



*Nature Conservation Act 1992*

# **Nature Conservation (Animals) Regulation 2020**

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Queensland

# Nature Conservation (Animals) Regulation 2020

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# Nature Conservation (Animals) Regulation 2020

## Chapter 1 Introduction

### Part 1 Preliminary

#### 1 Short title

This regulation may be cited as the *Nature Conservation (Animals) Regulation 2020*.

#### 2 Commencement

This regulation commences on 22 August 2020.

### Part 2 Interpretation

#### 3 Definitions

The dictionary in schedule 7 defines particular words used in this regulation.

#### 4 Meaning of *commercial purpose*

- (1) A person acts for a *commercial purpose* if the person acts for gain or reward.
- (2) Without limiting subsection (1), a person acts for a *commercial purpose* if—
  - (a) the person takes, keeps or uses an animal—
    - (i) as part of a business; or

- (ii) for a home-based business, home occupation, or similar business, under a local law or a planning scheme; or
- (b) the person buys or sells an animal and income tax is payable under a law of the Commonwealth for the proceeds from any sale of the animal; or
- (c) the person takes or uses an animal while carrying on a business that involves buying or selling animals of the same species; or
- (d) the person brings an animal, or has an animal brought, into the State for the main purpose of selling the animal; or
- (e) the person displays an animal—
  - (i) in a public place in a way that another person may reasonably believe it is for sale; or
  - (ii) in a way that promotes a particular product or service or a business.

## 5 Meaning of *relevant person*

- (1) Subject to subsections (2) and (3), a *relevant person*, for the holder of an animal authority, is—
  - (a) if the holder is an individual—an employee or agent of the individual acting under the direction of the individual; or
  - (b) if the holder is a corporation, other than an incorporated association—
    - (i) the person stated in the authority as the person in charge of the licensed premises for the authority; or
    - (ii) an executive officer, employee or agent of the corporation acting under the direction of the person mentioned in subparagraph (i).

- (2) A **relevant person**, for the holder of a rehabilitation permit, if the holder is an incorporated association, is—
- (a) the person stated in the permit as the person in charge of the activity for which the permit is granted; or
  - (b) an officer, member, employee or agent of the holder acting under the direction of the person mentioned in paragraph (a).
- (3) A **relevant person**, for an entity other than the holder of an animal authority, is—
- (a) the person in charge of the entity; or
  - (b) an executive officer, employee or agent of the entity acting under the direction of the entity or the person mentioned in paragraph (a).

## 6 References to categories of animals and classes of wildlife

- (1) In this regulation, a reference to a type of animal in which a particular category appears before the type of animal is a reference to an animal that—
- (a) is of that type; and
  - (b) is of that category.

*Example—*

A reference to a class 1 bird is a reference to a bird that is a class 1 animal.

- (2) In this regulation, a reference to a type of animal in which a particular class of wildlife appears before the type of animal is a reference to an animal that—
- (a) is of that type; and
  - (b) is prescribed as wildlife of that class by chapter 2.

*Examples—*

- 1 A reference to a near threatened amphibian is a reference to an amphibian that is prescribed as near threatened wildlife by chapter 2.

- 2 A reference to a near threatened class 1 amphibian is a reference to an amphibian that is a class 1 animal and prescribed as near threatened wildlife by chapter 2.
- (3) In this regulation, a reference to a type of animal in which the word ‘protected’ appears before the type of animal is a reference to an animal that is a protected animal of that type.

*Example—*

A reference to a protected bird is a reference to a bird that is a protected animal.

- (4) In this section—  
***category*** means a category of animal mentioned in chapter 2, part 4.

## 7 Scientific names

- (1) Subject to subsection (2), the scientific names used for animals mentioned in this regulation follow—
- (a) the names used in a recognised database; or
  - (b) the names used by the Queensland Museum.
- (2) However, if a provision of this regulation about an animal includes a scientific reference, the scientific name for the animal follows the scientific reference.
- (3) In this section—

***Queensland Museum*** means the board under the *Queensland Museum Act 1970*.

***recognised database*** means a database containing species information about animals that is maintained by or for the State, another State or the Commonwealth.

*Examples—*

- 1 the Australian Faunal Directory maintained by the Commonwealth department with responsibility for matters relating to the environment
- 2 the WildNet database maintained by the department

## **8 Species includes subspecies**

Unless otherwise stated, a species of animal mentioned in this regulation includes all subspecies of the species.

## **9 References relating to animal authorities**

- (1) A reference in this regulation to a licence, permit or other authority of a type mentioned in chapter 4, parts 3 to 18 is a reference to a licence, permit or authority of that type granted under chapter 5.

*Example—*

A reference to a standard licence is a reference to a standard licence granted under chapter 5.

- (2) A reference in this regulation to an animal authority for an animal is a reference to an animal authority that applies to the animal whether or not the authority applies to—
- (a) more than 1 animal; or
  - (b) animals of different types or species.
- (3) A reference in this regulation to an activity being carried out under an animal authority is a reference to an activity being carried out under a provision of this regulation that applies as a result of the grant of the authority.

*Example—*

A reference to the taking of a macropod under a harvesting licence is a reference to the taking of the macropod under section 129(a).

# **Part 3 Application of regulation**

## **10 Protected areas**

- (1) The following provisions of this regulation apply in relation to an animal in a protected area—
- (a) chapter 2;

- (b) section 316;
  - (c) schedules 1 and 2.
- (2) This regulation does not otherwise apply in relation to an animal in a protected area.

## **11 Use of particular substances**

- (1) Nothing in this regulation authorises a person to take an animal using a substance if the use of the substance on the animal is prohibited under another Act or law, including, for example, a law of the Commonwealth.
- (2) Also, nothing in this regulation authorises a person to take an animal using a substance if—
- (a) another Act or law, including, for example, a law of the Commonwealth, requires a person using the substance on the animal to hold a particular authority; and
  - (b) the person does not hold the authority.

# **Chapter 2      Classification and categorisation of animals, declared management intent and conservation values**

## **Part 1            Preliminary**

### **12 Purpose of chapter**

This chapter—

- (a) prescribes classes of animals for part 5, division 2 of the Act; and
- (b) provides for the declared management intent applying to each class of animal for section 72(2) of the Act; and
- (c) provides for the categorisation of animals for applying provisions of this regulation; and
- (d) prescribes the conservation value for particular animals for section 95 of the Act.

## **Part 2                      Protected wildlife**

### **13            Extinct wildlife**

- (1) For section 76 of the Act, an animal mentioned in schedule 1, part 2, division 1, subdivision 1 is prescribed as extinct wildlife.
- (2) The declared management intent applicable to an animal mentioned in subsection (1) is to manage the animal having regard to the matters mentioned in schedule 1, part 2, division 1, subdivision 2.

*Note—*

See schedule 1, section 4(g) for circumstances in which an animal that is extinct wildlife is to be managed as if it were critically endangered wildlife.

### **14            Extinct in the wild wildlife**

- (1) For section 77 of the Act, an animal mentioned in schedule 1, part 2, division 2, subdivision 1 is prescribed as extinct in the wild wildlife.
- (2) The declared management intent applicable to an animal mentioned in subsection (1) is to manage the animal having regard to the matters mentioned in schedule 1, part 2, division 2, subdivision 2.

*Note—*

See schedule 1, section 10(g) for circumstances in which an animal that is extinct in the wild wildlife is to be managed as if it were critically endangered wildlife.

## **15 Critically endangered wildlife**

- (1) For section 78 of the Act, an animal mentioned in schedule 1, part 2, division 3, subdivision 1 is prescribed as critically endangered wildlife.
- (2) The declared management intent applicable to an animal mentioned in subsection (1) is to manage the animal having regard to the matters mentioned in schedule 1, part 2, division 3, subdivision 2.

## **16 Endangered wildlife**

- (1) For section 78A of the Act, an animal mentioned in schedule 1, part 2, division 4, subdivision 1 is prescribed as endangered wildlife.
- (2) The declared management intent applicable to an animal mentioned in subsection (1) is to manage the animal having regard to the matters mentioned in schedule 1, part 2, division 4, subdivision 2.

## **17 Vulnerable wildlife**

- (1) For section 78B of the Act, an animal mentioned in schedule 1, part 2, division 5, subdivision 1 is prescribed as vulnerable wildlife.
- (2) The declared management intent applicable to an animal mentioned in subsection (1) is to manage the animal having regard to the matters mentioned in schedule 1, part 2, division 5, subdivision 2.

## **18 Near threatened wildlife**

- (1) For section 79 of the Act, an animal mentioned in schedule 1, part 2, division 6, subdivision 1 is prescribed as near threatened wildlife.
- (2) The declared management intent applicable to an animal mentioned in subsection (1) is to manage the animal having regard to the matters mentioned in schedule 1, part 2, division 6, subdivision 2.

*Note—*

See schedule 1, section 43(h) for circumstances in which an animal that is near threatened wildlife is to be managed as if it were another class of wildlife.

## **19 Least concern wildlife**

- (1) For section 80 of the Act, an animal mentioned in schedule 1, part 2, division 7, subdivision 1 is prescribed as least concern wildlife.
- (2) The declared management intent applicable to an animal mentioned in subsection (1) is to manage the animal having regard to the matters mentioned in schedule 1, part 2, division 7, subdivision 2.

# **Part 3 International wildlife**

## **20 International wildlife**

- (1) For section 81 of the Act, an animal mentioned in schedule 1, part 3, division 1 is prescribed as international wildlife.
- (2) The declared management intent applicable to an animal mentioned in subsection (1) is to manage the animal having regard to the matters mentioned in schedule 1, part 3, division 2.



- 2 See the *Nature Conservation (Macropod) Conservation Plan 2017*, section 85 in relation to the conservation value payable for a harvest macropod.

## **23 Persons exempt from payment of conservation value— Act, s 95**

For section 95(8)(a) of the Act, a person mentioned in schedule 2, part 2, column 1 is exempt from the payment of the conservation value for a protected animal mentioned in schedule 2, part 2, column 2 opposite the person.

# **Chapter 3 Dealing with animals generally**

## **Part 1 Preliminary**

### **24 Purpose of chapter**

This chapter—

- (a) authorises particular persons to carry out particular activities in relation to particular animals regardless of whether those persons hold animal authorities; and
- (b) states requirements related to the carrying out of the activities mentioned in paragraph (a).

*Notes—*

- 1 Part 5, division 4 of the Act contains offences prohibiting persons from carrying out particular activities in relation to protected animals unless the persons or activities are authorised under the Act.
- 2 See chapter 4 for activities authorised under animal authorities.
- 3 See part 8 about moving particular animals.

- 4 Also, see chapter 4, part 16 and chapter 5, part 2 about movement permits authorising movement of animals.

## Part 2 Particular entities

### 25 Authorised keeper in another State

- (1) This section applies to a person who is an authorised keeper in another State for a species of protected, international or prohibited animal.
- (2) The person may—
  - (a) buy an animal of the species from a person authorised to sell or give away the animal under the Act; and
  - (b) keep the animal—
    - (i) in the other State; or
    - (ii) in the State temporarily until it is moved to the other State.
- (3) In this section—

***authorised keeper in another State***, for a species of animal, means a person who is either—

  - (a) authorised to keep an animal of the species in the other State under a law of the other State; or
  - (b) not prohibited from keeping an animal of the species in the other State under the laws of the other State.

### 26 Authorised keeper in another country

- (1) This section applies to a person who is an authorised keeper in another country for a species of protected, international or prohibited animal.
- (2) The person may—

- (a) buy an animal of the species from a person authorised to sell or give away the animal under the Act; and
  - (b) keep the animal—
    - (i) in the other country; or
    - (ii) in the State temporarily until it is moved to the other country.
- (3) In this section—
- authorised keeper in another country*, for a species of animal, means a person who is either—
- (a) authorised to keep an animal of the species in the other country under a law of the other country; or
  - (b) not prohibited from keeping an animal of the species in the other country under the laws of the other country.

## **27 Public service employees and contractors dealing with dead protected animals**

- (1) This section applies to a person who is—
  - (a) a public service employee; or
  - (b) a contractor of a department.
- (2) The person may take a dead protected animal from a public place if it is necessary or desirable to do so.

*Examples of when it may be necessary or desirable to take a dead protected animal from a public place—*

- to perform a function or exercise a power under an Act
  - to ensure the free and safe movement of traffic on a road
  - to maintain public safety or the health or wellbeing of persons
- (3) The person may carry out any of the following activities in relation to an animal taken under subsection (2)—
    - (a) keep a part of the animal, including, for example, a tissue sample, if it is necessary or desirable to do so;

[s 28]

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- (b) use, other than move, process or use for a commercial purpose, a part of the animal, including, for example, a tissue sample, if it is necessary or desirable to do so;
- (c) bury or incinerate the animal;
- (d) move the animal to—
  - (i) the place in the State where the part will be kept or used under paragraph (a) or (b); or
  - (ii) the place in the State where the animal is to be buried or incinerated under paragraph (c); or
  - (iii) another place where the animal is not likely to pose a risk to public safety or the health or wellbeing of persons;
- (e) otherwise deal with the animal in the way directed by the chief executive.

*Examples of when it may be necessary or desirable to keep or use part of a dead protected animal—*

- to perform research
- to perform a function or exercise a power under an Act
- to maintain public safety or the health or wellbeing of persons

- (4) In this section—

***public place*** includes a State-controlled road under the *Transport Infrastructure Act 1994*, whether or not it is open to, or used by, members of the public.

## **28 Local government officers, rail government entity employees and contractors dealing with dead protected animals**

- (1) This section applies to a person who is—
- (a) an officer or employee of a local government; or
  - (b) an officer or employee of a rail government entity; or
  - (c) a contractor of a local government or rail government entity.

- (2) The person may take a dead protected animal from a public place if it is necessary or desirable to do so.

*Examples of when it may be necessary or desirable to take a dead protected animal from a public place—*

- to perform a function or exercise a power under an Act
- to ensure the free and safe movement of traffic on a road
- to maintain public safety or the health or wellbeing of persons

- (3) The person may carry out any of the following activities in relation to an animal taken under subsection (2)—

- (a) bury or incinerate the animal;
- (b) move the animal to—
- (i) the place in the State where the animal is to be buried or incinerated; or
  - (ii) if the chief executive has asked the person to move the animal to another place—the other place; or
  - (iii) another place where the animal is not likely to pose a risk to public safety or the health or wellbeing of persons;
- (c) otherwise deal with the animal in the way directed by the chief executive.

- (4) In this section—

***public place*** includes each of the following places, whether or not each place is open to, or used by, members of the public—

- (a) a railway managed by a rail government entity;
- (b) a reserve for community purposes under the *Land Act 1994* for which a local government is trustee;
- (c) a road controlled by a local government.

## 29 Railway officers dealing with dead protected animals

- (1) A railway officer employed by a railway manager may carry out any of the following activities in relation to a dead protected animal—
  - (a) take the animal at a railway managed by the railway manager;
  - (b) move the animal to another place.
- (2) However, when taking or moving the animal the railway officer must comply with any conditions—
  - (a) imposed under subsection (3); and
  - (b) notified by the chief executive to the railway manager.
- (3) The chief executive may impose conditions on the taking or moving of a dead protected animal under this section, including, for example, a condition stating—
  - (a) the way in which the animal is to be dealt with after being taken or moved; or
  - (b) the records to be kept for activities carried out under subsection (1); or
  - (c) the way in which the records mentioned in paragraph (b) are kept and accessed.
- (4) This section does not apply to a railway officer employed by a rail government entity.
- (5) In this section—

*railway manager* see the *Transport Infrastructure Act 1994*, schedule 6.

*railway officer*, employed by a railway manager, means—

- (a) an employee or contractor of the railway manager; or
- (b) an employee or contractor of a related body corporate of the railway manager; or
- (c) another person approved by the chief executive by notice to the railway manager.

*related body corporate*, of a railway manager, means a body corporate that is a related body corporate of the railway manager within the meaning of the Corporations Act, section 50.

### **30 Emergency service officers dealing with dead protected animals**

- (1) An officer of an emergency service may carry out any of the following activities in relation to a dead protected animal for training members of the emergency service—
  - (a) buy, accept or receive the animal from a person authorised to sell or give away the animal under the Act;
  - (b) keep the animal;
  - (c) otherwise use the animal, other than—
    - (i) process the animal; or
    - (ii) use the animal for a commercial purpose.

- (2) In this section—

*emergency service* means each of the following services—

- (a) the Queensland Ambulance Service;
- (b) the Queensland Fire and Emergency Service;
- (c) the Queensland Police Service;
- (d) the State Emergency Service.

### **31 Australian Defence Force members dealing with animals**

- (1) A member of a unit of the Australian Defence Force may carry out any of the following activities in relation to a least concern animal for training members of the unit of the Australian Defence Force about survival in the wild—
  - (a) take the animal;
  - (b) keep the animal;



- 
- (2) The person may carry out any of the following activities in relation to an animal taken under subsection (1)—
- (a) keep the animal;
  - (b) use, other than move or process, the animal;
  - (c) move the animal from the place where the animal is taken to the place in the State, or in another State, where the person intends to keep or use the animal.
- (3) In this section—
- traditional use of marine resources agreement* means—
- (a) a traditional use of marine resources agreement accredited under—
    - (i) the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004*, part 5, division 1; or
    - (ii) the *Marine Parks (Great Sandy) Zoning Plan 2017*, part 5, division 1; or
    - (iii) the *Marine Parks (Moreton Bay) Zoning Plan 2019*, part 6; or
  - (b) a traditional use of marine resources agreement accredited, or taken to be accredited, under the *Great Barrier Reef Marine Park Regulations 2019* (Cwlth), part 4.

### **33 Keeping and using dead marine mammals**

- (1) This section applies if the chief executive gives an animal that is a dead marine mammal to—
- (a) a traditional owner for the land or waters from which the animal was taken or on or in which the animal was found; or
  - (b) a person nominated to the chief executive by a person mentioned in paragraph (a).
- (2) A person given an animal under subsection (1), may carry out any of the following activities for the personal, domestic or

non-commercial communal needs of a community or group of Aboriginal people or Torres Strait Islanders—

- (a) keep the animal;
- (b) use, other than move or process, the animal.

(3) In this section—

*representative Aboriginal/Torres Strait Islander body* see the *Native Title Act 1993* (Cwlth).

*traditional owner*, for land or waters, means a person of Aboriginal or Torres Strait Islander descent who is recognised in the Aboriginal or Torres Strait Islander community generally, or by a representative Aboriginal/Torres Strait Islander body for an area that includes the land or waters—

- (a) as having spiritual or cultural affiliations with the land or waters; or
- (b) as holding native title in relation to the land or waters.

## Part 4 Education and research

*Notes—*

- 1 See also chapter 4, part 12 and chapter 5 about the grant of educational purposes permits.
- 2 See also chapter 4, part 15 and chapter 5 about the grant of research permits.

### 34 Keeping and using animals for education and research

- (1) This section applies in relation to a dead protected animal that—
  - (a) was taken or kept under the Act or a law of another State; and
  - (b) is located in the State.

- (2) A qualified person may carry out any of the following activities for an educational or research purpose—
- (a) buy, accept or receive the animal from a person authorised to sell or give away the animal under the Act;
  - (b) keep the animal;
  - (c) otherwise use, other than move or process, the animal.
- (3) In this section—
- qualified person***, in relation to a dead protected animal, means a person to whom—
- (a) an educational purposes permit for the animal could otherwise be granted under chapter 4, part 12 and chapter 5, part 2; or
  - (b) a research permit for the animal could otherwise be granted under chapter 4, part 15 and chapter 5, part 2.

## **Part 5 State museums**

### **Division 1 Authorised activities**

#### **35 Taking, keeping and using protected or international animals**

A State museum, or a relevant person for the museum, may carry out any of the following activities for a scientific or educational purpose, other than biodiscovery—

- (a) take a protected animal if the taking of the animal is not likely to adversely affect the survival of the animal in the wild;
- (b) buy, accept or receive a protected or international animal from a person authorised to sell or give away the animal under the Act;
- (c) keep a protected or international animal at the museum;

- (d) otherwise use, other than display, a protected or international animal at the museum.

*Note—*

See also the *Biodiscovery Act 2004* for collection authorities for animals in or on State land under that Act.

### **36 Displaying animals at State museums**

A State museum, or a relevant person for the museum, who keeps a live protected animal bred in captivity, or a live international animal, under section 35(c), may display the animal at the museum if the animal is displayed—

- (a) in accordance with section 38; and
- (b) for an authorised display purpose; and
- (c) if the animal is displayed in a temporary enclosure—for a period of no longer than 1 month.

*Note—*

See also the *Exhibited Animals Act 2015* for authorities for exhibiting and dealing with particular animals.

### **37 Moving animals to State museums**

- (1) A State museum, or a relevant person for the museum, who takes a protected animal under section 35(a), may move the animal from the place where the animal is taken to the museum.
- (2) A State museum, or a relevant person for the museum, who keeps a protected animal under section 35(c), may move the animal from the museum to another State museum.
- (3) However, subsections (1) and (2) do not apply in relation to the movement of a prescribed protected animal out of the State.

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## **Division 2                      Restrictions on authority**

### **38            Ways animals must be displayed**

- (1) This section applies in relation to the display of a live protected animal at a State museum under section 36.
- (2) The animal must be displayed—
  - (a) in an enclosure that forms an integral part of the display; and
  - (b) in a way that ensures all of the following risks are minimised—
    - (i) the likelihood of the animal’s escape;
    - (ii) the risk of injury to a person;
    - (iii) the risk of injury or ill-health to the animal.
- (3) The animal must be supervised by a relevant person for the museum at all times while it is being displayed.
- (4) The animal must not, without the chief executive’s written approval—
  - (a) be displayed if it has visible signs of illness or injury; or
  - (b) be forced to do an act it would not normally do in the wild.
- (5) A State museum, or a relevant person for the museum, is taken to comply with subsection (2)(b) if the animal is displayed in accordance with the exhibition code, to the extent the code states the way in which the animal should be displayed.
- (6) Subsection (5) does not limit the ways in which a person may otherwise comply with subsection (2)(b).

### **39            Handling dangerous or venomous animals**

A live dangerous or venomous animal kept under section 35(c) may be handled by a person only if the person—

- (a) is a relevant person for the State museum who has appropriate training for handling the animal; or
- (b) handles the animal as part of training being conducted by the museum.

## **Division 3                      Record requirements**

### **40            Record keeping**

- (1) A State museum must, unless the State museum has a reasonable excuse, keep a record for an animal kept under section 35(c).

*Note—*

For the requirements for records, see chapter 8.

- (2) The museum complies with subsection (1) if a relevant person, or an approved person, for the museum keeps the record for the museum.
- (3) This section is subject to a provision of a conservation plan about the keeping of a record by a State museum for an animal to which the plan relates.

## **Part 6                              Airports**

### **Division 1                      Preliminary**

#### **41            Definitions for part**

In this part—

*airport* means a strategic airport under a State planning policy.

*State planning policy* see the *Planning Act 2016*.

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## Division 2                      Authorised activities

### 42      Taking animals

- (1) This section applies in relation to a protected animal if—
- (a) either or both of the following circumstances apply—
    - (i) the animal is causing, or may cause, damage at an airport;
    - (ii) the presence of the animal at an airport is, or may be, a threat to a person’s health or wellbeing; and
  - (b) the owner of the airport has made a reasonable attempt to prevent or minimise the damage or threat and the action taken has not prevented or minimised the damage or threat.

*Examples of reasonable attempts to prevent or minimise damage or threats—*

- installing a fence or other enclosure to prevent an animal from accessing an airport
  - using an audio or visual device or other thing to deter an animal from accessing an airport
- (2) The owner of the airport, or a relevant person for the owner, may—
- (a) take the animal at the airport if—
    - (i) the taking of the animal will not adversely affect the survival of the animal in the wild; and
    - (ii) the proposed way of taking the animal is humane; and
  - (b) remove or otherwise deal with an animal breeding place used by the animal.
- (3) Also, the owner or relevant person may—
- (a) keep an animal taken under subsection (2)(a) for releasing the animal under paragraph (b); and

- (b) release the animal into a prescribed natural habitat for the animal.

## **Division 3                      Record requirements**

### **43                      Record keeping**

- (1) The owner of an airport must, unless the owner has a reasonable excuse, keep a record for an animal taken under section 42(2).

*Note—*

For the requirements for records, see chapter 8.

- (2) The owner complies with subsection (1) if a relevant person, or an approved person, for the owner keeps the record for the owner.
- (3) This section is subject to a provision of a conservation plan about the keeping of a record by the owner of an airport for an animal to which the plan relates.

## **Part 7                                      Interactions with animals in the wild**

### **Division 1                                      Tin Can Bay dolphin feeding program**

#### **44                      Definition for division**

In this division—

*Tin Can Bay dolphin feeding program* means the program, approved by the chief executive, for feeding dolphins in the waters adjacent to lot 80 shown on plan MCH5383.

*Note—*

A copy of plan MCH5383 is available on the department's website.

#### **45 Commercial interactions with dolphins**

A person may engage in a commercial interaction with a live dolphin in the wild if the interaction—

- (a) is part of the Tin Can Bay dolphin feeding program; and
- (b) is authorised under the conditions of operation imposed by the chief executive on the approval for the program.

#### **46 Requirements relating to sick, injured or dead dolphins**

- (1) If the operator of the Tin Can Bay dolphin feeding program knows, or ought reasonably to know, a dolphin the subject of the program is sick or injured or has died, the operator must, unless the operator has a reasonable excuse—

- (a) immediately notify a conservation officer of the matter; and
- (b) if the officer directs the operator to deal with the dolphin in a particular way—deal with the dolphin in the way directed.

Maximum penalty—100 penalty units.

- (2) A conservation officer may give a direction under subsection (1)(b) only if the direction is reasonable in the circumstances.

#### **47 Requirement to give report about activities**

The operator of the Tin Can Bay dolphin feeding program must, unless the operator has a reasonable excuse, give the chief executive a written report, in the approved form, about the activities carried out as part of the program—

- (a) for each month; and



- (c) the movement of the skin, carcass or meat from the other State is authorised by any applicable law of the other State.

*Note—*

See also the following provisions—

- (a) the *Nature Conservation (Macropod) Conservation Plan 2017*, sections 9A to 9C and 83 and schedule 1;
- (b) section 367 and schedule 5.

## **50 Moving protected animals for private reasons**

- (1) This section applies to a person who lawfully keeps a protected animal, other than under an animal authority.
- (2) The person may move the animal—
  - (a) on the person’s land; or
  - (b) if the person keeps the animal at the person’s place of residence and is moving to a new place of residence within the State—to the new place of residence.

## **51 Moving protected animals to and from display**

- (1) This section applies to a person who lawfully keeps a protected animal, other than a dangerous animal, in the State, other than under an animal authority.
- (2) The person may move the animal to or from an authorised display.
- (3) However, the person may move the animal to an authorised display under subsection (2) only if the person ensures the animal is moved back to the place where the person keeps the animal as soon as practicable after the animal stops being displayed.

## **52 Moving dead protected animals to particular holders**

- (1) This section applies if—

- (a) either—
    - (i) a person lawfully keeps a live protected animal other than under an animal authority, and the animal dies; or
    - (ii) a person lawfully keeps a dead protected animal other than under an animal authority; and
  - (b) under the Act, the person is authorised to sell or give away the dead animal; and
  - (c) the person sells or gives the dead animal to the holder of a dealer licence for the dead animal, or a relevant person for the holder.
- (2) The person may move the animal from the place where the person keeps the animal to the place where the holder of the dealer licence, or a relevant person for the holder, intends to keep the animal.
- (3) This section does not apply in relation to an exempt animal.

## **Part 9 Exempt animals**

### **53 Keeping and using exempt animals**

- (1) This section applies in relation to an exempt animal if—
- (a) the animal has, at all times, been lawfully taken, kept and used; or
  - (b) for an exempt animal bred in captivity—the parents of the animal have, at all times, been lawfully taken, kept and used.
- (2) A person may carry out any of out the following activities—
- (a) keep the animal;
  - (b) use the animal, other than—

- (i) buy, accept or receive the animal from a person who is not authorised to sell or give away the animal under the Act or a law of another State; or
- (ii) sell or give the animal to a person who is not authorised to buy, accept or receive the animal under the Act or a law of another State; or
- (iii) process the animal.

#### **54 Breeding mutation of exempt animals**

A person who keeps and uses an exempt animal under section 53 may breed a mutation of the animal.

*Note—*

Under section 92(1) of the Act, it is an offence for a person to knowingly breed a hybrid or mutation of a protected animal other than under a regulation or an exemption under a regulation.

## **Part 10 Sick, injured, orphaned or dead animals**

### **Division 1 Sick, injured or orphaned animals generally**

#### **55 Dealing with sick, injured and orphaned protected animals**

- (1) This section applies in relation to a protected animal that is—
  - (a) if the animal is a marine mammal or a marine turtle—sick or injured; or
  - (b) otherwise—sick, injured or orphaned.
- (2) A person may carry out any of the following activities—
  - (a) take the animal;

- (b) keep the animal;
- (c) move the animal from the place where the person takes possession of the animal to—
  - (i) a place in the State where the person intends to care for the animal; or
  - (ii) a place in the State where the holder of a rehabilitation permit, or a relevant person for the holder, intends to keep the animal; or
  - (iii) if a conservation officer directs, under section 57, the person to move the animal to another place—the other place.

## **56 Requirement to notify chief executive or give animal away**

- (1) A person must as soon as practicable after taking possession of an animal mentioned in section 55(1)(a), notify a conservation officer that the person has taken possession of the animal, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) Within 72 hours after a person takes possession of an animal mentioned in section 55(1)(b), the person must, unless the person has a reasonable excuse, either—
- (a) give the animal to the holder of a rehabilitation permit for the animal, or a relevant person for the holder; or
  - (b) notify a conservation officer that the person has taken possession of the animal.

Maximum penalty—20 penalty units.

## **57 Requirement to comply with directions of conservation officer**

If a person notifies a conservation officer under section 56 and the officer directs the person to deal with the animal in a

particular way, the person must deal with the animal in the way directed, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

## **Division 2                      Authorisations for veterinary treatment**

### **58            Veterinary surgeons treating animals**

- (1) A veterinary surgeon may carry out any of the following activities in relation to a protected, international or prohibited animal (the *treated animal*) to treat or care for the animal—
  - (a) take the animal;
  - (b) keep the animal;
  - (c) use, other than move or process, the animal;
  - (d) if the animal dies during the treatment or care—move the animal from the place where the surgeon keeps the animal to—
    - (i) the place where the animal is to be buried or incinerated; or
    - (ii) if the chief executive has asked the surgeon to move the animal to another place—the other place.

*Note—*

See also section 59 for authority to move particular animals.

- (2) The surgeon may euthanase a treated animal if the surgeon believes the animal is unable or unlikely to—
  - (a) recover from sickness or injury; or
  - (b) for a protected animal—survive in the wild because the animal is orphaned.

## **59 Moving animals to and from veterinary surgeon**

- (1) This section applies to a person who lawfully keeps a live protected animal in the State, other than under an animal authority.
- (2) A person may move the animal—
  - (a) from the place where the animal is being kept (the *place of keeping*) to the veterinary premises of a veterinary surgeon for treatment or care for the animal; or
  - (b) from the veterinary premises of a veterinary surgeon who treated or cared for the animal to the place of keeping.
- (3) However, if the premises of the veterinary surgeon is outside the State, the person may move the animal under subsection (2)(a) only if the person ensures the animal is moved back under subsection (2)(b) as soon as practicable after the treatment or care is given.
- (4) Subsection (3) does not apply to the person if the animal dies.

## **Division 3 Dead animals**

### **60 Dead sampled or implanted animals**

- (1) A person may move a dead sampled or implanted animal from the place where the animal died, or was kept, to—
  - (a) the premises of a veterinary surgeon for the purpose of performing an autopsy on the animal; or
  - (b) if the animal is frozen—the chief executive.

*Note—*

See also sections 87(2) and 320(2) for requirements to perform an autopsy on a dead sampled or implanted animal or to give the animal to the chief executive.

- (2) A person may move a biological tissue sample taken from a dead sampled or implanted animal during the autopsy from

the premises of the veterinary surgeon that performed the autopsy to the chief executive.

*Note—*

See also sections 87(3)(a) and 320(3)(a) for requirements to give a biological tissue sample taken from a dead sampled or implanted animal during the autopsy to the chief executive.

## **Part 11                      Flying-foxes**

*Note—*

See chapter 10, part 4 about the urban flying-fox management area map.

### **61      Local governments dealing with flying-foxes**

- (1) This section applies to a local government if—
  - (a) a flying-fox roost is located in an urban flying-fox management area in the local government's local government area; and
  - (b) the local government has not been granted a flying-fox roost management permit.
- (2) The local government, or a relevant person for the local government, may—
  - (a) destroy the flying-fox roost; or
  - (b) drive away, or attempt to drive away, a flying-fox from the roost; or
  - (c) disturb a flying fox in the roost.
- (3) However, the local government or relevant person may act under subsection (2) only in a way that complies with the flying-fox roost management code.

## 62 Low impact activities affecting a flying-fox roost

- (1) A person may carry out any of the following activities in relation to a tree that is a flying-fox roost—
  - (a) cut the branches of the tree;
  - (b) put mulch near the tree;
  - (c) mow grass near the tree;
  - (d) cut, remove or destroy vegetation near the tree;
  - (e) use a hose or water sprinkler near the tree;
  - (f) build, maintain or remove infrastructure near the tree.

*Note—*

The clearing of vegetation is regulated by the *Vegetation Management Act 1999*.

- (2) However, the person may act under subsection (1) only in a way that complies with the flying-fox roost low impact activities code.
- (3) In this section—

*infrastructure* includes a building, or other structure, built or used for any purpose, including, for example, a fence, pipeline or road.

## Part 12 Amphibians

### 63 Dealing with amphibians

- (1) This section applies in relation to an educational institution that does not hold an animal authority for taking, keeping or using amphibians.
- (2) The educational institution, or a relevant person for the educational institution, may carry out any of the following activities—
  - (a) catch a tadpole that is a least concern amphibian on land owned by or for the educational institution;

- (b) keep the amphibian on the land, for educational purposes, until the amphibian undergoes metamorphosis;
- (c) use, other than sell, give away or process, the amphibian on the land, for educational purposes, until the amphibian undergoes metamorphosis;
- (d) release the amphibian into the wild—
  - (i) at the place where the amphibian was taken; and
  - (ii) in the way stated in the reptile and amphibian code for the amphibian.

## Part 13 Reptiles

### 64 Dealing with reptiles

- (1) This section applies if, immediately before the commencement, a person was permitted to keep a permitted reptile under the Act, other than under a licence, permit or other authority under the Act.
- (2) The person may keep the reptile.
- (3) In this section—

*permitted reptile* means a least concern reptile, other than—

- (a) a freshwater crocodile (*Crocodylus johnstoni*); or
- (b) a reptile of the family Elapidae that is a dangerous animal.

### 65 Requirement to notify chief executive and comply with directions

- (1) This section applies if—
  - (a) a person keeps a reptile under section 64; and
  - (b) the reptile produces an offspring (a *breeding event*).

- (2) The person must, unless the person has a reasonable excuse—
  - (a) notify the chief executive of the breeding event within 24 hours of the event; and
  - (b) if the chief executive, or a conservation officer, directs the person to deal with the offspring in a particular way—deal with the offspring in the way directed.

Maximum penalty—80 penalty units.

## Part 14                      Fish

### 66      **Keeping and using particular fish for non-commercial purposes**

- (1) This section applies if, immediately before the commencement, a person was permitted to keep a fish of a relevant species under the Act, other than under a licence, permit or other authority under the Act.
- (2) A person may carry out any of the following activities in relation to a fish of the relevant species for a purpose other than a commercial purpose—
  - (a) keep the fish;
  - (b) accept or receive the fish from a person who may lawfully keep the fish;
  - (c) give the fish to a person who may lawfully keep the fish;
  - (d) if the fish is lawfully given away—move the fish from the place where the fish was kept before the fish was given away to the place 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* sp. A);
  - (b) Edgbaston goby (*Chlamydogobius* sp. B);

- (c) red-finned blue-eye (*Scaturiginichthys vermeilipinnis*);
- (d) oxleyan pygmy perch (*Nannoperca oxleyana*);
- (e) honey blue-eye (*Pseudomugil mellis*).

## **Part 15                      Natural products**

### **67            Taking and keeping natural products for non-commercial purposes**

A person may carry out any of the following activities in relation to a natural product derived from a protected animal for a purpose other than a commercial purpose—

- (a) take the product;
- (b) keep the product;
- (c) use the product.

## **Chapter 4                      Dealing with animals under animal authorities**

### **Part 1                              Preliminary**

#### **68            Purpose of chapter**

This chapter—

- (a) authorises particular persons to carry out particular activities in relation to particular animals if those persons have been granted animal authorities; and
- (b) imposes restrictions on the grant of animal authorities; and

- (c) imposes conditions on animal authorities.

*Notes—*

- 1 Part 5, division 4 of the Act contains offences prohibiting particular persons from carrying out particular activities in relation to protected animals unless the persons or activities are authorised under the Act.
- 2 See chapter 3 for activities authorised without holding animal authorities.
- 3 See part 2, division 3 about moving particular animals under authorities.
- 4 See part 16 and chapter 5, part 2 about movement permits authorising the movement of animals.

## 69 Inconsistency between regulation and conservation plan

- (1) This section applies if—
- (a) a provision of this regulation (the ***regulation provision***) states what a holder of an animal authority, or a relevant person for the holder—
    - (i) may do under the authority; or
    - (ii) must or must not do under the authority; or
    - (iii) may do, or must do, on conditions under the authority; and
  - (b) a provision of a conservation plan (the ***conservation plan provision***) applying to an authorised animal for the authority is inconsistent with the regulation provision.
- (2) Unless otherwise stated in the conservation plan provision, the conservation plan provision prevails to the extent of the inconsistency.

*Note—*

See the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*, part 4, division 1 for limitations on activities authorised under particular wildlife authorities.

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## 70 Relationship between different authorisations under animal authorities

- (1) This section applies if—
- (a) a provision of parts 3 to 18 authorises (the *general authorisation*) a person to carry out an activity under an animal authority; and
  - (b) another provision of parts 3 to 18 authorises (the *specific authorisation*) the person to carry out the activity under the authority in particular circumstances.
- (2) To the extent practicable—
- (a) the general authorisation and the specific authorisation are to be read together; and
  - (b) the specific authorisation limits the general authorisation.

### *Examples—*

- 1 Section 91 authorises the holder of a standard licence, or a relevant person for the holder, to use an authorised animal under the licence, including, for example, to move an authorised animal. Section 93 authorises the holder or relevant person to move an authorised animal under the licence in particular circumstances. The holder or relevant person is only authorised, under section 91, to move an authorised animal under the licence to the extent the movement is permitted under section 93.
- 2 Section 151 authorises the holder of a farming licence, or a relevant person for the holder, to use an authorised animal under the licence, including, for example, display an authorised animal. Section 152 authorises the holder or relevant person to display an authorised animal under the licence in particular circumstances. The holder or relevant person is only authorised, under section 151, to display an authorised animal under the licence to the extent the display is permitted under section 152.

## **Part 2**                      **Provisions applying to all animal authorities**

### **Division 1**                **General limitations on authorities**

#### **71**            **Animals must be lawfully obtained or introduced**

Nothing in this chapter authorises the holder of an animal authority, or a relevant person for the holder, to keep or use an animal—

- (a) not lawfully obtained by the holder or relevant person;  
or
- (b) for an international or prohibited animal—not lawfully introduced into the State.

*Notes—*

- 1 See sections 88(5), 90A and 91(1)(c) of the Act for offences in relation to animals not lawfully taken or introduced.
- 2 Part 5, divisions 4 to 6 of the Act contains other restrictions about keeping, using or moving wildlife.

#### **72**            **Animal authorities limited to live or dead animals**

- (1) If an animal authority applies to a live animal of a particular species, nothing in this chapter authorises the holder of the authority, or a relevant person for the holder, to take, keep or use a dead animal of the species.
- (2) If an animal authority applies to a dead animal of a particular species, nothing in this chapter authorises the holder of the authority, or a relevant person for the holder, to take, keep or use a live animal of the species.

## **Division 2                      Taking animals**

### **73            Taking animals by killing**

- (1) This section applies if a provision of this chapter authorises the holder of an animal authority, or a relevant person for the holder, to—
  - (a) take an authorised animal by killing the animal; and
  - (b) keep or use the animal.
- (2) The provision does not authorise the holder or relevant person to take, keep or use an authorised animal that was not killed by the holder or relevant person.

*Examples of animals not killed by the holder or relevant person—*

- an authorised animal found already dead by the holder or relevant person
- an authorised animal killed by someone other than the holder or relevant person
- a live authorised animal

## **Division 3                      Movement of animals**

*Note—*

See also the *Nature Conservation (Macropod) Conservation Plan 2017*, section 9A in relation to the movement of dead macropods.

### **74            Moving animals to particular authorised buyers**

- (1) This section applies if, under an animal authority, the holder of the authority, or a relevant person for the holder, sells or gives an authorised animal to an authorised buyer for the animal.
- (2) The holder, relevant person or authorised buyer may move the animal from the place where the holder or relevant person

keeps the animal to the place where the authorised buyer intends to keep the animal.

- (3) Subsection (2) does not authorise the holder, relevant person or authorised buyer to move—
  - (a) a live special native animal; or
  - (b) a prescribed protected animal—
    - (i) to another country; or
    - (ii) into another State if the movement is, whether directly or indirectly, associated with—
      - (A) moving the animal to another country; or
      - (B) selling, giving or moving the animal to a person in another country.

