



Queensland

Nature Conservation Act 1992

Nature Conservation (Koala) Conservation Plan 2017

Current as at 1 September 2017



Queensland

Nature Conservation (Koala) Conservation Plan 2017

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Nature Conservation (Koala) Conservation Plan 2017

Part 1 Preliminary

1 Short title

This plan may be cited as the *Nature Conservation (Koala) Conservation Plan 2017*.

2 Commencement

This plan commences on 1 September 2017.

3 Relationship with declared management intent—Act, s 121

It is declared that section 121(2) of the Act does not apply to this plan.

4 Main purposes of plan and how they are to be achieved

- (1) The main purposes of this plan are—
 - (a) to promote the continued existence of viable koala populations in the wild; and
 - (b) to prevent the decline of koala habitats.
- (2) The main purposes are to be achieved by—
 - (a) dividing the State into 3 koala districts based on the management strategies to be applied to each district; and
 - (b) prescribing the objective for each koala district; and
 - (c) prescribing requirements for clearing vegetation in particular areas; and
 - (d) prescribing additional restrictions on the grant of particular wildlife authorities for koalas, including, in

particular, the authorities authorising the release of koalas into the wild.

5 Interpretation

- (1) The dictionary in schedule 2 defines particular words used in this plan.
- (2) Subject to subsection (1), and unless this plan provides otherwise, words used in this plan have the same meaning as they have in the *Nature Conservation (Wildlife Management) Regulation 2006*.
- (3) To remove any doubt, it is declared that subsection (2) also applies to the following, as applied to the *Nature Conservation (Wildlife Management) Regulation 2006* under section 5 of that regulation—
 - (a) a definition under the *Nature Conservation (Administration) Regulation 2017*;
 - (b) a provision of the *Nature Conservation (Administration) Regulation 2017* aiding the interpretation of words used in that regulation.

Part 2 Koala districts

6 Koala districts and koala habitat areas

- (1) Each of the following is a wildlife district for koalas—
 - (a) koala district A;
 - (b) koala district B;
 - (c) koala district C.
- (2) A koala district may include 1 or more koala habitat areas.
- (3) For a koala district that includes a part of a local government area, a reference in schedule 1 to part of the local government area is a reference to the part of the local government area

shown on the Koala Conservation Plan Map as part of the district.

7 Objective for koala district

The objective for each koala district is to ensure, having regard to the nature and extent of koala populations in the district, appropriate measures are taken to achieve the purposes of this plan mentioned in section 4(1), including measures that—

- (a) monitor koala populations in the district and threats to the survival of koalas in the district; and
- (b) monitor and review the effectiveness of conservation measures for koalas and koala habitats in the district; and
- (c) provide education and management strategies to help manage threats to the survival of koala populations in the wild, including, for example, threats caused by dog attacks or vehicle strikes.

8 Koala Conservation Plan Map

- (1) The *Koala Conservation Plan Map* is the map prepared by the chief executive as the Koala Conservation Plan Map showing how the State is divided into koala districts.
- (2) The Koala Conservation Plan Map may—
 - (a) show how a koala district is divided into koala habitat areas; and
 - (b) consist of a series of maps, including, for example, a separate map for each part of the State.

9 Koala Conservation Plan Map available for inspection

The chief executive must make a copy of the Koala Conservation Plan Map available for inspection by the public, free of charge—

[s 10]

- (a) on the department's website; and
- (b) during office hours on business days at—
 - (i) the central office of the department; and
 - (ii) each regional office of the department.

Part 3 Clearing in particular areas

10 Sequential clearing in koala district A or B

- (1) A person clearing koala habitat trees in koala district A or koala district B must ensure the clearing is carried out in a way that complies with the sequential clearing conditions.

Maximum penalty—120 penalty units.

- (2) This section applies in addition to any other requirement applying to the clearing under an Act.
- (3) In this section—

sequential clearing conditions means all of the following conditions—

- (a) clearing of the koala habitat trees is carried out in a way that ensures koalas on the area being cleared (the *clearing site*) have enough time to move out of the clearing site without human intervention, including, in particular, for clearing sites with an area of more than 3ha, by—
 - (i) carrying out the clearing in stages; and
 - (ii) ensuring not more than the following is cleared in any 1 stage—
 - (A) for a clearing site with an area of 6ha or less—50% of the site's area;
 - (B) for a clearing site with an area of more than 6ha—3ha or 3% of the site's area, whichever is the greater; and

- (iii) ensuring that between each stage and the next there is at least 1 period of 12 hours starting at 6p.m. on a day and ending at 6a.m. on the following day during which no trees are cleared on the site;
- (b) clearing of the koala habitat trees is carried out in a way that ensures, while the clearing is carried out, appropriate habitat links are maintained within the clearing site and between the site and its adjacent area, to allow koalas living on the site to move out of the site;
- (c) no koala habitat tree in which a koala is present, and no koala habitat tree with a crown overlapping a tree in which a koala is present, is cleared.

