert—

Borya inopinata

Pimelea leptospermoides subsp. *leptospermoides*

Xylosma craynii

[s 40]

40 Amendment of sch 1, s 21 (Plants)

- (1) Schedule 1, section 21, entries for *Archidendropsis xanthoxylon* and *Pimelea leptospermoides* subsp. *leptospermoides*—
omit.
- (2) Schedule 1, section 21—
insert—

Acacia guymeri

Argophyllum cryptophlebium

Goodenia nocoleche

Goodenia stirlingii

Heliodendron xanthoxylon

ENDNOTES

- 1 Made by the Governor in Council on 29 June 2023.
- 2 Notified on the Queensland legislation website on 30 June 2023.
- 3 The administering agency is the Department of Environment and Science.

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