## **75 Moving animals from interstate sellers**

- (1) This section applies if, under an animal authority, the holder of the authority, or a relevant person for the holder, buys, accepts or receives an authorised animal from an authorised interstate seller for the animal.
- (2) The holder, relevant person or authorised interstate seller may move the animal from the place where the authorised interstate seller keeps the animal to—
  - (a) the licensed premises for the animal authority; or
  - (b) another authorised premises for the animal.
- (3) This section does not authorise the holder, relevant person or authorised interstate seller to move—
  - (a) a live special native animal; or
  - (b) a dead crocodile or emu; or
  - (c) a prescribed protected animal—
    - (i) to another country; or

- (ii) into another State if the movement is, whether directly or indirectly, associated with—
  - (A) moving the animal to another country; or
  - (B) selling, giving or moving the animal to a person in another country.

## 76 Moving animals for private reasons

- (1) This section applies if the holder of an animal authority, or a relevant person for the holder, keeps an authorised animal under the authority.
- (2) The holder or relevant person may move the animal—
  - (a) on the authorised premises for the animal; or
  - (b) if the animal is kept at the holder's or relevant person's place of business and the holder or relevant person moves to a new place of business within the State—to the new place of business; or
  - (c) if the animal is kept at the holder's or relevant person's place of residence and the holder or relevant person moves to a new place of residence within the State—to the new place of residence.

*Note—*

See section 80 for the requirement to notify the chief executive of particular changes, including a change of address stated in an animal authority.

## 77 Moving live animals to and from veterinary surgeon

- (1) This section applies if the holder of an animal authority, or a relevant person for the holder, keeps a live authorised animal in the State under the authority.
- (2) The holder or relevant person may move the animal—
  - (a) from the place where the animal is being kept (the *place of keeping*) to the veterinary premises of a veterinary surgeon for treatment or care for the animal; or

- (b) from the veterinary premises of a veterinary surgeon who treated or cared for the animal to the place of keeping.
- (3) However, if the premises of the veterinary surgeon is outside the State, the holder or relevant person may move the animal under subsection (2)(a) only if the holder or relevant person ensures the animal is moved back under subsection (2)(b) as soon as practicable after the treatment or care is given.
- (4) Subsection (3) does not apply to the holder or relevant person if the animal dies.

## **Division 4            General conditions**

### **Subdivision 1        Preliminary**

#### **78        Purpose of division**

- (1) This division states conditions that apply to all animal authorities.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on an animal authority.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

## **Subdivision 2      Inspection of authorities and identification**

### **79      Animal authority or identification must be available for inspection**

The holder of an animal authority must ensure a person carrying out an activity under the authority, while carrying out the activity, has the following documents available for inspection—

- (a) if the person is the holder of the authority—the authority or a copy of the authority;
- (b) if the person is not the holder of the authority—a copy of the authority endorsed by the holder of the authority with the person’s name and residential address.

## **Subdivision 3      Notification of changes**

### **80      Notification of particular changes**

- (1) The holder of an animal authority must before, or immediately after, a relevant change happens—
  - (a) give the chief executive a notice stating the nature of the change; and
  - (b) apply to the chief executive for an amendment of the authority to reflect the change.

*Note—*

For amending an animal authority by application, see section 265.

- (2) In this section—

***relevant change***, in relation to an animal authority, means a change of any of the following—

  - (a) the name of the holder of the authority;

- (b) the postal, residential or business address of the holder stated in the authority;
- (c) if the holder is a corporation—
  - (i) the person in charge of the activity carried out under the authority; or
  - (ii) the person in charge of the licensed premises for the authority;
- (d) the licensed premises for the authority;
- (e) if an animal is kept under the authority—the place where the animal is kept.

## **Subdivision 4      Buying, accepting, receiving, selling and giving away animals**

### **81      Buying, accepting and receiving animals**

The holder of an animal authority, or a relevant person for the holder, must not buy, accept or receive an authorised animal from a person who is not authorised to sell or give away the animal under—

- (a) the Act; or
- (b) the *Exhibited Animals Act 2015*; or
- (c) a law of another State or the Commonwealth.

*Note—*

See the *Nature Conservation (Macropod) Conservation Plan 2017* for other restrictions applying to the buying or accepting of dead macropods under a dealer licence for dead macropods.

### **82      Selling and giving away animals generally**

The holder of an animal authority, or a relevant person for the holder, must not sell or give away an authorised animal to a

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person who is not authorised to buy, accept or receive the animal under—

- (a) the Act; or
- (b) the *Exhibited Animals Act 2015*; or
- (c) a law of another State or the Commonwealth.

### **83 Selling, giving away and moving dependent animals**

- (1) This section applies if the holder of an animal authority, or a relevant person for the holder, keeps an authorised animal that is a dependent animal under the authority.
- (2) The holder or relevant person must not sell, give away or move the animal unless—
  - (a) the chief executive has given the holder or relevant person written approval to carry out the activity; or
  - (b) for the movement of the animal—
    - (i) the animal is sick, injured or orphaned and the movement is to or from a veterinary surgeon for treatment or care; or
    - (ii) the animal is a captive bred bird and the movement is to another person, who holds an animal authority for the bird, for hand raising the bird; or
    - (iii) the animal is a bird egg and the movement is to another person, who holds an animal authority for the mother, for artificial incubation or foster parent incubation of the egg.
- (3) In this section—

***dependent animal*** means an animal that—

  - (a) can not feed itself; or
  - (b) is a bird that is too young to fly; or
  - (c) is a mammal that has not been weaned; or
  - (d) has visible signs of illness or injury.

## **Subdivision 5      Keeping animals**

### **84      Display of animal authority if animal displayed at particular places**

- (1) The holder of an animal authority must ensure a person displaying an animal under the authority, at a place other than the licensed premises for the authority, displays the authority or a copy of the authority at the place.
- (2) However, if the address of a person's place of residence is stated in the authority or copy, the address may be covered while the authority or copy is being displayed.
- (3) In this section—  
*display*, an animal, includes demonstrate the animal.

### **85      Housing and caring for live protected animals**

The holder of an animal authority must ensure a person who keeps a live protected animal under the authority—

- (a) keeps the animal in a secure cage or enclosure that prevents the animal's escape and protects it from predators; and
- (b) supplies the animal with shelter, ventilation and enough water and food to maintain the animal's health or wellbeing.

*Note—*

See also section 327 about animal enclosures.

### **86      Sampling or implanting animals**

- (1) This section applies if—
  - (a) the holder of an animal authority, or a relevant person for the holder, keeps a live authorised animal under the authority; and

- (b) the chief executive gives the holder a notice, mentioned in section 366(2) or (3), in relation to the animal.
- (2) The holder must comply with the notice within the stated period for the notice.

**87 Dealing with kept animals after death—sampled or implanted animals**

- (1) This section applies if—
  - (a) the holder of an animal authority, or a relevant person for the holder, keeps a live sampled or implanted animal under the authority; and
  - (b) the animal dies.
- (2) The holder must ensure—
  - (a) an autopsy is performed on the animal by a veterinary surgeon within 14 days after the animal dies; or
  - (b) the animal is frozen immediately after it dies and the frozen animal is given to the chief executive within 14 days after the animal dies.

*Note—*

See section 60(1) in relation to the movement of a dead sampled or implanted animal.

- (3) If an autopsy is performed on the animal by a veterinary surgeon, the holder must also ensure the following things are given to the chief executive within 14 days after the animal dies—
  - (a) a biological tissue sample taken from the animal during the autopsy;
  - (b) if the veterinary surgeon finds the animal has a working electromagnetic implant—the implant;
  - (c) if the veterinary surgeon finds the animal has a electromagnetic implant that is not working—a written report prepared by the veterinary surgeon stating the reason why the implant is not working.

*Note—*

See section 60(2) in relation to the movement of a biological tissue sample taken from a dead sampled or implanted animal.

## **88 Dealing with kept animals after death—other animals**

- (1) This section applies if—
  - (a) the holder of an animal authority, or a relevant person for the holder, keeps a live authorised animal, other than a sampled or implanted animal, under the authority; and
  - (b) the animal dies; and
  - (c) no other provision of the Act authorises the holder or relevant person to sell or give away the dead animal.
- (2) The holder must ensure the animal is dealt with in 1 of the following ways—
  - (a) by incinerating or burying the animal;
  - (b) if the animal authority is not a rehabilitation permit—by selling or giving the animal to—
    - (i) the holder of a dealer licence for the dead animal, or a relevant person for the holder of a dealer licence for the dead animal; or
    - (ii) a State museum.
- (3) The holder or relevant person must—
  - (a) if subsection (2)(a) applies—only move the animal to the place where the animal is to be buried or incinerated; or
  - (b) if subsection (2)(b) applies—only move the animal to the licensed premises for the dealer licence or the State museum.

## **Part 3                      Standard licences**

### **Division 1                      Grant and restrictions on grant**

#### **89              Grant of licence**

Subject to section 90 and chapter 5, part 2, the chief executive may grant a standard licence for a captive, live class 1 animal.

#### **90              Restrictions on grant**

- (1) The chief executive must not grant a standard licence authorising the holder of the licence to keep or use more than 10 animals under the licence.
- (2) The chief executive must not grant a standard licence to a person who holds another standard licence, a specialised licence or an advanced licence.

### **Division 2                      Activities authorised under licence**

#### **91              Keeping and using animals**

The holder of a standard licence, or a relevant person for the holder, may carry out any of the following activities—

- (a) buy, accept or receive a live authorised animal;
- (b) keep a live authorised animal at the licensed premises for the licence;
- (c) otherwise use a live authorised animal at the licensed premises for the licence, other than—
  - (i) process the animal; or
  - (ii) use the animal for a commercial purpose.

## **92 Taking and keeping food reptiles to feed kept reptiles**

The holder of a standard licence, or a relevant person for the holder, may carry out any of the following activities to ensure the wellbeing or maintenance of an authorised animal that is a reptile kept under the licence—

- (a) take a food reptile;
- (b) keep a food reptile;
- (c) use a food reptile.

## **93 Moving animals to and from authorised display**

The holder of a standard licence, or a relevant person for the holder, may move an authorised animal to or from an authorised display if—

- (a) the holder has written approval from the chief executive for the movement; and
- (b) the holder or relevant person ensures the animal is moved back to the place where the holder or relevant person keeps the animal as soon as practicable after the animal stops being displayed.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

## **Division 3 Conditions**

### **94 Purpose of division**

- (1) This division states conditions that apply to all standard licences.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.

- 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on a standard licence.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

## 95 Way animal must be kept and used

- (1) The holder of a standard licence, or a relevant person for the holder, must keep and use an authorised animal in a way that ensures the likelihood of escape, injury or ill-health of the animal is minimised.
- (2) A person complies with subsection (1) if the person complies with a departmental code of practice for the animal, to the extent the code of practice states how the likelihood of escape, injury or ill-health of the animal may be minimised.
- (3) Subsection (2) does not limit the ways in which a person may otherwise comply with subsection (1).

## 96 Breeding animals

- (1) The holder of a standard licence, or a relevant person for the holder, must not, without the chief executive's approval, allow an authorised animal kept or used under the licence to breed.
- (2) Despite subsection (1), subsections (3) to (6) apply to the holder or relevant person if an authorised animal (the *parent*) kept or used under the licence produces an egg or live offspring (a *breeding event*).
- (3) Within 24 hours of the breeding event, the holder or relevant person must—
  - (a) if the holder keeps an online record for the parent—include the particulars for the event in the record; or

*Note—*

For the requirements for records relating to animals, see chapter 8.

- (b) otherwise—notify the chief executive of the event.
- (4) Subject to subsection (5), the holder or relevant person may—
  - (a) keep the surviving offspring of the breeding event for 3 months after the event (the *retention period*); or

*Note—*

See also section 83 about selling, giving away and moving dependent animals.

- (b) kill the surviving offspring of the breeding event in a humane way.
- (5) Subsection (6) applies if, before or after the retention period ends, the chief executive or a conservation officer directs the holder or relevant person to deal with the egg or offspring in a particular way.
- (6) The holder or relevant person must deal with the egg or offspring in the way directed.

## **97 Particular animals must be kept for minimum period**

The holder of a standard licence, or a relevant person for the holder, must keep a live animal, bought or accepted under the licence, for at least 6 months (the *retention period*) after receiving the animal unless—

- (a) the holder has written approval from the chief executive to sell or give away the animal within the retention period; or
- (b) the animal dies or escapes; or
- (c) if the animal is a bird—the bird was bought or accepted for rearing and fledges within the retention period.

## **98 Record keeping**

- (1) The holder of a standard licence must keep a record for the licence.

*Note—*

For the requirements for records, see chapter 8.

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

## **99 Return of operations**

- (1) This section applies if the chief executive gives the holder of a standard licence written approval to keep a record in a record book under section 342(1)(a)(ii).

- (2) The holder must give the chief executive a return of operations for the standard licence.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (3) The holder complies with subsection (2) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

# **Part 4 Specialised licences**

## **Division 1 Grant and restrictions on grant**

### **100 Grant of licence**

Subject to section 101 and chapter 5, part 2, the chief executive may grant a specialised licence for—

- (a) a captive, live class 1 animal; or
- (b) a captive, live class 2 animal.

## **101 Restrictions on grant**

- (1) The chief executive must not grant a specialised licence authorising the holder of the licence to keep or use more than a total of 50 live birds, reptiles or amphibians under the licence.
- (2) The chief executive must not grant a specialised licence for a dangerous animal to a child.
- (3) The chief executive must not grant a specialised licence to a person if the person holds another specialised licence, a standard licence or an advanced licence.
- (4) The chief executive must not grant a specialised licence for a class 2 animal that is a bird, reptile or amphibian unless the chief executive is satisfied the proposed holder of the licence has the knowledge, experience and facilities necessary to keep the animal in the way required under—
  - (a) for a bird—the aviculture code; or
  - (b) for a reptile or amphibian—the reptile and amphibian code.

## **Division 2 Activities authorised under licence**

### **102 Keeping and using animals**

- (1) The holder of a specialised licence, or a relevant person for the holder, may carry out any of the following activities—
  - (a) buy, accept or receive a live authorised animal;
  - (b) keep a live authorised animal at the licensed premises for the licence;
  - (c) otherwise use a live authorised animal at the licensed premises for the licence, other than—
    - (i) process the animal; or
    - (ii) use the animal for a commercial purpose.

- (2) Subsection (3) applies if—
- (a) the holder or relevant person is a member of a recreational bird or herpetological society; and
  - (b) the animal—
    - (i) is a bird, reptile or amphibian; and
    - (ii) is not a dangerous animal.
- (3) The holder or relevant person may also, for a continuous period of not more than 2 days, keep or use the animal for a purpose of the society at any premises used by the society.

### **103 Taking and keeping food reptiles to feed kept reptiles**

The holder of a specialised licence, or a relevant person for the holder, may carry out any of the following activities to ensure the wellbeing or maintenance of an authorised animal that is a reptile kept under the licence—

- (a) take a food reptile;
- (b) keep a food reptile;
- (c) use a food reptile.

### **104 Moving animals to and from authorised display**

The holder of a specialised licence, or a relevant person for the holder, may move an authorised animal, other than a dangerous animal, to or from an authorised display if—

- (a) the holder has written approval from the chief executive for the movement; and
- (b) the holder or relevant person ensures the animal is moved back to the place where the holder or relevant person keeps the animal as soon as practicable after the animal stops being displayed.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

### **105 Moving animals to and from recreational bird or herpetological society**

The holder of a specialised licence, or a relevant person for the holder, may, for keeping or using an authorised animal under section 102(2), move the animal—

- (a) from the licensed premises for the licence to a premises used by a recreational bird or herpetological society; or
- (b) from a premises used by a recreational bird or herpetological society to the licensed premises for the licence.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

### **106 Breeding mutation of protected amphibian, bird or reptile**

The holder of a specialised licence for a protected amphibian, bird or reptile, or a relevant person for the holder, may breed a mutation of the amphibian, bird or reptile.

*Note—*

Under section 92(1) of the Act, it is an offence for a person to knowingly breed a hybrid or mutation of a protected animal other than under a regulation or an exemption under a regulation.

## **Division 3 Conditions**

### **107 Purpose of division**

- (1) This division states conditions that apply to all specialised licences.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on a specialised licence.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

## **108 Way animal must be kept and used**

- (1) The holder of a specialised licence, or a relevant person for the holder, must keep and use an authorised animal in a way that ensures the likelihood of escape, injury or ill-health of the animal is minimised.
- (2) A person complies with subsection (1) if the person complies with a departmental code of practice for the animal to the extent the code of practice states how the likelihood of escape, injury or ill-health of the animal may be minimised.
- (3) Subsection (2) does not limit the ways in which a person may otherwise comply with subsection (1).

## **109 Breeding animals**

- (1) This section applies to the holder of a specialised licence, or a relevant person for the holder, if a bird, reptile or amphibian (the *parent*) kept or used under the licence produces an egg or live offspring (a *breeding event*).
- (2) If the egg or live offspring is an excess animal at the time of the breeding event, the holder or relevant person must, within 24 hours of the breeding event—
  - (a) if the holder keeps an online record for the parent—include the particulars for the event in the record; or

*Note—*

For the requirements for records, see chapter 8.

- (b) otherwise—notify the chief executive of the event.
- (3) Subject to subsections (4) and (5), the holder or relevant person may—
- (a) keep an excess animal that is a surviving offspring of the breeding event for 3 months after the event (the ***retention period***); or

*Note—*

See also section 83 about selling, giving away and moving dependent animals.

- (b) kill the surviving offspring of the breeding event in a humane way.
- (4) Subsection (5) applies if, before or after the retention period ends, the chief executive or a conservation officer directs the holder or relevant person to deal with the egg or offspring in a particular way.
- (5) The holder or relevant person must deal with the egg or offspring in the way directed.

## **110 Particular animals must be kept for minimum period**

The holder of a specialised licence, or a relevant person for the holder, must keep a live animal, bought or accepted under the licence, for at least 6 months (the ***retention period***) after receiving the animal unless—

- (a) the holder has written approval from the chief executive to sell or give away the animal within the retention period; or
- (b) the animal dies or escapes; or
- (c) if the animal is a bird—the bird was bought or accepted for rearing and fledges within the retention period.

## **111 Record keeping**

- (1) The holder of a specialised licence must keep a record for the licence.

*Note—*

For the requirements for records, see chapter 8.

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

## **112 Return of operations**

- (1) This section applies if the chief executive gives the holder of a specialised licence written approval to keep a record in a record book under section 342(1)(a)(ii).

- (2) The holder must give the chief executive a return of operations for the specialised licence.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (3) The holder complies with subsection (2) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

# **Part 5 Advanced licences**

## **Division 1 Grant and restrictions on grant**

### **113 Grant of licence**

Subject to section 114 and chapter 5, part 2, the chief executive may grant an advanced licence for—

- (a) a captive, live class 1 animal; or
- (b) a captive, live class 2 animal.

## **114 Restrictions on grant**

- (1) The chief executive must not grant an advanced licence for a dangerous animal to a child.
- (2) The chief executive must not grant an advanced licence to a person if—
  - (a) the person holds a standard licence or a specialised licence; or
  - (b) the proposed premises is the licensed premises for another advanced licence.
- (3) The chief executive must not grant an advanced licence for a class 2 animal that is a bird, reptile or amphibian, unless the chief executive is satisfied the proposed holder of the licence has the knowledge, experience and facilities necessary to keep the animal in the way required under—
  - (a) for a bird—the aviculture code; or
  - (b) for a reptile or amphibian—the reptile and amphibian code.

## **Division 2 Activities authorised under licence**

### **115 Keeping and using animals**

- (1) The holder of an advanced licence, or a relevant person for the holder, may buy, accept or receive a live authorised animal.
- (2) Subsection (3) applies if the licensed premises for the advanced licence is the place of residence of the holder.
- (3) The holder, or a relevant person for the holder, may also carry out any of the following activities—
  - (a) keep a live authorised animal at the licensed premises;
  - (b) otherwise use, other than process, a live authorised animal at the licensed premises.

- (4) Subsection (5) applies if the licensed premises for the advanced licence is not the place of residence of the holder.
- (5) The holder, or a relevant person for the holder, may also keep or otherwise use, other than process, a live authorised animal, other than a dangerous animal—
  - (a) at the licensed premises; or
  - (b) at the holder's or person's place of residence for a period of time if—
    - (i) the licensed premises for the licence is unattended for the period; and
    - (ii) the animal is kept at the place of residence for providing care to the animal.
- (6) Subsection (7) applies if—
  - (a) the holder or relevant person is a member of a recreational bird or herpetological society; and
  - (b) the animal—
    - (i) is a bird, reptile or amphibian; and
    - (ii) is not a dangerous animal.
- (7) The holder or relevant person may also, for a continuous period of not more than 2 days, keep or use the animal for a purpose of the society at any premises used by the society.

## **116 Taking and keeping food reptiles to feed kept reptiles**

The holder of an advanced licence, or a relevant person for the holder, may carry out any of the following activities to ensure the wellbeing or maintenance of an authorised animal that is a reptile kept under the licence—

- (a) take a food reptile;
- (b) keep a food reptile;
- (c) use a food reptile.

### **117 Moving animals to and from residence to provide care**

The holder of an advanced licence, or a relevant person for the holder, may, for keeping or using an authorised animal under section 115(5)(b), move the animal—

- (a) from the licensed premises for the licence to the holder's or person's place of residence; or
- (b) from the holder's or person's place of residence to the licensed premises for the licence.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

### **118 Moving animals to and from authorised display**

The holder of an advanced licence, or a relevant person for the holder, may move an authorised animal, other than a dangerous animal, to or from an authorised display if—

- (a) the holder has written approval from the chief executive for the movement; and
- (b) the holder or relevant person ensures the animal is moved back to the place where the holder or relevant person keeps the animal as soon as practicable after the animal stops being displayed.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

### **119 Moving animals to and from recreational bird or herpetological society**

The holder of an advanced licence, or a relevant person for the holder, may, for keeping or using an authorised animal under section 115(7), move the animal—

- (a) from the licensed premises for the licence to a premises used by a recreational bird or herpetological society; or

- (b) from a premises used by a recreational bird or herpetological society to the licensed premises for the licence.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

## **120 Breeding mutation of protected amphibian, bird or reptile**

The holder of an advanced licence for a protected amphibian, bird or reptile, or a relevant person for the holder, may breed a mutation of the amphibian, bird or reptile.

*Note—*

Under section 92(1) of the Act, it is an offence for a person to knowingly breed a hybrid or mutation of a protected animal other than under a regulation or an exemption under a regulation.

## **Division 3 Conditions**

### **121 Purpose of division**

- (1) This division states conditions that apply to all advanced licences.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on an advanced licence.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

## **122 Way animal must be kept and used**

- (1) The holder of an advanced licence, or a relevant person for the holder, must keep and use an authorised animal in a way that ensures the likelihood of escape, injury or ill-health of the animal is minimised.
- (2) A person complies with subsection (1) if the person complies with a departmental code of practice for the animal to the extent the code of practice states how the likelihood of escape, injury or ill-health of the animal may be minimised.
- (3) Subsection (2) does not limit the ways in which a person may otherwise comply with subsection (1).

## **123 Notification of excess dangerous animals**

- (1) This section applies to the holder of an advanced licence, or a relevant person for the holder, if the holder or relevant person buys accepts or receives (each an *event*) a dangerous animal that is an excess animal.
- (2) The holder or relevant person must—
  - (a) notify the chief executive of the event within 24 hours of the event; and
  - (b) if the chief executive or a conservation officer directs the holder or relevant person to deal with the excess animal in a particular way—deal with the animal in the way directed.

## **124 Breeding dangerous animals**

- (1) This section applies to the holder of an advance licence, or a relevant person for the holder, if a dangerous animal (the *parent*) kept or used under the licence produces an egg or live offspring (a *breeding event*).
- (2) If the egg or live offspring is an excess animal at the time of the breeding event, the holder or relevant person must, within 24 hours of the breeding event—

- (a) if the holder keeps an online record for the parent—include the particulars for the event in the record; or  
*Note—*  
For the requirements for records, see chapter 8.
- (b) otherwise—notify the chief executive of the event.
- (3) Subject to subsections (4) and (5), the holder or relevant person may—
  - (a) keep an excess animal that is a surviving offspring of the breeding event for 3 months after the event (the ***retention period***); or  
*Note—*  
See also section 83 about selling, giving away and moving dependent animals.
  - (b) kill the surviving offspring of the breeding event in a humane way.
- (4) Subsection (5) applies if, before or after the retention period ends, the chief executive or a conservation officer directs the holder or relevant person to deal with the egg or offspring in a particular way.
- (5) The holder or relevant person must deal with the egg or offspring in the way directed.

## **125 Record keeping**

- (1) The holder of an advanced licence must keep a record for the licence.  
*Note—*  
For the requirements for records, see chapter 8.
- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder keeps the record for the holder.

## **126 Return of operations**

- (1) This section applies if the chief executive gives the holder of an advanced licence written approval to keep a record in a record book under section 342(1)(a)(ii).
- (2) The holder must give the chief executive a return of operations for the advanced licence.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (3) The holder complies with subsection (2) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

# **Part 6 Harvesting licences**

## **Division 1 Grant and restrictions on grant**

### **127 Grant of licence**

Subject to section 128 and chapter 5, part 2, the chief executive may grant a harvesting licence for a protected animal.

### **128 Restrictions on grant**

- (1) The chief executive must not grant a harvesting licence for an animal that is threatened or near threatened wildlife unless—
  - (a) if the animal is a snake—the chief executive believes the snake would be kept for extracting venom to produce antivenom for humans; or
  - (b) a conservation plan applying to the animal authorises a person holding a harvesting licence to take the animal.

*Note—*

See the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*, section 34.

- (2) The chief executive must not grant a harvesting licence for an animal if the chief executive believes the proposed holder of the licence would be unable to pay the conservation value for the animal under the Act.
- (3) The chief executive must not grant a harvesting licence for taking an animal by using a weapon to an individual who is under 17 years.

*Note—*

See the *Nature Conservation (Macropod) Conservation Plan 2017*, section 36 limiting the grant of a harvesting licence for harvest macropods to an adult.

- (4) The chief executive must not grant a harvesting licence for a whale or dolphin if the chief executive believes the whale or dolphin would be taken for displaying the whale or dolphin under an exhibited animal authority, whether or not the exhibited animal authority has been granted.

## **Division 2                      Activities authorised under licence**

### **129    Taking, keeping and using animals**

The holder of a harvesting licence, or a relevant person for the holder, may carry out any of the following activities—

- (a) take an authorised animal from the place stated in the licence as a place from where the animal may be taken;
- (b) disturb or interfere with the animal in the wild, to the extent necessary to take the animal under paragraph (a);
- (c) keep an authorised animal at the licensed premises for the licence;
- (d) use an authorised animal at the licensed premises for the licence, other than—

- (i) to buy, accept or receive the animal; or
- (ii) sell or give away the animal; or

*Note—*

For authority to sell or give away an authorised animal, see section 130.

- (iii) process the animal for a commercial purpose; or

*Note—*

See part 7 and chapter 5, part 2 about dealer licences for processing animals for commercial purposes.

- (iv) engage in a commercial interaction with the animal in the wild.

*Notes—*

- 1 See the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018* for provisions limiting and extending the activities authorised under a harvesting licence for estuarine crocodile eggs.
- 2 See the *Nature Conservation (Macropod) Conservation Plan 2017* for provisions limiting and extending the activities authorised under a harvesting licence for harvest macropods.

## **130 Selling and giving away animals**

The holder of a harvesting licence, or a relevant person for the holder, may sell or give away an authorised animal taken under the licence to—

- (a) if a conservation plan states the holder or relevant person may sell or give the animal only to a particular person—the particular person; or
- (b) otherwise—
  - (i) if the animal is a live animal—a person authorised under an Act to—
    - (A) buy, accept or receive the animal; and
    - (B) keep or use the animal; or

- (ii) if the animal is a dead animal—the holder of a dealer licence or a relevant person for the holder; or
- (iii) if the chief executive has given written approval to sell or give the animal to another person—the other person.

### **131 Moving animals between particular places**

- (1) The holder of a harvesting licence, or a relevant person for the holder, may move an authorised animal taken under the licence—
  - (a) from the place where the animal was taken to another place where the holder intends to take other animals under the licence; and
  - (b) from the place mentioned in paragraph (a) to—
    - (i) the licensed premises for the licence; or
    - (ii) another authorised premises for the animal.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

- (2) This section does not authorise the holder or relevant person to move a prescribed protected animal—
  - (a) to another country; or
  - (b) into another State if the movement is, whether directly or indirectly, associated with—
    - (i) moving the animal to another country; or
    - (ii) selling, giving or moving the animal to a person in another country.

## **Division 3                      Conditions**

### **132      Purpose of division**

- (1) This division states conditions that apply to all harvesting licences.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on a harvesting licence.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

### **133      Way animal to be taken**

- (1) The holder of a harvesting licence, or a relevant person for the holder, may take an authorised animal only if the animal—
- (a) is taken from a location not visible to anyone other than someone taking an animal at the location; and
  - (b) is taken in a way that causes minimal damage and disturbance to other wildlife and the environment; and
  - (c) is taken by using an approved method for taking the animal under the licence.

*Notes—*

- 1 See the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018* for requirements about taking an estuarine crocodile egg.
- 2 See the *Nature Conservation (Macropod) Conservation Plan 2017* for requirements about taking a harvest macropod.

- (2) Subsection (1) is subject to a provision of a harvest period notice about the way the animal is to be taken.
- (3) In this section—
  - approved method**, for taking an animal under a harvesting licence, means—
    - (a) if a method for taking the animal is stated in the licence—the stated method; or
    - (b) otherwise—
      - (i) a method stated in a departmental code of practice for the animal as a method by which the animal may be taken; or
      - (ii) another method that is humane.

### **134 Dealing with carcass of animal taken by killing**

- (1) The holder of a harvesting licence, or a relevant person for the holder, who takes an authorised animal by killing the animal must keep the carcass of the animal in a way that ensures the animal can be easily identified.
- (2) Subsection (1) does not prevent the holder or relevant person from removing an approved tag or any other thing used to identify the animal—
  - (a) immediately before the holder tans the skin of the animal; or
  - (b) immediately before the holder prepares the meat of the animal for consumption.

*Note—*

See the *Nature Conservation (Macropod) Conservation Plan 2017* for requirements about identifying harvest macropods.

### **135 Record keeping**

- (1) The holder of a harvesting licence must keep a record for the licence.

*Notes—*

- 1 For the requirements for records, see chapter 8.
  - 2 See the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018* for requirements about keeping a record for a harvesting licence for estuarine crocodile eggs.
  - 3 See the *Nature Conservation (Macropod) Conservation Plan 2017* for requirements about keeping a record for a harvesting licence for harvest macropods.
- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder keeps the record for the holder.

### **136 Return of operations**

- (1) The holder of a harvesting licence must give the chief executive a return of operations for the licence.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

## **Part 7 Dealer licences**

### **Division 1 Grant and restrictions on grant**

#### **137 Grant of licence**

Subject to section 138 and chapter 5, part 2, the chief executive may grant a dealer licence for—

- (a) a live farm animal; or
- (b) a dead protected animal; or
- (c) a dead international animal.

### **138 Restrictions on grant**

- (1) The chief executive must not grant a dealer licence to a child.
- (2) The chief executive must not grant a dealer licence for a live farm animal unless the chief executive believes the animal would be processed under the licence as soon as practicable after the holder, or a relevant person for the holder, buys, accepts or receives the animal.

## **Division 2 Activities authorised under licence**

### **139 Keeping and using animals**

The holder of a dealer licence, or a relevant person for the holder, may carry out any of the following activities—

- (a) buy, accept, or receive an authorised animal for processing the animal;
- (b) keep an authorised animal at the licensed premises for the licence for processing the animal;
- (c) process an authorised animal at the licensed premises for the licence;
- (d) sell or give away an authorised animal at the licensed premises for the licence.

*Note—*

See the *Nature Conservation (Macropod) Conservation Plan 2017* for provisions limiting and extending the activities authorised under a dealer licence for dead macropods.

## **Division 3 Conditions**

### **140 Purpose of division**

- (1) This division states conditions that apply to all dealer licences.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on a dealer licence.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

## **141 Record keeping**

- (1) The holder of a dealer licence must keep a record for the licence.

*Note—*

For the requirements for records, see chapter 8.

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

## **142 Return of operations**

- (1) The holder of a dealer licence for dead protected animals must give the chief executive a return of operations for the licence.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

## **Part 8                      Interaction licences**

### **Division 1                      Grant and restrictions on grant**

#### **143      Grant of licence**

Subject to section 144 and chapter 5, part 2, the chief executive may grant an interaction licence for a live protected animal.

#### **144      Restrictions on grant**

- (1) The chief executive must not grant an interaction licence to a child.
- (2) The chief executive must not grant an interaction licence for an animal unless the proposed holder of the licence has an approved interaction plan for the animal.
- (3) The chief executive must not grant an interaction licence for an animal if the chief executive believes the activity proposed to be carried out under the licence is an activity for which another animal authority or an exhibited animal authority would be more appropriate.

*Examples—*

- 1 A person applies for an interaction licence for an activity for a scientific purpose and the chief executive believes it would be more appropriate for the person to carry out the activity under a research permit.
- 2 A person applies for an interaction licence to exhibit and deal with a protected animal and the chief executive believes it would be more appropriate for the person to apply for an exhibited animal authority.

## **Division 2                      Activities authorised under licence**

### **145      Commercial interactions**

- (1) The holder of an interaction licence, or a relevant person for the holder, may engage in a commercial interaction with an authorised animal in the wild.

*Notes—*

- 1 For interactions authorised under an interaction licence for estuarine crocodiles, see the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*, section 48.
  - 2 Under section 332, a person must not engage in a commercial interaction with a live protected animal in the wild in particular circumstances.
  - 3 Under section 333, a person must not feed a native animal in the wild in particular circumstances.
- (2) However, subsection (1) does not authorise a person to engage in a commercial interaction with an animal in—
- (a) an area declared as a marine park under the *Marine Parks Act 2004*; or
  - (b) the Great Barrier Reef Marine Park established under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

## **Division 3                      Conditions**

### **146      Purpose of division**

- (1) This division states conditions that apply to all interaction licences.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
- 2 Also, under 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.

- (2) This division does not limit any other condition the chief executive may impose on an interaction licence.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

### **147 Compliance with approved interaction plan**

The holder of an interaction licence for a live protected animal, or a relevant person for the holder, must comply with the holder's approved interaction plan for the animal while carrying out activities under the licence.

### **148 Record keeping**

- (1) The holder of an interaction licence for a live protected animal must keep a record about activities carried out under the licence.

*Note—*

For the requirements for records, see chapter 8.

- (2) In addition to a matter mentioned in chapter 8, the record must include the following information about the activities carried out under the licence—
- (a) any identified problems or concerns relating to the activities, including, for example—
    - (i) any increase in illness or injury in the animals the subject of the activities; and
    - (ii) any incidence of aggression by animals the subject of the activities against the holder's clients participating in the activities; and
    - (iii) any complaint by a member of the public about the impact of the activities;
  - (b) how the problems or concerns mentioned in paragraph (a) were identified and resolved.

- (3) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder keeps the record for the holder.

## **Part 9 Farming licences**

### **Division 1 Grant and restrictions on grant**

#### **149 Grant of licence**

Subject to section 150 and chapter 5, part 2, the chief executive may grant a farming licence for a farm animal.

#### **150 Restrictions on grant**

- (1) The chief executive must not grant a farming licence to a child.
- (2) The chief executive must not grant a farming licence for a reptile of the family Elapidae unless the chief executive believes the reptile would be kept for extracting venom to produce antivenom for humans.

### **Division 2 Activities authorised under licence**

#### **151 Keeping and using animals**

The holder of a farming licence, or a relevant person for the holder, may carry out any of the following activities—

- (a) buy, accept or receive an authorised animal;
- (b) keep an authorised animal at the licensed premises for the licence;
- (c) otherwise use an authorised animal at the licensed premises for the licence.

*Note—*

For authority to display an authorised animal, see section 152.

## 152 Displaying animals

- (1) The holder of a farming licence, or a relevant person for the holder, may display an authorised animal kept under the licence—
  - (a) for an authorised display purpose; and
  - (b) at the licensed premises for the licence or in a travelling display or temporary display.
- (2) In this section—

*temporary display* means a display that lasts for not more than 14 days.

## 153 Moving animals to or from other licensed premises

The holder of a farming licence (the *primary licence*), or a relevant person for the holder, may move an authorised animal kept under the licence—

- (a) from the licensed premises for the primary licence to the licensed premises for either of the following (each a *secondary authority*) also held by the holder—
  - (i) another farming licence for the animal;
  - (ii) a permit to keep the animal; or
- (b) from the licensed premises for the secondary authority to the licensed premises for the primary licence.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

## **154 Moving live animals to and from display**

- (1) The holder of a farming licence, or a relevant person for the holder, may move an authorised animal kept under the licence—
  - (a) from the licensed premises for the licence to a place in the State or another State where the animal is to be displayed under the licence; or
  - (b) from a place in the State or another State where the animal is displayed under the licence to—
    - (i) another place in the State or another State where the animal is to be displayed under the licence; or
    - (ii) the licensed premises for the licence.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

- (2) However, the holder or relevant person may move the animal under subsection (1)(a) or (b)(i) only if the holder or relevant person ensures the animal is moved back under subsection (1)(b)(ii) as soon as practicable after the animal stops being displayed under the licence.

*Note—*

See also section 153.

## **Division 3 Conditions**

### **155 Purpose of division**

- (1) This division states conditions that apply to all farming licences.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.

- 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on a farming licence.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

## **156 Identifying animal taken from the wild**

- (1) This section applies if the holder of a farming licence, or a relevant person for the holder, keeps, under the licence, an authorised animal that was taken from the wild.
- (2) The holder must ensure the animal is identified in the way approved for the animal by the chief executive.

## **157 Displaying animals**

- (1) The holder of a farming licence, or a relevant person for the holder, must ensure a live authorised animal displayed under the licence—
- (a) is displayed in a way that ensures all of the following risks are minimised—
- (i) the likelihood of the animal's escape;
  - (ii) the risk of injury to a person;
  - (iii) the risk of injury or ill-health to the animal; and
- (b) is supervised by the holder or relevant person at all times while the animal is being displayed.
- (2) A person complies with subsection (1)(a) if the person complies with the exhibition code to the extent the code is relevant to the way in which animals should be displayed.
- (3) Subsection (2) does not limit the ways in which a person may otherwise comply with subsection (1)(a).

- (4) The holder of a farming licence, or a relevant person for the holder, must not, without the chief executive's written approval—
- (a) display a live authorised animal under the licence if the animal has visible signs of illness or injury; or
  - (b) force an authorised animal displayed under the licence to do an act the animal would not normally do in the wild.

### **158 Handling dangerous animals**

The holder of a farming licence must not allow a person to handle a live dangerous or venomous animal kept under the licence unless the person—

- (a) is a relevant person for the holder who has appropriate training for handling the animal; or
- (b) handles the animal as part of training being conducted by the holder or a relevant person for the holder.

### **159 Record keeping**

- (1) The holder of a farming licence must keep a record for the licence.

*Note—*

For the requirements for records, see chapter 8.

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

### **160 Return of operations**

- (1) The holder of a farming licence must give the chief executive a return of operations for the licence.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

## **Part 10                      Damage mitigation permits**

### **Division 1                      Grant and restrictions on grant**

#### **161      Grant of permit**

Subject to sections 162 to 165 and chapter 5, part 2, the chief executive may grant a damage mitigation permit for a protected animal, other than an extinct animal or an extinct in the wild animal.

#### **162      General restrictions on grant**

- (1) The chief executive must not grant a damage mitigation permit for an animal unless the permit is for 1 or more of the following purposes—
- (a) preventing damage or loss caused, or likely to be caused, by the animal;
  - (b) preventing or minimising a threat, or potential threat, to human health or wellbeing caused, or likely to be caused, by the animal;
  - (c) a purpose stated in a conservation plan applying to the animal.

*Note—*

See the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*, section 22 about problem crocodiles.

- (2) The chief executive must not grant a damage mitigation permit for taking an animal by using a weapon to an individual who is under 17 years.

- (3) The chief executive must not grant a damage mitigation permit for a critically endangered, endangered, vulnerable or near threatened animal unless—
  - (a) a conservation plan applying to the animal authorises a person holding a damage mitigation permit to take the animal; or
  - (b) the permit requires any animal taken under the permit to be released into a prescribed natural habitat for the animal.

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

- (1) This section applies in relation to a damage mitigation permit for a purpose mentioned in section 162(1)(a) for a protected animal other than a flying-fox.
- (2) The chief executive must not grant the permit unless the chief executive is satisfied—
  - (a) the animal is causing, or may cause, damage; and
  - (b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and

*Examples of reasonable attempts to prevent or minimise damage—*

- installing a fence or other enclosure, to prevent an animal from accessing land, or property on land, on which the animal is causing or may cause damage
  - using an audio or visual device or other thing to deter an animal from accessing land, or property on land, on which the animal is causing or may cause damage
- (c) if the damage is not prevented or controlled—
    - (i) persons may suffer significant economic loss; or
    - (ii) the ecological sustainability of nature is likely to be harmed; and

- (d) action under the permit would not adversely affect the survival of the animal in the wild; and
- (e) the proposed way of taking the animal is humane.