11 **Koala spotter needed for clearing in koala habitat area**

- (1) This section applies to a person clearing, in a koala habitat area, koala habitat trees having a trunk of a diameter of more than 10cm at 1.3m above the ground.
- (2) The person must ensure the clearing is carried out in the presence of a koala spotter who has the primary role of locating koalas in the trees for the person.

Maximum penalty—120 penalty units.

- (3) This section applies in addition to any other requirement applying to the clearing under an Act.
- (4) In this section—

koala spotter means a person who has demonstrated experience in—

- (a) locating koalas in koala habitats; or
- (b) conducting fauna surveys.

Part 4 Additional restrictions on grant for wildlife authorities for taking, using or keeping

12 Relationship with regulations

The restrictions on the grant of a wildlife authority under this part are in addition to the restrictions applying to the grant of the authority under the *Nature Conservation (Administration) Regulation 2017* and the *Nature Conservation (Wildlife Management) Regulation 2006*.

Note—

See the *Nature Conservation (Administration) Regulation 2017*, sections 32 and 33 and the *Nature Conservation (Wildlife Management) Regulation 2006*, chapter 2, part 1, and chapter 3, parts 3 to 5.

13 General restriction on grant

The chief executive can not grant any of the following for koalas—

- (a) a commercial wildlife licence;
- (b) a recreational wildlife licence;
- (c) a commercial wildlife harvesting licence;
- (d) a recreational wildlife harvesting licence;
- (e) a damage mitigation permit;
- (f) a permit to keep wildlife;
- (g) a collection authority to take and keep animals that are least concern wildlife.

14 Restriction on grant of wildlife authorities authorising release of koalas into wild

The chief executive can not grant a wildlife authority, other than a rehabilitation permit or a scientific purposes permit, authorising the holder of the authority, or a relevant person for

the holder, to release into the wild a koala bred or kept in captivity.

Note—

For offences relating to the release of animals into the wild, see the *Nature Conservation (Wildlife Management) Regulation 2006*, section 343.

15 Restriction on grant of rehabilitation permit authorising release into wild

- (1) The chief executive can not grant a rehabilitation permit authorising the holder of the permit, or a relevant person for the holder, to release a koala taken from the wild into a part of the wild that is not a prescribed natural habitat for the koala.
- (2) The chief executive can not grant a rehabilitation permit authorising the holder of the permit, or a relevant person for the holder, to release into the wild a koala bred in captivity unless—
 - (a) the koala is the progeny of a koala taken from the wild; and
 - (b) the chief executive is reasonably satisfied the koala is capable of surviving in the wild.

Note—

For offences relating to the release of animals into the wild, see the *Nature Conservation (Wildlife Management) Regulation 2006*, section 343.

16 Restriction on grant of scientific purposes permit authorising release into wild

- (1) The chief executive can not grant a scientific purposes permit authorising the holder of the permit, or a relevant person for the holder, to release into the wild a koala taken from the wild unless—
 - (a) the koala is to be released into a prescribed natural habitat for the koala; or

- (b) the chief executive is reasonably satisfied the prescribed release conditions for the release of the koala are satisfied.
- (2) The chief executive can not grant a scientific purposes permit authorising the holder of the permit, or a relevant person for the holder, to release into the wild a koala bred in captivity unless—
- (a) the chief executive is reasonably satisfied the prescribed release conditions for the release of the koala are satisfied; or
 - (b) the chief executive is otherwise reasonably satisfied the koala is capable of surviving in the wild.
- (3) In this section—
- prescribed release conditions*, for the release of a koala, means all of the following conditions—
- (a) the koala is to be released into a koala habitat;
 - (b) research about the koala and the koala habitat shows the following—
 - (i) the release of the koala into the habitat will not adversely affect any species of wildlife in the habitat;
 - (ii) the genetic makeup of the koala is similar to the genetic makeup of koalas living in the habitat;
 - (c) the release of the koala into the habitat is a key component of the research project for which the application for the permit, under which the koala is to be released, is made;
 - (d) the research project provides for the recapture of the koala if the chief executive requires the recapture.