**164 Restrictions on grant of permit to prevent damage or loss by flying-foxes**

- (1) This section applies in relation to a damage mitigation permit for a purpose mentioned in section 162(1)(a) for a flying-fox.
- (2) The chief executive must not grant the permit unless the chief executive is satisfied—
  - (a) the flying-fox is causing, or may cause, damage to crops; and
  - (b) the landholder of the land on which the flying-fox is causing, or may cause, damage has made a reasonable attempt to take action, to prevent or control the damage, stated in the flying-fox damage mitigation code; and
  - (c) the landholder may suffer significant economic loss of the kind stated in the flying-fox damage mitigation code if the damage is not prevented or controlled; and
  - (d) the landholder is a commercial crop grower for the land; and
  - (e) action under the permit would not adversely affect the survival of the species of flying-fox in the wild; and
  - (f) the proposed way of taking the flying-fox complies with the flying-fox damage mitigation code; and
  - (g) the proposed way of dealing with the flying-fox after the flying-fox has been taken complies with the flying-fox damage mitigation code.
- (3) Also, the chief executive must not grant the permit if—
  - (a) the permit would authorise the taking of a flying-fox of a particular species in a particular financial year; and

- (b) the total permit number for the species for the financial year has reached the maximum permit number for the species.

- (4) In this section—

*commercial crop grower*, for land, means a person carrying on a business of growing a crop for commercial gain, other than an incidental use of the land.

*maximum permit number*, for a species of flying-fox, means the number of flying-foxes of that species that the flying-fox damage mitigation code states is the maximum number of flying-foxes of that species that may be taken in a financial year under damage mitigation permits.

*total permit number*, for a species of flying-fox for a financial year, means the total number of flying-fox of that species for which damage mitigation permits for taking flying-foxes have been granted under the Act in the financial year.

## **165 Restrictions on grant of permit to prevent or minimise threat to health or wellbeing**

- (1) This section applies in relation to a damage mitigation permit for a purpose mentioned in section 162(1)(b) for an animal.
- (2) The chief executive must not grant the permit unless the chief executive is satisfied—
  - (a) there is, or may be, a threat to a person's health or wellbeing resulting from harm caused by the animal to the person; and
  - (b) action under the permit is unlikely to detrimentally affect the survival of the animal in the wild; and
  - (c) the proposed way of taking the animal is humane; and
  - (d) if the animal is a protected reptile—
    - (i) the reptile would be released into the wild; or

- (ii) a conservation plan applying to the reptile would authorise a person who holds the permit to keep the reptile.

## **Division 2                      Activities authorised under permit**

### **166      Taking animals**

The holder of a damage mitigation permit, or a relevant person for the holder, may take an authorised animal at the place stated for the animal on the permit.

*Note—*

See also section 171.

### **167      Killing dependent flying-foxes**

- (1) This section applies in relation to a damage mitigation permit for taking a flying-fox.
- (2) The holder of the permit, or a relevant person for the holder, may kill another flying-fox if—
  - (a) the other flying-fox is attached to a female flying-fox that has been taken under the permit; or
  - (b) the other flying-fox—
    - (i) has been separated from a female flying-fox to which it was attached or upon which it was otherwise dependent; and
    - (ii) is at the place stated in the permit from where a flying-fox may be taken.

*Note—*

See also section 171.

## **168 Releasing animals**

- (1) This section applies in relation to a damage mitigation permit for releasing an authorised animal taken under the permit.
- (2) The holder of the permit, or a relevant person for the holder, may carry out any of the following activities—
  - (a) keep the animal for releasing the animal;
  - (b) release the animal into a prescribed natural habitat for the animal.

## **169 Dealing with animal breeding place**

- (1) This section applies in relation to a damage mitigation permit for removing or otherwise dealing with an animal breeding place used by an authorised animal.
- (2) The holder of the permit, or a relevant person for the holder, may remove the animal breeding place or deal with the place in the way stated in the permit.

## **Division 3 Conditions**

### **170 Purpose of division**

- (1) This division states conditions that apply to all damage mitigation permits.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on a damage mitigation permit.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

## **171 Way flying-foxes to be taken**

The holder of a damage mitigation permit, 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.

## **172 Return of operations**

- (1) The holder of a damage mitigation permit must give the chief executive a return of operations for the permit.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

# **Part 11 Flying-fox roost management permits**

## **Division 1 Grant and restrictions on grant**

### **173 Grant of permit**

Subject to sections 174 to 176 and chapter 5, part 2, the chief executive may grant a flying-fox roost management permit for a flying-fox roost.

## **174 General restrictions on grant**

(1) The chief executive must not grant a flying-fox roost management permit for a flying-fox roost unless the permit is for—

- (a) preventing damage to, or loss of, property caused, or likely to be caused, by flying-foxes that congregate at the roost; or

*Note—*

See also section 175.

- (b) preventing or minimising a threat, or potential threat, to human health or wellbeing caused by flying-foxes that congregate at the roost.

*Note—*

See also section 176.

(2) The chief executive must not grant a flying-fox roost management permit for dealing with a flying-fox roost by using a weapon to an individual who is under 17 years.

## **175 Restrictions on grant of permits to prevent damage or loss**

(1) This section applies in relation to a flying-fox roost management permit for a flying-fox roost considered under section 174(1)(a).

(2) The chief executive must not grant the permit unless the chief executive is satisfied—

- (a) flying-foxes that congregate at the roost are causing, or may cause, damage; and

- (b) the landholder of the land on which the flying-foxes are causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and

*Examples of reasonable attempts to prevent or minimise damage—*

- covering fruit trees with netting
  - moving cars or equipment to a sheltered location
- (c) if the damage is not prevented or controlled—
- (i) persons may suffer significant economic loss; or
  - (ii) the ecological sustainability of nature is likely to be harmed; and
- (d) action under the permit would not adversely affect the survival of flying-foxes in the wild; and
- (e) the proposed way of taking action under the permit is humane.

## **176 Restrictions on grant of permits to prevent or minimise threat to health or wellbeing**

- (1) This section applies in relation to a flying-fox roost management permit for a flying-fox roost considered under section 174(1)(b).
- (2) The chief executive must not grant the permit unless the chief executive is satisfied—
- (a) there is, or may be, a threat to a person's health or wellbeing resulting from harm to the person caused by flying-foxes that congregate at the roost; and
  - (b) action under the permit is unlikely to detrimentally affect the survival of flying-foxes in the wild; and
  - (c) the proposed way of taking action under the permit is humane and not likely to cause unnecessary suffering to the flying-foxes.

## **Division 2                    Activities authorised under permit**

### **177     Destroying etc. of flying-fox roosts**

The holder of a flying-fox roost management permit for a flying-fox roost, or a relevant person for the holder, may carry out any of the following activities, to the extent stated in the permit—

- (a) destroy the roost;
- (b) drive away, or attempt to drive away, flying-foxes from the roost;
- (c) disturb flying-foxes in the roost.

## **Division 3                    Conditions**

### **178     Purpose of division**

- (1) This division states conditions that apply to all flying-fox roost management permits.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on a flying-fox roost management permit.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

## **179 Return of operations**

- (1) The holder of a flying-fox roost management permit must give the chief executive a return of operations for the permit.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

# **Part 12 Educational purposes permits**

## **Division 1 Grant and restrictions on grant**

### **180 Grant of permit**

Subject to section 181 and chapter 5, part 2, the chief executive may grant an educational purposes permit for a protected animal if the chief executive is satisfied—

- (a) the animal is proposed to be taken, used or kept under the permit for an educational purpose; and
- (b) the proposed holder of the permit would not, or does not intend to, gain a financial benefit from taking, keeping or using the animal under the permit.

### **181 Restrictions on grant**

- (1) The chief executive must not grant an educational purposes permit for taking an animal by using a weapon to an individual who is under 17 years.
- (2) The chief executive must not grant an educational purposes permit for an animal to an individual unless the individual—
  - (a) either—

- (i) holds a tertiary qualification relevant to the activities proposed to be carried out under the permit; or
    - (ii) has demonstrated experience and knowledge in relation to the activities proposed to be carried out under the permit; and
  - (b) has experience in the care and husbandry of the species of the animal.
- (3) The chief executive must not grant an educational purposes permit to a corporation unless the corporation is an educational institution.

## **Division 2                      Activities authorised under permit**

### **182    Taking, keeping and using animals**

The holder of an educational purposes permit, or a relevant person for the holder, may carry out any of the following activities—

- (a) if taking an authorised animal from a place is stated in the permit—take the authorised animal from the place;
- (b) buy, accept or receive an authorised animal;
- (c) keep an authorised animal at the licensed premises for the permit;
- (d) otherwise use an authorised animal at the licensed premises for the permit, other than—
  - (i) sell or give away the animal; or
  - (ii) process the animal; or
  - (iii) use the animal for a commercial purpose.

### **183 Moving animals**

The holder of an educational purposes permit, or a relevant person for the holder, who takes a protected animal under the permit may move the animal from the place where the animal was taken to the licensed premises.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

## **Division 3 Conditions**

### **184 Purpose of division**

- (1) This division states conditions that apply to all educational purposes permits.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on an educational purposes permit.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

### **185 Return of operations**

- (1) The holder of an educational purposes permit must give the chief executive a return of operations for the permit.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

## **Part 13 Permits to keep**

### **Division 1 Grant and restrictions on grant**

#### **186 Grant of permit**

Subject to sections 187 to 191 and chapter 5, part 2, the chief executive may grant a permit to keep for any of the following purposes—

- (a) to keep a protected animal taken under a rehabilitation permit;
- (b) to keep a protected animal that is, or has been, kept by a person who resides or has resided in another State, under a law of the other State;
- (c) to temporarily keep a live protected, international or prohibited animal that has been kept under an animal authority, other than a rehabilitation permit, that has ended or is about to end;
- (d) to temporarily keep a protected animal that is being kept under a farming licence at a place other than the authorised premises for keeping the animal under the licence.

#### **187 Prohibition on grant of permit for crocodiles**

The chief executive must not grant a permit to keep for an animal that is a member of the family Crocodylidae.

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**188 Restriction on grant of permit for protected animal taken under rehabilitation permit**

The chief executive must not grant a permit to keep for a purpose mentioned in section 186(a) for a protected animal, unless—

- (a) the chief executive is satisfied—
  - (i) the animal would not, or is unlikely to, survive in the wild, including, for example, because of the nature of the animal’s sickness or injury; and
  - (ii) for an animal other than a class 1 animal or class 2 animal—the animal would contribute to the rehabilitation of animals of the same species or closely related species; and
- (b) the chief executive believes another animal authority, or an exhibited animal authority, would not be more appropriate for keeping the animal; and
- (c) if there is an approved captive breeding program for animals of the same species—the proposed holder of the permit is a participant in the captive breeding program; and
- (d) the chief executive has notified the holder of the rehabilitation permit, in writing, that the animal must not be returned to the wild.

*Note—*

See section 209 for when a holder of a rehabilitation permit must return an animal taken under the permit to the wild.

**189 Restriction on grant of permit for animal from another State**

The chief executive must not grant a person a permit to keep for a protected animal for a purpose mentioned in section 186(b), unless—

- (a) the chief executive is satisfied—

- (i) the person resides, or intends to reside, in the State; and
  - (ii) the person intends to keep the animal for the term of the animal's natural life; and
  - (iii) the person would not unlawfully use the animal; and
- (b) the chief executive believes another animal authority, or an exhibited animal authority, would not be more appropriate for keeping the animal.

**190 Restriction on grant of permit for protected, international or prohibited animal kept under ended authority**

The chief executive must not grant a person a permit to keep for a live protected, international or prohibited animal for a purpose mentioned in section 186(c), unless—

- (a) the animal is an animal other than a class 1 animal or class 2 animal; and
- (b) the animal is kept, or has been kept, by any person under an animal authority, other than a rehabilitation permit; and
- (c) the animal authority mentioned in paragraph (b) has ended or is about to end; and
- (d) the chief executive is satisfied the person would not unlawfully use the animal; and
- (e) the chief executive believes another animal authority, or an exhibited animal authority, would not be more appropriate for keeping the animal.

**191 Restriction on grant of permit to holders of farming licence**

The chief executive must not grant a person a permit to keep for a protected animal for a purpose mentioned in section 186(d), unless—

- (a) a farming licence has been granted for the animal and the animal is kept under the licence; and
- (b) the grant of the permit would authorise the person to keep the animal at a place other than the licensed premises for the farming licence; and
- (c) the chief executive is satisfied the person would not unlawfully use the animal; and
- (d) the chief executive believes another animal authority, or an exhibited animal authority, would not be more appropriate for keeping the animal.

## **Division 2                      Activities authorised under permit**

### **192      Keeping animals**

- (1) The holder of a permit to keep may carry out any of the following activities—
  - (a) if the permit is for a purpose mentioned in section 186(a) or (b)—keep an authorised animal at the licensed premises for the permit;
  - (b) if the permit is for a purpose mentioned in section 186(c) or (d)—keep an authorised animal at the licensed premises for the permit, for the period stated in the permit.
- (2) If the permit is for only 1 imprinted bird, the holder of the permit may also temporarily keep the bird at any place in the State.
- (3) Subsection (1)(b) does not apply if the animal becomes a class 1 animal or class 2 animal after the grant of the permit.

### **193      Moving animal to another holder**

- (1) This section applies if—
  - (a) the holder of a permit to keep—

- (i) proposes to dispose of all authorised animals kept by the holder; or
- (ii) is no longer able to keep an authorised animal because the holder's personal circumstances have changed; or

*Examples for subparagraph (ii)—*

- 1 The person is no longer able to keep the animal because of the person's injury, illness or old age.
- 2 The person is no longer able to keep the animal because the person has moved to a place that does not have the appropriate facilities to keep the animal or is not large enough to keep all the animals the person usually keeps.

- (iii) is no longer authorised, or would no longer be authorised, to keep the animal under the permit; and
- (b) the holder has written approval from the chief executive to give the animal to another person (the *other person*) who is—
    - (i) the holder of an animal authority (the *other authority*) for the animal; or
    - (ii) a relevant person for the holder of the other authority.

- (2) The holder may move the animal to the place where the other person intends to keep the animal under the other authority.

*Note—*

See also sections 194 and 195.

- (3) This section does not authorise the holder to move a prescribed protected animal—
  - (a) to another country; or
  - (b) into another State if the movement is, whether directly or indirectly, associated with—
    - (i) moving the animal to another country; or

- (ii) selling, giving or moving the animal to a person in another country.

#### **194 Moving animal to zoological institution**

- (1) This section applies if the chief executive has asked the holder of a permit to keep to give an authorised animal to a zoological institution for captive breeding.
- (2) The holder may move the animal to the zoological institution.

*Note—*

See also sections 193 and 195.

#### **195 Moving imprinted bird**

- (1) This section applies in relation to a permit to keep for 1 imprinted bird.
- (2) The holder may move the bird to or from any place within the State.

*Note—*

See also sections 193 and 194.

### **Division 3 Conditions**

#### **196 Purpose of division**

- (1) This division states conditions that apply to all permits to keep.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
- 2 Also, under 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.

- (2) This division does not limit any other condition the chief executive may impose on a permit to keep.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

### **197 Breeding animals**

- (1) The holder of a permit to keep who keeps an animal, other than a bird, under the permit must not, without the chief executive's approval, allow the animal to breed.
- (2) Subsection (3) applies if the holder advises the chief executive that an animal kept under the permit is incapable of breeding because of permanent surgical or chemical sterilisation.
- (3) If asked by the chief executive, the holder must give the chief executive a certificate from a veterinary surgeon stating the animal is incapable of breeding because of permanent surgical or chemical sterilisation.

### **198 Record keeping**

- (1) This section applies in relation to a permit to keep if an authorised animal kept under the permit breeds.
- (2) The holder of the permit must keep a record for the permit.

*Note—*

For the requirements for records, see chapter 8.

- (3) The holder complies with subsection (2) if a relevant person, or an approved person, for the holder keeps the record for the holder.

### **199 Return of operations**

- (1) The holder of a permit to keep must give the chief executive a return of operations for the permit.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

## **Part 14                      Rehabilitation permits**

### **Division 1                      Grant and restrictions on grant**

#### **200      Grant of permit**

Subject to section 201 and chapter 5, part 2, the chief executive may grant a rehabilitation permit for—

- (a) a protected animal that is sick, injured or orphaned; or
- (b) a protected animal whose habitat has been, or is likely to be, destroyed by human activity or a natural disaster.

#### **201      Restrictions on grant**

The chief executive must not grant a rehabilitation permit for a protected animal—

- (a) for a person—unless the chief executive is satisfied the person intends to rehabilitate the animal and return it to a prescribed natural habitat for the animal; or
- (b) for a voluntary wildlife care association—if the association engages in commercial activities, other than fundraising for the objects of the association.

## Division 2                      Activities authorised under permit

### 202      Obtaining and keeping animals

- (1) The holder of a rehabilitation permit, or a relevant person for the holder, may carry out any of the following activities—
  - (a) obtain an authorised animal from the wild if—
    - (i) the animal is sick, injured or orphaned; or
    - (ii) the animal's habitat has been destroyed by human activity or a natural disaster; or
    - (iii) if stated in the rehabilitation permit—the animal's habitat will be destroyed by human activity;
  - (b) keep an animal obtained under paragraph (a) at the place of residence of the holder or relevant person.
- (2) This section does not authorise a relevant person for the holder of a rehabilitation permit to obtain or keep an animal under the permit if the holder instructs the relevant person not to obtain or keep the animal.

*Example of way in which instruction may be given—*

the holder gives the relevant person a copy of the permit with the animal crossed out

- (3) In this section—

**obtain**, an animal, means—

  - (a) take the animal, other than hunt, shoot, wound, kill, skin, poison, spear, injure or harm the animal; or
  - (b) accept the taken animal from another person.

### 203      Taking and keeping dead animals to feed birds of prey

- (1) The holder of a rehabilitation permit, or a relevant person for the holder, may carry out any of the following activities to ensure the wellbeing or maintenance of an authorised animal that is a bird of prey kept under the permit—

- (a) take a food animal;
  - (b) keep a food animal;
  - (c) use a food animal.
- (2) In this section—

*bird of prey* means a bird of the family Accipitridae, Falconidae or Strigidae.

*food animal* means a dead least concern animal, other than a special native animal.

## 204 Displaying animals

- (1) This section applies if—
- (a) the holder of a rehabilitation permit is a voluntary wildlife care association; and
  - (b) the chief executive has given the holder a written approval authorising the holder to display an authorised animal kept under the permit.
- (2) The holder, or a relevant person for the holder, may display the animal.
- (3) For subsection (1)(b), the chief executive may give the written approval only if the chief executive is satisfied—
- (a) the animal does not have any visible signs of illness or injury; and
  - (b) the purpose of the display is—
    - (i) an authorised display purpose; or
    - (ii) to raise funds to assist in providing care and treatment for animals kept by the holder or relevant person under the rehabilitation permit.

## **205 Releasing animals**

- (1) The holder of a rehabilitation permit, or a relevant person for the holder, may release an authorised animal kept by the holder or relevant person under the permit into a prescribed natural habitat for the animal.

*Note—*

See also section 209.

- (2) Subsection (1) does not apply if the chief executive has given the holder a notice stating that the animal should not be returned to the wild.

## **206 Moving animals**

- (1) The holder of a rehabilitation permit, or a relevant person for the holder, who takes a protected animal under the permit may move the animal from the place where the animal was taken to—
  - (a) the licensed premises; or
  - (b) another authorised premises for the animal.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

- (2) However, the holder or relevant person may move the animal into the State under subsection (1) only if it is stated in the permit that the holder or relevant person may bring an animal taken in another State into the State for keeping it in the State.
- (3) The holder of a rehabilitation permit, or a relevant person for the holder, who keeps a protected animal under the permit may move the animal—
  - (a) from the place where the animal is kept under the permit to—
    - (i) a place, within the State, where the holder of another rehabilitation permit is to care for the animal; or

- (ii) a prescribed natural habitat for the animal; or
    - (iii) if the chief executive has asked the holder or relevant person to give the animal to another person—the place where the other person intends to keep the animal; or
  - (b) if the holder is a volunteer wildlife care association and the chief executive has given the holder a written approval authorising the holder to display an authorised animal kept under the permit—to and from the place where the animal is to be displayed under the permit.
- (4) This section does not authorise the holder or relevant person to move a prescribed protected animal—
- (a) to another country; or
  - (b) into another State if the movement is, whether directly or indirectly, associated with—
    - (i) moving the animal to another country; or
    - (ii) selling, giving or moving the animal to a person in another country.

## **Division 3                      Conditions**

### **207      Purpose of division**

- (1) This division states conditions that apply to all rehabilitation permits.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on a rehabilitation permit.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

## **208 Way animal must be kept**

- (1) The holder of a rehabilitation permit, or a relevant person for the holder, must keep an authorised animal under the permit in a way that is likely to rehabilitate the animal so that it can be returned to the wild.
- (2) A person complies with subsection (1) if the person keeps the animal in a way that complies with the rehabilitation code to the extent the code provides for how an animal should be rehabilitated.
- (3) Subsection (2) does not limit the ways in which a person may otherwise comply with subsection (1).
- (4) In this section—

*rehabilitation code* means 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.

*Note—*

Section 174A(3) of the Act requires a copy of the code to be open for public inspection during office hours on business days at the department’s head office and each regional office of the department.

## **209 When to release animals**

- (1) The holder of a rehabilitation permit, or a relevant person for the holder, must release an authorised animal kept under the permit—
  - (a) if a day for releasing the animal is stated in the permit—on the stated day; or
  - (b) otherwise—when the animal is able to live again in the animal’s prescribed natural habitat.

- (2) Subsection (1) does not apply if—
- (a) the animal dies or escapes; or
  - (b) the chief executive has given the holder a notice stating that the animal should not be returned to the wild.

## **210 Return of operations**

- (1) The holder of a rehabilitation permit must give the chief executive a return of operations for the permit.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

# **Part 15 Research permits**

## **Division 1 Grant and restrictions on grant**

### **211 Grant of permit**

Subject to sections 212 to 214 and chapter 5, part 2, the chief executive may grant a research permit for a protected, international or prohibited animal for a scientific purpose.

*Note—*

For restrictions on the grant of a research permit for koalas, see the *Nature Conservation (Koala) Conservation Plan 2017*, section 16.

### **212 General restrictions on grant**

- (1) The chief executive must not grant a research permit to a person unless—
- (a) the person is, or is associated with—

[s 213]

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- (i) a tertiary institution or other similar institution administered by, or under a law of, the Commonwealth or a State; or
    - (ii) an entity that is involved in scientific research; and
  - (b) for a person associated with the institution or entity—the chief executive is satisfied research to be carried out under the permit is consistent with the requirements of the institution or entity.
- (2) The chief executive must not grant a research permit to an individual unless the individual—
- (a) is receiving, or has completed, postgraduate training in scientific research relevant to the activities the individual proposes to carry out under the permit; or
  - (b) has achieved a satisfactory level of competence in scientific research relevant to the activities the individual proposes to carry out under the permit.
- (3) The chief executive must not grant a research permit for taking an animal by using a weapon to an individual who is under 17 years.

### **213 Restriction on grant of permit for taking protected animals**

The chief executive must not grant a research permit for a person to take a protected animal unless the chief executive is satisfied—

- (a) the animal is to be taken, kept or used for research that is likely to make a significant contribution to community knowledge about the matter for which the research is carried out; and
- (b) the animal would not be taken, kept or used for a commercial purpose; and
- (c) it is necessary to take the animal from the wild, including, for example, because there are no animals of the same species in captivity that are available or

appropriate for the research to be carried out under the permit.

## 214 Restriction on grant of permit for particular mammals

- (1) The chief executive must not grant a research permit for a whale or dolphin unless the whale or dolphin is to be taken, kept or used for scientific research that has been recommended by—
  - (a) a scientific advisory committee; or
  - (b) a person who is recognised in the research community for whales or dolphins as a person who is highly experienced and qualified in scientific research about whales or dolphins.

- (2) In this section—

*research community*, for whales or dolphins, means the group of academics in the field of research about whales or dolphins.

*scientific advisory committee* means a scientific advisory committee established under section 132 of the Act.

*scientific research*, in relation to a whale or dolphin, includes research involving any of the following—

- (a) the temporary capture of the whale or dolphin;
- (b) attaching a tracking device to the whale or dolphin;
- (c) taking biological samples from the whale or dolphin;
- (d) the use of a floating platform for commercial filming of the whale or dolphin;
- (e) approaching the whale or dolphin, at a closer distance than the minimum distance permitted under chapter 6 for the whale or dolphin, to interact with or observe the whale or dolphin.

## **Division 2                      Activities authorised under permit**

### **215    Taking, keeping and using animals**

The holder of a research permit, or a relevant person for the holder, may carry out any of the following activities—

- (a) if taking an authorised animal from a place is stated in the permit—take the authorised animal from the place;
- (b) keep an authorised animal at the licensed premises for the permit;
- (c) use an authorised animal, other than for a commercial purpose, at the licensed premises for the permit.

### **216    Selling or giving away animals**

The holder of a research permit, or a relevant person for the holder, may sell or give away a part of a dead authorised animal kept under the permit to a person who intends to keep and use the animal under section 34.

### **217    Moving animals**

The holder of a research permit, or a relevant person for the holder, who takes a protected animal under the permit may move the animal from the place where the animal was taken to—

- (a) the licensed premises for the permit; or
- (b) for a part of a dead authorised animal mentioned in section 216—another authorised premises for the animal.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

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## Part 16 Movement permits

### Division 1 Grant and restrictions on grant

#### 218 Grant of permit

Subject to sections 219 to 221 and chapter 5, part 2, the chief executive may grant a movement permit for a protected animal.

#### 219 General restrictions on grant

- (1) The chief executive must not grant a movement permit for a protected animal unless—
  - (a) the person from whom the animal is to be moved and the person to whom the animal is to be moved are authorised to keep the animal under the Act or a law of another State or country; and
  - (b) the chief executive is satisfied the movement would not—
    - (i) risk the health or safety of humans or livestock; or
    - (ii) adversely affect the conservation of native wildlife in the State; or
    - (iii) adversely affect the population in the wild of the animal; and
  - (c) the movement is not prohibited under a conservation plan applying to the animal; and
  - (d) the movement is not otherwise authorised under another provision of the Act.
- (2) In this section—

*livestock* means alpacas, buffalo, camels, cattle, deer, donkeys, goats, horses, llama, ostriches, peafowl and sheep.

## **220 Restrictions for movements into or out of the State**

- (1) The chief executive must not grant a movement permit for the movement of an animal from another State into the State unless—
  - (a) the movement is permitted under the laws of the other State; and
  - (b) the chief executive is satisfied all approvals required for the movement under the laws of the other State have been, or are likely to be, granted; and
  - (c) for a live marine mammal—the chief executive is satisfied the animal—
    - (i) is not a captive bred animal; and
    - (ii) would be kept in the State under a rehabilitation permit or a research permit.
- (2) The chief executive must not grant a movement permit for the movement of an animal from the State to another State unless the chief executive is satisfied all approvals required for the movement under the laws of the other State have been, or are likely to be, granted.

## **221 Restrictions for movement of prescribed protected animal**

- (1) This section applies if a person applies for a movement permit to move a prescribed protected animal from a place in the State to—
  - (a) another place in the State; or
  - (b) another State.
- (2) This chief executive must not grant the permit unless—
  - (a) the chief executive is satisfied the movement is not for moving the animal to another country; or
  - (b) the movement is for moving the animal to another country and all of the following apply—

- (i) the animal has been bred in captivity or the chief executive believes the animal, if released into the wild, is unlikely to survive because it suffers from the behavioural disorder known as human imprinting;
  - (ii) the chief executive is satisfied moving the animal to the other country would not adversely affect the viability of populations of animals of the same species that are kept in zoos in the State;
  - (iii) the chief executive is satisfied all export permits required to move the animal to the other country have been, or are likely to be, granted;
  - (iv) an approved electromagnetic implant has been inserted into the animal and the chief executive has been given a notice stating the identification code for the implant.
- (3) In this section—
- moving*, an animal to another country, includes selling or giving the animal to a person in another country.

## **Division 2                      Activities authorised under permit**

### **222      Moving animals**

- (1) The holder of a movement permit, or a relevant person for the holder, may move an authorised animal from and to the places stated in the permit.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

- (2) However, subsection (1) authorises the holder or relevant person to make only 1 movement under the permit.

## **Part 17**                      **Least concern animal collection authorities**

### **Division 1**                      **Grant and restrictions on grant**

#### **223**      **Grant of authority**

Subject to section 224 and chapter 5, part 2, the chief executive may grant a least concern animal collection authority for a dead least concern animal.

#### **224**      **Restriction on grant**

The chief executive must not grant a least concern animal collection authority for a dead least concern animal unless—

- (a) the chief executive is satisfied the animal would not be taken, kept or used for a commercial purpose, other than the creation and sale of works of art; and
- (b) the chief executive believes another animal authority would not be more appropriate for taking, keeping or using the animal.

### **Division 2**                      **Activities authorised under authority**

#### **225**      **Taking and keeping animals**

The holder of a least concern animal collection authority may carry out any of the following activities—

- (a) take an authorised animal, other than for a commercial purpose;
- (b) keep an authorised animal at the licensed premises for the authority, other than for a commercial purpose;

- (c) use an authorised animal at the licensed premises for the authority, other than for a commercial purpose.

## **226 Moving animals**

The holder of a least concern animal collection authority, or a relevant person for the holder, may move an authorised animal from any place in the State to the licensed premises for the authority.

*Note—*

See part 2, division 3 about moving particular animals under authorities.

## **Division 3 Conditions**

### **227 Purpose of division**

- (1) This division states conditions that apply to all least concern animal collection authorities.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on a least concern animal collection authority.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

## **228 Return of operations**

- (1) The holder of a least concern animal collection authority must give the chief executive a return of operations for the authority.

*Note—*

For the requirements for returns of operations, see chapter 8.

- (2) The holder complies with subsection (1) if a relevant person, or an approved person, for the holder gives the return to the chief executive for the holder.

# **Part 18 Dead animal collection authorities**

## **Division 1 Grant and restrictions on grant**

### **229 Grant of authority**

Subject to section 230 and chapter 5, part 2, the chief executive may grant a dead animal collection authority for a dead protected animal.

### **230 Restriction on grant**

The chief executive must not grant a dead animal collection authority for an animal to a person unless the chief executive is satisfied—

- (a) the animal would not be kept or used for a commercial purpose; and
- (b) the person intends to keep the animal under the authority as part of a collection of dead animals.

## **Division 2                      Activities authorised under authority**

### **231      Keeping and using animals**

- (1) The holder of a dead animal collection authority may carry out any of the following activities—
  - (a) keep an authorised animal at the licensed premises for the authority;
  - (b) use an authorised animal for teaching or training, whether or not at an educational institution.
- (2) However, subsection (1) does not authorise the holder to keep or use an authorised animal for a commercial purpose.

## **Division 3                      Conditions**

### **232      Purpose of division**

- (1) This division states conditions that apply to all dead animal collection authorities.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 Also, under 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.
- (2) This division does not limit any other condition the chief executive may impose on a dead animal collection authority.

*Note—*

For the power of the chief executive to impose conditions on an animal authority, see sections 244, 246, 247 and 260.

### **233 Record keeping**

- (1) The holder of a dead animal collection authority must keep a record for the authority.

*Note—*

For the requirements for records, see chapter 8.

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

## **Chapter 5 Managing animal authorities**

### **Part 1 Restrictions on grant for all authorities**

#### **234 Restrictions on grant**

- (1) The chief executive must not grant an animal authority to an applicant if—
  - (a) for an applicant that is a corporation—the applicant does not have an office in the State; or
  - (b) for an applicant who is an individual—the applicant is under 13 years, unless a provision of this regulation provides otherwise; or
  - (c) a conservation plan prohibits the grant of the authority in the applicant’s circumstances; or

*Examples—*

- a harvesting licence for estuarine crocodile eggs must not be granted in contravention of the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*, section 36

- a dealer licence for dead macropods must not be granted in contravention of the *Nature Conservation (Macropod) Conservation Plan 2017*, section 15
- (d) the applicant is not a suitable person to hold the authority; or

*Note—*

See also part 2, division 2.

- (e) the activities proposed to be carried out under the authority are likely to adversely affect—
- (i) the conservation of native wildlife; or
  - (ii) the ecological sustainability of native wildlife; or
- (f) an animal to which the authority would apply has been unlawfully taken, kept or used; or
- (g) for an authority to take, keep or use a protected animal in a dugong protection area—the taking, keeping or use of the animal is likely to—
- (i) significantly reduce the local dugong population; or
  - (ii) significantly harm dugong habitat; or
- (h) for an authority to keep a protected animal—the proposed premises is not appropriate, or does not have appropriate facilities, for keeping the animal.

*Examples of places that are not appropriate, or do not have appropriate facilities, for keeping animals—*

- a place that does not have facilities enabling a person to keep an animal at the place in a way that complies with requirements about housing the animal under this regulation
  - a place that does not comply with requirements, under this regulation, for places where activities under animal authorities of the same type are to be carried out
- (2) However, subsection (1)(a) does not apply in relation to a movement permit.
- (3) The chief executive must not grant an animal authority to a child unless—

- (a) the child lives at the proposed premises; and
  - (b) the child's parents live at the proposed premises; and
  - (c) the chief executive is satisfied the child's parents will supervise the child while the child is carrying out activities under the authority.
- (4) The chief executive must not grant an animal authority for more than 1 licensed premises unless the chief executive is satisfied it is necessary for the holder of the authority to carry out activities under the authority at each premises.

*Example of when chief executive may be satisfied—*

a veterinary surgeon carrying out veterinary activities at both the surgeon's veterinary premises and place of residence

- (5) In this section—

***dugong protection area*** means regulated waters under the *Fisheries Declaration 2019*, chapter 2 with a name that includes either of the following terms—

- (a) greater dugong protection area;
- (b) dugong protection area.

*Note—*

See also chapter 4, parts 3 to 18, for other restrictions on grants for particular animal authorities.

## Part 2 Applications for authorities

### Division 1 Making applications

#### 235 Requirements for application

- (1) A person may apply to the chief executive for the grant of an animal authority.
- (2) The application must—
  - (a) be in the approved form; and

- (b) be supported by enough information to enable the application to be decided; and
  - (c) be accompanied by the prescribed fee for the application; and
  - (d) comply with any other requirements applying to the application under a conservation plan.
- (3) The application may be accompanied by a request for a record book, or approval of an electronic record system, under section 343.

## Division 2                      Suitability

### 236      Purpose of division

This division states when a person is not a suitable person to hold an animal authority.

### 237      Definitions for division

In this division—

*associate*, of a person whose suitability to hold an animal authority is being considered, means—

- (a) if the person is a corporation—each executive officer of the corporation; or
- (b) if the person is an individual—another person who—
  - (i) is, or is intended to be, regularly or usually in charge of the individual’s activity or business, or proposed activity or business, that relates, or is intended to relate, to the authority; or
  - (ii) regularly directs staff for the activity or business in their duties; or

- (iii) is, or is intended to be, in a position to control or substantially influence the activity or business, or proposed activity or business.

*relevant day*, in relation to a person, means—

- (a) for deciding whether or not the person is a suitable person to hold an animal authority—the day the person made the application for the authority under division 1; or
- (b) for deciding whether or not the holder of an animal authority is not, or is no longer, a suitable person to hold the authority—the day the decision is made.

## **238 Suitability based on convictions**

- (1) A person is not a suitable person to hold an animal authority if—
  - (a) the person, or an associate of the person, has, within 3 years before the relevant day, been convicted of—
    - (i) an offence against the Act; or
    - (ii) an animal welfare offence under the *Animal Care and Protection Act 2001*; or
    - (iii) an offence under another Act relating to wildlife; or
    - (iv) an offence, however described, equivalent to an offence mentioned in any of subparagraphs (i) to (iii) under the law of another State or country; and
  - (b) the chief executive is satisfied the activities of the person that led to the conviction are of the same nature as the activities to be carried out under the authority.

*Examples of when chief executive may be satisfied—*

- 1 A person convicted of an offence against section 62 of the Act for taking an animal that was a natural resource of a protected area applies for an animal authority for taking a protected animal.

2 A person convicted of an offence against section 88 of the Act for taking a protected animal applies for an animal authority for taking a protected animal.

- (2) Subsection (1) does not apply if—
- (a) the person has been given an infringement notice for the offence under the *State Penalties Enforcement Act 1999*; or
  - (b) the authority is a damage mitigation permit and the chief executive is satisfied the person is a suitable person to hold the permit, having regard to—
    - (i) the person’s ability to carry out the activities under the permit in a competent and ethical way; and
    - (ii) the nature of the offence, including, for example, whether it is against a provision of an Act or a provision of subordinate legislation; and
    - (iii) any previous conviction, other than a spent conviction, of the person, or an associate of the person, for an offence mentioned in subsection (1)(a); and
    - (iv) in relation to a conviction, or previous conviction, for an offence under the law of another State or country—the classification of any wildlife to which the conviction relates under the law of the other State or country.
- (3) In this section—
- spent conviction*** means a conviction—
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
  - (b) that is not revived under section 11 of that Act.

## 239 Suitability based on demerit points, suspensions and cancellations

- (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 because—
  - (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
    - (ii) was suspended or cancelled within 3 years before the relevant day.
- (2) In this section—

**relevant authority** means—

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

## **240 Accumulation of demerit points**

- (1) This section applies for considering suitability under section 239 of a person who—
  - (a) is given an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against the Act; and
  - (b) pays the fine for the infringement notice for the offence or is convicted of the offence.
- (2) The person accumulates the following number of demerit points for the offence—
  - (a) for an offence for which the maximum penalty is not more than 20 penalty units—1 demerit point;
  - (b) for an offence for which the maximum penalty is more than 20 but not more than 50 penalty units—2 demerit points;
  - (c) for an offence for which the maximum penalty is more than 50 but not more than 80 penalty units—3 demerit points;
  - (d) for an offence for which the maximum penalty is more than 80 but not more than 120 penalty units—4 demerit points;
  - (e) for an offence for which the maximum penalty is more than 120 but not more than 165 penalty units—5 demerit points;
  - (f) for an offence for which the maximum penalty is more than 165 penalty units—7 demerit points.
- (3) Subsection (2) applies whether an event mentioned in subsection (1) happens before or after the commencement.

## Division 3                      Considering applications

### 241      Matters chief executive must consider

(1) The chief executive must consider an application for an animal authority having regard to each of the following matters—

- (a) whether the chief executive is restricted from granting the authority under part 1 or chapter 4, parts 3 to 18;
- (b) whether the applicant is a suitable person to hold the authority;

*Note—*

See also division 2.

- (c) the impact the activities proposed to be carried out under the authority may have on the conservation of native wildlife;
- (d) the effect the grant of the authority may have on the fair and equitable access to nature, in particular, the ecologically sustainable use of wildlife;
- (e) any contribution the applicant proposes to make to the conservation of nature;
- (f) any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement;
- (g) the precautionary principle;
- (h) public health and safety;
- (i) the public interest;
- (j) any recovery plan for an animal to which the authority is proposed to apply;
- (k) for a flying-fox roost management permit in an area (the *permit area*) outside an urban flying-fox management area—whether the flying-foxes in the permit area are likely to move to, and congregate at, a tree or other place

within an urban-flying fox management area, having regard to—

- (i) the proximity of the permit area to the urban flying-fox management area; and
  - (ii) the direction, from the permit area, of trees or other places suitable for the flying-foxes to move to and congregate at;
- (l) for an animal authority, other than a renewable licence, proposed to take effect immediately after an existing animal authority of the same type ends—
- (i) whether the existing animal authority was obtained on the basis of false or misleading information; and
  - (ii) whether the holder of the existing animal authority, or a relevant person for the holder, has failed to comply with a condition of the existing animal authority;
- (m) any other matter stated in a conservation plan as a matter the chief executive must have regard to when considering an application for the authority.
- (2) Without limiting subsection (1), the chief executive may have regard to anything else the chief executive considers appropriate to achieve the object of the Act.
- (3) In this section—

*precautionary principle* means the principle that, if there are threats of serious or irreversible environmental damage, lack of full scientific certainty must not be used as a reason for postponing measures to prevent threatening processes.

## **242 Chief executive may require further information or document**

- (1) Before deciding an application for an animal authority, the chief executive may ask the applicant for further information or a document the chief executive requires to decide the application.

- (2) The chief executive may require the information or document to be verified by a statutory declaration.
- (3) The chief executive may give the applicant a notice asking the applicant to give the information or document by the day stated in the notice.
- (4) A notice given under subsection (3) must—
  - (a) be given to the applicant within 20 business days after the chief executive receives the application; and
  - (b) state a reasonable period, of at least 20 business days after the notice is given to the applicant, within which the information or document must be given to the chief executive.
- (5) The applicant is taken to have withdrawn the application if the applicant does not comply with the request within—
  - (a) if the chief executive has given a notice to the applicant under subsection (3)—the period stated in the notice; or
  - (b) otherwise—a reasonable period.
- (6) The chief executive may extend a period mentioned in subsection (5).

### **243 Amending application**

An applicant for an application for an animal authority may amend the application if—

- (a) the chief executive has not finished considering whether to grant the application; and
- (b) the chief executive agrees to the amendment of the application.

## **Division 4                      Deciding application**

### **244      Chief executive to decide application**

- (1) The chief executive must, after considering an application for an animal authority, decide to—
  - (a) grant the authority, with or without conditions decided by the chief executive; or
  - (b) refuse the application.
- (2) The chief executive must decide the application—
  - (a) if, under section 242, the chief executive asks for further information or a document—within 40 business days after receiving the information or document; or
  - (b) otherwise—within 40 business days after receiving the application.

### **245      Steps to be taken after application decided**

- (1) If the chief executive decides to grant an animal authority, the chief executive must, as soon as practicable after making the decision, give the applicant—
  - (a) the authority; and
  - (b) if a condition was imposed on the authority under section 244(1)(a)—an information notice for the decision to impose the condition.
- (2) Subsection (1)(b) does not apply in relation to a condition the applicant sought in the application.
- (3) If the chief executive decides to refuse the application, the chief executive must, as soon as practicable after making the decision, give the applicant an information notice for the decision.

**246 Continuing obligations relating to keeping and using animals**

- (1) This section applies in relation to an animal authority for a person to take, buy or accept a live protected animal in the State if the animal is to be lawfully moved to another State.
- (2) The chief executive may impose an obligation on the holder of the authority, or a relevant person for the holder, that continues after the authority ends, about—
  - (a) the purpose for which the animal, or an offspring of the animal, is used after the authority ends; or
  - (b) the way the animal, or an offspring of the animal, is kept after the authority ends.
- (3) However, the chief executive may impose the obligation only if the chief executive believes imposing the obligation is necessary to achieve the object of the Act.
- (4) The obligation is taken to be a condition of the authority.

**247 Continuing obligations relating to particular interstate movements**

- (1) This section applies in relation to a movement permit for the movement of a live protected animal to another State if the person to whom the animal is being moved is not the holder of an animal authority, or a relevant person for the holder.
- (2) The chief executive may impose an obligation on the holder of the permit, or a relevant person for the holder, about—
  - (a) the purpose for which the animal, or an offspring of the animal, is used in the other State; or
  - (b) the way the animal, or an offspring of the animal, is kept in the other State.
- (3) However, the chief executive may impose the obligation only if the chief executive believes imposing the obligation is necessary to achieve the object of the Act.
- (4) The obligation is taken to be a condition of the permit.

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## Part 3 Form of authorities

### 248 Form

- (1) An animal authority must be in writing.
- (2) The chief executive may use 1 document for the grant of more than 1 animal authority.

### 249 Matters to be stated in animal authority

- (1) The following information must be stated in an animal authority—
  - (a) the day it is granted;
  - (b) if it does not take effect on the day it is granted—the day it takes effect;
  - (c) either its term or its end date;
  - (d) the name of the holder of the authority and, if the holder is a corporation, the holder's ABN or ACN;
  - (e) the address of the holder of the authority;
  - (f) if the authority is granted to a child—the name of the child's parents;
  - (g) each species of animal to which the authority applies;  
*Note—*  
See also section 250.
  - (h) if the authority applies to a particular number of animals of a particular species—the number;  
*Note—*  
See also section 251.
  - (i) the premises that are the licensed premises for the authority;
  - (j) if the authority is for taking an animal—the place from where the animal may be taken;

- (k) if the authority is a movement permit—the place where the animal may be moved from and to under the permit;
  - (l) if the authority is granted to a corporation—the name of the person in charge of—
    - (i) the activity to be carried out under the authority; or
    - (ii) the licensed premises for the authority;
  - (m) any conditions imposed by the chief executive on the authority.
- (2) Subsection (1)(g) does not apply to an authority granted for taking or using all animals in an area that is, or is likely to be, lawfully destroyed.

## **250 Stating species on animal authority**

- (1) This section applies for stating a species of animal on an animal authority under section 249(1)(g).
- (2) The animal authority is taken to state—
- (a) if the authority states a taxon of animal—each species of animal in the taxon; or
  - (b) if the authority states a class of wildlife—each species of animal in the class of wildlife; or
  - (c) if the authority states the name of a harvest period notice—each species of animal to which the notice applies.
- (3) If it is not practicable to state multiple species on an animal authority, or use an approach mentioned in subsection (2), an animal authority may state the species of animal to which the authority applies by describing the species—
- (a) by using plain English; and
  - (b) in a way that reasonably identifies all of the species.

## 251 Meaning of number on animal authority

- (1) Subsection (2) applies if an animal authority—
  - (a) has a number (the *stated number*) written opposite a species of animal to which the authority applies; and
  - (b) does not state what the stated number indicates.
- (2) For each species of animal mentioned in subsection (1)(a), the authority applies, for the duration of the authority, to no more than the stated number of animals of that species.

*Example—*

A harvesting licence has the following words and numbers written on it without any explanation about the meaning of the numbers—

- 1 carpet python—5
- 2 spotted python—2.

The licence is for taking or keeping no more than 5 carpet pythons and no more than 2 spotted pythons for the whole duration of the licence.

- (3) Subsection (4) applies if an animal authority —
  - (a) has a number (also the *stated number*) written opposite a species of animal to which the authority applies; and
  - (b) states what the stated number indicates.
- (4) For each species of animal mentioned in subsection (3)(a), the authority applies, in the way stated, to no more than the stated number of animals of that species.

*Example—*

A rehabilitation permit has the following words and numbers written on it and states that the number indicates the number of animals to which the permit applies at any given time—

- 1 bar-shouldered dove—3
- 2 emerald dove—5.

The permit is for obtaining and keeping no more than 3 bar-shouldered doves, and no more than 5 emerald doves, at any given time while the permit has effect.

## **Part 4**                      **Term of authorities**

### **252**    **Term**

- (1) An animal authority is granted for the term stated in it.
- (2) The term must not be more than—
  - (a) if a conservation plan states a maximum term for the authority—the stated term; or

*Note—*

See the *Nature Conservation (Macropod) Conservation Plan 2017*, section 33A in relation to the maximum term for a harvesting licence for harvest macropods.

- (b) otherwise—the maximum term stated in this part for the authority.
- (3) Subject to part 5, the authority ends at the end of the term.

### **253**    **Maximum term for licences**

The maximum term for each of the following animal authorities is as follows—

- (a) a standard licence—5 years;
- (b) a specialised licence—5 years;
- (c) an advanced licence—5 years;
- (d) a harvesting licence—1 year;
- (e) a dealer licence—3 years;
- (f) an interaction licence—1 year;
- (g) a farming licence—3 years.

### **254**    **Maximum term for permits**

- (1) The maximum term for each of the following animal authorities is as follows—

- (a) a damage mitigation (relocation) permit—3 years;
  - (b) another damage mitigation permit—
    - (i) if the applicant is operating under an approved property management plan for the land to which the permit relates—3 years; or
    - (ii) otherwise—1 year;
  - (c) a flying-fox roost management permit—
    - (i) if the applicant is operating under an approved property management plan for the land to which the permit relates—3 years; or
    - (ii) otherwise—1 year;
  - (d) an educational purposes permit—5 years;
  - (e) a permit to keep—3 years;
  - (f) a rehabilitation permit—3 years;
  - (g) a research permit—5 years;
  - (h) a movement permit—2 months.
- (2) However, despite subsection (1)(e) and section 252(2)(b), the chief executive may grant a permit to keep for the life of a protected animal kept under the permit if—
- (a) the animal was injured when it was taken under a rehabilitation permit; and
  - (b) the chief executive believes the animal is unlikely to survive in the wild, including, for example, because of the nature of the animal’s sickness or injury.
- (3) In this section—
- approved property management plan***, for land, means a plan about the management of the land that—
- (a) provides for the conservation of animals on the land; and
  - (b) is approved by the chief executive.

*damage mitigation (relocation) permit* means a damage mitigation permit that is for 1 or more live animals, other than a flying-fox.

*sickness*, of an animal, includes the animal behavioural disorder known as human imprinting.

## 255 Maximum term for collection authorities

The maximum term for each of the following animal authorities is as follows—

- (a) a least concern animal collection authority—6 months;
- (b) a dead animal collection authority—5 years.

## Part 5 Renewal of particular licences

### 256 Definitions for part

In this part—

*existing activities*, of an applicant who is the holder of an existing licence, means activities that may be carried out by the applicant under the licence before the licence is renewed under this part.

*existing licence* means a renewable licence in relation to which an application for renewal is made under this part.

*intended activities*, of an applicant who is the holder of an existing licence, means activities the applicant intends to carry out under the licence if the licence is renewed under this part.

### 257 Application of part

This part applies in relation to the renewal of a standard licence, a specialised licence or an advanced licence (each a *renewable licence*).

## **258 Application for renewal**

- (1) The holder of a renewable licence may apply to the chief executive to renew the licence as a renewable licence of—
  - (a) the same type as the existing licence; or
  - (b) a different type to the existing licence.
- (2) The application must—
  - (a) be in the approved form; and
  - (b) be made during the period—
    - (i) starting 40 business days before the existing licence ends; and
    - (ii) ending on the day the existing licence ends; and
  - (c) be supported by enough information to enable the application to be decided; and
  - (d) be accompanied by the prescribed fee for the application; and
  - (e) comply with any other requirements applying to the application under a conservation plan.

## **259 Existing licence continues in effect until application decided**

- (1) If an application for the renewal of an existing licence is made, the existing licence is taken to continue in effect from the day the licence would otherwise have ended until—
  - (a) if the application is withdrawn—the day the application is withdrawn; or
  - (b) if the application is granted—the day of the decision to grant the application; or
  - (c) if the application is refused—the later of the following days—
    - (i) the day the information notice mentioned in section 262(4) is given to the holder;

- (ii) the day stated in the information notice mentioned in section 262(4).
- (2) This section does not prevent the existing licence from being suspended or cancelled under this regulation.

## **260 Considering and deciding application**

- (1) Sections 237 to 243 apply to an application for the renewal of an existing licence as if a reference to an application for an animal authority were a reference to an application for the renewal of the existing licence.
- (2) In addition to the matters mentioned in section 241, the chief executive must consider the application having regard to—
  - (a) whether the existing licence was obtained on the basis of false or misleading information; or
  - (b) whether the applicant, or a relevant person for the applicant, has failed to comply with a condition of the existing licence.
- (3) The chief executive must consider the application and decide to—
  - (a) renew the existing licence as a renewable licence of—
    - (i) the same type as the existing licence, with or without conditions decided by the chief executive; or
    - (ii) a different type to the existing licence, with or without conditions decided by the chief executive; or
  - (b) refuse the application.
- (4) The chief executive may renew an existing licence as a renewable licence of a particular type only if the chief executive is authorised, under chapter 4 and parts 1 and 2, to grant a renewable licence of that type to the applicant.
- (5) The chief executive must not renew an existing licence as a renewable licence of the same type as the existing licence if

the chief executive believes the intended activities of the applicant will not be the same, or substantially the same, as the existing activities of the applicant.

*Note—*

See also section 261.

- (6) The chief executive must decide the application—
- (a) if, under section 242, as applied under subsection (1), the chief executive asks for further information or a document—within 40 business days after receiving the information or document; or
  - (b) otherwise—within 40 business days after receiving the application.

## **261 When intended activities are not substantially the same as existing activities**

- (1) For this part, the intended activities of the applicant are taken not to be substantially the same as the existing activities of the applicant if the intended activities—
- (a) are of a different type compared to the existing activities; or
  - (b) may be, or are intended to be, carried out at a different location from the existing activities; or
  - (c) are of a greater scale compared to the existing activities.
- (2) In this section—
- scale*, of intended activities, includes the number of people, vehicles, structures or animals in relation to the intended activities.

## **262 Steps to be taken after application decided**

- (1) If the chief executive decides to renew an existing licence, the chief executive must, as soon as practicable after making the

decision, give the applicant the licence, as renewed under this part.

- (2) Despite section 259(1)(b), the term of the licence, as renewed under this part, is taken to have started immediately after the day the existing licence would otherwise have ended.
- (3) Subsection (4) applies if the chief executive decides to do any of the following—
  - (a) refuse the application;
  - (b) renew the existing licence as a renewable licence of a different type than the type applied for;
  - (c) renew the existing licence, as a renewable licence of the same or a different type, with conditions.
- (4) The chief executive must, as soon as practicable after making the decision, give the applicant—
  - (a) an information notice for the decision; and
  - (b) if the chief executive decides to refuse the application— a notice stating that the refusal does not prevent the applicant from applying for a new animal authority under part 2.
- (5) However, subsection (4) does not apply in relation to the renewal of an existing licence on a condition that—
  - (a) applied to the existing licence immediately before its renewal; or
  - (b) the applicant sought in the application for renewal.



- (c) makes another minor change that is not substantial and does not adversely affect the interests of the holder of the authority.

## **Division 2                      Amendments by application**

### **264      Application of division**

This division applies if—

- (a) the holder of an animal authority believes an amendment should be made to the authority, including, for example, an amendment (a *licence type amendment*) to change—
  - (i) a standard licence to a specialised licence or an advanced licence; or
  - (ii) a specialised licence to an advanced licence; and
- (b) the proposed amendment is not an amendment to change—
  - (i) an advanced licence to a specialised licence or a standard licence; or
  - (ii) a specialised licence to a standard licence; or
  - (iii) an animal authority, other than a standard licence, a specialised licence or an advanced licence, to another type of animal authority.

### **265      Application for amendment**

- (1) The holder may apply to the chief executive for the amendment of the authority.
- (2) The application must be—
  - (a) in writing; and
  - (b) accompanied by the prescribed fee for the application.

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## **266 Chief executive may require further information or document**

- (1) Before deciding an application for the amendment of an animal authority to which this division applies, the chief executive may ask the holder for further information or a document the chief executive requires to decide the application.
- (2) The chief executive may require the information or document to be verified by a statutory declaration.
- (3) The chief executive may give the holder a notice asking the holder to give the information or document by the day stated in the notice.
- (4) A notice given under subsection (3) must—
  - (a) be given to the holder within 20 business days after the chief executive receives the application; and
  - (b) state a reasonable period, of at least 20 business days after the notice is given to the holder, within which the information or document must be given to the chief executive.
- (5) The holder is taken to have withdrawn the application if the holder does not comply with the request within—
  - (a) if the chief executive has given a notice to the holder under subsection (3)—the period stated in the notice; or
  - (b) otherwise—a reasonable period.
- (6) The chief executive may extend a period mentioned in subsection (5).

## **267 Amending application**

If the holder of an animal authority makes an application to amend the authority under this division, the holder may amend the application if—

- (a) the chief executive has not finished considering whether to grant the application; and

- (b) the chief executive agrees to the amendment of the application.

## **268 Considering and deciding application**

- (1) The chief executive must consider an application for the amendment of an animal authority to which this division applies and decide to—
  - (a) make the amendment; or
  - (b) make an amendment, other than the amendment applied for; or
  - (c) refuse the application.
- (2) The chief executive may consider the application even if the application does not comply with section 265(2)(b).
- (3) If the amendment is a licence type amendment, the chief executive may make the amendment only if the chief executive is authorised, under chapter 4 and parts 1 and 2, to grant the animal authority, as amended, to the holder.
- (4) The chief executive must decide the application—
  - (a) if, under section 266, the chief executive asks for further information or a document—within 40 business days after receiving the information or document; or
  - (b) otherwise—within 40 business days after receiving the application.

## **269 Steps to be taken after application decided**

- (1) If the chief executive decides to amend an animal authority under this division, the chief executive must, as soon as practicable after making the decision, give the holder—
  - (a) if the amendment is the amendment the holder applied for—notice of the amendment; or
  - (b) if the amendment is not the amendment the holder applied for—an information notice for the decision.



*Note—*

See also part 2, division 2.

- (iv) the amendment is necessary having regard to the object of the Act; or
  - (b) the holder of the authority has failed to—
    - (i) pay a fee payable under the Act for the authority, by the date or within the period during which the fee must be paid; or
    - (ii) give the chief executive information required to be given under the Act for the authority, by the day or within the period during which the information must be given; or
  - (c) the holder is convicted of an offence against the Act and the chief executive is satisfied the activities of the holder that led to the conviction are relevant to the holder's ability to carry out activities under the authority in a competent and ethical way; or
  - (d) the holder, or a relevant person for the holder, is given a notice under section 327(1); or
  - (e) the chief executive believes an animal authority should be amended to—
    - (i) secure the safety of a person or a person's property; or
    - (ii) conserve or protect native wildlife.
- (2) In this section—

*amendment*, of an animal authority, includes changing the authority to another type of animal authority.

## **271 Procedure for amendment**

- (1) If the chief executive proposes to amend an animal authority under section 270, the chief executive must give the holder notice of the following matters—

- (a) the proposed amendment;
  - (b) the ground for the proposed amendment under section 270;
  - (c) an outline of the facts and circumstances forming the basis for the ground;
  - (d) that the holder may make written representations to the chief executive, within a stated period of at least 20 business days after the notice is given, about why the proposed amendment should not be made.
- (2) The chief executive may amend the authority if, after considering any written representations made within the stated period, the chief executive still believes the amendment should be made—
- (a) in the way stated in the notice; or
  - (b) in another way, having regard to the representations.
- (3) If the chief executive amends the authority, the chief executive must give the holder an information notice for the decision.
- (4) The amendment takes effect on the later of the following days—
- (a) the day the information notice is given to the holder;
  - (b) the day of effect stated in the information notice.
- (5) An amendment to change an animal authority to another type of animal authority does not change the term of the authority unless a new term is stated in the notice.
- (6) The effect of the amendment does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 276.

- (7) If the chief executive decides not to amend the animal authority, the chief executive must as soon as practicable after making the decision give the holder notice of the decision.

## **Division 4                      Immediate amendment or    suspension by chief executive**

### **272      Safety and conservation grounds**

- (1) This section applies if the chief executive believes an animal authority should be amended or suspended to—
  - (a) secure the safety of a person or a person’s property; or
  - (b) conserve or protect native wildlife.
- (2) The chief executive may decide to amend or suspend the authority.
- (3) If the chief executive decides to amend or suspend the authority, the chief executive must give the holder of the authority an information notice for the decision.
- (4) The amendment or suspension takes effect on the later of the following days—
  - (a) the day the information notice is given to the holder;
  - (b) the day of effect stated in the notice.
- (5) If the chief executive decides to suspend the authority—
  - (a) the information notice must state the suspension period; and
  - (b) the suspension has effect until the end of the suspension period.
- (6) However, if the chief executive decides to suspend the authority for the immediate protection of life or property—
  - (a) subsections (3) to (5) do not apply; and
  - (b) the chief executive must advise the holder about the decision; and
  - (c) the suspension—
    - (i) takes effect immediately after the holder is advised of the suspension; and

- (ii) continues until the chief executive decides the reason for the suspension no longer exists; and
- (d) the chief executive must as soon as practicable after the suspension ends—
  - (i) advise the holder of the authority that the suspension no longer applies; or
  - (ii) publish a notice on the department's website advising that the suspension no longer applies.
- (7) The effect of an amendment under this section does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 276.

## **273 Failure to pay fee or give return**

- (1) This section applies if—
  - (a) the holder of an animal authority has failed to—
    - (i) pay a fee payable under the Act for the authority, by the day or within the period during which the fee must be paid; or
    - (ii) give the chief executive a return of operations required to be given under the Act for the authority, by the day or within the period during which the return must be given; and
  - (b) the chief executive has given the holder a notice stating the following matters—
    - (i) the holder must pay the fee or give the return to the chief executive by a day, at least 10 business days after the holder receives the notice, stated in the notice;
    - (ii) if the holder does not pay the fee or give the return to the chief executive by the stated day, the chief executive may amend or suspend the authority under this section; and

- (c) the holder does not pay the fee or give the return to the chief executive by the stated day.
- (2) The chief executive may decide to—
  - (a) if the authority authorises the keeping of an animal—amend the authority, other than to remove the authorisation to keep the animal; or
  - (b) otherwise—amend or suspend the authority.
- (3) If the chief executive decides to amend or suspend the authority the chief executive must give the holder of the authority an information notice for the decision.
- (4) The amendment or suspension takes effect on the later of the following days—
  - (a) the day the notice is given to the holder;
  - (b) the day stated in the notice.
- (5) If the chief executive suspends the authority—
  - (a) the information notice must state the suspension period; and
  - (b) the suspension continues until the earlier of the following—
    - (i) the day the holder pays the outstanding fee or gives the chief executive the outstanding return;
    - (ii) the end of the suspension period.
- (6) The effect of an amendment under this section does not depend on the amendment being noted on the authority.

*Note—*

See, however, section 276.

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## Division 5                      **Non-immediate suspension or cancellation by chief executive**

### 274      **Grounds**

The chief executive may, by complying with section 275, suspend or cancel an animal authority if—

- (a) there is a ground, under section 272 or 273, for immediately amending or suspending the authority; or
- (b) the chief executive believes—
  - (i) the authority was obtained because of false or misleading information; or
  - (ii) the holder of the authority has failed to comply with a condition of the authority; or
  - (iii) the holder of the authority is not, or is no longer, a suitable person to hold the authority; or

*Note—*

See also part 2, division 2.

- (c) the holder of the authority is convicted of an offence against the Act and the chief executive is satisfied the activities of the holder that led to the conviction are relevant to the holder's ability to carry out activities under the authority in a competent and ethical way; or
- (d) the holder of the authority has failed to give the chief executive information, other than information required to be given in a return of operations, required to be given under the Act for the authority, by the date or within the period during which the information must be given; or
- (e) the chief executive believes the place where the animal is kept is not appropriate, or does not have appropriate facilities, for keeping the animal; or
- (f) the chief executive believes the activities being carried out under the authority are threatening public health or safety.

## 275 Procedure

- (1) If the chief executive proposes to suspend or cancel an animal authority (the *proposed action*) under section 274, the chief executive must give the holder of the authority notice of the following matters—
  - (a) the proposed action;
  - (b) the ground for the proposed action under section 274;
  - (c) an outline of the facts and circumstances forming the basis for the ground;
  - (d) if the proposed action is to suspend the authority—the proposed suspension period;
  - (e) an invitation to make written representations, within a stated period of at least 20 business days after the notification is given, about why the proposed action should not be taken.
- (2) If, after considering any written representations made within the stated period, the chief executive still considers the ground to take the proposed action exists, the chief executive may decide—
  - (a) if the proposed action was to suspend the authority—to suspend it for not longer than the proposed suspension period; or
  - (b) if the proposed action was to cancel the authority—either to cancel it or to suspend it for a period.
- (3) If the chief executive decides to suspend or cancel the authority the chief executive must give the holder an information notice for the decision.
- (4) The suspension or cancellation of the authority takes effect on the later of the following days—
  - (a) the day when the information notice is given to the holder;
  - (b) the day of effect stated in the information notice.

- (5) If the chief executive decides to suspend the authority, the suspension continues until the end of the suspension period.
- (6) If the chief executive decides not to take the proposed action, the chief executive must as soon as practicable after making the decision give the holder notice of the decision.
- (7) Despite subsection (3), if an animal authority is cancelled because of the conviction of a person for an offence and the conviction is quashed, the cancellation stops having effect.
- (8) Despite subsections (3) and (4), if an animal authority is suspended because of the conviction of a person for an offence and the conviction is quashed, the suspension period ends on the day the conviction is quashed.

## **Division 6                      Return of authorities**

### **276      After amendment**

- (1) The chief executive may, by notice, ask the holder of an animal authority that has been amended under this part to return the authority to the chief executive by a day stated in the notice.
- (2) The day stated in the notice must be at least 10 business days after the day the holder receives the notice.
- (3) The holder must, unless the holder has a reasonable excuse, return the authority to the chief executive by the stated day.  
Maximum penalty—20 penalty units.
- (4) The chief executive must, as soon as practicable after receiving the authority—
  - (a) note the amendment on the authority; and
  - (b) give the authority back to the holder.

### **277 After suspension**

- (1) The chief executive may, by notice, ask the holder of an animal authority that has been suspended under this part to return the authority to the chief executive by a day stated in the notice.
- (2) The day stated in the notice must be at least 10 business days after the day the holder receives the notice.
- (3) The holder must, unless the holder has a reasonable excuse, return the authority to the chief executive by the stated day.  
Maximum penalty—20 penalty units.
- (4) The chief executive must give the authority back to the holder on or before the day the suspension ends.

### **278 After cancellation**

The holder of an animal authority that has been cancelled under this part must, unless the holder has a reasonable excuse, return the authority to the chief executive within 10 business days after the cancellation takes effect.

Maximum penalty—20 penalty units.

## **Part 7 Replacement and surrender of authorities**

### **279 Replacement**

- (1) This section applies if an animal authority is damaged, destroyed, lost or stolen.
- (2) The holder of the authority may apply to the chief executive for the replacement of the authority.
- (3) The application must—
  - (a) be in writing; and

- (b) be accompanied by the prescribed fee for the application.
- (4) The chief executive must grant the application if the chief executive is satisfied the animal authority has been—
  - (a) damaged in a way that requires the replacement of the authority; or
  - (b) destroyed, lost or stolen.
- (5) If the chief executive decides to grant the application, the chief executive must give the holder another animal authority to replace the damaged, destroyed, lost or stolen animal authority.
- (6) If the chief executive decides to refuse the application, the chief executive must give the holder an information notice for the decision within 14 days after the decision is made.

## **280 Surrender**

- (1) The holder of an animal authority may surrender the authority by returning the authority and giving a notice of surrender to the chief executive.
- (2) An animal authority surrendered under subsection (1) no longer has effect from—
  - (a) the day for surrender stated in the notice; or
  - (b) if paragraph (a) does not apply—the day the notice is received by the chief executive.

## Chapter 6 Marine mammals

### Part 1 Preliminary

#### 281 Meaning of *no approach zone*

- (1) The *no approach zone* for a special marine mammal is—
  - (a) if the mammal is declared under a permanent special marine mammal declaration—the distance mentioned in schedule 4, part 2, column 2 opposite the mammal; or
  - (b) if the mammal is declared under a temporary special marine mammal declaration—the distance, if any, declared for the mammal under section 294(2)(b)(ii).
- (2) The *no approach zone* for a marine mammal in a marine mammal special management area, other than a marine mammal mentioned in subsection (1), is—
  - (a) if the area is declared under a permanent marine mammal special management area declaration and the mammal is mentioned in schedule 4, part 1, column 2 opposite the area—the distance mentioned in schedule 4, part 1, column 3 opposite the mammal; or
  - (b) if the area is declared under a temporary marine mammal special management area declaration—the distance, if any, declared for the area and mammal under section 287(2)(b)(ii).
- (3) The *no approach zone* for a whale, other than a whale mentioned in subsection (1) or (2), is—
  - (a) 100m from the whale; or
  - (b) 300m from any point within an arc of 30 degrees from either side of the front or rear of the whale.
- (4) The *no approach zone* for a dolphin, other than a dolphin mentioned in subsection (1) or (2), is—

- (a) 50m from the dolphin; or
  - (b) 150m from any point within an arc of 30 degrees from either side of the front or rear of the dolphin.
- (5) The ***no approach zone*** for a seal, other than a seal mentioned in subsection (1) or (2), is 40m from the seal.

## **282 Meaning of *caution zone***

- (1) The ***caution zone*** for a special marine mammal declared under a temporary special marine mammal declaration is the area that is—
- (a) outside the no approach zone for the mammal; but
  - (b) within the distance, if any, declared for the mammal under section 294(2)(b)(i).
- (2) The ***caution zone*** for a marine mammal in a marine mammal special management area declared under a temporary marine mammal special management area declaration, other than a marine mammal mentioned in subsection (1), is the area that is—
- (a) outside the no approach zone for the mammal; but
  - (b) within the distance, if any, declared for the area and mammal under section 287(2)(b)(i).
- (3) The ***caution zone*** for a whale, other than a whale mentioned in subsection (1) or (2), is the area that is—
- (a) outside the no approach zone for the whale; but
  - (b) within a distance of 300m from the whale.
- (4) The ***caution zone*** for a dolphin, other than a dolphin mentioned in subsection (1) or (2), is the area that is—
- (a) outside the no approach zone for the dolphin; but
  - (b) within a distance of 150m from the dolphin.

**283 Meaning of *prescribed distance* for prohibited vessel or aircraft**

- (1) This section states the *prescribed distance* for a prohibited vessel or aircraft in relation to a marine mammal.
- (2) If the mammal is a special marine mammal declared under a permanent special marine mammal declaration, the *prescribed distance* is the distance for the vessel or aircraft mentioned opposite the mammal in schedule 4, part 2, column 3.
- (3) If the mammal is a special marine mammal declared under a temporary special marine mammal declaration, the *prescribed distance* is the distance, if any, for the vessel or aircraft declared for the mammal under section 294(2)(b)(iii).
- (4) If the mammal is in a marine mammal special management area declared under a temporary marine mammal special management area declaration, and is not a marine mammal mentioned in subsection (2) or (3), the *prescribed distance* is the distance, if any, for the vessel or aircraft declared for the area and mammal under section 287(2)(b)(iii).
- (5) If the mammal is a whale or dolphin, other than a whale or dolphin mentioned subsection (2), (3) or (4), the *prescribed distance* is—
  - (a) for a prohibited vessel or an aircraft, other than a helicopter or a remotely piloted aircraft—300m; or
  - (b) for a helicopter—500m; or
  - (c) for a remotely piloted aircraft—100m.

**284 Meaning of *prescribed distance* for person entering or in water**

- (1) This section states the *prescribed distance* for a person entering or in water, in relation to a marine mammal.
- (2) If the mammal is a special marine mammal declared under a temporary special marine mammal declaration, the *prescribed*

*distance* is the distance, if any, declared for the mammal under section 294(2)(b)(iv).

- (3) If the mammal is in a marine mammal special management area declared under a temporary marine mammal special management area declaration, and is not a marine mammal mentioned in subsection (2), the *prescribed distance* is the distance, if any, declared for the area and mammal under section 287(2)(b)(iv).
- (4) If the mammal is a whale, other than a whale to which subsection (2) or (3) applies, the *prescribed distance* is 100m.
- (5) If the mammal is a dolphin, other than a dolphin to which subsection (2) or (3) applies, the *prescribed distance* is 50m.

## Part 2                      Marine mammal special    management declarations

### Division 1                  Preliminary

#### 285      Definition for part

In this part—

*relevant purpose* means—

- (a) ensuring the biologically viable populations of marine mammals are conserved or re-established, including, for example, by—
  - (i) conserving critical habitat for marine mammals; or
  - (ii) controlling or removing a threatening process; or
- (b) minimising harm and distress caused directly or indirectly to marine mammals or their habitat by human activity; or
- (c) recognising—



- (c) it is necessary for the relevant area to temporarily be a marine mammal special management area to achieve a relevant purpose.

*Example of areas to which this section may apply—*

an area that has become a temporary feeding ground for a herd of dugong because the herd's permanent feeding ground has been damaged by a natural disaster

- (2) The chief executive may—
- (a) declare the relevant area to be a marine mammal special management area for a period of not more than 60 days; and
- (b) declare 1 or more of the following for a marine mammal in the marine mammal special management area—
- (i) the stated distance for the caution zone;
- (ii) the stated distance for the no approach zone;
- (iii) the prescribed distance for a prohibited vessel or aircraft;
- (iv) the prescribed distance for a person entering or in water;
- (v) that a person in control of a permitted boat must not bring the boat within a stated distance of the mammal at a stated speed; and

*Examples of stated speeds—*

a speed of more than 6 knots, a speed that creates a wake

- (c) declare activities that are prohibited in the relevant area.
- (3) The declaration must be—
- (a) published by gazette notice; or
- (b) subject to subsection (4), published in—
- (i) a newspaper circulating generally throughout Queensland; and
- (ii) a newspaper circulating generally in the area in which the relevant area is located.

- (4) However, the chief executive is not required to publish the declaration under subsection (3)(b)(ii) if the chief executive is satisfied that publishing the declaration under subsection (3)(b)(i) and (5) will give sufficient notice of the declaration to the people particularly affected by it, having regard to—
- (a) the relevant area; and
  - (b) the activities to be regulated in the relevant area.
- (5) The chief executive—
- (a) must also publish a copy of the declaration on the department’s website and, if practicable, on a sign erected—
    - (i) at or near a usual access point to the relevant area; or
    - (ii) in a position that would normally be seen by a person accessing the relevant area; and
  - (b) may publish the declaration in any other way the chief executive considers appropriate.
- Examples of other ways—*
- radio announcements, publication on other websites
- (6) In this section—
- relevant scientific research—***
- (a) means scientific research relevant to the conservation of marine mammals; and
  - (b) includes scientific research that enhances scientific knowledge of marine mammals.

## **288 Form of temporary marine mammal special management area declaration**

A temporary marine mammal special management area declaration must—

- (a) identify the limits of the area that is the subject of the declaration; and
- (b) state the reasons for the declaration; and
- (c) include the declarations under section 287(2)(b) applying to the area that is the subject of the declaration; and
- (d) state the following for declarations under section 287(2)(b)—
  - (i) the nature of the offence, under this regulation, that relates to the declaration;
  - (ii) the maximum penalty under this regulation for the offence mentioned in subparagraph (i); and
- (e) state the period for which the declaration will be in effect.

## **289 Term of temporary marine mammal special management area declaration**

A temporary marine mammal special management area declaration—

- (a) takes effect—
  - (i) when the declaration is published under section 287(3)(a); or
  - (ii) if a later time is stated in the declaration—at the later time; and
- (b) applies for the period stated in the declaration unless—
  - (i) the period is extended under section 290; or
  - (ii) the declaration is revoked under section 291.

## **290 Extension of period of temporary marine mammal special management area declaration**

- (1) This section applies if the chief executive is satisfied the reasons for making a temporary marine mammal special management area declaration will still exist after the end of the period stated in the declaration.
- (2) The chief executive may extend the period for a further period of not more than 120 days.
- (3) Before extending the period under subsection (2), the chief executive must—
  - (a) publish a notice (an *extension notice*) about the proposed extension—
    - (i) in a newspaper likely to be read by people particularly affected by the proposed extension; and
    - (ii) on the department's website; and
  - (b) have regard to any submissions received under subsection (4)(b).
- (4) The extension notice must state that—
  - (a) consideration is being given to extending the period for which the declaration has effect; and
  - (b) people are invited to make written submissions in relation to the proposed extension within a period of at least 7 days stated in the extension notice.

## **291 Revocation of temporary marine mammal special management area declaration**

- (1) This section applies if the chief executive is satisfied the reasons for making a temporary marine mammal special management area declaration no longer exist.
- (2) The chief executive must revoke the declaration as soon as practicable.

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## Division 3                      Special marine mammals

### 292      Definition for division

In this division—

*relevant group of marine mammals*, in relation to a marine mammal, means a group of marine mammals that the marine mammal is part of.

### 293      Permanent special marine mammals

A marine mammal described in schedule 4, part 2, column 1 is declared to be a special marine mammal.

### 294      Temporary special marine mammals

(1) This section applies if the chief executive is satisfied—

- (a) a marine mammal—
  - (i) is at risk of harassment, injury, further injury or death because the mammal is—
    - (A) a female marine mammal that has recently given, or is about to give, birth; or
    - (B) a calf separated from a marine mammal or group of marine mammals; or
    - (C) stranded; or
    - (D) a morphological-variant or colour-variant marine mammal of its species; or
  - (ii) may potentially be at risk of harassment, injury, or further injury or death because the marine mammal is in a place readily accessible to members of the public; or
  - (iii) is to be used under Aboriginal tradition or Island custom; and

- (b) the marine mammal is likely to be the kind of marine mammal mentioned in paragraph (a) only for a temporary period; and
  - (c) it is necessary for the marine mammal, or a relevant group of marine mammals, to temporarily be declared to be special marine mammals to—
    - (i) achieve a relevant purpose; or
    - (ii) ensure the safety, health or wellbeing of humans.
- (2) The chief executive may—
- (a) declare the marine mammal, or the relevant group of marine mammals, to be special marine mammals for a period of not more than 1 year; and
  - (b) declare 1 or more of the following for the marine mammal or the relevant group of marine mammals—
    - (i) the stated distance for the caution zone;
    - (ii) the stated distance for the no approach zone;
    - (iii) the prescribed distance for a prohibited vessel or aircraft;
    - (iv) the prescribed distance for a person entering or in water;
    - (v) that a person in control of a permitted boat must not bring the boat within a stated distance of the mammal or group at a stated speed.
- Examples of speeds that may be stated—*
- a speed of more than 6 knots, a speed that creates a wake
- (3) The declaration must be—
- (a) published by gazette notice; or
  - (b) published in—
    - (i) a newspaper circulating generally throughout Queensland; and

- (ii) a newspaper circulating generally in the area in which the marine mammal or relevant group is likely to be located.
- (4) However, the chief executive is not required to publish the declaration under subsection (3)(b)(ii) if the chief executive is satisfied that publishing the declaration under subsection (3)(b)(i) and (5) will give sufficient notice of the declaration to the people particularly affected by it, having regard to—
  - (a) the nature of the mammal or group; and
  - (b) the area in which the mammal or group is or is likely to be located.
- (5) The chief executive—
  - (a) must also publish a copy of the declaration on the department’s website and, if practicable, on a sign erected—
    - (i) at or near a usual access point to an area in which the mammal or group is or is likely to be located; or
    - (ii) in a position that would normally be seen by a person accessing an area in which the mammal or group is or is likely to be located; and
  - (b) may publish the declaration in any other way the chief executive considers appropriate.

*Examples of other ways—*

radio announcements, publication on other websites

## **295 Effect of declaration for a relevant group of marine mammals**

- (1) This section applies if a temporary special marine mammal declaration is made for a relevant group of marine mammals.
- (2) Each marine mammal in the group is a special marine mammal at all times the mammal is a member of the group.

## **296 Form of temporary special marine mammal declaration**

A temporary special marine mammal declaration must—

- (a) identify the marine mammal, or the relevant group of marine mammals, that is the subject of the declaration; and

*Example of identifying a marine mammal—*

naming the species of marine mammal and describing the unique characteristics of the mammal

- (b) state the reasons for the declaration; and
- (c) include the declarations under section 294(2)(b) applying to the marine mammal, or the relevant group of marine mammals, that is the subject of the declaration; and
- (d) state the following for declarations under section 294(2)(b)—
  - (i) the nature of the offence, under this regulation, that relates to the declaration;
  - (ii) the maximum penalty under this regulation for the offence mentioned in subparagraph (i); and
- (e) state the period for which the declaration will be in effect.

## **297 Term of temporary special marine mammal declaration**

A temporary special marine mammal declaration—

- (a) takes effect—
  - (i) when the notice for the declaration is published under section 294(3)(a); or
  - (ii) if a later time is stated in the notice—at the later time; and
- (b) applies for the period stated in the notice unless the declaration is revoked under section 298.

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**298 Revocation of temporary special marine mammal declaration**

- (1) This section applies if the chief executive is satisfied the reasons for making a temporary special marine mammal declaration no longer exist.
- (2) The chief executive must revoke the declaration as soon as practicable.

## **Part 3 Dealing with marine mammals**

### **Division 1 Preliminary**

**299 Application of part**

- (1) This part applies in relation to a marine mammal in the wild.
- (2) However, divisions 3 to 5 do not apply in relation to a person to the extent the person is—
  - (a) acting under section 32; or
  - (b) acting under a research permit; or
  - (c) acting under an approval mentioned in section 300; or
  - (d) complying with a direction given, or a request made, by a conservation officer under section 316.
- (3) For this part, a no approach zone, caution zone or prescribed distance declared under section 287(2) does not apply in relation to a dugong unless the no approach zone, caution zone or prescribed distance is expressly declared under section 287(2) to apply to the dugong.
- (4) To remove any doubt it is declared that, subject to subsections (2) and (3), divisions 3 to 5 apply despite any other provision of this regulation, including, for example, a provision authorising a person to carry out an activity under an animal authority.

## Division 2                      Approvals

### 300    **Approved filming**

- (1) The chief executive may, by written approval, authorise a person to carry out any of the following activities for filming a marine mammal—
  - (a) for a person in control of a permitted boat—bring the boat within the no approach zone or caution zone for the mammal;
  - (b) for a person in control of a prohibited vessel or aircraft—
    - (i) bring the vessel or aircraft closer to the mammal than the prescribed distance for the vessel or aircraft; or
    - (ii) bring the vessel or aircraft to a position that would cause the mammal, if the mammal continued its direction of movement, to become closer to the vessel or aircraft than the prescribed distance for the vessel or aircraft;
  - (c) enter, or be in, water at a distance from the mammal that is less than the prescribed distance for a person entering or in water, in relation to the mammal.
- (2) The chief executive may impose conditions on the approval, including, for example—
  - (a) a stated distance a permitted boat, vessel or aircraft, or a person entering or in water, must keep from the mammal; and
  - (b) what the person in control of a permitted boat, vessel or aircraft, or a person entering or in water, must do if the mammal moves towards the boat, vessel, aircraft or person so the boat, vessel, aircraft or person becomes closer to the mammal than the stated distance.

## **Division 3                    Restrictions for permitted boats**

### **Subdivision 1            General restrictions**

#### **301    Speed limit**

- (1) This section applies in relation to a temporary marine mammal declaration that declares a distance for a person in control of a permitted boat to be from a marine mammal at a stated speed.

*Note—*

See also section 287(2)(b)(v) or 294(2)(b)(v).

- (2) A person in control of a permitted boat must not, without a reasonable excuse, bring the boat within the stated distance of the marine mammal at the stated speed.

Maximum penalty—165 penalty units.

- (3) In this section—

*temporary marine mammal declaration* means—

- (a) a temporary marine mammal special management area declaration; or  
(b) a temporary special marine mammal declaration.

#### **302    Affecting path of marine mammal**

A person in control of a permitted boat must not, without a reasonable excuse—

- (a) restrict the path of a marine mammal; or  
(b) cause a marine mammal to change its direction of travel.

Maximum penalty—120 penalty units.

### **303 Dividing a group of particular marine mammals**

A person in control of a permitted boat must not, without a reasonable excuse, bring the boat between members of a pod of whales or dolphins or a herd of dugongs.

Maximum penalty—120 penalty units.

## **Subdivision 2 No approach zones and caution zones**

### **304 Entering no approach zone**

- (1) A person in control of a permitted boat must not, without a reasonable excuse, bring the boat within the no approach zone for a marine mammal, other than a seal.

Maximum penalty—

- (a) if the no approach zone applies as a result of a marine mammal special management declaration—165 penalty units; or
  - (b) otherwise—120 penalty units.
- (2) A person on land must not be within the no approach zone for a seal that is on land unless the person has a reasonable excuse.

Maximum penalty—

- (a) if the no approach zone applies as a result of a marine mammal special management declaration—165 penalty units; or
- (b) otherwise—120 penalty units.