Part 5 Transitional provisions

17 State map taken to be Koala Conservation Plan Map

- (1) This section applies to the State map—
 - (a) prepared under section 10 of the expired conservation plan; and
 - (b) in existence immediately before the commencement.
- (2) The State map is taken to be the Koala Conservation Plan Map.

18 References to expired conservation plan

- (1) In a document, a reference to the expired conservation plan may, if the context permits, be taken to be a reference to this plan.
- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.

Schedule 1 Koala districts

schedule 2, definitions *koala district A*, *koala district B* and *koala district C*

1 Koala district A

Koala district A consists of the following local government areas—

Brisbane, Gold Coast, Ipswich, Lockyer Valley, Logan, Moreton Bay, Noosa, Redland, Scenic Rim, Somerset, Sunshine Coast, part of Toowoomba

2 Koala district B

Koala district B consists of the following local government areas—

Bundaberg, Cherbourg, Fraser Coast, part of Gladstone, Gympie, part of North Burnett, part of South Burnett, part of Toowoomba

3 Koala district C

Koala district C consists of the following local government areas—

Balonne, Banana, Barcaldine, Barcoo, Burdekin, Cairns, Cassowary Coast, Central Highlands, Charters Towers, Dalby, Etheridge, Flinders, part of Gladstone, Hinchinbrook Shire, Isaac, Longreach, Mackay, Mareeba, Murweh, part of North Burnett, Paroo, Quilpie, Rockhampton, Roma, part of South Burnett, Tablelands, part of Toowoomba, Townsville, Woorabinda, Whitsunday

Schedule 2 Dictionary

section 5(1)

clear, for vegetation, see the *Vegetation Management Act 1999*, schedule.

koala—

- (a) means a mammal of the species *Phascolarctos cinereus*; and
- (b) includes the reproductive material of a mammal mentioned in paragraph (a).

Koala Conservation Plan Map see section 8.

koala district means—

- (a) koala district A; or
- (b) koala district B; or
- (c) koala district C.

koala district A means the district described in schedule 1, section 1.

koala district B means the district described in schedule 1, section 2.

koala district C means the district described in schedule 1, section 3.

koala habitat means—

- (a) a woodland where koalas live; or
- (b) a partially or completely cleared area used by koalas to cross from 1 woodland where koalas live to another woodland where koalas live; or
- (c) a woodland where koalas do not live, if the woodland—
 - (i) primarily consists of koala habitat trees; and
 - (ii) is reasonably suitable to sustain koalas.

koala habitat area see the *Planning Regulation 2017*, schedule 24.

koala habitat tree see the *Planning Regulation 2017*, schedule 24.

prescribed natural habitat means—

- (a) for a koala taken from the wild, or a koala the progeny of a koala taken from the wild—
 - (i) the area within 1km from where the koala was taken if at least part of the area is koala habitat; or
 - (ii) otherwise—any koala habitat within 5km from where the koala was taken; or
- (b) for another koala—a koala habitat, research into which shows the following—
 - (i) the release of the koala into the habitat will not adversely affect any species of wildlife in the habitat;
 - (ii) the genetic makeup of the koala is similar to the genetic makeup of koalas living in the habitat.

this plan means this conservation plan.

1 Index to endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|-------------|---------------------------------------|---------------|----------------------------|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amd | = amendment | prov | = provision |
| t | | | |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No. [X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renu | = renumbered |
| | | m | |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro | = retrospectively |
| | |) | |
| notf | = notified | rv | = revised version |
| d | | | |
| num | = numbered | s | = section |
| o in | = order in council | sch | = schedule |
| c | | | |

Endnotes

| Key | Explanation | Key | Explanation |
|-------------|--------------------|-------------|---|
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 2012 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnu | = unnumbered |
| | | m | |
| prev | = previous | | |

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| Current as at | Amendments included | Notes |
|----------------------|----------------------------|--------------|
| 1 September 2017 | none | |

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Nature Conservation (Koala) Conservation Plan 2017 SL No. 152

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ss 1–2 commenced on date of notification

pt 1 hdg, ss 3–5, pts 2–5, schs 1–2 commenced 1 September 2017 (see s 2)

exp 1 September 2027 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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