### **305 Entering caution zone**

A person in control of a permitted boat must not, without a reasonable excuse, bring the boat within the caution zone for a marine mammal if—

- (a) 3 or more boats are already within the caution zone or no approach zone for the mammal; or
- (b) the boat is moving—
  - (i) at a speed of more than 6 knots; or
  - (ii) at a speed that creates a wake.

Maximum penalty—

- (a) if the caution zone applies as a result of a marine mammal special management declaration—165 penalty units; or
- (b) otherwise—120 penalty units.

### **306 Movement of whale or dugong into no approach zone**

- (1) This section applies if—
  - (a) a whale or dugong moves towards a permitted boat; and
  - (b) as a result of the movement, the boat is within the no approach zone for the whale or dugong.
- (2) The person in control of the permitted boat must, unless the person has a reasonable excuse—
  - (a) stop the boat and—
    - (i) turn the engines off; or
    - (ii) disengage the gears; or
  - (b) withdraw to an area outside the no approach zone for the whale or dugong at a speed that—
    - (i) is not more than 6 knots; and
    - (ii) does not create a wake.

Maximum penalty—

- (a) if the no approach zone applies as a result of a marine mammal special management declaration—165 penalty units; or

- (b) otherwise—120 penalty units.

### **307 Movement of whale or dugong into caution zone**

- (1) This section applies if—
  - (a) a whale or dugong moves towards a permitted boat; and
  - (b) as a result of the movement the boat is within the caution zone for the whale or dugong.
- (2) The person in control of the permitted boat must not, without a reasonable excuse, operate the boat—
  - (a) at a speed of more than 6 knots; or
  - (b) at a speed that creates a wake.

Maximum penalty—

- (a) if the caution zone applies as a result of a marine mammal special management declaration—165 penalty units; or
- (b) otherwise—120 penalty units.

### **308 Movement of dolphin into no approach zone or caution zone**

- (1) This section applies if a dolphin moves towards a permitted boat and, as a result of the movement, the boat is—
  - (a) within the no approach zone for the dolphin; or
  - (b) within the caution zone for the dolphin.
- (2) The person in control of the permitted boat must not, without a reasonable excuse—
  - (a) change the direction of travel of the boat in a way that would disturb the dolphin; or

*Example of a way of changing direction not likely to disturb the dolphin—*

gradually changing the direction of travel of the boat to avoid making contact with the dolphin

- (b) change the speed of travel of the boat in a way that would disturb the dolphin.

Maximum penalty—

- (a) if the no approach zone or caution zone applies as a result of a marine mammal special management declaration—165 penalty units; or
- (b) otherwise—120 penalty units.

### **309 Marine mammal showing signs of being disturbed**

- (1) This section applies to a person in control of a permitted boat that is within the no approach zone or caution zone for a marine mammal if the person—
  - (a) is advised, or otherwise notified, by a conservation officer, that the mammal is showing signs of being disturbed; or
  - (b) otherwise knows, or ought reasonably to know, the mammal is showing signs of being disturbed.

*Examples of a marine mammal showing signs of being disturbed—*

The mammal—

- (a) leaves an area or moves away from a boat quickly; or
  - (b) regularly changes its direction or speed of swimming; or
  - (c) changes its breathing patterns; or
  - (d) engages in tail slashing or trumpet blowing or otherwise acts in an aggressive manner; or
  - (e) dives in haste.
- (2) The person must, unless the person has a reasonable excuse, withdraw the boat to outside the caution zone for the marine mammal at a speed that—
    - (a) is not more than 6 knots; and
    - (b) does not create a wake.

Maximum penalty—

- (a) if the no approach zone or caution zone applies as a result of a marine mammal special management declaration—165 penalty units; or
- (b) otherwise—80 penalty units.

## **Division 4                    Aircraft and prohibited vessels**

### **310    Prohibited vessels**

A person in control of a prohibited vessel must not, without a reasonable excuse—

- (a) bring the vessel closer to a marine mammal than the prescribed distance for the vessel; or
- (b) bring the vessel to a position that would cause a moving marine mammal, if the mammal continued its direction of movement, to become closer to the vessel than the prescribed distance for the vessel.

Maximum penalty—

- (a) if the prescribed distance applies as a result of a marine mammal special management declaration—165 penalty units; or
- (b) otherwise—120 penalty units.

### **311    Helicopters**

- (1) A person in control of a helicopter must not, without a reasonable excuse—
  - (a) bring the helicopter closer to a marine mammal than the prescribed distance for the helicopter; or
  - (b) bring the helicopter to a position that would cause a moving marine mammal, if the mammal continued its direction of movement, to become closer to the helicopter than the prescribed distance for the helicopter.

Maximum penalty—

- (a) if the prescribed distance applies as a result of a marine mammal special management declaration—165 penalty units; or
  - (b) otherwise—120 penalty units.
- (2) A person in control of a helicopter must not, without a reasonable excuse, hover above a marine mammal.

Maximum penalty—120 penalty units.

### **312 Other aircraft**

A person in control of an aircraft, other than a helicopter, must not, without a reasonable excuse—

- (a) bring the aircraft closer to a marine mammal than the prescribed distance for the aircraft; or
- (b) bring the aircraft to a position that would cause a moving marine mammal, if the mammal continued its direction of movement, to become closer to the aircraft than the prescribed distance for the aircraft.

Maximum penalty—

- (a) if the prescribed distance applies as a result of a marine mammal special management declaration—165 penalty units; or
- (b) otherwise—120 penalty units.

## **Division 5 Other restrictions**

### **313 People entering or in water**

- (1) A person must not enter water at a distance from a marine mammal that is less than the prescribed distance for a person entering or in water, in relation to the mammal.

Maximum penalty—

[s 314]

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- (a) if the prescribed distance applies as a result of a marine mammal special management declaration—165 penalty units; or
  - (b) otherwise—120 penalty units.
- (2) A person in water must not move closer to a marine mammal than the prescribed distance for a person entering or in water, in relation to the mammal.

Maximum penalty—

- (a) if the prescribed distance applies as a result of a marine mammal special management declaration—165 penalty units; or
  - (b) otherwise—120 penalty units.
- (3) Subsections (1) and (2) do not apply to a person—
- (a) feeding a dolphin under a permission granted under the *Marine Parks Act 2004*; or

*Note—*

See the *Marine Parks Regulation 2017*, section 19 for the restriction on the grant of permissions authorising the feeding of dolphins in a marine park or part of a marine park.

- (b) who otherwise has a reasonable excuse.

### **314 Prohibited activities in temporary marine mammal special management area**

- (1) A person in a temporary marine mammal special management area must not, without a reasonable excuse, carry out a prohibited activity for the area.

Maximum penalty—165 penalty units.

- (2) In this section—

***prohibited activity***, for a temporary marine mammal special management area, means an activity declared to be prohibited in the area under section 287(2)(c).

### 315 Other prohibited interactions

(1) A person must not, without a reasonable excuse, do any of the following—

(a) make a loud or sudden noise within 300m of a marine mammal that may disturb the mammal;

*Examples of loud or sudden noise that may disturb a marine mammal—*

recordings of whale or dolphin sounds or songs played under water

(b) touch a marine mammal;

(c) feed a marine mammal.

Maximum penalty—80 penalty units.

(2) Subsection (1)(c) does not apply to—

(a) the feeding of a dolphin—

(i) under section 45(1); or

(ii) under a permission granted under the *Marine Parks Act 2004*; or

*Note—*

See the *Marine Parks Regulation 2017*, section 19 for the restriction on the grant of permissions authorising the feeding of dolphins in a marine park or part of a marine park.

(b) the discarding of bycatch, by a commercial fisher, in a way that is not directed towards feeding a marine mammal.

(3) In this section—

**commercial fisher** see the *Fisheries (General) Regulation 2019*, section 5.

## Part 4                      Stranded marine mammals

### 316      **Powers of conservation officer relating to stranded marine mammals—Act, s 154**

- (1) This section prescribes, for section 154(1)(e) of the Act, powers a conservation officer may exercise in relation to a marine mammal that is stranded.
- (2) The conservation officer may take the measures the officer considers necessary to protect or deal with the marine mammal.
- (3) Without limiting subsection (2), the conservation officer may—
  - (a) direct the treatment of the marine mammal; or
  - (b) direct a person to move, or help move, the marine mammal to another place for release or treatment.

*Note—*

See also section 299(2)(d).

- (4) Also, without limiting subsection (2), the conservation officer may direct a person, or a person in control of a boat, prohibited vessel, aircraft or other vehicle, to—
  - (a) keep a stated distance from the marine mammal; or
  - (b) for a person in control of a boat, prohibited vessel, aircraft or other vehicle—move the boat, prohibited vessel, aircraft or vehicle to a stated place or a stated distance from the marine mammal.
- (5) A person given a direction under subsection (4) must comply with the direction unless the person has a reasonable excuse for not complying with it.

Maximum penalty—165 penalty units.

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**317 Authorised taking, keeping or use of a dead, stranded marine mammal**

- (1) If a marine mammal that is stranded is dead or dies—
- (a) the chief executive may, in writing, approve—
    - (i) a person to take, keep or use the mammal to carry out scientific research; or
    - (ii) a State museum to take, keep or use the mammal to carry out the museum's research; and
  - (b) the person or museum may take, keep or use the mammal as stated in the approval for the purpose stated in the approval.
- (2) However, subsection (1) does not authorise the person or museum to—
- (a) sell or give away the mammal; or
  - (b) move the animal, other than to the place where the research is, or will be, carried out; or

*Notes—*

- 1 See also chapter 3, part 8.
  - 2 A person may also be granted a movement permit under chapter 4, part 16 and chapter 5, part 2 authorising the person to move an animal.
- (c) process the animal for a commercial purpose.

## Chapter 7 Other offences

### Part 1 Animal authorities

#### 318 Compliance with conditions of animal authority

- (1) The holder of an animal authority must, unless the holder has a reasonable excuse, comply with the conditions of the authority applying to the holder.

Maximum penalty—

- (a) for failure to comply with a record keeping condition or a return of operations condition—120 penalty units; or
- (b) otherwise—80 penalty units.
- (2) For subsection (1), the holder is taken to comply with a condition of the animal authority if a relevant person for the holder complies with the condition for the holder.
- (3) A relevant person for the holder of an animal authority must, unless the person has a reasonable excuse, comply with the conditions of the authority applying to the person.

Maximum penalty—

- (a) for failure to comply with a record keeping condition or a return of operations condition—120 penalty units; or
- (b) otherwise—80 penalty units.
- (4) In this section—

***record keeping condition*** means a condition mentioned in any of sections 98, 111, 125, 135, 141, 148, 159, 198, 233 or 401.

***return of operations condition*** means a condition mentioned in any of sections 99, 112, 126, 136, 142, 160, 172, 179, 185, 199, 210 or 228.

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## Part 2                      Exhibited animal authorities

### 319      Sampling or implanting animals

- (1) This section applies if—
  - (a) the holder of an exhibited animal authority keeps a live protected, international or prohibited animal under the authority; and
  - (b) the chief executive gives the holder a notice, mentioned in section 366(2) or (3), in relation to the animal.
- (2) The holder must, unless the holder has a reasonable excuse, comply with the notice within the stated period for the notice.  
Maximum penalty—165 penalty units.

### 320      Dealing with kept animals after death—sampled or implanted animals

- (1) This section applies if—
  - (a) the holder of an exhibited animal authority keeps a live sampled or implanted animal under the authority; and
  - (b) the animal dies.
- (2) The holder must, unless the holder has a reasonable excuse, ensure—
  - (a) an autopsy is performed on the animal by a veterinary surgeon within 14 days after the animal dies; or
  - (b) the animal is frozen immediately after it dies and the frozen animal is given to the chief executive within 14 days after the animal dies.

Maximum penalty—120 penalty units.

*Note—*

See section 60(1) in relation to the movement of a dead sampled or implanted animal.



- (b) a conservation plan applying to the protected animal authorises the person to take the protected animal by using a dog or other animal; and
- (c) the person complies with the conservation plan when taking the protected animal.

### **322 Use of poison or adhesive substance in way that may take protected animals**

- (1) A person must not use, or direct another person to use, a poison or adhesive substance in a way that may cause the taking of a protected animal, unless the person has a reasonable excuse.

Maximum penalty—165 penalty units.

- (2) Subsection (1) does not apply to the holder of an animal authority for an animal, or a relevant person for the holder, using a poison or adhesive substance to take the animal if—
- (a) the authority authorises the holder to use the poison or substance to take the animal; and
  - (b) the holder or person complies with the conditions of the authority.

*Notes—*

- 1 Failure to comply with a condition of an animal authority is an offence under section 318.
  - 2 See section 133 for additional requirements about taking an animal under a harvesting licence.
- (3) Also, subsection (1) does not apply if the use of the poison or adhesive substance is—
- (a) in the course of a lawful activity that was not directed towards the taking of a protected animal; and
  - (b) could not reasonably have been avoided.
- (4) In this section—

***adhesive substance*** includes birdlime or a viscid substance.

### **323 Accidental taking of marine mammal or marine turtle**

- (1) This section applies if—
  - (a) a person takes a marine mammal or a marine turtle in the course of an activity that is—
    - (i) carried out lawfully; and
    - (ii) not directed towards taking the animal; and

*Example of taking of marine mammal in the course of an activity—*  
causing a marine mammal to become aground on a shore
  - (b) the taking could not reasonably have been avoided.
- (2) If the animal is a marine mammal, the person must, unless the person has a reasonable excuse—
  - (a) immediately notify a conservation officer about the animal and the circumstances in which the animal was taken; and
  - (b) if the officer directs the person to deal with the animal in a particular way—deal with the animal in the way directed.

Maximum penalty—165 penalty units.

*Note—*

See also chapter 6 about marine mammals.

- (3) If the animal is a marine turtle, the person must—
  - (a) if the turtle is sick, injured, trapped, entangled or dead, or has been struck by a boat—
    - (i) immediately notify a conservation officer about the turtle and the circumstances in which the turtle was taken; and
    - (ii) if the officer directs the person to deal with the animal in a particular way—deal with the turtle in the way directed; or
  - (b) otherwise—return the turtle to the waters from which it was taken.

Maximum penalty—120 penalty units.

- (4) A conservation officer may give a direction under subsection (2)(b) or (3)(a)(ii) only if the direction is reasonable in the circumstances.

### **324 Accidental taking of protected shark**

- (1) This section applies if—
- (a) an authorised shark taker takes a protected shark in the course of an activity that is—
    - (i) carried out lawfully; and
    - (ii) not directed towards taking the shark; and
  - (b) the taking could not reasonably have been avoided.
- (2) The person must—
- (a) if the shark is sick, injured or dead—
    - (i) as soon as practicable, notify a conservation officer about the shark and the circumstances in which the shark was taken; and
    - (ii) if the officer directs the person to deal with the shark in a particular way—deal with the shark in the way directed; or
  - (b) otherwise—return it to the waters from which it was taken.

Maximum penalty—120 penalty units.

- (3) A conservation officer may give a direction under subsection (2)(a)(ii) only if the direction is reasonable in the circumstances.
- (4) In this section—

***authorised shark taker*** means a person who is authorised to take sharks under the *Fisheries Act 1994*.

### **325 Procedure if animal stolen**

- (1) This section applies if—
  - (a) a person keeps an animal under the Act; and
  - (b) the animal is stolen from the person.
- (2) The person must, unless the person has a reasonable excuse—
  - (a) immediately report the theft to—
    - (i) a police officer; and
    - (ii) a departmental conservation officer; and
  - (b) if the person is given a copy of a police report about the theft, keep the copy for a period of 2 years after the day the person receives the copy.

Maximum penalty—20 penalty units.

- (3) Also, if the person keeps a record under the Act for the animal, the person must record the particulars of the theft in the record unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (4) In this section—

*departmental conservation officer* means a conservation officer who is an employee of the department.

## **Part 4 Housing and care of animals**

### **326 Housing and care of live protected animals**

A person who keeps a live protected animal under the Act, other than under an animal authority, must, unless the person has a reasonable excuse—

- (a) keep the animal in a secure cage or enclosure that prevents the animal's escape and protects it from predators; and

- (b) supply the animal with shelter, ventilation and enough water and food to maintain the animal's health and wellbeing.

Maximum penalty—20 penalty units.

*Note—*

See also sections 85 and 327.

### **327 Chief executive may require alteration of cage or enclosure or surrender of animal**

- (1) If the chief executive believes a cage or enclosure in which an animal mentioned in section 85 or 326 is kept does not comply with those sections, the chief executive may give the person keeping the animal a notice stating the person must—
  - (a) make stated alterations to the cage or enclosure within a stated period; or
  - (b) surrender the animal to the chief executive within a stated period.
- (2) A notice given under subsection (1) must be, or include, an information notice for the decision to give the notice.
- (3) A person to whom a notice is given under subsection (1) must comply with the notice.

Maximum penalty—20 penalty units.

## **Part 5 Movement of animals**

### **328 Moving live protected animals in containers**

- (1) This section applies if—
  - (a) a person (the *seller*) keeps a live protected animal under the Act; and
  - (b) the seller sells or gives the animal to another person (the *buyer*); and

- (c) the animal is moved between the seller and the buyer in a container.
  - (2) The seller and buyer must ensure the container—
    - (a) is capable of doing the following under ordinary transportation conditions—
      - (i) keeping the animal stable;
      - (ii) preventing the animal from escaping;
      - (iii) protecting the animal from predators; and
    - (b) is locked or otherwise secured during the movement.
- Maximum penalty—20 penalty units.

### **329 Information to accompany animal sold or given away**

- (1) This section applies if—
  - (a) a protected, international or prohibited animal is sold or given away; and
  - (b) the animal is moved from the place the animal is kept by the seller of the animal to the place the animal will be kept by the buyer of the animal.
- (2) The seller must ensure a written statement including the following information accompanies the animal during the movement—
  - (a) the name and address of the seller and buyer;
  - (b) the number of any animal authority, or exhibited animal authority, held by the seller and buyer;
  - (c) the animal's common name or, if the animal does not have a common name, the animal's scientific name;
  - (d) if more than 1 animal is being moved in 1 container—how many animals are in the container;
  - (e) if the animal is a dangerous or venomous animal—that the animal is a dangerous or venomous animal.

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Maximum penalty—20 penalty units.

### **330 Effect of movement requirements on authorisation**

- (1) This section applies if—
  - (a) a person is authorised under another provision of this regulation to move an animal; and
  - (b) a requirement under section 328 or 329 (a *movement requirement*) applies to the movement of the animal.
- (2) The person is authorised under the other provision only to the extent the person complies with the movement requirement when moving the animal.

## **Part 6 Interactions with and release of animals**

### **331 Meaning of *commercial interaction***

- (1) A *commercial interaction* with an animal is any of the following acts if a person gains a direct or indirect financial benefit from carrying out the act—
  - (a) feeding or luring the animal;
  - (b) handling or touching the animal;
  - (c) disturbing or interfering with the animal, including, for example, photographing or filming the animal in a way that disturbs or interferes with the animal;
  - (d) physically restraining, or placing a physical restraint on, the animal;
  - (e) approaching or pursuing the animal for the purpose of doing an act mentioned in any of paragraphs (a) to (d);
  - (f) attempting to do an act mentioned in any of paragraphs (a) to (e).

*Example—*

Doing an act mentioned in any of paragraphs (a) to (f) as part of a paid show, tour or demonstration.

- (2) However, a **commercial interaction** with an animal does not include—
- (a) carrying out an act reasonably necessary for an educational or research purpose; or
  - (b) taking action to prevent or minimise damage to property caused by an animal.

*Examples of action to prevent or minimise damage caused by an animal—*

- installing a fence or other enclosure to prevent the animal from accessing land, or property on the land, on which the animal is causing or may cause damage
- using an audio or visual device or other thing to deter the animal from accessing land, or property on the land, on which the animal is causing or may cause damage

### **332 Commercial interactions with live protected animals**

A person must not engage in a commercial interaction with a live protected animal in the wild unless the person is an authorised person or the interaction is authorised under the Act or another Act.

Maximum penalty—80 penalty units.

*Notes—*

- 1 See also section 88C of the Act for offences relating to flying-fox roosts.
- 2 See chapter 3, part 7 about authorities to engage in particular commercial interactions with animals.
- 3 See chapter 4, part 8 and chapter 5, part 2 about interaction licenses for engaging in commercial interactions with animals.

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### **333 Feeding native animals in the wild**

- (1) A person must not, without a reasonable excuse, feed a native animal in the wild in a way that poses an immediate threat to human health or safety.

Maximum penalty—165 penalty units.

- (2) Without limiting subsection (1), a person feeds an animal in a way that poses an immediate threat to human health or safety if—

- (a) the person feeds the animal in a way that causes the animal to move from the place where it is located to the place where the person is providing the food; and
- (b) the movement of the animal results in danger to human health or safety.

- (3) A person must not feed a native animal in the wild if the animal is a dangerous or venomous animal or capable of injuring a person.

Maximum penalty—

- (a) if the animal is a dingo and the offence is committed on Fraser Island—80 penalty units; or
- (b) otherwise—40 penalty units.

- (4) Subsection (3) does not apply if—

- (a) the person is an authorised person; or
- (b) the person feeds the animal in preparation for, or in the course of, lawfully taking the animal; or
- (c) the person feeds the animal under an animal authority;  
or
- (d) the person has another reasonable excuse.

### **334 Disturbing particular native animals in the wild**

- (1) A person must not disturb a native animal in the wild if the animal is a dangerous or venomous animal, or capable of

injuring a person, unless the person is an authorised person or the disturbance is authorised under the Act.

Maximum penalty—

- (a) if the animal is a dingo and the offence is committed on Fraser Island—80 penalty units; or
- (b) otherwise—40 penalty units.

*Notes—*

- 1 See chapter 3, part 7 about authorities to engage in particular commercial interactions with animals.
- 2 See chapter 4, part 8 and chapter 5, part 2 about interaction licences for engaging in commercial interactions with animals.

- (2) However, subsection (1) does not apply if—
  - (a) the person disturbs the animal in preparation for, or in the course of, lawfully taking the animal; or
  - (b) the disturbance by the person—
    - (i) is in the course of an activity that is carried out lawfully and not directed towards disturbing the animal; and
    - (ii) could not reasonably have been avoided.

### **335 Tampering with animal breeding place**

- (1) A person must not, without a reasonable excuse, remove, or tamper with, an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring.

Maximum penalty—165 penalty units.

*Note—*

See also section 88C of the Act for offences relating to flying-fox roosts.

- (2) For subsection (1), an animal breeding place is being used by a protected animal to incubate or rear the animal's offspring if—

- 
- (a) the animal is preparing, or has prepared, the place for incubating or rearing the animal's offspring; or
  - (b) the animal is breeding, or is about to breed, and is physically occupying the place; or
  - (c) the animal and the animal's offspring are physically occupying the place, even if the occupation is only periodical; or
  - (d) the animal has used the place to incubate or rear the animal's offspring and is of a species generally known to return to the same place to incubate or rear offspring in each breeding season for the animal.
- (3) Subsection (1) does not apply if—
- (a) the person is an authorised person; or
  - (b) the removal or tampering by the person is—
    - (i) authorised under the Act; or
    - (ii) reasonably necessary for the person to carry out an activity authorised under the Act; or
  - (c) the removal or tampering is part of an approved species management program for the animal.
- (4) In this section—

***approved species management program***, for an animal, means a program about managing the population and habitat of the species of animal that is approved by the chief executive.

***tamper***, with an animal breeding place, means damage, destroy, mark, move or dig up the breeding place.

### 336 Releasing animals

- (1) A person must not release an animal into the wild.  
Maximum penalty—165 penalty units.
- (2) However, this section does not apply if—

- (a) the person is an authorised person; or
  - (b) the person is authorised under the Act to release the animal; or
  - (c) for an animal other than a dingo—the chief executive has given the person a written approval authorising the person to release the animal; or
  - (d) the person reasonably expects to recover the animal after it is released; or
  - (e) the person has another reasonable excuse.
- (3) In this section—  
*release* includes abandon.

## Chapter 8      Records, returns of operations and approved tags

### Part 1              Preliminary

#### 337      Definitions for chapter

In this chapter—

*animal record particulars*, for an animal, means each of the following—

- (a) the particulars of the animal;
- (b) if the animal is obtained by taking the animal—the particulars of the taking;
- (c) if the animal is obtained, or disposed of, by a transaction—the particulars of the transaction;

- (d) if the animal escapes or dies—the particulars of the escape or death;
- (e) if the animal produces offspring—the particulars for the offspring.

***approved electronic record system*** means a system for keeping records electronically approved by the chief executive.

*Example of an electronic record system—*

an online system made available on a Queensland Government website

***online record*** means a record kept in an approved electronic record system that is an online system made available on a Queensland Government website.

***particulars***, of an animal, includes the identification code for any electromagnetic implant inserted into the animal or any tag attached to the animal.

***record*** means a record—

- (a) required to be kept for an animal authority; or
- (b) otherwise required to be kept in relation to an animal under the Act.

***relevant record particulars***, for a record, means the following information—

- (a) information required to be included in the record under the Act;
- (b) for a record for an animal authority—the animal record particulars for each animal kept under the authority;
- (c) for another record—
  - (i) if the record relates to an animal—the animal record particulars for the animal; and
  - (ii) any other relevant details about the activity to which the record relates.

***required period*** means—



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**339 Notice of theft, loss or destruction of, or damage to, record or return of operations**

- (1) This section applies if—
  - (a) a person is required to keep a record or give a return of operations to the chief executive; and
  - (b) the record or return of operations, or a copy of the record or return, is stolen, lost, destroyed or damaged.
- (2) However, this section does not apply if the person keeps the record as an online record.
- (3) Within 24 hours after becoming aware of the theft, loss, destruction or damage, the person must, unless the person has a reasonable excuse, give the chief executive a notice stating the record or return of operations has been stolen, lost, destroyed or damaged.

Maximum penalty—120 penalty units.

- (4) Subsection (5) applies if a person (the *second person*), other than the person mentioned in subsection (1)(a), keeps the record or return of operations.
- (5) Within 24 hours after becoming aware of the theft, loss, destruction or damage, the second person must, unless the second person has a reasonable excuse, notify the person mentioned in subsection (1)(a) of the theft, loss, destruction or damage.

Maximum penalty—40 penalty units.

**340 Tampering with records or returns of operation**

- (1) A person must not, without reasonable excuse—
  - (a) deface, erase or obliterate an entry in a record or return of operations; or
  - (b) remove an entry from a record or return of operations; or
  - (c) modify an entry in a record or return of operations; or

- (d) act in a way mentioned in paragraphs (a) to (c) in relation to a copy of a record or return of operations.

Maximum penalty—120 penalty units.

- (2) However, subsection (1)(d) does not apply in relation to the removal of an entry from a record book if—
  - (a) the entry is a page that is a copy of a return of operations; and
  - (b) the person gives the page to the chief executive.

### **341 Approved person may keep records and give returns of operations**

- (1) This section applies if the chief executive is satisfied that a person, who is required to keep a record or give a return or operations, is—
  - (a) illiterate; or
  - (b) otherwise unable to keep the record or give the return of operations.
- (2) The chief executive may give the person a written approval stating another person (an *approved person*), stated in the approval, may—
  - (a) keep the record for the person; or
  - (b) give the return of operations to the chief executive for the person.
- (3) However, the chief executive must only give the person the written approval if the approved person agrees to—
  - (a) keep the record for the person; or
  - (b) give the return of operations to the chief executive for the person.

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## Part 3                      Records

### 342    How records must be kept

- (1) If a person is required to keep a record, the person must ensure the record is kept—
  - (a) for a record kept for a standard licence, a specialised licence or an advanced licence—
    - (i) in an approved electronic record system; or
    - (ii) if the chief executive gives the person written approval to keep the record in a record book—in a record book; or
  - (b) for a record kept for another animal authority—
    - (i) if a conservation plan states how the record must be kept—in the way stated in the conservation plan; or

*Note—*

*See the Nature Conservation (Macropod) Conservation Plan 2017 for how a record for particular animal authorities for macropods must be kept.*

  - (ii) otherwise—in a record book or an approved electronic record system; or
- (c) for another record—in a record book or an approved electronic record system.

Maximum penalty—120 penalty units.

- (2) The chief executive may give a person an approval under subsection (1)(a)(ii) 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

- (3) If the record is kept in an approved electronic record system and the system is not working on the day particular information must be included in the record—
  - (a) the information must be recorded in a document in the approved form; and
  - (b) the document is taken to be a part of the system when the information is recorded in the document.
- (4) A record book is the property of the State.

### **343 Request for record book or approval of electronic record system**

- (1) This section applies if—
  - (a) a person keeps a record in the way required under section 342 in—
    - (i) a record book; or
    - (ii) an approved electronic record system; and
  - (b) the person does not have—
    - (i) a record book for keeping the record; or
    - (ii) access to an electronic record system for keeping the record.
- (2) The person may request, in writing, that the chief executive—
  - (a) supply a record book to the person for the keeping of the record; or
  - (b) approve an electronic record system for use by the person for the keeping of the record.
- (3) The request must be accompanied by the prescribed fee for the record book or approval.

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### **344 Where non-online records or copies must be kept**

- (1) This section applies if—
  - (a) a person is required to keep a record; but
  - (b) the person does not keep the record as an online record.
- (2) The person must ensure the record, or a copy of the record, is kept in a secure way at the following places—
  - (a) for a record for an animal authority—
    - (i) if a conservation plan states the place where the record or copy must be kept—the place stated in the conservation plan; or

*Note—*

See the *Nature Conservation (Macropod) Conservation Plan 2017* for where a record for a harvesting licence for macropods, or a copy of the record, must be kept.

- (ii) otherwise—
      - (A) the licensed premises for the authority; or
      - (B) if the holder of the authority is a corporation and the licensed premises for the authority are not readily accessible to members of the public—an office of the corporation that is in the State;
  - (b) for another record—
    - (i) if the person is a corporation—an office of the corporation that is in the State; or
    - (ii) otherwise—the person’s residential address.

Maximum penalty—120 penalty units.

### **345 Keeping, inspecting and surrendering particular records**

- (1) This section applies if—
  - (a) a person is required to keep a record; but
  - (b) the person does not keep the record as an online record.

- (2) The person must—
- (a) ensure the record or a copy of the record is kept for the required period for the record; and
  - (b) if asked by a conservation officer, produce the record or copy for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

- (3) Subsection (4) applies if—
- (a) the person keeps the record, or a copy of the record, in a record book; and
  - (b) the chief executive asks the person, in writing, to surrender the record book to the chief executive.
- (4) Unless the person has a reasonable excuse, the person must surrender the record book to the chief executive.

Maximum penalty—120 penalty units.

### **346 Information that must be included in record**

A person who is required to keep a record must, unless the person has a reasonable excuse, ensure the following information is included in the record—

- (a) if a conservation plan states the information that must be included in the record—the stated information;

*Notes—*

- 1 See the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018* for the information that must be included in a record for a harvesting licence for estuarine crocodile eggs.
- 2 See the *Nature Conservation (Macropod) Conservation Plan 2017* for the information that must be included in a record for particular animal authorities for macropods.

- (b) otherwise—the relevant record particulars for the record.

Maximum penalty—120 penalty units.

### **347 When information must be included**

A person who is required to keep a record must ensure the information mentioned in section 346 is included in the record on—

- (a) for information mentioned in section 346(a)—the day stated in the conservation plan; or
- (b) for a relevant record particular for the record—
  - (i) if a conservation plan states the day the information must be included—the stated day; or
  - (ii) if a provision of this regulation states the period within which the information must be included—the stated period; or
  - (iii) otherwise—within 72 hours after the event to which the record relates happens.

Maximum penalty—120 penalty units.

*Notes—*

- 1 See the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018* for when information must be included in a record for a harvesting licence for estuarine crocodile eggs.
- 2 See the *Nature Conservation (Macropod) Conservation Plan 2017* for when information must be included in a record for particular animal authorities for macropods.

## **Part 4 Returns of operations**

### **348 Giving of return of operations**

- (1) A person required to give a return of operations for an animal authority must, unless the person has a reasonable excuse, ensure a return of operations is given, in the approved form, to the chief executive—
  - (a) for each prescribed period for the authority; and

- (b) within 10 business days after each prescribed period for the authority ends.

Maximum penalty—120 penalty units.

- (2) Subsection (1) applies even if no relevant event for the return of operations happened during the prescribed period.
- (3) However, subsection (1) does not apply if a provision of a conservation plan—
  - (a) states when a return of operations must be given for an animal authority and the period for which it must be given; and
  - (b) provides for an offence applying to a person contravening the provision.

*Examples—*

- 1 See the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018* for when a return of operations for a harvesting licence for estuarine crocodile eggs must be given and the period for which it must be given.
  - 2 See the *Nature Conservation (Macropod) Conservation Plan 2017* for when a return of operations for particular animal authorities for macropods must be given and the period for which it must be given.
- (4) A return of operations given to the chief executive under this regulation is the property of the State.
  - (5) In this section—

***prescribed period*** means—

- (a) for a standard licence—each period of 1 year starting after the licence is granted; or
- (b) for a specialised licence or an advanced licence—each period of 3 months starting after the licence is granted; or
- (c) for a dealer licence, a farming licence, an educational purposes permit or a research permit—
  - (i) each period of 1 year starting after the licence or permit is granted; or

- (ii) if the licence or permit ends within a year mentioned in subparagraph (i)—the period starting on the day the year started and ending on the day the licence or permit ends; or
- (d) for a harvesting licence, a damage mitigation permit, a flying-fox roost management permit or a least concern animal collection authority—
  - (i) each period of 3 months starting after the licence, permit or authority is granted; or
  - (ii) if the licence, permit or authority ends within a 3-month period mentioned in subparagraph (i)—the period starting on the day the 3-month period started and ending on the day the licence, permit or authority ends; or
- (e) for a permit to keep—
  - (i) if the holder of the permit is required to keep a record for the permit—
    - (A) each period of 1 year starting after the permit is granted; and
    - (B) if the permit ends within a year mentioned in sub-subparagraph (A)—the period starting on the day the year started and ending on the day the permit ends; or
  - (ii) otherwise—each day an animal kept under the permit dies or escapes.

*relevant event*, for a return of operations, means an event the particulars of which must be included in the return.

### **349 Way and how long return of operations must be kept**

- (1) A person required to give a return of operations for an animal authority must, unless the person has a reasonable excuse, keep a copy of the return in a secure way at—
  - (a) the licensed premises for the authority; or

(b) the place of business of the holder of the authority.

Maximum penalty—120 penalty units.

(2) The person must—

(a) keep the copy for the required period for the return of operations; and

(b) if asked by a conservation officer, produce the copy for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

## **Part 5**                      **Approved tags**

### **Division 1**                **Supply and approval of tags**

#### **350**    **Chief executive may supply or approve tags for use**

(1) The chief executive may, upon payment of the prescribed fee, supply a tag to a person for use under the Act.

(2) Also, the chief executive may approve a tag for use by a person under the Act if—

(a) the person makes an application for approval of the tag to the chief executive; and

(b) the application is accompanied by the prescribed fee for the application.

(3) Without limiting subsections (1) and (2), a tag may be supplied or approved—

(a) to attach to an animal to allow the animal to be identified; or

(b) to attach to an animal that is a processed product before or after the tag is attached.

- (4) The chief executive must give the person a notice stating the species of animal for which the tag is supplied or approved.
- (5) A tag supplied or approved by the chief executive under this section is an *approved tag*.

### **351 Nature of approved tags supplied by chief executive**

- (1) An approved tag supplied to a person by the chief executive is the property of the State.
- (2) An approved tag is only transferable to the extent the chief executive has given a written approval for the transfer of the tag.
- (3) However, subsection (2) is subject to a provision of a conservation plan that provides that a tag supplied for an animal to which the conservation plan applies must not be transferred in any circumstances.

## **Division 2 Use of approved tags**

### **352 Using approved tags generally**

- (1) A person must not, unless the person has a reasonable excuse, attach an approved tag to an animal of a species other than the species for which the tag is supplied or approved.

Maximum penalty—165 penalty units.

- (2) A person must not attach an approved tag to an animal if the tag has previously been attached to another animal.

Maximum penalty—165 penalty units.

### **353 Approved tags not to be used by unauthorised person**

- (1) A person, other than a tag-authorised person, must not, unless the person has a reasonable excuse—

- (a) possess an approved tag without the chief executive's written approval; or
- (b) attach an approved tag to an animal without the chief executive's written approval.

Maximum penalty—165 penalty units.

- (2) This section is subject to a provision of a conservation plan that provides for the persons who may attach a tag to an animal to which the plan relates.

*Note—*

For identification requirements for persons possessing tags for macropods, see the *Nature Conservation (Macropod) Conservation Plan 2017*, part 4, division 3.

- (3) In this section—

***tag-authorised person*** means any of the following persons—

- (a) a conservation officer in relation to any approved tag;
- (b) the person to whom an approved tag was supplied or for whom a tag was approved;
- (c) a person otherwise approved by the chief executive to possess or attach an approved tag.

### **354 Tampering with approved tags**

- (1) A person must not, unless the person has a reasonable excuse, tamper with an approved tag attached to an animal.

Maximum penalty—80 penalty units.

- (2) Subsection (1) does not apply if the tampering by the person is approved in writing by the chief executive.
- (3) Also, subsection (1) does not apply to a person who removes an approved tag from an animal if this regulation or a conservation plan provides that the person may remove the tag from the animal.

*Notes—*

- 1 For the holder of a harvesting licence removing tags from animals, see section 134.
  - 2 For provisions about removing tags from macropods, see the *Nature Conservation (Macropod) Conservation Plan 2017*, part 4, division 2.
- (4) In this section—
- tamper*, with a tag, means—
- (a) remove or damage the tag; or
  - (b) cover or modify the writing on the tag.

**355 Recall of approved tags supplied by chief executive**

- (1) The chief executive may give a person a notice directing the person to return an approved tag supplied by the chief executive.
- (2) The notice must state—
  - (a) the place where the tag must be returned; and
  - (b) the date and time by which the tag must be returned.
- (3) The person must, unless the person has a reasonable excuse, comply with the notice.

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

## **Chapter 9      Fees**

### **Part 1              Fees payable**

#### **356      Application of chapter**

- (1) This chapter provides for fees payable under the Act in relation to an animal.
- (2) However, this chapter does not apply to a conservation value.

#### **357      Fees generally**

The fees are stated in schedule 6.

### **Part 2              Exemptions**

#### **358      Exemption for harvesting licence for racing lizards**

No fee is payable for the grant of a harvesting licence for a racing lizard if—

- (a) the licence is granted to the secretary of the committee of the Cunnamulla–Eulo Festival of Opals; and
- (b) the lizard is to be used for racing at the festival.

#### **359      Exemption for approved tags for racing lizards**

No fee is payable for an approved tag supplied to the secretary of the committee of the Cunnamulla–Eulo Festival of Opals for attaching to a racing lizard while the lizard is being used for racing at the festival.

### **360 Exemption for particular farming licences**

No fee is payable for the grant of a farming licence for an animal if—

- (a) the licence is granted to a research institution or educational institution; and
- (b) the animal is to be used for scientific research or educational purposes related to wildlife farming.

### **361 Exemption for particular permits to keep**

No fee is payable for the grant of a permit to keep if the permit is granted for the life of an animal.

### **362 Exemption for dead animal collection authority**

No fee is payable for the grant of a dead animal collection authority if the authority is granted to 1 of the following entities, or a person on behalf of 1 of the following entities—

- (a) a non-profit organisation that is an incorporated association;
- (b) an educational institution.

## **Part 3 Recovery of fees**

### **363 Proceedings for recovery**

- (1) This section applies in relation to a person who has not paid a fee.
- (2) A proceeding may be started against the person, for the recovery of the fee, or part of the fee, whether or not—
  - (a) a prosecution has been started against the person for an offence relating to the failure to pay the fee; or

- (b) the person has been convicted of an offence relating to the failure to pay the fee.

## Part 4 Refund of fees

### 364 Refund of fees in particular circumstances

- (1) This section applies if an animal authority has been—
- (a) amended to the extent that the fee paid for the authority before the authority was amended is higher than the fee that would be payable for the authority in the authority's amended form; or
  - (b) suspended or cancelled for a ground mentioned in section 274(f); or
  - (c) surrendered under section 280.
- (2) The chief executive may refund all or part of a fee paid for the authority if the chief executive considers the refund is appropriate, having regard to—
- (a) the nature of the amendment, suspension, cancellation or surrender; and
  - (b) any other relevant matter.
- (3) The chief executive may refund the fee in the way the chief executive considers appropriate.

*Examples of ways chief executive may refund fee—*

- by giving the person a cheque for the amount refunded
- by deducting the amount refunded from another fee payable by the person

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## Chapter 10 Miscellaneous

### Part 1 Powers of conservation officers

#### 365 Powers of conservation officer in relation to kept animals—Act, s 154

For section 154(1)(e) of the Act, the following powers are prescribed—

- (a) taking a biological tissue sample from a live animal kept under an animal authority;
- (b) checking a biological tissue sample of a live animal kept under an animal authority;
- (c) inserting an electromagnetic implant into a live animal kept under an animal authority;
- (d) identifying the identification code for an electromagnetic implant inserted into a live animal kept under an animal authority.

### Part 2 Sampling or implanting animals

#### 366 Sampling or implanting animals

- (1) This section applies if—
  - (a) the holder of an animal authority, or a relevant person for the holder, keeps a live authorised animal under the authority; or
  - (b) the holder of an exhibited animal authority keeps a live protected, international or prohibited animal under the authority.

- (2) The chief executive may give the holder a notice requiring the holder to—
- (a) take a biological tissue sample of the animal; and
  - (b) give the sample to an approved scientific institution; and
  - (c) pay the prescribed fee for storage of the sample at the institution.

*Note—*

See also sections 86 and 319.

- (3) Also, the chief executive may give the holder a notice requiring the holder to—
- (a) if the animal has not had an approved electromagnetic implant inserted—
    - (i) insert an approved electromagnetic implant into the animal; and
    - (ii) give the chief executive a notice stating the identification code for the implant; or
  - (b) if the animal has had an electromagnetic implant inserted—give the chief executive a notice stating the identification code for the implant.

*Note—*

See also sections 86 and 319.

- (4) A notice mentioned in subsection (2) or (3) must state the period, of at least 28 days, within which the notice must be complied with.

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## Part 3 Processed products

### 367 Processed products—Act, schedule, definition *protected animal*

- (1) For the schedule of the Act, definition *protected animal*, paragraph (b), the following products are declared to be processed products not included in the definition—
- (a) a product mentioned in schedule 5 to the extent mentioned in that schedule;
  - (b) a product mentioned in paragraph (a) that is, or has been, unpacked;
  - (c) a product made or derived from a product mentioned in paragraph (a).

*Note—*

See also the *Nature Conservation (Macropod) Conservation Plan 2017*, section 83 and schedule 1 prescribing processed products made or derived from macropods.

- (2) However, subsection (1) does not include a natural product derived from a protected animal, other than a crocodile, if the animal—
- (a) is included in the list of threatened species established and maintained under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), chapter 5, part 13, division 1; and
  - (b) is sold or given to a person other than the chief executive.
- (3) In this section—
- unpack***, a product, does not include simply removing a mark, label, tag or other thing that has been directly placed on, or attached to, the product.

## **Part 4**                      **Urban flying-fox management area map**

### **Division 1**                **Preliminary**

#### **368**    **Definitions for part**

In this part—

*local government* includes a person acting under the authority of the local government.

*urban flying-fox management area* means an area described and shown on the urban flying-fox management area map.

*urban flying-fox management area map* means the electronic map made by the chief executive under section 369 and amended from time to time under division 3.

### **Division 2**                **Making, publishing and accessing map**

#### **369**    **Making and keeping map**

- (1) The chief executive may make a map of the areas in which a local government may deal with a flying-fox roost under section 61.
- (2) The chief executive must keep digital electronic information that allows the exact location of the boundaries shown on the map to be identified.
- (3) The chief executive must continue to keep the digital electronic information, including information about amendments under division 3.
- (4) The information mentioned in subsections (2) and (3) is taken to form part of the map.

### **370 Public access to map**

The chief executive must—

- (a) keep the urban flying-fox management area map published on the department's website; and
- (b) make the map available for inspection during office hours on business days, free of charge, by members of the public at the department's head office and each regional office of the department; and
- (c) permit anyone to take extracts from the map, free of charge, from the department's website, head office or regional office.

## **Division 3 Amending the map**

### **371 Amending map on application by local government**

- (1) A local government may apply to the chief executive to amend the urban flying-fox management area map to include an area zoned for use for residential or commercial purposes under a local government's planning scheme.
- (2) The application must be supported by enough information to enable the application to be decided.
- (3) The chief executive may give a local government a notice stating that the chief executive intends to consider an application made by the local government under subsection (1) only during a stated period each year.
- (4) The chief executive must consider the application, having regard to the impact of the proposed amendment on—
  - (a) the conservation of flying-foxes; and
  - (b) human health or wellbeing.
- (5) The chief executive may decide—
  - (a) to amend the map in the way stated in the application; or

- (b) to amend the map in another way decided by the chief executive; or
  - (c) to refuse the application.
- (6) If the chief executive decides to amend the map, the chief executive must—
- (a) give the local government notice of the amendment at least 7 days before the day the map is amended; and
  - (b) publish a notice, stating the nature of the amendment, on the department’s website on the day the amendment is made.
- (7) If the chief executive refuses the application, the chief executive must—
- (a) give the local government notice of the chief executive’s decision and reason for the decision; and
  - (b) publish a notice, stating the chief executive’s decision and the reason for the decision on the department’s website.

### **372 Amending map in other circumstances**

- (1) The chief executive may, on the chief executive’s own initiative, amend the urban flying-fox management area map—
- (a) to include an area if the chief executive believes flying-foxes are impacting on human health or wellbeing in the area; or
  - (b) to remove an urban flying-fox management area if the chief executive believes—
    - (i) the local government for the area has contravened the flying-fox roost management code or the flying-fox roost low impact activities code; or
    - (ii) the conservation of flying-foxes can not reasonably be achieved by allowing action authorised under section 61 to happen in the area.

*Example for subparagraph (ii)—*

The destruction of flying-fox roosts, when combined with a heatwave in the local government area, would adversely affect the survival of flying-foxes in the area.

- (2) The chief executive must—
  - (a) give the local government for the affected urban flying-fox management area notice of the amendment at least 2 days before the day the map is amended; and
  - (b) publish a notice, stating the nature of the amendment, on the department's website on the day the amendment is made.
- (3) A notice under subsection (2) must state—
  - (a) the period (the *effective period*), of not more than 3 months, during which the amendment is in effect after it takes effect; and
  - (b) the reason for the amendment.
- (4) If an urban flying-fox management area is removed from the urban flying-fox management area map under subsection (1)(b), the chief executive must, before the end of the effective period for the removal—
  - (a) ask the local government for the area for any information relevant to the removal; and
  - (b) consider any information given to the chief executive by the local government under paragraph (a); and
  - (c) decide—
    - (i) to amend the map to reinstate the area, or part of the area; or
    - (ii) not to amend the map.
- (5) The chief executive must—
  - (a) give the local government notice of the chief executive's decision under subsection (4)(c); and

- (b) publish a notice stating the chief executive's decision on the department's website.
- (6) A notice under subsection (5) must state—
  - (a) the reason for the chief executive's decision; and
  - (b) if the chief executive decides not to amend the map—the day the decision takes effect.
- (7) If the chief executive decides to amend the map under subsection (4)(c)(i), the chief executive may amend the map in the way decided by the chief executive.
- (8) The chief executive must publish a notice, stating the nature of the amendment, on the department's website on the day the amendment is made.

## **Division 4                      Map or amendment taking effect**

### **373      When map or amendment takes effect**

- (1) The urban flying-fox management area map takes effect when it is published on the department's website.
- (2) An amendment of the urban flying-fox management area map takes effect on the day the chief executive publishes the notice for the amendment on the department's website.

## **Part 5**

### **Supply of approved electromagnetic implants, sampling consumables and movement advices**

#### **374 Supply of approved electromagnetic implants and sampling consumables**

The chief executive may, on payment of the prescribed fee by a person, give an approved electromagnetic implant, or a sampling consumable, to the person for use under the Act.

#### **375 Supply of movement advices**

The chief executive may, on payment of the prescribed fee by a person, give a movement advice to the person for use under the Act.

## **Part 6**

### **Prescribed classes for conservation officers**

#### **376 Officer of a prescribed class—Act, s 130**

For section 130(1)(a) of the Act, a person is an officer of a prescribed class for this regulation if the person—

- (a) is an officer of another department; and
- (b) has an identity card issued under another Act stating the person is a conservation officer under the Act.

## Chapter 11 Administrative provisions

### Part 1 Review of decisions

#### Division 1 Preliminary

#### 377 Definitions for part

In this part—

***affected person***, in relation to a decision, means—

- (a) if the decision is an original decision—
  - (i) a person who must be given an information notice for the decision; or
  - (ii) a person whose interests are otherwise affected by an original decision; or
- (b) if the decision is an internal review decision—the person who applied for the internal review.

***internal review***, of an original decision, see section 379(1).

***internal review decision*** means a decision made, or taken to have been made, under section 381 on an application for internal review of an original decision.

***original decision*** means the following decisions of the chief executive—

- (a) a decision for which an information notice must be given under this regulation;
- (b) a decision for which an information notice must be given under a conservation plan, if the decision applies in relation to an animal.

***QCAT information notice***, for an internal review decision, means a notice complying with the QCAT Act, section 157(2).

## **Division 2                      Internal review**

### **378      Review process must start with internal review**

An affected person for an original decision may apply to QCAT for a review of the decision only if a decision on an application for internal review of the decision has been made, or is taken to have been made, under this division.

### **379      Who may apply for internal review**

- (1) An affected person for an original decision may apply to the chief executive for a review of the decision under this division (an *internal review*).
- (2) If the affected person has not been given an information notice for the original decision, the affected person may ask the chief executive for an information notice for the decision.
- (3) A failure by the chief executive to give the affected person an information notice for the original decision does not limit or otherwise affect the person's right to apply for an internal review of the decision.

### **380      Requirements for application**

- (1) An application for internal review of an original decision must—
  - (a) be in the approved form; and
  - (b) for a person who has been given an information notice for the decision—include enough information to enable the chief executive to decide the application; and
  - (c) be made to the chief executive within 20 business days after—
    - (i) for a person who has been given an information notice for the decision—the day the person is given the notice; or

- (ii) for a person who has not been given an information notice for the decision—the day the person becomes aware of the decision.
- (2) The chief executive may, at any time, extend the period within which the application may be made.
- (3) The application does not affect the operation of the original decision or prevent the decision being implemented.

*Note—*

Division 3 provides for a stay of the original decision.

### **381 Internal review**

- (1) The chief executive must, within 28 days after receiving an application for internal review of an original decision—
  - (a) review the original decision; and
  - (b) decide to—
    - (i) confirm the original decision; or
    - (ii) amend the original decision; or
    - (iii) substitute another decision for the original decision; and
  - (c) give the affected person for the original decision a QCAT information notice for the chief executive's decision under paragraph (b).
- (2) The chief executive and the affected person may, before the period stated in subsection (1) ends, agree to a longer period for the chief executive to comply with the subsection.
- (3) The application may be dealt with only by a person who—
  - (a) did not make the original decision; and
  - (b) holds a more senior office than the person who made the original decision.
- (4) Subsection (3) does not apply to an original decision made by the chief executive personally.

- (5) If the chief executive does not give the affected person a QCAT information notice within the period required under subsection (1) or a longer period agreed under subsection (2), the chief executive is taken to confirm the original decision.

## **Division 3                      Staying operation of original decision**

### **382      QCAT may stay operation of original decision**

- (1) An affected person for an original decision may apply to QCAT, in the way provided under the QCAT Act, for a stay of the operation of the decision.
- (2) However, subsection (1) does not apply in relation to a decision mentioned in section 173OA of the Act.
- (3) The application may be made at any time within the period within which an application for an internal review of the original decision may be made under division 2.
- (4) QCAT may make an order staying the operation of the original decision only if QCAT considers the order is desirable after having regard to the following—
  - (a) the interests of any person whose interests may be affected by the making of the order or the order not being made;
  - (b) any submission made to QCAT by the entity that made the original decision;
  - (c) the public interest.
- (5) Subsection (4)(a) does not require QCAT to give a person whose interests may be affected by the making of the order, or the order not being made, an opportunity to make submissions for QCAT's consideration if QCAT is satisfied it is not practicable because of the urgency of the case or for another reason.
- (6) A stay by QCAT under this section—

- (a) may be given on conditions QCAT considers appropriate; and
  - (b) operates for the period fixed by QCAT; and
  - (c) may be amended or revoked by QCAT.
- (7) The period of a stay by QCAT under this section must not extend past—
- (a) the end of the period within which an application for an internal review of the original decision may be made under division 2; or
  - (b) if an application for an internal review of the original decision is made under division 2 within the period allowed under that division—the end of the period within which an application for a review of the internal review decision may be made under the QCAT Act.

*Note—*

The QCAT Act, section 22(3) enables QCAT to stay the operation of the internal review decision, either on application by a person or on its own initiative. However, see also section 173OA of the Act.

## **Division 4                      External review**

### **383      Applying for external review**

- (1) This section applies to a person who must be given a QCAT information notice for an internal review decision.
- (2) The person may apply to QCAT, as provided under the QCAT Act, for a review of the internal review decision.

*Note—*

The QCAT Act, section 22(3) enables QCAT to stay the operation of the internal review decision, either on application by a person or on its own initiative.

- (3) However, subsection (2) does not apply in relation to a decision mentioned in section 173OA of the Act.

## Part 2                      Seizure of property

### Division 1                Preliminary

#### 384    Definitions for part

In this part—

*claim period*, for a seized thing for which a seizure notice has been given, means 2 months after the date of the notice.

*dangerous seized thing* see section 388(1).

*owner*, of a seized thing, means—

- (a) if the chief executive or a conservation officer is aware of the actual owner of the thing immediately before the seizure—the owner; or
- (b) otherwise—a person who would be entitled to the possession of the thing had it not been seized.

*seized thing* see section 385(2).

*seizure notice*, for a seized thing, means a notice given under section 390 for the thing.

### Division 2                Power to seize things

#### 385    Seizure of things for protection of native animal

- (1) This section applies if a conservation officer believes on reasonable grounds—
  - (a) a vehicle, boat, aircraft or appliance that is on land, other than land in a protected area, is—
    - (i) on the land without the consent of the landholder; or
    - (ii) abandoned; and

- (b) it is necessary or desirable to remove the vehicle, boat, aircraft or appliance for the protection of a native animal.
- (2) The conservation officer may seize the vehicle, boat, aircraft or appliance (each a **seized thing**) and anything attached to or contained in the thing.

## Division 3                      Dealing with seized things

### 386      General powers for seized things

- (1) A conservation officer who has seized a seized thing under division 2 may—
  - (a) move the thing from the place where it was seized; or
  - (b) leave the thing at the place where it was seized, but take reasonable action to restrict access to the thing.

*Examples of restricting access to a seized thing—*

- branding, marking, sealing, tagging or otherwise identifying the thing to show access to it is restricted
- sealing the entrance to a room or other area where the thing is situated and marking it to show access to it is restricted

- (2) If the seized thing is equipment, the conservation officer may also make the thing inoperable.

*Example of making equipment inoperable—*

dismantling equipment or removing a component of equipment without which the equipment is not capable of being used

- (3) If the seized thing contains an animal, the conservation officer may also do 1 or more of the following as is appropriate to ensure the animal's survival—
  - (a) take the animal to a place the conservation officer considers appropriate;
  - (b) give the animal accommodation, food, rest, water or other appropriate living conditions;

- (c) if the conservation officer believes the animal requires veterinary care or other treatment—arrange for the care or treatment;
- (d) leave the animal at the place where the animal was seized and take any action mentioned in paragraphs (a) to (c);
- (e) if the animal is left at the place where the animal was seized—give the person from whom the animal was seized a direction to—
  - (i) start keeping, or continue to keep, the animal in the person’s custody; and
  - (ii) look after, or continue to look after, the animal;
- (f) if the animal is left at the place where the animal was seized and the person from whom the animal was seized does not comply with a direction under paragraph (e)—take any action mentioned in paragraphs (a) to (c).

### **387 Tampering with seized thing**

- (1) A person must not do, or attempt to do, any of the following unless the person has a reasonable excuse—
  - (a) tamper with, or continue to tamper with, a seized thing or something done under section 386(1)(b) to restrict access to the thing;
  - (b) enter, or be at, the place where a seized thing is being kept;
  - (c) move a seized thing from the place where it is being kept;
  - (d) have a seized thing in the person’s possession.Maximum penalty—100 penalty units.
- (2) Subsection (1) does not apply to—
  - (a) a conservation officer; or

- (b) a person asked by a conservation officer to do something mentioned in the subsection; or
- (c) a person from whom an animal was seized if the person—
  - (i) is complying with a direction under section 386(3)(e); and
  - (ii) does not, without the written approval of a conservation officer, move the animal from the place where the animal was seized.

### **388 Dangerous seized things must be destroyed**

- (1) This section applies to a seized thing (a *dangerous seized thing*) that is—
  - (a) an explosive under the *Explosives Act 1999*; or
  - (b) a trap, snare, net or birdlime; or
  - (c) a decoy; or
  - (d) a poison.
- (2) The chief executive must destroy the dangerous seized thing at the time the chief executive considers appropriate, having regard to the reason for the seizure and any other matter relevant to the risks posed by the thing.

### **389 Way seized things must be kept**

- (1) This section applies—
  - (a) to a seized thing, other than a dangerous seized thing; and
  - (b) whether or not the thing is removed from the place where it was seized.
- (2) The chief executive must ensure the thing is kept in a reasonably secure way at all times until it is returned to the owner or otherwise dealt with under this division.

### **390 Seizure notices**

- (1) This section applies to a seized thing, other than a dangerous seized thing.
- (2) If the conservation officer who seized the thing believes the thing has a market value of more than \$500, the officer must give the owner of the thing notice of its seizure.
- (3) If the owner's name is not known, the notice must be published in a newspaper circulating throughout the State.
- (4) If the owner's name is not known, the notice may also be given by displaying it in a prominent position on a permanent fixture as close as possible to the place where the thing was seized.
- (5) The notice must state—
  - (a) the date of the notice; and
  - (b) that the owner may claim the thing within the claim period for the thing; and
  - (c) that the thing may be disposed of if not claimed within the claim period.

### **391 Release of seized things**

- (1) If a person claims a seized thing, the chief executive may release it to the person only if—
  - (a) the chief executive is satisfied the person has a right to the thing; and
  - (b) the person pays the chief executive's reasonable costs of—
    - (i) seizing, removing and holding the thing; and
    - (ii) giving a seizure notice for the thing; and
    - (iii) if a notice mentioned in section 392(3) is given—giving the notice; and

- (iv) restoring the place from which the thing was removed, as nearly as practicable, to its former state.
- (2) The chief executive may require a person to verify the person's right to a seized thing by a statutory declaration before releasing the thing to the person.

**392 Sale and disposal of seized things with market value of more than \$500**

- (1) This section applies to a seized thing if—
  - (a) a conservation officer has given a seizure notice for the thing; and
  - (b) the owner of the thing does not claim it within the claim period for the thing; and
  - (c) the chief executive believes the thing has a market value of more than \$500.
- (2) The chief executive may sell the thing in the way the chief executive considers will best realise its market value.
- (3) Before selling the thing, the chief executive must publish a notice in a newspaper circulating throughout the State—
  - (a) identifying the thing; and
  - (b) stating how and when it is to be sold.
- (4) The thing must not be sold within 20 business days after the notice is published.
- (5) If the thing is not sold, the chief executive may dispose of it in the way the chief executive considers appropriate.

**393 Sale and disposal of seized things with market value of \$500 or less**

- (1) This section applies to a seized thing if—

- (a) the chief executive believes the thing does not have a market value of more than \$500; and
  - (b) if a seizure notice has been given for the thing—the owner of the thing does not claim it within the claim period for the thing.
- (2) The chief executive may—
- (a) sell the thing in the way the chief executive considers will best realise its market value; or
  - (b) if the chief executive considers the thing does not have a market value—dispose of it.

### **394 Application of proceeds of sale**

If the chief executive sells a seized thing under this division, the proceeds of the sale must be applied in the following order—

- (a) in payment of the reasonable expenses of the chief executive incurred in the sale;
- (b) in payment of the reasonable costs of the following activities—
  - (i) seizing, removing and holding the thing;
  - (ii) giving a seizure notice for the thing;
  - (iii) if a notice mentioned in section 392(3) is given—giving the notice;
  - (iv) restoring the place from which the thing was removed, as nearly as practicable, to its former state;
- (c) in payment of any balance to the owner of the thing.

### **395 Compensation not payable**

Compensation is not payable for the sale or disposal of a seized thing by the chief executive.

## **Part 3**                      **Approved forms**

### **396**    **Approved forms**

The chief executive may approve forms for use under this regulation or a provision of a conservation plan relating to animals.

## **Chapter 12**            **Repeals and transitional provisions**

### **Part 1**                      **Repeals**

#### **397**    **Repeals**

The following regulations are repealed—

- Nature Conservation (Administration) Regulation 2017, SL No. 156
- Nature Conservation (Wildlife Management) Regulation 2006, SL No. 205
- Nature Conservation (Wildlife) Regulation 2006, SL No. 206.

### **Part 2**                      **Transitional provisions**

#### **Division 1**                **Preliminary**

##### **398**    **Definitions for part**

In this part—

***corresponding animal authority***, for a wildlife authority, see section 399.

***corresponding provision***, for a repealed provision, means a provision of this regulation that provides for the same, or substantially the same, matter as the repealed provision.

***existing wildlife authority*** see section 400(1).

***repealed administration regulation*** means the repealed *Nature Conservation (Administration) Regulation 2017*.

***repealed management regulation*** means the repealed *Nature Conservation (Wildlife Management) Regulation 2006*.

***repealed provision*** means a provision of a repealed regulation as in force from time to time before the commencement.

***repealed regulation*** means—

- (a) the repealed administration regulation; or
- (b) the repealed management regulation; or
- (c) the repealed wildlife regulation.

***repealed wildlife regulation*** means the repealed *Nature Conservation (Wildlife) Regulation 2006*.

***transitioned authority*** see section 400(7).

***wildlife authority*** means a wildlife authority mentioned in the repealed administration regulation, section 11, 12 or 13.

### 399 Meaning of ***corresponding animal authority***

A ***corresponding animal authority***, for a wildlife authority stated in column 1 of the table below, is the animal authority stated in column 2 of the table opposite the wildlife authority.

Column 1 Wildlife authority	Column 2 Animal authority
commercial wildlife harvesting licence	harvesting licence

[s 399]

<b>Column 1 Wildlife authority</b>	<b>Column 2 Animal authority</b>
commercial wildlife licence— (a) if the licence was for a dead animal (b) if the licence was for a live animal	dealer licence advanced licence
commercial wildlife licence (wildlife interaction)	interaction licence
recreational wildlife harvesting licence	harvesting licence
recreational wildlife licence	specialised licence
wildlife farming licence	farming licence
damage mitigation permit	damage mitigation permit
educational purposes permit	educational purposes permit
flying-fox roost management permit	flying-fox roost management permit
permit to keep wildlife	permit to keep
rehabilitation permit	rehabilitation permit
scientific purposes permit	research permit
wildlife movement permit	movement permit
collection authority— (a) if the authority was for taking or keeping a least concern animal (b) if the authority was for keeping a collection of dead protected animals	least concern animal collection authority dead animal collection authority

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## Division 2                      Existing wildlife authorities for animals

### 400 Existing wildlife authorities for animals continued

- (1) This section applies in relation to a wildlife authority that was granted by the chief executive under a repealed provision and in effect immediately before the commencement (an *existing wildlife authority*).
- (2) From the commencement, the wildlife authority is taken to be the corresponding animal authority for the wildlife authority granted under the corresponding provision for the repealed provision.
- (3) From the commencement, the person who was the holder of the wildlife authority immediately before the commencement is taken to be the holder of the corresponding animal authority.
- (4) However, the corresponding animal authority is taken to have effect for authorising a person only to the same extent as the wildlife authority's effect, immediately before commencement, under a repealed provision.

*Examples—*

- 1 If a person was the holder of a recreational wildlife licence immediately before the commencement, and the licence did not state a limit on the number of animals of a particular species the person could have kept under the licence, the person—
  - (a) is taken to be the holder of a specialised licence; and
  - (b) may keep any number of animals of the species under the specialised licence, despite sections 101(1), 109 and 251.
- 2 If a person was the holder of a recreational wildlife licence immediately before the commencement, and the person was authorised to keep no more than 100 animals of a particular species under the licence, the person—
  - (a) is taken to be the holder of a specialised licence; and
  - (b) may keep no more than 100 animals of the species under the specialised licence, despite sections 101(1), 109 and 251.

- 3 If a person was the holder of a recreational wildlife licence immediately before the commencement, and the recreational wildlife licence was subject to a condition—
  - (a) the person is taken to be the holder of a specialised licence; and
  - (b) the specialised licence is taken to be subject to the condition.
- (5) Subsection (4) applies even if the subsection limits or extends the person’s authorisation under another provision of this regulation or a conservation plan.
- (6) If, immediately before the commencement, the wildlife authority was subject to a condition or other restriction (however described), the corresponding animal authority is subject to the same condition or restriction.
- (7) A wildlife authority continued in effect under this section as a corresponding animal authority is a ***transitioned authority***.
- (8) Subsections (4) to (6) do not prevent a transitioned authority being amended, surrendered or cancelled under this regulation.

#### **401 Additional record keeping conditions for transitioned authorities**

- (1) This section applies to a person required to keep a record for a transitioned authority, other than a person who keeps an online record for the transitioned authority.
- (2) Despite section 400, it is an additional condition of each transitioned authority that the person must—
  - (a) if an animal is sold or given away under the authority—fill in a movement advice before the movement of the animal under the authority to the place where a person who bought, or is accepting or receiving, the animal intends to keep the animal; and
  - (b) if an animal is bought, or will be accepted or received, under the authority—fill in a movement advice before the movement of the animal under the authority from the

place where the person, who sold or gave away the animal, kept the animal under the authority; and

- (c) within 72 hours after the movement happens, include the movement advice in the record for the corresponding animal authority; and
- (d) within 7 days after the movement happens, give the movement advice to the chief executive.

#### **402 Existing amendments or suspensions continued**

- (1) This section applies if, immediately before the commencement, an amendment or suspension was in effect for a transitioned authority under a repealed provision.
- (2) The amendment or suspension continues in effect under this regulation for the transitioned authority as if the amendment or suspension were made or imposed under the corresponding provision for the repealed provision.

#### **403 Term of transitioned authorities**

- (1) A transitioned authority ends on the day it would have otherwise ended under a repealed provision, but for the repeal of the provision.
- (2) Subsection (1) does not prevent a transitioned authority being amended, surrendered or cancelled under this regulation.

#### **404 Renewal of transitioned authorities**

Despite section 400, chapter 5, part 5 does not apply in relation to a transitioned authority.

## **Division 3                      Existing applications for wildlife    authorities for animals and internal    review**

### **405      Undecided applications for wildlife authorities for                  animals**

- (1) This section applies if—
  - (a) before the commencement, a person made an application (the *existing application*) for the grant of a wildlife authority, or the amendment or renewal of an existing wildlife authority, under a repealed provision; and
  - (b) immediately before the commencement, the existing application had not been decided.
- (2) If the existing application was for the grant of a wildlife authority, it is taken to be an application for a corresponding authority for the wildlife authority under the corresponding provision for the repealed provision.
- (3) If the existing application was for the amendment or renewal of an existing wildlife authority, it is taken to be an application of the same kind under the corresponding provision for the repealed provision.
- (4) No fee is payable for the application under this regulation if all fees payable for the existing application under the repealed administration regulation or the repealed management regulation were paid before the commencement.

### **406      Undecided applications or entitlements for internal or                  external review**

- (1) This section applies if—
  - (a) before the commencement—
    - (i) a person made an application (the *existing application*) for an internal or external review,

- under a repealed provision, of a reviewable decision related to an animal or a wildlife authority granted before the commencement; and
- (ii) a person was entitled to apply for a review mentioned in subparagraph (i) (the *existing entitlement*); and
- (b) immediately before the commencement—
- (i) the existing application had not been decided; or
  - (ii) the period in which the person was entitled to apply for the review had not ended.
- (2) Chapter 11, part 1 applies in relation to the person as if—
- (a) the reviewable decision—
    - (i) were an original decision or internal review decision within the meaning of section 377; and
    - (ii) had been made under the corresponding provision for the repealed provision under which the reviewable decision was made; and
  - (b) for an existing application—the application had been made under that part; and
  - (c) for an existing entitlement—the person is entitled to apply for a review of the same kind under that part.
- (3) If a stay of the reviewable decision was granted under a repealed provision, the stay is taken to continue in force under the corresponding provision for the repealed provision.
- (4) In this section—
- reviewable decision* has the meaning given under the repealed administration regulation.

## **Division 4**                      **Continuing authority to keep particular protected animals**

### **407**    **Least concern amphibians**

- (1) This section applies if, immediately before the commencement, a person kept a least concern amphibian under the repealed management regulation, section 50.
- (2) The person may—
  - (a) continue to keep the amphibian on the person's land for the person's private enjoyment; or
  - (b) release the amphibian into an area of the wild from which the amphibian was taken.
- (3) Also, if the amphibian produces an offspring, the person may—
  - (a) keep the offspring until 7 days after the offspring's metamorphosis; and
  - (b) release the offspring into the wild at the place where the amphibian was taken.

### **408**    **Protected scorpions and spiders**

- (1) This section applies if, immediately before the commencement, a person kept a protected animal, that is a scorpion or a spider under the repealed management regulation, section 54.
- (2) The person may—
  - (a) continue to keep or use, other than sell or give away, the animal for the person's private enjoyment; or
  - (b) release the animal into an area of the wild—
    - (i) from which the animal was taken; or
    - (ii) that is a prescribed natural habitat for the animal.

## **Division 5                      Declarations and approvals relating to marine mammals**

### **409      Existing temporary special management area continued**

- (1) This section applies if a declaration (the *existing declaration*), made under the repealed management regulation, section 361 was in effect immediately before the commencement.
- (2) The declaration is taken to be a temporary marine mammal special management area declaration that is subject to the same terms, conditions or other restrictions (however described) that applied to the existing declaration immediately before the commencement.

### **410      Existing temporary special management marine mammal**

- (1) This section applies if a declaration (the *existing declaration*), made under the repealed management regulation, section 367 was in effect immediately before the commencement.
- (2) The declaration is taken to be a temporary special marine mammal declaration that is subject to the same terms, conditions or other restrictions (however described) that applied to the existing declaration immediately before the commencement.

### **411      Authority to film marine mammals**

- (1) This section applies in relation to a person if the person was the holder of an approval (the *existing approval*), immediately before the commencement, under any of the following provisions of the repealed management regulation—
  - (a) section 338K(1)(b);
  - (b) section 338P(1)(b);
  - (c) section 338Q(4)(b).

- (2) The person is taken to be holder of an approval (the *new approval*) under—
  - (a) if subsection (1)(a) applies—section 300(1)(a); or
  - (b) if subsection (1)(b) applies—section 300(1)(b); or
  - (c) if subsection (1)(c) applies—section 300(1)(c).
- (3) If, immediately before the commencement, the existing approval was subject to a term, condition or other restriction (however described), the new approval is subject to the same term, condition or restriction.

## **Division 6                      Record keeping and supplied and approved tags**

### **412      Particular existing records**

A record made or kept, before the commencement, in relation to an animal or existing wildlife authority, under a repealed provision is taken to be made or kept under the corresponding provision for the repealed provision.

### **413      Supplied or approved tags**

- (1) A section 347 tag is taken to be supplied under section 350(1).
- (2) A section 348 tag is taken to be approved under section 350(2).
- (3) In this section—

*section 347 tag* means a tag supplied in relation to an animal under the repealed management regulation, section 347 before the commencement, other than a tag that was recalled under the repealed management regulation, section 350 before the commencement.

*section 348 tag* means a tag approved in relation to an animal under the repealed management regulation, section 348 before

the commencement, other than a tag that was recalled under the repealed management regulation, section 350 before the commencement.

#### **414 Approvals about use or transfer of tags**

- (1) This section applies if—
  - (a) before the commencement, the chief executive gave an approval under—
    - (i) the repealed management regulation, section 335; or
    - (ii) the repealed management regulation, section 349; and
  - (b) the approval relates to a tag supplied for an animal; and
  - (c) immediately before the commencement, the approval was in effect.
- (2) The approval is taken to be an approval given under—
  - (a) for an approval mentioned in subsection (1)(a)(i)—section 353; or
  - (b) for an approval mentioned in subsection (1)(a)(ii)—section 351.

### **Division 7                      Urban flying-fox management area map**

#### **415 Continuation of existing map**

- (1) The urban flying-fox management area map made under the repealed management regulation, section 377, and in effect immediately before the commencement, is taken to have been made under section 369(1).

- (2) An amendment that, immediately before the commencement, applied to the map under the repealed management regulation, section 382 continues to apply to the map under section 372.

#### **416 Undecided applications for amendment of map**

- (1) This section applies if—
  - (a) a local government made an application (the *existing application*) under the repealed management regulation, section 381; and
  - (b) immediately before the commencement, the existing application had not been decided.
- (2) The existing application is taken to be an application made under section 371.

### **Division 8 Other authorities, applications, invitations and notices**

#### **417 Other authorities**

- (1) This section applies in relation to an authority (the *former authority*), however described, for an animal, other than an existing wildlife authority or transitioned authority, if—
  - (a) the former authority was granted under a repealed provision; and
  - (b) the former authority was in effect immediately before the commencement; and
  - (c) there is a corresponding provision for the repealed provision.
- (2) The former authority is taken to be an authority (the *new authority*) of the same kind granted under the corresponding provision.
- (3) If, immediately before the commencement, the former authority was subject to a condition or other restriction

(however described), the new authority is subject to the same condition or restriction.

#### **418 Other undecided applications, invitations, requests, notices and notifications**

- (1) This section applies if, immediately before the commencement—
  - (a) an application, relating to an animal or an existing wildlife authority, made before the commencement under a repealed provision, had not been decided; or
  - (b) an invitation, request, notice or other notification (however called), relating to an animal or an existing wildlife authority, and given before the commencement under a repealed provision, was in effect and had not been complied with or otherwise fulfilled.
- (2) However, this section does not apply in relation to an application mentioned in division 2 to 7.
- (3) If subsection (1)(a) applies—
  - (a) the application is taken to be the same kind of application made under the corresponding provision for the repealed provision; and
  - (b) no fee is payable for the application under this regulation if all fees payable for the application under the repealed administration regulation or the repealed management regulation were paid before the commencement.
- (4) If subsection (1)(b) applies, the invitation, request, notice or other notification is taken to have been given under the corresponding provision for the repealed provision on the same terms as it was made or given under the repealed provision.

## **Division 9                    Seized things**

### **419    Seized things**

- (1) This section applies if, immediately before the commencement, a thing seized under a repealed provision was being kept under a repealed provision.
- (2) The thing is taken—
  - (a) to have been seized under the corresponding provision for the repealed provision under which the thing was seized; and
  - (b) to be kept under the corresponding provision for the repealed provision under which the thing was being kept.

## **Division 10                  References in documents**

### **420    References to repealed regulations**

In a document, if the context permits—

- (a) a reference to a repealed regulation may be taken to be a reference to this regulation; and
- (b) a reference to a repealed provision may be taken to be a reference to the corresponding provision for the repealed provision.

### **421    References to particular categories of animals**

- (1) Despite another provision of this part, in a document, if the context permits—
  - (a) a reference to a commercial animal is a reference to an animal that, immediately before the commencement, was a commercial animal under the repealed management regulation; and

- (b) a reference to a controlled animal is a reference to an animal that, immediately before the commencement, was a controlled animal under the repealed management regulation; and
  - (c) a reference to a recreational animal is a reference to an animal that, immediately before the commencement, was a recreational animal under the repealed management regulation; and
  - (d) a reference to a restricted animal is a reference to an animal that, immediately before the commencement, was a restricted animal under the repealed management regulation.
- (2) However, for applying the *Exhibited Animals Act 2015*, section 33(b) to a category of animal under the *Nature Conservation Act 1992*—
- (a) a commercial animal is a class 1 animal; and
  - (b) a controlled animal is a class 1 animal; and
  - (c) a recreational animal is a class 2 animal; and
  - (d) a restricted animal is a class 2 animal.

# Schedule 1      Classification of animals and declared management intent

sections 13 to 20

## Part 1      Preliminary

### 1      Definitions for schedule

In this schedule—

*ecosystem process* means a natural process that assists in sustaining an ecosystem as a living thing.

*information*, about an animal, includes—

- (a) the biochemical, genetic or molecular details of the animal; and
- (b) information about the distribution or natural history of the animal.

*management principles*, for a protected animal, means the matters stated in section 73 of the Act.

## Part 2      Protected wildlife

### Division 1      Extinct wildlife

#### Subdivision 1      Animals

### 2      Mammals

**Scientific name**

*Bettongia gaimardi gaimardi*

**Common name**

eastern bettong

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<b>Scientific name</b>	<b>Common name</b>
<i>Bettongia lesueur graii</i>	burrowing bettong

## **Subdivision 2      Declared management intent**

### **3      Significance to nature and its value**

- (1) An animal that is extinct wildlife is a component of Queensland's biodiversity and a vital feature of the ecosystem of the animal.
- (2) Without limiting subsection (1), the animal represents—
  - (a) a part of the Australian biota that is of inherent value and potential importance for the maintenance of ecosystem processes; and
  - (b) a source of genetic information integral to an understanding of the evolution of the Australian biota; and
  - (c) a genetic resource of potential benefit to society.

### **4      Proposed management intent**

The proposed management intent for an animal that is extinct wildlife is—

- (a) to establish and maintain a database of information about the animal and its former habitat; and
- (b) to investigate reliable sightings of the animal; and
- (c) to monitor and review information about reported sightings of the animal; and
- (d) to cooperate with the Commonwealth and other State agencies to work towards a national conservation status for the animal and its former habitat; and
- (e) to consider developing a strategy for re-establishing the animal in the wild and, if it is considered appropriate, to develop and implement the strategy; and

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- (f) to implement education programs for land managers about—
  - (i) threatening processes to re-establishing the animal or its habitat; and
  - (ii) the conservation of the animal and its habitat; and
- (g) for an animal found to still exist in the wild—to manage the animal as if it were critically endangered wildlife until it is reclassified as another class of wildlife.

## 5 Principles relating to proposed taking, keeping and use

An animal that is extinct wildlife may be taken from the wild, kept or used under the Act only if the taking, keeping or use—

- (a) is for putting into effect a recovery plan for the animal; and
- (b) is not likely to reduce the ability of the animal's population to expand.

## Division 2 Extinct in the wild wildlife

### Subdivision 1 Animals

#### 6 Amphibians

Scientific name	Common name
<i>Rheobatrachus silus</i>	southern gastric brooding frog
<i>Taudactylus acutirostris</i>	sharp-nosed torrent frog
<i>Taudactylus diurnus</i>	southern dayfrog

**7 Birds**

<b>Scientific name</b>	<b>Common name</b>
<i>Psephotus pulcherrimus</i>	paradise parrot

**8 Mammals**

<b>Scientific name</b>	<b>Common name</b>
<i>Caloprymnus campestris</i>	desert rat-kangaroo
<i>Conilurus albipes</i>	white-footed tree-rat
<i>Dasyurus geoffroii geoffroii</i>	western quoll
<i>Melomys rubicola</i>	Bramble Cay melomys
<i>Notomys mordax</i>	Darling Downs hopping-mouse
<i>Pteropus brunneus</i>	Percy Island flying-fox

**Subdivision 2 Declared management intent****9 Significance to nature and its value**

- (1) An animal that is extinct in the wild wildlife is a component of Queensland's biodiversity and a vital feature of the ecosystem of the animal.
- (2) Without limiting subsection (1), the animal represents—
  - (a) a part of the Australian biota that is of inherent value and potential importance for the maintenance of ecosystem processes; and
  - (b) a source of genetic information integral to an understanding of the evolution of the Australian biota; and
  - (c) a genetic resource of potential benefit to society.

## **10 Proposed management intent**

The proposed management intent for an animal that is extinct in the wild wildlife is—

- (a) to establish and maintain a database of information about the animal and its habitat; and
- (b) to investigate reliable sightings of the animal; and
- (c) to monitor and review information about reported sightings of the animal; and
- (d) to cooperate with the Commonwealth and other State agencies to work towards a national conservation status for the animal and its habitat; and
- (e) for an animal known to survive outside the wild—to consider developing a strategy for re-establishing the animal in the wild and, if it is considered appropriate, to develop and implement the strategy; and
- (f) to implement education programs for land managers about—
  - (i) threatening processes to the animal or its habitat; and
  - (ii) the conservation of the animal and its habitat; and
- (g) for an animal found to still exist in the wild—to manage the animal as if it were critically endangered wildlife until it is reclassified as another class of wildlife.

## **11 Principles relating to proposed taking, keeping and use**

An animal that is extinct in the wild wildlife may be taken from the wild, kept or used under the Act only if the taking, keeping or use—

- (a) is for putting into effect a recovery plan for the animal; and
- (b) is not likely to reduce the ability of the animal's population to expand.

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**Division 3                      Critically endangered wildlife**
**Subdivision 1                Animals**
**12        Amphibians**

<b>Scientific name</b>	<b>Common name</b>
<i>Cophixalus concinnus</i>	elegant frog
<i>Cophixalus hosmeri</i>	rattling nursery frog
<i>Cophixalus mcdonaldi</i>	Mount Elliot nursery frog
<i>Cophixalus monticola</i>	mountain-top nursery frog
<i>Cophixalus neglectus</i>	neglected nursery frog
<i>Litoria kroombitensis</i>	Kroombit treefrog
<i>Litoria lorica</i>	armoured mist frog
<i>Litoria myola</i>	Kuranda treefrog
<i>Litoria nyakalensis</i>	mountain mist frog
<i>Taudactylus pleione</i>	Kroombit tinkerfrog

**13        Birds**

<b>Scientific name</b>	<b>Common name</b>
<i>Anthochaera phrygia</i>	regent honeyeater
<i>Calidris ferruginea</i>	curlew sandpiper
<i>Calidris tenuirostris</i>	great knot
<i>Pedionomus torquatus</i>	plains-wanderer
<i>Pterodroma heraldica</i>	Herald petrel

## 14 Invertebrates

Scientific name	Common name
<i>Euastacus bindal</i>	Mount Elliot crayfish
<i>Euastacus jagara</i>	Jagara hairy crayfish
<i>Hypochrysops piceatus</i>	bulloak jewel butterfly

## 15 Reptiles

Scientific name	Common name
<i>Anilios inasperatus</i>	Fassifern blind snake
<i>Ctenotus serotinus</i>	gravel-downs ctenotus
<i>Elseya albagula</i>	white-throated snapping turtle
<i>Nangura spinosa</i>	Nangur skink
<i>Phyllurus gulbaru</i>	Gulbaru gecko
<i>Phyllurus kabikabi</i>	Oakview leaf-tailed gecko

## Subdivision 2 Declared management intent

### 16 Significance to nature and its value

- (1) An animal that is critically endangered wildlife is a component of Queensland's biodiversity and a vital feature of the ecosystem in which the animal lives.
- (2) Without limiting subsection (1), the animal represents—
  - (a) a part of the Australian biota that is of inherent value and potential importance for the maintenance of ecosystem processes; and
  - (b) a source of genetic information integral to an understanding of the evolution of the Australian biota; and

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- (c) a genetic resource of potential benefit to society.

## 17 Proposed management intent

The proposed management intent for an animal that is critically endangered wildlife is—

- (a) to establish and maintain a database of information about the animal and its habitat; and
- (b) to the extent practicable, to prepare and put into effect recovery plans or conservation plans for the animal and its habitat; and
- (c) to seek funding to help achieve the objectives of the recovery plans or conservation plans; and
- (d) to act to ensure viable populations of the animal in the wild are preserved or re-established; and
- (e) to cooperate with the Commonwealth and other State agencies—
  - (i) for the ongoing protection and management of the animal and its habitat; and
  - (ii) to work towards a national conservation status for the animal and its habitat; and
- (f) to implement education programs for land managers about—
  - (i) threatening processes to the animal or its habitat; and
  - (ii) the conservation of the animal and its habitat; and
- (g) to regularly monitor and review the conservation status of the animal and its habitat; and
- (h) to encourage scientific research and inventory programs likely to contribute to an understanding of the animal or its habitat, including, for example, the requirements for conserving the animal or habitat; and
- (i) to protect the critical habitat, or the areas of major interest, for the animal; and

- (j) to monitor and review environmental impact procedures to ensure they—
  - (i) accurately assess the extent of the impact, on the animal, of the activities to which the procedures relate; and
  - (ii) provide for effective measures to mitigate any adverse impact of the activities on the animal; and
  - (iii) if there is an adverse impact of the activities on an area in which the animal normally lives, provide for the enhancement of other areas where the animal normally lives.

## **18 Principles relating to proposed taking, keeping and use**

- (1) An animal that is critically endangered wildlife may be taken, kept or used for display under the Act only if the taking, keeping or use—
  - (a) if the animal is taken in the wild—
    - (i) is for an approved captive breeding program for the animal to be conducted under an approved recovery plan for the animal; or
    - (ii) is authorised under a conservation plan for the animal; or
  - (b) if the animal is captive bred—
    - (i) is consistent with the management principles for the animal; and
    - (ii) is not likely to reduce the ability of the animal's population to expand.
- (2) An animal that is critically endangered wildlife may be taken, kept or used for a purpose other than display under the Act only if the taking, keeping or use—
  - (a) is consistent with the management principles for the animal; and
  - (b) is not likely to reduce the ability of the animal's population to expand.

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## Division 4                      Endangered wildlife

### Subdivision 1                Animals

#### 19            Amphibians

Scientific name	Common name
<i>Litoria nannotis</i>	torrent treefrog
<i>Litoria rheocola</i>	common mist frog
<i>Mixophyes fleayi</i>	Fleay's barred frog
<i>Mixophyes iteratus</i>	giant barred frog
<i>Rheobatrachus vitellinus</i>	northern gastric brooding frog
<i>Taudactylus eungellensis</i>	Eungella tinkerfrog
<i>Taudactylus rheophilus</i>	northern tinkerfrog

#### 20            Birds

Scientific name	Common name
<i>Amytornis barbatus barbatus</i>	grey grasswren (Bulloo)
<i>Amytornis dorotheae</i>	Carpentarian grasswren
<i>Botaurus poiciloptilus</i>	Australasian bittern
<i>Calidris canutus</i>	red knot
<i>Casuarius casuarius johnsonii</i> (southern population)	southern cassowary (southern population)
<i>Charadrius mongolus</i>	lesser sand plover
<i>Cyclopsitta diophthalma coxeni</i>	Coxen's fig-parrot
<i>Dasyornis brachypterus</i>	eastern bristlebird
<i>Epthianura crocea macgregori</i>	yellow chat (Dawson)

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<b>Scientific name</b>	<b>Common name</b>
<i>Erythrotriorchis radiatus</i>	red goshawk
<i>Erythrura gouldiae</i>	Gouldian finch
<i>Lathamus discolor</i>	swift parrot
<i>Limosa lapponica menzbieri</i>	Northern Siberian bar-tailed godwit
<i>Macronectes giganteus</i>	southern giant-petrel
<i>Neochmia phaeton evangelinae</i>	crimson finch (white-bellied subspecies)
<i>Neochmia ruficauda ruficauda</i>	star finch (eastern subspecies)
<i>Numenius madagascariensis</i>	eastern curlew
<i>Pezoporus occidentalis</i>	night parrot
<i>Poephila cincta cincta</i>	black-throated finch (white-rumped subspecies)
<i>Psephotus chrysopterygius</i>	golden-shouldered parrot
<i>Rostratula australis</i>	Australian painted snipe
<i>Sternula nereis exsul</i>	New Caledonian fairy tern
<i>Thalassarche chrysostoma</i>	grey-headed albatross
<i>Turnix olivii</i>	buff-breasted button-quail

## 21 Fish

<b>Scientific name</b>	<b>Common name</b>
<i>Carcharias taurus</i>	greynurse shark
<i>Chlamydogobius micropterus</i>	Elizabeth Springs goby
<i>Chlamydogobius squamigenus</i>	Edgbaston goby
<i>Hippocampus whitei</i>	White's seahorse

Scientific name	Common name
<i>Scaturiginichthys vermeilipinnis</i>	redfin blue eye

## 22 Invertebrates

Scientific name	Common name
<i>Adclarkia dawsonensis</i>	boggomoss snail
<i>Adclarkia dulacca</i>	Dulacca woodland snail
<i>Argyreus hyperbius inconstans</i>	Australian fritillary butterfly
<i>Tenuibranchiurus glypticus</i>	swamp crayfish
<i>Trisyntopa scatophaga</i>	antbed moth

## 23 Mammals

Scientific name	Common name
<i>Antechinus argentus</i>	silver-headed antechinus
<i>Antechinus arktos</i>	black-tailed antechinus
<i>Bettongia tropica</i>	northern bettong
<i>Dasyurus maculatus gracilis</i>	spotted-tailed quoll (northern subspecies)
<i>Hipposideros semoni</i>	Semon's leaf-nosed bat
<i>Lasiorhinus krefftii</i>	northern hairy-nosed wombat
<i>Macroderma gigas</i>	ghost bat
<i>Macrotis lagotis</i>	greater bilby
<i>Notomys fuscus</i>	dusky hopping-mouse
<i>Onychogalea fraenata</i>	bridled nailtail wallaby
<i>Petaurus australis</i> unnamed subsp.	yellow-bellied glider (northern subspecies)

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<b>Scientific name</b>	<b>Common name</b>
<i>Petaurus gracilis</i>	mahogany glider
<i>Petrogale persephone</i>	Proserpine rock-wallaby
<i>Pseudomys australis</i>	plains rat
<i>Pteropus conspicillatus</i>	spectacled flying-fox
<i>Rhinolophus philippinensis</i>	greater large-eared horseshoe bat
<i>Saccolaimus saccolaimus nudicluniatus</i>	bare-rumped sheathtail bat
<i>Sminthopsis douglasi</i>	Julia Creek dunnart

## 24 Reptiles

<b>Scientific name</b>	<b>Common name</b>
<i>Anomalopus mackayi</i>	long-legged worm skink
<i>Caretta caretta</i>	loggerhead turtle
<i>Concinnia frerei</i>	Bartle Frere bar-sided skink
<i>Dermochelys coriacea</i>	leatherback turtle
<i>Elusor macrurus</i>	Mary River turtle
<i>Eretmochelys imbricata</i>	hawksbill turtle
<i>Hemiaspis damelii</i>	grey snake
<i>Lepidochelys olivacea</i>	olive ridley turtle
<i>Lerista allanae</i>	retro slider
<i>Tympanocryptis condaminensis</i>	Condamine earless dragon

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## Subdivision 2      Declared management intent

### 25      Significance to nature and its value

- (1) An animal that is endangered wildlife is a component of Queensland's biodiversity and a vital feature of the ecosystem in which the animal lives.
- (2) Without limiting subsection (1), the animal represents—
  - (a) a part of the Australian biota that is of inherent value and potential importance for the maintenance of ecosystem processes; and
  - (b) a source of genetic information integral to an understanding of the evolution of the Australian biota; and
  - (c) a genetic resource of potential benefit to society.

### 26      Proposed management intent

The proposed management intent for an animal that is endangered wildlife is—

- (a) to establish and maintain a database of information about the animal and its habitat; and
- (b) to the extent practicable, to prepare and put into effect recovery plans or conservation plans for the animal and its habitat; and
- (c) to seek funding to help achieve the objectives of the recovery plans or conservation plans; and
- (d) to act to ensure viable populations of the animal in the wild are preserved or re-established; and
- (e) to cooperate with the Commonwealth and other State agencies—
  - (i) for the ongoing protection and management of the animal and its habitat; and
  - (ii) to work towards a national conservation status for the animal and its habitat; and

- (f) to implement education programs for land managers about—
  - (i) threatening processes to the animal or its habitat; and
  - (ii) the conservation of the animal and its habitat; and
- (g) to regularly monitor and review the conservation status of the animal and its habitat; and
- (h) to encourage scientific research and inventory programs likely to contribute to an understanding of the animal or its habitat, including, for example, the requirements for conserving the animal or habitat; and
- (i) to protect the critical habitat, or the areas of major interest, for the animal; and
- (j) to monitor and review environmental impact procedures to ensure they—
  - (i) accurately assess the extent of the impact, on the animal, of the activities to which the procedures relate; and
  - (ii) provide for effective measures to mitigate any adverse impact of the activities on the animal; and
  - (iii) if there is an adverse impact of the activities on an area in which the animal normally lives, provide for the enhancement of other areas where the animal normally lives.

## **27 Principles relating to proposed taking, keeping and use**

- (1) An animal that is endangered wildlife may be taken, kept or used for display under the Act only if the taking, keeping or use—
  - (a) if the animal is taken in the wild—
    - (i) is for an approved captive breeding program for the animal to be conducted under an approved recovery plan for the animal; or

- (ii) is authorised under a conservation plan for the animal; or
- (b) if the animal is captive bred—
  - (i) is consistent with the management principles for the animal; and
  - (ii) is not likely to reduce the ability of the animal's population to expand.
- (2) An animal that is endangered wildlife may be taken, kept or used for a purpose other than display under the Act only if the taking, keeping or use—
  - (a) is consistent with the management principles for the animal; and
  - (b) is not likely to reduce the ability of the animal's population to expand.

## Division 5            Vulnerable wildlife

### Subdivision 1        Animals

#### 28        Amphibians

Scientific name	Common name
<i>Adelotus brevis</i>	tusked frog
<i>Cophixalus crepitans</i>	northern nursery frog
<i>Cophixalus exiguus</i>	dainty nursery frog
<i>Cophixalus peninsularis</i>	Cape York nursery frog
<i>Cophixalus saxatilis</i>	Black Mountain boulderfrog
<i>Cophixalus zweifeli</i>	Cape Melville boulderfrog
<i>Crinia tinnula</i>	wallum froglet
<i>Litoria andiirrmalin</i>	Melville Range treefrog

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<b>Scientific name</b>	<b>Common name</b>
<i>Litoria dayi</i>	lace-eyed treefrog
<i>Litoria freycineti</i>	wallum rocketfrog
<i>Litoria olongburensis</i>	wallum sedgefrog
<i>Litoria pearsoniana</i>	cascade treefrog
<i>Litoria serrata</i>	tapping green-eyed tree frog
<i>Litoria subglandulosa</i>	New England treefrog
<i>Philoria kundagungan</i>	red-and-yellow mountainfrog
<i>Pseudophryne covacevichae</i>	magnificent broodfrog

## 29 Birds

<b>Scientific name</b>	<b>Common name</b>
<i>Ardenna pacifica</i>	wedge-tailed shearwater
<i>Atrichornis rufescens</i>	rufous scrub-bird
<i>Bolemoreus hindwoodi</i>	Eungella honeyeater
<i>Calyptorhynchus lathami</i>	glossy black-cockatoo
<i>Casuarus casuarus johnsonii</i> (northern population)	southern cassowary (northern population)
<i>Charadrius leschenaultii</i>	greater sand plover
<i>Cyclopsitta diophthalma macleayana</i>	Macleay's fig-parrot
<i>Diomedea antipodensis antipodensis</i>	Antipodean albatross
<i>Diomedea antipodensis gibsoni</i>	Gibson's albatross
<i>Diomedea exulans</i>	wandering albatross
<i>Eclectus roratus macgillivrayi</i>	eclectus parrot (Australian subspecies)
<i>Epthianura crocea crocea</i>	yellow chat (gulf)

<b>Scientific name</b>	<b>Common name</b>
<i>Esacus magnirostris</i>	beach stone-curlew
<i>Falco hypoleucos</i>	grey falcon
<i>Geophaps scripta scripta</i>	squatter pigeon (southern subspecies)
<i>Grantiella picta</i>	painted honeyeater
<i>Halobaena caerulea</i>	blue petrel
<i>Hirundapus caudacutus</i>	white-throated needletail
<i>Limosa lapponica baueri</i>	Western Alaskan bar-tailed godwit
<i>Lophochroa leadbeateri</i>	Major Mitchell's cockatoo
<i>Macronectes halli</i>	northern giant-petrel
<i>Malurus coronatus</i>	purple-crowned fairy-wren
<i>Ninox strenua</i>	powerful owl
<i>Pezoporus wallicus wallicus</i>	ground parrot
<i>Phaethon rubricauda</i>	red-tailed tropicbird
<i>Phoebetria fusca</i>	sooty albatross
<i>Podargus ocellatus plumiferus</i>	plumed frogmouth
<i>Probosciger aterrimus</i>	palm cockatoo
<i>Stipiturus malachurus</i>	southern emu-wren
<i>Thalassarche bulleri</i>	Buller's albatross
<i>Thalassarche carteri</i>	Indian yellow-nosed albatross
<i>Thalassarche cauta</i>	shy albatross
<i>Thalassarche steadi</i>	white-capped albatross
<i>Turnix melanogaster</i>	black-breasted button-quail

**Scientific name**

*Tyto novaehollandiae kimberli*

**Common name**

masked owl (northern subspecies)

**30 Fish**

**Scientific name**

*Nannoperca oxleyana*

*Pseudomugil mellis*

*Stiphodon pelewensis*

*Stiphodon rutilaureus*

*Stiphodon surrufus*

**Common name**

Oxleyan pygmy perch

honey blue eye

daintree cling goby

orange cling goby

emerald cling goby

**31 Invertebrates**

**Scientific name**

*Acrodipsas illidgei*

*Adclarkia cameroni*

*Hypochrysops apollo apollo*

*Jalmenus eubulus*

*Nacaduba pactolus cela*

*Ornithoptera richmondia*

**Common name**

Illidge's ant-blue

brigalow woodland snail

Apollo jewel (Wet Tropics subspecies)

pale imperial hairstreak

bold blue-line

Richmond birdwing

**32 Mammals**

**Scientific name**

*Arctocephalus tropicalis*

*Chalinolobus dwyeri*

**Common name**

Subantarctic fur seal

large-eared pied bat

<b>Scientific name</b>	<b>Common name</b>
<i>Conilurus penicillatus</i>	brush-tailed rabbit-rat
<i>Dasyercus cristicauda</i>	crest-tailed mulgara
<i>Dasyuroides byrnei</i>	kowari
<i>Dasyurus maculatus maculatus</i>	spotted-tailed quoll (southern subspecies)
<i>Dugong dugon</i>	dugong
<i>Hipposideros cervinus</i>	fawn leaf-nosed bat
<i>Hipposideros stenotis</i>	northern leaf-nosed bat
<i>Megaptera novaeangliae</i>	humpback whale
<i>Murina florium</i>	tube-nosed insectivorous bat
<i>Notomys aquilo</i>	northern hopping-mouse
<i>Nyctophilus corbeni</i>	Corben's long-eared bat
<i>Orcaella heinsohni</i>	Australian snubfin dolphin
<i>Petauroides volans</i>	greater glider
<i>Petrogale coenensis</i>	Cape York rock-wallaby
<i>Petrogale penicillata</i>	brush-tailed rock-wallaby
<i>Petrogale purpureicollis</i>	purple-necked rock-wallaby
<i>Petrogale sharmani</i>	Sharman's rock-wallaby
<i>Petrogale xanthopus celeris</i>	yellow-footed rock-wallaby
<i>Phascolarctos cinereus</i>	koala
<i>Potorous tridactylus tridactylus</i>	long-nosed potoroo
<i>Pseudomys novaehollandiae</i>	New Holland mouse
<i>Pseudomys oralis</i>	Hastings River mouse
<i>Rhinonicteris aurantia</i>	orange leaf-nosed bat

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<b>Scientific name</b>	<b>Common name</b>
<i>Sminthopsis leucopus</i>	white-footed dunnart
<i>Sousa sahalensis</i>	Australian humpback dolphin
<i>Xeromys myoides</i>	false water-rat

### **33 Reptiles**

<b>Scientific name</b>	<b>Common name</b>
<i>Acanthophis antarcticus</i>	common death adder
<i>Acanthophis hawkei</i>	plains death adder
<i>Calyptotis thornntonensis</i>	Thornton Peak calyptotis
<i>Chelonia mydas</i>	green turtle
<i>Crocodylus porosus</i>	estuarine crocodile
<i>Cryptophis incredibilis</i>	pink snake
<i>Ctenotus monticola</i>	Atherton ctenotus
<i>Ctenotus rawlinsoni</i>	Cape Heath ctenotus
<i>Delma torquata</i>	collared delma
<i>Denisonia maculata</i>	ornamental snake
<i>Egernia rugosa</i>	yakka skink
<i>Eelseya lavarackorum</i>	gulf snapping turtle
<i>Emoia atrocostata australis</i>	littoral whip-tail skink
<i>Emydura subglobosa subglobosa</i>	Jardine River turtle
<i>Furina dunmalli</i>	Dunmall's snake
<i>Karma tryoni</i>	Tryon's skink
<i>Lerista ameles</i>	limbless fine-lined slider
<i>Lerista cinerea</i>	vine-thicket fine-lined slider

<b>Scientific name</b>	<b>Common name</b>
<i>Lerista ingrami</i>	McIvor River slider
<i>Lerista storri</i>	Chillagoe fine-lined slider
<i>Lerista vittata</i>	side-striped fine-lined slider
<i>Liburnascincus scirtetis</i>	Black Mountain skink
<i>Lygisaurus tanneri</i>	Endeavour River litter-skink
<i>Magmellia luteilateralis</i>	orange-speckled forest-skink
<i>Nactus galgajuga</i>	Black Mountain gecko
<i>Natator depressus</i>	flatback turtle
<i>Orraya occultus</i>	McIlwraith leaf-tailed gecko
<i>Phyllurus caudiannulatus</i>	ringed thin-tailed gecko
<i>Phyllurus isis</i>	Mount Jukes broad-tailed gecko
<i>Pygmaeascincus sadlieri</i>	Magnetic Island dwarf skink
<i>Rheodytes leukops</i>	Fitzroy River turtle
<i>Saproscincus eungellensis</i>	Eungella shadeskink
<i>Techmarscincus jigurru</i>	Bartle Frere cool-skink
<i>Tympanocryptis wilsoni</i>	Roma earless dragon
<i>Wollumbinia belli</i>	Bell's turtle

## **Subdivision 2      Declared management intent**

### **34      Significance to nature and its value**

- (1) An animal that is vulnerable wildlife is a component of Queensland's biodiversity and a vital feature of the ecosystem in which the animal lives.
- (2) Without limiting subsection (1), the animal represents—

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- (a) a part of the Australian biota that is of inherent value and potential importance for the maintenance of ecosystem processes; and
- (b) a source of genetic information integral to an understanding of the evolution of the Australian biota; and
- (c) a genetic resource of potential benefit to society.

**35 Proposed management intent**

The proposed management intent for an animal that is vulnerable wildlife is—

- (a) to establish and maintain a database of information about the animal and its habitat; and
- (b) to the extent practicable, to prepare and put into effect recovery plans or conservation plans for the animal and its habitat; and
- (c) to seek funding to help achieve the objectives of the recovery plans or conservation plans; and
- (d) to act to ensure viable populations of the animal in the wild are preserved or re-established; and
- (e) to cooperate with the Commonwealth and other State agencies—
  - (i) for the ongoing protection and management of the animal and its habitat; and
  - (ii) to work towards a national conservation status for the animal and its habitat; and
- (f) to implement education programs for land managers about—
  - (i) threatening processes to the animal or its habitat; and
  - (ii) the conservation of the animal and its habitat; and
- (g) to regularly monitor and review the conservation status of the animal and its habitat; and

- 
- (h) to encourage scientific research likely to contribute to an understanding of the animal or its habitat including, for example, the requirements for conserving the animal or habitat; and
  - (i) to protect the critical habitat, or the areas of major interest, for the animal; and
  - (j) to monitor and review environmental impact procedures to ensure they—
    - (i) accurately assess the extent of the impact, on the animal, of the activities to which the procedures relate; and
    - (ii) provide for effective measures to mitigate any adverse impact of the activities on the animal; and
    - (iii) if there is an adverse impact of the activities on an area in which the animal normally lives, provide for the enhancement of other areas where the animal normally lives.

### **36 Principles relating to proposed taking, keeping and use**

- (1) An animal that is vulnerable wildlife may be taken, kept or used for display under the Act only if the taking, keeping or use—
  - (a) if the animal is taken in the wild—
    - (i) is for an approved captive breeding program for the animal to be conducted under an approved recovery plan for the animal; or
    - (ii) is authorised under a conservation plan for the animal; or
  - (b) if the animal is captive bred—
    - (i) is consistent with the management principles for the animal; and
    - (ii) is not likely to reduce the ability of the animal's population to expand.

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- (2) An animal that is vulnerable wildlife may be taken, kept or used for a purpose other than display under the Act only if the taking, keeping or use—
- (a) is consistent with the management principles for the animal; and
  - (b) is not likely to reduce the ability of the animal's population to expand.

## **Division 6                  Near threatened wildlife**

### **Subdivision 1              Animals**

#### **37            Amphibians**

<b>Scientific name</b>	<b>Common name</b>
<i>Cophixalus aenigma</i>	tapping nursery frog
<i>Litoria cooloolensis</i>	Cooloola sedgefrog
<i>Litoria longirostris</i>	long snouted treefrog
<i>Taudactylus liemi</i>	Eungella tinkerfrog

#### **38            Birds**

<b>Scientific name</b>	<b>Common name</b>
<i>Amytornis barbatus diamantina</i>	grey grasswren (Lake Eyre Basin)
<i>Amytornis rowleyi</i>	rusty grasswren
<i>Erythrura trichroa</i>	blue-faced parrot-finch
<i>Menura alberti</i>	Albert's lyrebird
<i>Ninox rufa meesi</i>	rufous owl (Cape York subspecies)

**39 Fish**

<b>Scientific name</b>	<b>Common name</b>
<i>Dasyatis fluviorum</i>	estuary stingray

**40 Mammals**

<b>Scientific name</b>	<b>Common name</b>
<i>Dendrolagus bennettianus</i>	Bennett's tree-kangaroo
<i>Dendrolagus lumholtzi</i>	Lumholtz's tree-kangaroo
<i>Hipposideros diadema reginae</i>	diadem leaf-nosed bat
<i>Sminthopsis archeri</i>	chestnut dunnart
<i>Taphozous australis</i>	coastal sheathtail bat
<i>Vombatus ursinus</i>	bare-nosed wombat

**41 Reptiles**

<b>Scientific name</b>	<b>Common name</b>
<i>Anilios silvia</i>	Cooloola blind snake
<i>Aspidites ramsayi</i>	woma
<i>Ctenotus capricorni</i>	Capricorn ctenotus
<i>Ctenotus schevilli</i>	spotted black-soil ctenotus
<i>Delma mitella</i>	Atherton delma
<i>Emoia atrocostata atrocostata</i>	littoral whip-tail skink
<i>Emydura subglobosa worrelli</i>	diamond head turtle
<i>Lampropholis colossus</i>	Bunya Mountains sunskink
<i>Lampropholis mirabilis</i>	saxicoline sunskink
<i>Lepidodactylus pumilus</i>	slender chained gecko

<b>Scientific name</b>	<b>Common name</b>
<i>Lygisaurus rococo</i>	Chillagoe litter-skink
<i>Morelia viridis</i>	green python (Australian population)
<i>Strophurus taenicauda</i>	golden-tailed gecko
<i>Varanus prasinus</i>	emerald monitor

## **Subdivision 2      Declared management intent**

### **42      Significance to nature and its value**

- (1) An animal that is near threatened wildlife is a component of Queensland's biodiversity and a vital feature of the ecosystem in which the animal lives.
- (2) Without limiting subsection (1), the animal represents—
  - (a) a part of the Australian biota that is of inherent value and potential importance for the maintenance of ecosystem processes; and
  - (b) a source of genetic information integral to an understanding of the evolution of the Australian biota; and
  - (c) a genetic resource of potential benefit to society.

### **43      Proposed management intent**

The proposed management intent for an animal that is near threatened wildlife is—

- (a) to establish and maintain a database of information about the animal and its habitat; and
- (b) to monitor and review the conservation status of the animal and its habitat; and

- 
- (c) to the extent practicable, to put into effect strategies to address any threats to the conservation of the animal; and
  - (d) to act to prevent the further population decline of the animal in the wild; and
  - (e) to cooperate with the Commonwealth and other State agencies—
    - (i) for the ongoing protection and management of the animal and its habitat; and
    - (ii) to work towards a national conservation status for the animal and its habitat; and
  - (f) to monitor and review information about the requirements for the conservation of the animal and its habitat; and
  - (g) to encourage scientific research likely to contribute to an understanding of the animal or its habitat, including, for example, the requirements for conserving the animal or habitat; and
  - (h) if a threatening process is affecting the animal to the extent that it is likely to become classified as extinct wildlife, extinct in the wild wildlife, critically endangered wildlife, endangered wildlife or vulnerable wildlife (each the *new class of wildlife*)—to manage the animal as if it were in the new class of wildlife until the animal is reclassified as another class of wildlife; and
  - (i) to protect the critical habitat, or the areas of major interest, for the animal; and
  - (j) to monitor and review environmental impact procedures to ensure they—
    - (i) accurately assess the extent of the impact, on the animal, of the activities to which the procedures relate; and
    - (ii) provide for effective measures to mitigate any adverse impact of the activities on the animal; and

- (iii) if there is an adverse impact of the activities on an area in which the animal normally lives, provide for the enhancement of other areas where the animal normally lives.

#### **44 Principles relating to proposed taking, keeping and use**

- (1) An animal that is near threatened wildlife may be taken, kept or used for display under the Act only if the taking, keeping or use—
  - (a) if the animal is taken in the wild—
    - (i) is for an approved captive breeding program for the animal to be conducted under an approved recovery plan for the animal; or
    - (ii) is authorised under a conservation plan for the animal; or
  - (b) if the animal is captive bred—
    - (i) is consistent with the management principles for the animal; and
    - (ii) is not likely to reduce the ability of the animal's population to expand.
- (2) An animal that is near threatened wildlife may be taken, kept or used for a purpose other than display under the Act only if the taking, keeping or use—
  - (a) is consistent with the management principles for the animal; and
  - (b) is not likely to reduce the ability of the animal's population to expand.

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## Division 7                      Least concern wildlife

### Subdivision 1                Animals

#### 45            Amphibians

A native amphibian, other than an amphibian that is extinct in the wild, endangered, vulnerable or near threatened wildlife.

#### 46            Birds

A native bird, other than a bird that is extinct in the wild, endangered, vulnerable or near threatened wildlife.

#### 47            Invertebrates

- (1) A native scorpion of the genus *Urodacus*, other than a scorpion that is extinct in the wild, endangered, vulnerable or near threatened wildlife.
- (2) A native spider of the family Theraphosidae, other than a spider that is extinct in the wild, endangered, vulnerable or near threatened wildlife.
- (3) The following butterflies—

Scientific name	Common name
<i>Allora doleschallii doleschallii</i>	peacock awl
<i>Chaetocneme sphinterifera sphinterifera</i>	banded dusk-flat
<i>Euschemon rafflesia alba</i>	regent skipper (northern subspecies)
<i>Hypochrysops elgneri barnardi</i>	amethyst jewel
<i>Liphyra brassolis major</i>	moth butterfly
<i>Ornithoptera</i> spp. (other than <i>Ornithoptera richmondia</i> )	birdwing butterflies (other than the Richmond birdwing butterfly)

<b>Scientific name</b>	<b>Common name</b>
<i>Papilio ulysses joesa</i>	Ulysses butterfly
<i>Trapezites symmomus sombra</i>	splendid ochre (Wet Tropics subspecies)

#### **48 Mammals**

- (1) A native mammal, other than the following—
  - (a) a mammal that is extinct in the wild, endangered, vulnerable or near threatened wildlife;
  - (b) a dingo.
- (2) The following mammals—
  - (a) an echidna (*Tachyglossus aculeatus*);
  - (b) a platypus (*Ornithorhynchus anatinus*).

#### **49 Reptiles**

A native reptile, other than a reptile that is extinct in the wild, endangered, vulnerable or near threatened wildlife.

### **Subdivision 2 Declared management intent**

#### **50 Significance to nature and its value**

- (1) An animal that is least concern wildlife is a component of Queensland's biodiversity and a vital feature of the ecosystem in which the animal lives.
- (2) Without limiting subsection (1), the animal represents—
  - (a) a part of the Australian biota that is of inherent value and potential importance for the maintenance of ecosystem processes; and
  - (b) a source of genetic information integral to an understanding of the evolution of the Australian biota; and

- (c) a genetic resource of potential benefit to society.

## 51 Proposed management intent

- (1) The proposed management intent for an animal that is least concern wildlife is—
  - (a) to monitor and review the conservation status of the animal; and
  - (b) to the extent practicable, to prepare and put into effect conservation plans or other instruments for the animal if—
    - (i) the animal is of commercial, recreational, traditional or potential conservation interest; or
    - (ii) the chief executive considers the animal to be potentially vulnerable; and
  - (c) to encourage scientific research and inventory programs likely to contribute to an understanding of the animal or the Australian biota; and
  - (d) to incorporate into educational material and programs provided by the department, information about the animal's contribution to Queensland's and Australia's biodiversity; and
  - (e) for a special least concern animal—to ensure each person exercising a power or carrying out a function for a public sector unit has regard to the following when exercising the power or carrying out the function—
    - (i) the special cultural significance of the animal;
    - (ii) the need to conserve existing populations of the animal.
- (2) In this section—
  - special least concern animal*** means the following—
    - (a) an echidna (*Tachyglossus aculeatus*);
    - (b) a platypus (*Ornithorhynchus anatinus*);

- (c) a least concern bird to which any of the following agreements apply—
- (i) the agreement called ‘Agreement Between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment’, signed at Tokyo on 6 February 1974;
  - (ii) the agreement called ‘Agreement Between the Government of Australia and the Government of the People’s Republic of China for the Protection of Migratory Birds and their Environment’, signed at Canberra on 20 October 1986;
  - (iii) the agreement called ‘Agreement Between the Government of Australia and the Government of the Republic of Korea on the Protection of Migratory Birds and Exchange of Notes’, signed at Canberra on 6 December 2006;
  - (iv) the convention called ‘Convention on the Conservation of Migratory Species of Wild Animals’, signed at Bonn on 23 June 1979.

## **52 Principles relating to proposed taking, keeping and use**

An animal that is least concern wildlife may be taken, kept or used under the Act only if the taking, keeping or use is consistent with the management principles for the animal.

## Part 3 International wildlife

### Division 1 Animals

#### 53 Birds

Scientific name	Common name
<i>Eclectus roratus</i> , other than <i>Eclectus roratus macgillivrayi</i>	eclectus parrot

#### 54 Reptiles

Scientific name	Common name
<i>Morelia viridis</i> , other than the Australian population of <i>Morelia viridis</i>	green python

### Division 2 Declared management intent

#### 55 Significance to nature and its value

An animal that is international wildlife represents a source of important information that may assist in understanding the processes that influence the evolution of the Australian biota.

#### 56 Proposed management intent

The proposed management intent for an animal that is international wildlife is—

- (a) to give active support to the principles and objectives of CITES in consultation with the Commonwealth and other State agencies; and

- (b) to monitor the use of the animal in Queensland, including trade in the animal, having particular regard to—
  - (i) whether the animal interferes with the natural biodiversity of native wildlife; and
  - (ii) whether the use of the animal is likely to result in the introduction of exotic diseases into Queensland.

## **57 Principles relating to proposed taking, keeping and use**

An animal that is international wildlife may be taken, kept or used under the Act only if the taking, keeping or use poses no risk, or only a minimal risk, to the conservation of nature.

## Schedule 2      Conservation value for protected animals

sections 22 and 23

### Part 1              Conservation value for protected animals

	<b>Column 1</b> <b>Class of animal</b>	<b>Column 2</b> <b>Conservation value</b>
1	Extinct animals	\$19,326.00
2	Extinct in the wild animals	\$19,326.00
3	Critically endangered animals	\$15,461.00
4	Endangered animals	\$15,461.00
5	Vulnerable animals	\$11,591.00
6	Near threatened animals	\$7,723.00
7	Least concern animals	\$1,921.00

### Part 2              Persons exempt from payment of conservation value

	<b>Column 1</b> <b>Person</b>	<b>Column 2</b> <b>Protected animal</b>
1	A person authorised to take a protected animal under a provision of this regulation, other than chapter 4	A protected animal taken under the provision

## Schedule 2

	<b>Column 1 Person</b>	<b>Column 2 Protected animal</b>
2	The holder of 1 or more of the following animal authorities or a relevant person for the holder— (a) a damage mitigation permit; (b) an educational purposes permit; (c) a research permit; (d) a rehabilitation permit; (e) a least concern animal collection authority	A protected animal taken under the animal authority
3	The holder of a harvesting licence or a relevant person for the holder	A macropod taken under the licence A least concern scorpion taken under the licence A least concern spider taken under the licence A reptile, of the family Elapidae, taken under the licence for the purpose of extracting venom for the production of antivenom for humans A reptile, of the species <i>Tiliqua rugosa</i> (shingle back) or <i>Pogona vitticeps</i> , taken under the licence for racing in the Cunnamulla–Eulo Festival of Opals An estuarine crocodile egg taken under the licence

## Schedule 3 Categories of animals

section 21

### Part 1 Exempt animals

#### 1 Birds

Scientific name	Common name
<i>Barnardius zonarius</i>	Australian ringneck
<i>Cacatua galerita</i>	sulphur-crested cockatoo
<i>Cacatua pastinator</i>	western corella
<i>Cacatua sanguinea</i>	little corella
<i>Cacatua tenuirostris</i>	long-billed corella
<i>Chalcophaps indica</i>	emerald dove
<i>Coturnix pectoralis</i>	stubble quail
<i>Coturnix ypsilophora</i>	brown quail
<i>Emblema pictum</i>	painted finch
<i>Eolophus roseicapilla</i>	galah
<i>Erythrura gouldiae</i>	Gouldian finch
<i>Erythrura trichroa</i>	blue-faced parrot finch
<i>Excalfactoria chinensis</i>	king quail
<i>Geopelia cuneata</i>	diamond dove
<i>Geopelia humeralis</i>	bar-shouldered dove
<i>Geopelia striata</i>	peaceful dove
<i>Geophaps plumifera</i>	spinifex pigeon

Schedule 3

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<b>Scientific name</b>	<b>Common name</b>
<i>Glossopsitta concinna</i>	musk lorikeet
<i>Glossopsitta porphyrocephala</i>	purple-crowned lorikeet
<i>Heteromunia pectoralis</i>	pictorella mannikin
<i>Lonchura castaneothorax</i>	chestnut-breasted mannikin
<i>Lonchura flaviprymna</i>	yellow-rumped mannikin
<i>Melopsittacus undulatus</i>	budgerigar
<i>Neochmia modesta</i>	plum-headed finch
<i>Neochmia phaeton</i>	crimson finch
<i>Neochmia ruficauda</i>	star finch
<i>Neochmia temporalis</i>	red-browed finch
<i>Neophema chrysostoma</i>	blue-winged parrot
<i>Neophema elegans</i>	elegant parrot
<i>Neophema petrophila</i>	rock parrot
<i>Neophema pulchella</i>	turquoise parrot
<i>Neophema splendida</i>	scarlet-chested parrot
<i>Neopsephotus bourkii</i>	Bourke's parrot
<i>Northiella haematogaster</i>	blue bonnet
<i>Nymphicus hollandicus</i>	cockatiel
<i>Ocyphaps lophotes</i>	crested pigeon
<i>Parvipsitta pusilla</i>	little lorikeet
<i>Phaps chalcoptera</i>	common bronzewing
<i>Platycercus adscitus</i>	pale-headed rosella
<i>Platycercus elegans adelaidae</i>	Adelaide rosella
<i>Platycercus elegans elegans</i>	crimson rosella

<b>Scientific name</b>	<b>Common name</b>
<i>Platycercus elegans flaveolus</i>	yellow rosella
<i>Platycercus eximius</i>	eastern rosella
<i>Platycercus icterotis</i>	western rosella
<i>Platycercus venustus</i>	northern rosella
<i>Poephila acuticauda</i>	long-tailed finch
<i>Poephila cincta</i>	black-throated finch
<i>Poephila personata</i>	masked finch
<i>Polytelis alexandrae</i>	princess parrot
<i>Polytelis anthopeplus</i>	regent parrot
<i>Polytelis swainsonii</i>	superb parrot
<i>Psephotus dissimilis</i>	hooded parrot
<i>Psephotus haematonotus</i>	red-rumped parrot
<i>Psephotus varius</i>	mulga parrot
<i>Psitteuteles versicolor</i>	varied lorikeet
<i>Purpureicephalus spurius</i>	red-capped parrot
<i>Stagonopleura guttata</i>	diamond firetail
<i>Taeniopygia bichenovii</i>	double-barred finch
<i>Taeniopygia guttata</i>	zebra finch
<i>Trichoglossus chlorolepidotus</i>	scaly-breasted lorikeet
<i>Trichoglossus haemotodus moluccanus</i>	rainbow lorikeet
<i>Trichoglossus haemotodus rubritorquatus</i>	red-collared lorikeet
<i>Turnix melanogaster</i>	black-breasted button-quail
<i>Turnix varius</i>	painted button-quail

<b>Scientific name</b>	<b>Common name</b>
<i>Turnix velox</i>	little button-quail

## **Part 2**                      **Class 1 animals**

### **2**            **Amphibians**

<b>Scientific name</b>	<b>Common name</b>
<i>Crinia parinsignifera</i>	beeping froglet
<i>Crinia signifera</i>	clicking froglet
<i>Crinia sloanei</i>	Sloane's froglet
<i>Cyclorana alboguttata</i>	striped burrowing frog
<i>Cyclorana australis</i>	giant burrowing frog
<i>Cyclorana brevipes</i>	short-footed frog
<i>Cyclorana novaehollandiae</i>	wide-mouthed frog
<i>Cyclorana platycephala</i>	water holding frog
<i>Limnodynastes dumerilii</i>	eastern banjo frog
<i>Limnodynastes fletcheri</i>	barking frog
<i>Limnodynastes interioris</i>	giant banjo frog
<i>Limnodynastes peronii</i>	striped marshfrog
<i>Limnodynastes salmini</i>	salmon striped frog
<i>Limnodynastes tasmaniensis</i>	spotted grassfrog
<i>Limnodynastes terraereginae</i>	northern banjo frog
<i>Litoria bicolor</i>	northern sedgefrog
<i>Litoria caerulea</i>	common green treefrog
<i>Litoria chloris</i>	red-eyed treefrog

<b>Scientific name</b>	<b>Common name</b>
<i>Litoria citropa</i>	Blue Mountains treefrog
<i>Litoria dentata</i>	bleating treefrog
<i>Litoria ewingii</i>	brown treefrog
<i>Litoria fallax</i>	eastern sedgefrog
<i>Litoria freycineti</i>	wallum rocketfrog
<i>Litoria gilleni</i>	Centralian treefrog
<i>Litoria gracilentata</i>	graceful treefrog
<i>Litoria infrafrenata</i>	white-lipped treefrog
<i>Litoria jervisiensis</i>	Jervis Bay treefrog
<i>Litoria jungguy</i>	northern stony creek frog
<i>Litoria latopalmata</i>	broad-palmed rocketfrog
<i>Litoria lesueuri</i>	stony creek frog
<i>Litoria moorei</i>	motorbike frog
<i>Litoria nasuta</i>	striped rocketfrog
<i>Litoria nudidigita</i>	leaf green river treefrog
<i>Litoria peronii</i>	emerald spotted treefrog
<i>Litoria phyllochroa</i>	green stream frog
<i>Litoria rothii</i>	northern laughing treefrog
<i>Litoria rubella</i>	little red treefrog
<i>Litoria splendida</i>	magnificent treefrog
<i>Litoria tyleri</i>	southern laughing treefrog
<i>Litoria verreauxii</i>	whistling treefrog
<i>Litoria wilcoxii</i>	eastern stony creek frog
<i>Neobatrachus centralis</i>	trilling frog

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<b>Scientific name</b>	<b>Common name</b>
<i>Neobatrachus sudellae</i>	meeowing frog
<i>Platyplectrum ornatum</i>	ornate burrowing frog
<i>Uperoleia fusca</i>	dusky toadlet
<i>Uperoleia laevigata</i>	smooth toadlet
<i>Uperoleia rugosa</i>	wrinkled toadlet
<i>Uperoleia tyleri</i>	Tyler's toadlet

**3 Birds**

<b>Scientific name</b>	<b>Common name</b>
<i>Alisterus scapularis</i>	king parrot
<i>Anas castanea</i>	chestnut teal
<i>Anas gracilis</i>	grey teal
<i>Anas superciliosa</i>	Pacific black duck
<i>Aprosmictus erythropterus</i>	red-winged parrot
<i>Aythya australis</i>	hardhead
<i>Callocephalon fimbriatum</i>	gang-gang cockatoo
<i>Calyptorhynchus banksii</i>	red-tailed black-cockatoo
<i>Calyptorhynchus funereus</i>	yellow-tailed black-cockatoo
<i>Cereopsis novaehollandiae</i>	Cape Barren goose
<i>Chenonetta jubata</i>	Australian wood duck
<i>Columba leucomela</i>	white-headed pigeon
<i>Cyclopsitta diophthalma macleayana</i>	Macleay's fig parrot
<i>Dendrocygna arcuata</i>	wandering whistling-duck
<i>Dendrocygna eytoni</i>	plumed whistling-duck

<b>Scientific name</b>	<b>Common name</b>
<i>Ducula bicolor</i>	pied imperial-pigeon
<i>Eclectus roratus</i> , other than <i>Eclectus roratus macgillivrayi</i>	eclectus parrot
<i>Epthianura tricolor</i>	crimson chat
<i>Geophaps scripta</i>	squatter pigeon
<i>Geophaps smithii</i>	partridge pigeon
<i>Lathamus discolor</i>	swift parrot
<i>Leucosarcia melanoleuca</i>	wonga pigeon
<i>Lophochroa leadbeateri</i>	Major Mitchell's cockatoo
<i>Macropygia amboinensis</i>	brown cuckoo-dove
<i>Malacorhynchus membranaceus</i>	pink-eared duck
<i>Malurus cyaneus</i>	superb fairy-wren
<i>Malurus splendens</i>	splendid fairy-wren
<i>Northiella haematogaster</i> <i>naretha</i>	Naretha blue bonnet
<i>Oxyura australis</i>	blue-billed duck
<i>Petrophassa albipennis</i>	white-quilled rock-pigeon
<i>Petrophassa rufipennis</i>	chestnut-quilled rock-pigeon
<i>Phaps elegans</i>	brush bronzewing
<i>Phaps histrionica</i>	flock bronzewing
<i>Platycercus caledonicus</i>	green rosella
<i>Psephotus chrysopterygius</i>	golden-shouldered parrot
<i>Ptilinopus regina</i>	rose-crowned fruit-dove
<i>Ptilinopus superbus</i>	superb fruit-dove
<i>Sphecotheres vieilloti</i>	Australasian figbird

<b>Scientific name</b>	<b>Common name</b>
<i>Stagonopleura bella</i>	beautiful firetail
<i>Stagonopleura oculata</i>	red-eared firetail
<i>Tadorna radjah</i>	radjah shelduck
<i>Tadorna tadornoides</i>	Australian shelduck
<i>Turnix maculosus</i>	red-backed button-quail
<i>Turnix olivii</i>	buff-breasted button-quail
<i>Turnix pyrrhothorax</i>	red-chested button-quail
<i>Zosterops lateralis</i>	silvereeye

#### **4 Invertebrates**

The following invertebrates—

- (a) least concern spiders;
- (b) least concern scorpions.

#### **5 Reptiles**

<b>Scientific name</b>	<b>Common name</b>
<i>Acritoscincus platynotum</i>	red-throated skink
<i>Amalosia lesueurii</i>	Lesueur's velvet gecko
<i>Amphibolurus burnsi</i>	Burns' dragon
<i>Amphibolurus centralis</i>	Centralian lashtail dragon
<i>Amphibolurus gilberti</i>	Gilbert's dragon
<i>Amphibolurus muricatus</i>	jacky lizard
<i>Antaresia childreni</i>	children's python
<i>Antaresia maculosa</i>	spotted python
<i>Antaresia perthensis</i>	pygmy python

<b>Scientific name</b>	<b>Common name</b>
<i>Antaresia stimsoni</i>	Stimson's python
<i>Aprasia picturata</i>	black-headed worm-lizard
<i>Aspidites melanocephalus</i>	black-headed python
<i>Aspidites ramsayi</i>	woma
<i>Bellatorias frerei</i>	major skink
<i>Bellatorias major</i>	land mullet
<i>Boiga irregularis</i>	brown tree snake
<i>Chelodina canni</i>	Cann's long-necked turtle
<i>Chelodina expansa</i>	broad-shelled turtle
<i>Chelodina longicollis</i>	eastern snake-necked turtle
<i>Chelodina rugosa</i>	northern snake-necked turtle
<i>Christinus marmoratus</i>	marbled gecko
<i>Concinnia tenuis</i>	bar-sided skink
<i>Cryptoblepharus virgatus</i>	striped snake-eyed skink
<i>Ctenophorus nuchalis</i>	central netted dragon
<i>Ctenophorus pictus</i>	painted dragon
<i>Ctenotus regius</i>	pale-rumped ctenotus
<i>Ctenotus robustus</i>	robust ctenotus
<i>Ctenotus schomburgkii</i>	barred wedgesnout ctenotus
<i>Ctenotus spaldingi</i>	straight-browed ctenotus
<i>Ctenotus taeniolatus</i>	copper-tailed skink
<i>Cyclodomorphus casuarinae</i>	Tasmanian she-oak skink
<i>Cyclodomorphus gerrardii</i>	pink-tongued lizard
<i>Cyclodomorphus michaeli</i>	mainland she-oak skink

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<b>Scientific name</b>	<b>Common name</b>
<i>Delma molleri</i>	Gulfs delma
<i>Delma tincta</i>	excitable delma
<i>Dendrelaphis punctulatus</i>	common tree snake
<i>Diplodactylus tessellatus</i>	tessellated gecko
<i>Diplodactylus vittatus</i>	wood gecko
<i>Diporiphora australis</i>	tommy roundhead
<i>Diporiphora nobbi</i>	nobbi
<i>Egernia cunninghami</i>	Cunningham's skink
<i>Egernia hosmeri</i>	Hosmer's skink
<i>Egernia kingii</i>	King's skink
<i>Egernia saxatilis</i>	black crevice-skink
<i>Egernia stokesii</i>	gidgee skink
<i>Egernia striolata</i>	tree skink
<i>Elseya dentata</i>	northern snapping turtle
<i>Elusor macrurus</i>	Mary River turtle
<i>Emydura macquarii</i>	river turtle
<i>Eremiascincus fasciolatus</i>	narrow-banded sand swimmer
<i>Eremiascincus phantasmus</i>	ghost skink
<i>Eremiascincus richardsonii</i>	broad-banded sand swimmer
<i>Eulamprus quoyii</i>	eastern water skink
<i>Gehyra australis</i>	northern dtella
<i>Gehyra dubia</i>	dubious dtella
<i>Gehyra occidentalis</i>	Kimberley Plateau dtella
<i>Gehyra versicolor</i>	tree dtella

<b>Scientific name</b>	<b>Common name</b>
<i>Gowidon longirostris</i>	long-nosed dragon
<i>Heteronotia binoei</i>	Bynoe's gecko
<i>Heteronotia spelea</i>	desert cave gecko
<i>Intellagama lesueurii</i>	eastern water dragon
<i>Karma murrayi</i>	Murray's skink
<i>Lampropholis delicata</i>	dark-flecked garden sunskink
<i>Lampropholis guichenoti</i>	pale-flecked garden sunskink
<i>Lialis burtonis</i>	Burton's legless lizard
<i>Liasis fuscus</i>	water python
<i>Liasis olivaceus</i>	olive python
<i>Liopholis inornata</i>	desert skink
<i>Liopholis modesta</i>	eastern ranges rock-skink
<i>Liopholis whitii</i>	White's skink
<i>Lophosaurus spinipes</i>	southern angle-headed dragon
<i>Lucasium damaeum</i>	beaded gecko
<i>Lucasium steindachneri</i>	box-patterned gecko
<i>Menetia greyii</i>	common dwarf skink
<i>Morelia bredli</i>	Centralian carpet python
<i>Morelia carinata</i>	rough-scaled python
<i>Morelia spilota</i>	carpet python
<i>Morelia viridis</i>	green python
<i>Morethia boulengeri</i>	south-eastern morethia skink
<i>Morethia lineocellata</i>	west coast morethia skink
<i>Nebulifera robusta</i>	robust velvet gecko

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<b>Scientific name</b>	<b>Common name</b>
<i>Nephrurus amya</i>	Centralian knob-tailed gecko
<i>Nephrurus asper</i>	prickly knob-tailed gecko
<i>Nephrurus laevis</i>	pale knob-tail gecko
<i>Nephrurus levis</i>	three-lined knob-tail gecko
<i>Nephrurus sheai</i>	northern knob-tail gecko
<i>Nephrurus stellatus</i>	starred knob-tail gecko
<i>Nephrurus wheeleri</i>	banded knob-tail gecko
<i>Oedura bella</i>	Gulf marbled velvet gecko
<i>Oedura castelnaui</i>	northern velvet gecko
<i>Oedura cincta</i>	inland marbled velvet gecko
<i>Oedura coggeri</i>	northern spotted velvet gecko
<i>Oedura filicipoda</i>	fringe-toed velvet gecko
<i>Oedura marmorata</i>	marbled velvet gecko
<i>Oedura monilis</i>	ocellated velvet gecko
<i>Oedura tryoni</i>	southern spotted velvet gecko
<i>Parasuta dwyeri</i>	Dwyer's snake
<i>Phyllurus platurus</i>	broad-tailed gecko
<i>Pogona barbata</i>	bearded dragon
<i>Pogona henrylawsoni</i>	downs bearded dragon
<i>Pogona minor</i>	dwarf bearded dragon
<i>Pogona mitchelli</i>	north-west bearded dragon
<i>Pogona vitticeps</i>	central bearded dragon
<i>Pygopus lepidopodus</i>	common scaly-foot
<i>Pygopus nigriceps</i>	hooded scaly-foot

<b>Scientific name</b>	<b>Common name</b>
<i>Pygopus schraderi</i>	eastern hooded scaly-foot
<i>Rankinia diemensis</i>	mountain heath dragon
<i>Saltuarius cornutus</i>	northern leaf-tailed gecko
<i>Saltuarius moritzi</i>	Moritz's leaf-tailed gecko
<i>Saltuarius salebrosus</i>	rough-throated leaf-tailed gecko
<i>Saltuarius swaini</i>	southern leaf-tailed gecko
<i>Simalia amethystina</i>	amethystine python
<i>Simalia kinghorni</i>	amethystine python
<i>Stegonotus cucullatus</i>	slaty-grey snake
<i>Strophurus ciliaris</i>	northern spiny-tailed gecko
<i>Strophurus intermedius</i>	southern spiny-tailed gecko
<i>Strophurus jeanae</i>	southern phasmid gecko
<i>Strophurus krisalys</i>	Kristin's spiny-tailed gecko
<i>Strophurus taenicauda</i>	golden-tailed gecko
<i>Strophurus wellingtonae</i>	western shield spiny-tailed gecko
<i>Strophurus williamsi</i>	eastern spiny-tailed gecko
<i>Tiliqua multifasciata</i>	Centralian blue-tongued lizard
<i>Tiliqua nigrolutea</i>	blotched blue-tongued lizard
<i>Tiliqua rugosa</i>	shingleback
<i>Tiliqua scincoides</i>	eastern blue-tongued lizard
<i>Tropicagama temporalis</i>	swamplands lashtail
<i>Tropidonophis mairii</i>	keelback snake
<i>Underwoodisaurus milii</i>	thick-tailed gecko
<i>Varanus acanthurus</i>	ridge-tailed monitor

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<b>Scientific name</b>	<b>Common name</b>
<i>Varanus gilleni</i>	pygmy mulga monitor
<i>Varanus gouldii</i>	sand monitor
<i>Varanus mertensi</i>	Mertens' water monitor
<i>Varanus scalaris</i>	spotted tree monitor
<i>Varanus storri</i>	Storr's monitor
<i>Varanus tristis</i>	black-tailed monitor
<i>Wollumbinia latisternum</i>	saw-shelled turtle

## **Part 3**                      **Class 2 animals**

### **6**            **Amphibians**

<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous Animal</b>
<i>Adelotus brevis</i>	tusked frog	no
<i>Assa darlingtoni</i>	pouched frog	no
<i>Crinia deserticola</i>	desert froglet	no
<i>Crinia tinnula</i>	wallum froglet	no
<i>Cyclorana cultripes</i>	knife-footed frog	no
<i>Cyclorana verrucosa</i>	rough frog	no
<i>Geocrinia laevis</i>	smooth frog	no
<i>Geocrinia victoriana</i>	eastern smooth frog	no
<i>Geocrinia vitellina</i>	orange-bellied frog	no
<i>Heleioporus australiacus</i>	giant burrowing frog	no
<i>Litoria aurea</i>	green and golden bell frog	no
<i>Litoria booroolongensis</i>	Booroolong frog	no

<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous Animal</b>
<i>Litoria brevipalmata</i>	green thighed frog	no
<i>Litoria burrowsae</i>	Tasmanian treefrog	no
<i>Litoria dahlii</i>	northern waterfrog	no
<i>Litoria eucnemis</i>	growling green eyed frog	no
<i>Litoria littlejohni</i>	Littlejohn's treefrog	no
<i>Litoria pearsoniana</i>	cascade treefrog	no
<i>Litoria raniformis</i>	southern bell frog	no
<i>Litoria revelata</i>	whirring treefrog	no
<i>Litoria xanthomera</i>	orange thighed treefrog	no
<i>Mixophyes balbus</i>	stuttering frog	no
<i>Mixophyes fasciolatus</i>	great barred frog	no
<i>Mixophyes iteratus</i>	giant barred frog	no
<i>Notaden bennettii</i>	holy cross frog	no
<i>Notaden nichollsi</i>	desert spadefoot	no
<i>Paracrinia haswelli</i>	Haswell's froglet	no
<i>Philoria kundagungan</i>	red-and-yellow mountainfrog	no
<i>Philoria loveridgei</i>	masked mountainfrog	no
<i>Philoria sphagnicolus</i>	sphagnum frog	no
<i>Pseudophryne australis</i>	red-crowned toadlet	no
<i>Pseudophryne bibronii</i>	Bibron's toadlet	no
<i>Pseudophryne coriacea</i>	red-backed toadlet	no
<i>Pseudophryne dendyi</i>	Dendy's toadlet	no
<i>Pseudophryne major</i>	large toadlet	no

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Scientific name	Common name	Dangerous Animal
<i>Pseudophryne semimarmorata</i>	southern toadlet	no

**7 Birds**

Scientific name	Common name	Dangerous animal
<i>Acanthagenys rufogularis</i>	spiny-cheeked honeyeater	no
<i>Acanthiza chrysorrhoa</i>	yellow-rumped thornbill	no
<i>Acanthorhynchus superciliosus</i>	western spinebill	no
<i>Acanthorhynchus tenuirostris</i>	eastern spinebill	no
<i>Ailuroedus crassirostris</i>	green catbird	no
<i>Alectura lathami</i>	Australian brush-turkey	no
<i>Amytornis rowleyi</i>	rusty grasswren	no
<i>Amytornis striatus</i>	striated grasswren	no
<i>Amytornis textilis</i>	western grasswren	no
<i>Anseranas semipalmata</i>	magpie goose	no
<i>Anthochaera carunculata</i>	red wattlebird	no
<i>Anthochaera chrysoptera</i>	little wattlebird	no
<i>Aplonis metallica</i>	metallic starling	no
<i>Artamus cinereus</i>	black-faced woodswallow	no
<i>Artamus cyanopterus</i>	dusky woodswallow	no
<i>Artamus leucorhynchus</i>	white-breasted woodswallow	no
<i>Artamus personatus</i>	masked woodswallow	no
<i>Artamus superciliosus</i>	white-browed woodswallow	no

<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous animal</b>
<i>Biziura lobata</i>	musk duck	no
<i>Bubulcus ibis</i>	cattle egret	no
<i>Burhinus grallarius</i>	bush stone-curlew	no
<i>Caligavis chrysops</i>	yellow-faced honeyeater	no
<i>Calyptorhynchus baudinii</i>	Baudin's black-cockatoo	no
<i>Calyptorhynchus lathami</i>	glossy black-cockatoo	no
<i>Calyptorhynchus latirostris</i>	Carnaby's black-cockatoo	no
<i>Centropus phasianinus</i>	pheasant coucal	no
<i>Certhionyx variegatus</i>	pied honeyeater	no
<i>Charadrius australis</i>	inland dotterel	no
<i>Chlamydera maculata</i>	spotted bowerbird	no
<i>Cladorhynchus leucocephalus</i>	banded stilt	no
<i>Corcorax melanorhamphos</i>	white-winged chough	no
<i>Corvus orru</i>	Torresian crow	no
<i>Cracticus tibicen</i>	Australian magpie	no
<i>Cygnus atratus</i>	black swan	no
<i>Dacelo leachii</i>	blue-winged kookaburra	no
<i>Dacelo novaeguineae</i>	laughing kookaburra	no
<i>Dicaeum hirundinaceum</i>	mistletoebird	no
<i>Eclectus roratus macgillivrayi</i>	eclectus parrot (Australian subspecies)	no
<i>Egretta garzetta</i>	little egret	no
<i>Egretta novaehollandiae</i>	white-faced heron	no
<i>Egretta picata</i>	pied heron	no

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<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous animal</b>
<i>Entomyzon cyanotis</i>	blue-faced honeyeater	no
<i>Eopsaltria australis</i>	eastern yellow robin	no
<i>Epthianura albifrons</i>	white-fronted chat	no
<i>Epthianura aurifrons</i>	orange chat	no
<i>Eulabeornis castaneiventris</i>	chestnut rail	no
<i>Eurystomus orientalis</i>	dollarbird	no
<i>Fulica atra</i>	eurasian coot	no
<i>Gallinula mortierii</i>	Tasmanian native-hen	no
<i>Gallinula tenebrosus</i>	dusky moorhen	no
<i>Gallinula ventralis</i>	black-tailed native-hen	no
<i>Gallirallus philippensis</i>	buff-banded rail	no
<i>Grallina cyanoleuca</i>	magpie-lark	no
<i>Himantopus himantopus</i>	black-winged stilt	no
<i>Lichenostomus melanops</i>	yellow-tufted honeyeater	no
<i>Lopholaimus antarcticus</i>	topnot pigeon	no
<i>Malurus amabilis</i>	lovely fairy-wren	no
<i>Malurus assimilis</i>	purple-backed fairy-wren	no
<i>Malurus coronatus</i>	purple-crowned fairy-wren	no
<i>Malurus elegans</i>	red-winged fairy-wren	no
<i>Malurus lamberti</i>	variegated fairy-wren	no
<i>Malurus leucopterus</i>	white-winged fairy-wren	no
<i>Malurus melanocephalus</i>	red-backed fairy-wren	no
<i>Malurus pulcherrimus</i>	blue-breasted fairy-wren	no

<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous animal</b>
<i>Manorina melanocephala</i>	noisy miner	no
<i>Melanodryas cucullata</i>	hooded robin	no
<i>Meliphaga lewinii</i>	Lewin's honeyeater	no
<i>Melithreptus lunatus</i>	white-naped honeyeater	no
<i>Merops ornatus</i>	rainbow bee-eater	no
<i>Microcarbo melanoleucos</i>	little pied cormorant	no
<i>Myzomela sanguinolenta</i>	scarlet honeyeater	no
<i>Nectarinia jugularis</i>	olive-backed sunbird	no
<i>Nettapus coromandelianus</i>	cotton pygmy-goose	no
<i>Nettapus pulchellus</i>	green pygmy-goose	no
<i>Oriolus sagittatus</i>	olive-backed oriole	no
<i>Pachycephala pectoralis</i>	golden whistler	no
<i>Pachycephala rufiventris</i>	rufous whistler	no
<i>Pardalotus punctatus</i>	spotted pardalote	no
<i>Pardalotus striatus</i>	striated pardalote	no
<i>Petroica boodang</i>	scarlet robin	no
<i>Petroica goodenovii</i>	red-capped robin	no
<i>Petroica phoenicea</i>	flame robin	no
<i>Philemon citreogularis</i>	little friarbird	no
<i>Philemon corniculatus</i>	noisy friarbird	no
<i>Phylidonyris niger</i>	white-cheeked honeyeater	no
<i>Phylidonyris novaehollandiae</i>	New Holland honeyeater	no
<i>Phylidonyris pyrrhopterus</i>	crescent honeyeater	no
<i>Pitta iris</i>	rainbow pitta	no

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<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous animal</b>
<i>Pitta versicolor</i>	noisy pitta	no
<i>Platalea flavipes</i>	yellow-billed spoonbill	no
<i>Platalea regia</i>	royal spoonbill	no
<i>Plectorhyncha lanceolata</i>	striped honeyeater	no
<i>Plegadis falcinellus</i>	glossy ibis	no
<i>Podargus strigoides</i>	tawny frogmouth	no
<i>Porphyrio melanotus</i>	purple swamphen	no
<i>Psophodes olivaceus</i>	eastern whipbird	no
<i>Ptilinopus magnificus</i>	wompoo fruit-dove	no
<i>Ptilonorhynchus violaceus</i>	satin bowerbird	no
<i>Ptilotula penicillata</i>	white-plumed honeyeater	no
<i>Sericornis citreogularis</i>	yellow-throated scrubwren	no
<i>Sericornis frontalis</i>	white-browed scrubwren	no
<i>Sericulus chrysocephalus</i>	regent bowerbird	no
<i>Spatula rhynchotis</i>	Australian shoveler	no
<i>Stictonetta naevosa</i>	freckled duck	no
<i>Struthidea cinerea</i>	apostlebird	no
<i>Threskiornis molucca</i>	Australian white ibis	no
<i>Threskiornis spinicollis</i>	straw-necked ibis	no
<i>Todiramphus macleayii</i>	forest kingfisher	no
<i>Todiramphus pyrrhopygia</i>	red-backed kingfisher	no
<i>Todiramphus sanctus</i>	sacred kingfisher	no

Scientific name	Common name	Dangerous animal
<i>Turnix castanotus</i>	chestnut-backed button-quail	no
<i>Vanellus miles</i>	masked lapwing	no
<i>Vanellus tricolor</i>	banded lapwing	no

## 8 Reptiles

Scientific name	Common name	Dangerous animal
<i>Acanthophis spp.</i>	death adder (all species)	yes
<i>Acrochordus arafurae</i>	Arafura file snake	no
<i>Acrochordus granulatus</i>	little file snake	no
<i>Anilius nigrescens</i>	blackish blind snake	no
<i>Anomalopus verreauxii</i>	three-clawed worm-skink	no
<i>Austrelaps spp.</i>	copperhead (all species)	yes
<i>Brachyuropis australis</i>	coral snake	no
<i>Cacophis harriettae</i>	white-crowned snake	no
<i>Cacophis krefftii</i>	dwarf crowned snake	no
<i>Cacophis squamulosus</i>	golden-crowned snake	no
<i>Calyptotis ruficauda</i>	red-tailed calyptotis	no
<i>Carettochelys insculpta</i>	pig-nosed turtle	no
<i>Carphodactylus laevis</i>	chameleon gecko	no
<i>Cerberus australis</i>	bockadam	no
<i>Chelodina burrungandjii</i>	sandstone long-necked turtle	no
<i>Chelodina steindachneri</i>	flat-shelled turtle	no

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<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous animal</b>
<i>Chelosania brunnea</i>	chameleon dragon	no
<i>Chlamydosaurus kingii</i>	frilled lizard	no
<i>Concinnia martini</i>	dark bar-sided skink	no
<i>Cryptophis nigrescens</i>	eastern small-eyed snake	yes
<i>Ctenophorus caudicinctus</i>	ring-tailed dragon	no
<i>Ctenophorus clayi</i>	black-collared dragon	no
<i>Ctenophorus cristatus</i>	crested dragon	no
<i>Ctenophorus decresii</i>	tawny dragon	no
<i>Ctenophorus fionni</i>	peninsula dragon	no
<i>Ctenophorus fordi</i>	mallee military dragon	no
<i>Ctenophorus isolepis</i>	central military dragon	no
<i>Ctenophorus ornatus</i>	ornate dragon	no
<i>Ctenophorus reticulatus</i>	western netted dragon	no
<i>Ctenophorus salinarum</i>	claypan dragon	no
<i>Ctenophorus vadrappa</i>	red-barred dragon	no
<i>Ctenotus leonhardii</i>	Leonhardi's ctenotus	no
<i>Ctenotus pantherinus</i>	leopard ctenotus	no
<i>Ctenotus saxatilis</i>	rock ctenotus	no
<i>Cyrtodactylus mcdonaldi</i>	McDonald's ring-tailed gecko	no
<i>Cyrtodactylus tuberculatus</i>	ring-tailed gecko	no
<i>Delma impar</i>	striped legless lizard	no
<i>Delma inornata</i>	patternless delma	no
<i>Demansia papuensis</i>	greater black whipsnake	yes

<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous animal</b>
<i>Demansia psammophis</i>	yellow-faced whip snake	no
<i>Demansia vestigiata</i>	lesser black whipsnake	yes
<i>Dendrelaphis calligastra</i>	northern tree snake	no
<i>Denisonia devisi</i>	De Vis' banded snake	no
<i>Denisonia maculata</i>	ornamental snake	no
<i>Diplodactylus ameyi</i>	eastern deserts fat-tailed gecko	no
<i>Diplodactylus barraganae</i>	Gulf fat-tailed gecko	no
<i>Diplodactylus conspicillatus</i>	variable fat-tailed gecko	no
<i>Diplodactylus galeatus</i>	helmeted gecko	no
<i>Diplodactylus granariensis</i>	western stone gecko	no
<i>Diplodactylus laevis</i>	desert fat-tailed gecko	no
<i>Diplodactylus platyurus</i>	eastern fat-tailed gecko	no
<i>Diporiphora bennettii</i>	robust two-line dragon	no
<i>Diporiphora bilineata</i>	two-lined dragon	no
<i>Diporiphora magna</i>	yellow-sided two-lined dragon	no
<i>Diporiphora winneckeii</i>	canegrass dragon	no
<i>Drysdalia coronoides</i>	white-lipped snake	no
<i>Drysdalia rhodogaster</i>	mustard-bellied snake	no
<i>Echiopsis curta</i>	bardick	no
<i>Egernia cygnitos</i>	western Pilbara spiny-tailed skink	no
<i>Egernia depressa</i>	pygmy spiny-tailed skink	no

## Schedule 3

<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous animal</b>
<i>Egernia eos</i>	central Pilbara spiny-tailed skink	no
<i>Egernia epcisolus</i>	eastern Pilbara spiny-tailed skink	no
<i>Egernia mcphreei</i>	eastern crevice-skink	no
<i>Egernia rugosa</i>	yakka skink	no
<i>Elseya albagula</i>	southern snapping turtle	no
<i>Elseya irwini</i>	Irwin's turtle	no
<i>Elseya lavarackorum</i>	Gulf snapping turtle	no
<i>Emydura subglobosa</i>	painted turtle	no
<i>Emydura tanybaraga</i>	northern yellow-faced turtle	no
<i>Emydura victoriae</i>	northern red-faced turtle	no
<i>Eulamprus tympanum</i>	southern water-skink	no
<i>Furina diadema</i>	red-naped snake	no
<i>Furina ornata</i>	orange-naped snake	no
<i>Gehyra montium</i>	Centralian dtella	no
<i>Gehyra robusta</i>	Robust dtella	no
<i>Gnypetoscincus queenslandiae</i>	prickly forest skink	no
<i>Hemiaspis signata</i>	black-bellied swamp snake	no
<i>Hoplocephalus spp.</i>	broad-headed snake (all species)	yes
<i>Karma tryoni</i>	Tryon's skink	no
<i>Leiopython hoseae/albertisii</i>	white-lipped python	no
<i>Lepidodactylus lugubris</i>	mourning gecko	no

<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous animal</b>
<i>Liburnascincus coensis</i>	Coen rainbow-skink	no
<i>Liopholis margaretae</i>	Centralian Ranges rock-skink	no
<i>Liopholis pulchra</i>	south-western rock-skink	no
<i>Liopholis striata</i>	nocturnal desert-skink	no
<i>Lophosaurus boydii</i>	Boyd's forest dragon	no
<i>Lucasium byrnei</i>	gibber gecko	no
<i>Lucasium stenodactylum</i>	crowned gecko	no
<i>Morelia oenpelliensis</i>	Oenpelli rock python	no
<i>Notechis spp.</i>	tiger snake (all species)	yes
<i>Oedura gemmata</i>	dotted velvet gecko	no
<i>Oxyuranus spp.</i>	taipan (all species)	yes
<i>Parasuta flagellum</i>	little whip snake	no
<i>Parasuta spectabilis</i>	mallee black-headed snake	no
<i>Pogona microlepidota</i>	small-scaled bearded dragon	no
<i>Pseudechis spp.</i>	black snake (all species)	yes
<i>Pseudoferania polylepis</i>	Macleay's water snake	no
<i>Pseudonaja spp.</i>	brown snake (all species)	yes
<i>Pseudothecadactylus cavaticus</i>	western giant cave gecko	no
<i>Pseudothecadactylus lindneri</i>	northern giant cave gecko	no
<i>Rheodytes leukops</i>	Fitzroy River turtle	no
<i>Rhynchoedura ornata</i>	beaked gecko	no
<i>Saltuarius wyberba</i>	granite leaf-tailed gecko	no

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<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous animal</b>
<i>Strophurus elderi</i>	jewelled gecko	no
<i>Strophurus spinigerus</i>	soft spiny-tailed gecko	no
<i>Suta suta</i>	myall snake	yes
<i>Tiliqua occipitalis</i>	western blue-tongued lizard	no
<i>Tropidechis carinatus</i>	rough-scaled snake	yes
<i>Tympanocryptis centralis</i>	centralian earless dragon	no
<i>Tympanocryptis cephalus</i>	pebble dragon	no
<i>Tympanocryptis intima</i>	gibber earless dragon	no
<i>Tympanocryptis lineata</i>	lined earless dragon	no
<i>Tympanocryptis tetraporophora</i>	Eyrean earless dragon	no
<i>Uvidicolus sphyurus</i>	Granite Belt thick-tailed gecko	no
<i>Varanus baritji</i>	black-spotted spiny-tailed monitor	no
<i>Varanus brevicauda</i>	short-tailed pygmy monitor	no
<i>Varanus bushi</i>	Bush's monitor	no
<i>Varanus caudolineatus</i>	stripe-tailed monitor	no
<i>Varanus eremius</i>	pygmy desert monitor	no
<i>Varanus giganteus</i>	perentie	no
<i>Varanus glauerti</i>	Kimberley rock monitor	no
<i>Varanus glebopalma</i>	black-palmed monitor	no
<i>Varanus hammersleyensis</i>	southern Pilbara rock monitor	no
<i>Varanus indicus</i>	mangrove monitor	no

<b>Scientific name</b>	<b>Common name</b>	<b>Dangerous animal</b>
<i>Varanus kingorum</i>	long-tailed rock monitor	no
<i>Varanus mitchelli</i>	Mitchell's water monitor	no
<i>Varanus panoptes</i>	yellow-spotted monitor	no
<i>Varanus pilbarensis</i>	northern Pilbara rock monitor	no
<i>Varanus prasinus</i>	emerald monitor	no
<i>Varanus primordius</i>	northern ridge-tailed monitor	no
<i>Varanus rosenbergi</i>	heath monitor	no
<i>Varanus semiremex</i>	rusty monitor	no
<i>Varanus spenceri</i>	Spencer's monitor	no
<i>Varanus varius</i>	lace monitor	no
<i>Vermicella annulata</i>	bandy-bandy	no
<i>Wollumbinia belli</i>	Bell's turtle	no

## Part 4 Farm animals

An animal mentioned in the table below if the animal—

- (a) is wild by nature and is lawfully taken from the wild under the Act; or
- (b) is farmed; or
- (c) has been, or is being, lawfully moved into the State for use for farming.

<b>Scientific name</b>	<b>Common name</b>
<i>Crocodylus johnstoni</i>	freshwater crocodile

Schedule 3

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<b>Scientific name</b>	<b>Common name</b>
<i>Crocodylus porosus</i>	estuarine crocodile
<i>Dromaius novaehollandiae</i>	emu
<i>Elapidae</i>	a reptile of the family <i>Elapidae</i>
<i>Ornithoptera spp.</i>	birdwing butterfly (all species)
<i>Papilio ulysses</i>	Ulysses butterfly

## Schedule 4 Marine mammals

sections 281, 283, 286 and 293

### Part 1 Permanent marine mammal special management area

	Column 1	Column 2	Column 3
	Area	Marine mammal	No approach zone
1	the whale protection area described in the <i>Great Barrier Reef Marine Park Regulations 2019</i> (Cwlth), schedule 4	whale	300m

### Part 2 Permanent special marine mammal

	Column 1	Column 2	Column 3
	Marine mammal	No approach zone	Prescribed distance
1	a humpback whale with a body pigmentation that is over 90% white in colour	500m	(a) for a prohibited vessel—500m (b) for an aircraft, other than a remotely piloted aircraft—610m (c) for a remotely piloted aircraft—100m

## Schedule 5 Processed products

section 367(1)(a)

### Part 1 Definitions for schedule

In this schedule—

***approved label*** means a label that—

- (a) is of a size required for a product label under the emu code; and
- (b) includes all the information required for a product label under the emu code.

***approved mark*** means a mark that—

- (a) is of a size and format approved by the chief executive for marks on emu eggs; and
- (b) includes all the information required under the emu code for marks on emu eggs.

***approved tag*** means a tag supplied or approved by the chief executive, under section 350, for attaching to an animal to identify the animal as a processed product.

***emu code*** means the document called ‘Code of practice—emu farming’, approved by the chief executive under section 174A of the Act.

*Note—*

Section 174A(3) of the Act requires a copy of the code to be open for public inspection during office hours on business days at the department’s head office and each regional office of the department.

***relevant protected animal*** means a dead protected animal other than—

- (a) a macropod; or
- (b) a relevant protected bird; or

- (c) a relevant protected butterfly; or
- (d) a relevant protected crocodile; or
- (e) a relevant protected emu.

***relevant protected bird*** means a protected class 1 bird, or a class 2 bird, that—

- (a) was lawfully taken, kept and used in the State; or
- (b) was lawfully taken, kept and used in a place outside the State.

***relevant protected butterfly*** means—

- (a) a protected butterfly that—
  - (i) is a farm animal kept under a farming licence; and
  - (ii) was lawfully taken or bred from a butterfly that was lawfully taken; and
  - (iii) if the butterfly was taken or bred in another State—was lawfully moved into the State; or
- (b) a protected butterfly that was lawfully taken, kept and used in a place outside the State.

***relevant protected crocodile*** means—

- (a) a protected crocodile that—
  - (i) is a farm animal kept under a farming licence; and
  - (ii) was lawfully taken or bred from a crocodile that was lawfully taken; and
  - (iii) if the crocodile was taken or bred in another State—was lawfully moved into the State; or
- (b) a protected crocodile that was lawfully taken, kept and used in a place outside the State.

***relevant protected emu*** means—

- (a) a protected emu that—
  - (i) is a farm animal kept under a farming licence; and
  - (ii) was lawfully taken or bred from an emu that was lawfully taken; and



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## Part 4                      **Processed products made or derived from relevant protected crocodiles**

- 1 The skinned carcass or meat of a dead relevant protected crocodile lawfully obtained by a person from the holder of a dealer licence or farming licence if—
  - (a) the way the carcass or meat is packed complies with the requirements for packing the carcass or meat under the *Food Production (Safety) Act 2000*; and
  - (b) the carcass or meat was lawfully moved from the holder to the person.
- 2 The skinned carcass or meat of a dead relevant protected crocodile lawfully obtained by a person from a person in another State if—
  - (a) the way the carcass or meat is packed complies with any applicable law of the other State; and
  - (b) the carcass or meat is lawfully moved into the State to the person.
- 3 A fully tanned skin of a dead relevant protected crocodile lawfully obtained by a person from the holder of a dealer licence or a farming licence.
- 4 A fully tanned skin of a dead relevant protected crocodile lawfully obtained by a person from a person outside the State if the skin has an export permit lawfully attached to it.
- 5 An egg of a dead relevant protected crocodile if the egg—
  - (a) has had its contents removed; and
  - (b) has an export permit lawfully attached to it.
- 6 The whole skin of a dead relevant protected crocodile if the skin—
  - (a) is mounted by either of the following persons—
    - (i) the holder of a dealer licence;

- (ii) a person in another State who is authorised, under a law of that State, to mount the skin; and
  - (b) is mounted in a way to display the crocodile in whole form; and
  - (c) has an export permit lawfully attached to it.
- 7 The skull of a dead relevant protected crocodile if the skull—
- (a) is prepared or mounted by 1 of the following persons—
    - (i) the holder of a dealer licence;
    - (ii) a person outside the State who is authorised, under a law of that State, to prepare or mount the skull; and
  - (b) has an export permit lawfully attached to it.
- 8 A product of a dead relevant protected crocodile, other than a product mentioned in items 1 to 7, if—
- (a) the product has an export permit lawfully attached to it; or
  - (b) the product is packed in a container that—
    - (i) is transparent; and
    - (ii) has an export permit lawfully attached to it.

## Part 5

### **Processed products made of or derived from relevant protected emus**

- 1 The skinned carcass or meat of a dead relevant protected emu lawfully obtained by a person from the holder of a dealer licence or a farming licence for the emu if—
- (a) the way the carcass or meat is packed complies with the requirements about packing the carcass or meat under the *Food Production (Safety) Act 2000*; and
  - (b) the carcass or meat is lawfully moved from the holder to the person.

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- 2 The skinned carcass or meat of a dead relevant protected emu lawfully obtained by a person from a person in another State if—
    - (a) the way the carcass or meat is packed complies with any applicable law of the other State; and
    - (b) the carcass or meat is lawfully moved into the State.
  - 3 The whole skin of a dead relevant protected emu if the skin is fleshed and tanned at the licensed premises for a dealer licence or a farming licence for emus.
  - 4 The whole skin of a dead relevant protected emu if the skin—
    - (a) is mounted by either of the following persons—
      - (i) the holder of a dealer licence for a dead relevant protected emu;
      - (ii) a person in another State who is authorised, under a law of that other State, to mount the skin; and
    - (b) is mounted in a way to display the emu in whole form; and
    - (c) has an approved tag lawfully attached to it.
  - 5 The skin from the leg of a dead relevant protected emu if the skin is fleshed and tanned at the licensed premises for a dealer licence or a farming licence for emus.
  - 6 An egg of a live or dead relevant protected emu if the egg—
    - (a) has had its contents removed; and
    - (b) has an approved mark on it.
  - 7 A feather from a live or dead relevant protected emu.
  - 8 Oil or fat derived from a dead relevant protected emu.
  - 9 A beak, foot or bone of a dead relevant protected emu if the beak, foot or bone is in a sealed container with an approved label lawfully attached to it.



- 5 The dehydrated and crystallised venom of a snake if the snake—
- (a) is a relevant protected animal that is a farm animal kept under a farming licence; and
  - (b) was lawfully taken, kept and used.
- 6 A natural product of a relevant protected animal if—
- (a) the animal is a least concern animal; and
  - (b) the animal has been lawfully taken and is being lawfully kept; and
  - (c) the product is not used for wholesale sale.

## Schedule 6 Fees

section 357

### Part 1 Fees for animal authorities

#### Division 1 Licences

	\$
1 Application for grant or renewal of a standard licence (ss 235(2)(c) and 258(2)(d))	59.20
2 Application for grant or renewal of a specialised licence (ss 235(2)(c) and 258(2)(d))	316.90
3 Application for grant or renewal of an advanced licence (ss 235(2)(c) and 258(2)(d))	682.90
4 Application for grant of a harvesting licence (s 235(2)(c))—	
(a) for macropods—	
(i) payable on or before 31 December 2020—	
(A) if the term of the licence is 1 year or less	79.95
(B) if the term of the licence is more than 1 year	238.35
(ii) payable on or after 1 January 2021—	
(A) if the term of the licence is 1 year or less	81.60
(B) if the term of the licence is more than 1 year	244.80
(b) for scorpions or spiders	346.80
(c) for other animals	359.20
5 Application for grant of a dealer licence (s 235(2)(c))—	

\$

	(a) for macropods—	
	(i) payable on or before 31 December 2020—	
	(A) if the term of the licence is 1 year or less	724.00
	(B) if the term of the licence is more than 1 year	2,062.00
	(ii) payable on or after 1 January 2021—	
	(A) if the term of the licence is 1 year or less	737.00
	(B) if the term of the licence is more than 1 year	2,099.00
	(b) for other animals—	
	(i) if the term of the licence is 1 month or less	143.70
	(ii) if the term of the licence is more than 1 month but less than 1 year	715.00
	(iii) if the term of the licence is more than 1 year	2,048.00
6	Application for grant of an interaction licence (s 235(2)(c))	170.90
7	Application for grant of a farming licence (s 235(2)(c))—	
	(a) for butterflies—	
	(i) if the term of the licence is 1 year or less	189.10
	(ii) if the term of the licence is more than 1 year	538.00
	(b) for crocodiles—	
	(i) if the term of the licence is 1 year or less	1,480.00
	(ii) if the term of the licence is more than 1 year	4,236.00
	(c) for emus—	
	(i) if the term of the licence is 1 year or less	556.00
	(ii) if the term of the licence is more than 1 year	1,588.00
	(d) for reptiles of the family Elapidae—	
	(i) if the term of the licence is 1 year or less	376.60

	\$
(ii) if the term of the licence is more than 1 year	1,071.00

## **Division 2                      Permits**

	\$
1    Application for grant of a permit to keep wildlife (s 235(2)(c))	84.60
2    Application for grant of a movement permit (s 235(2)(c))	17.55

## **Division 3                      Collection authorities**

	\$
1    Application for grant of a least concern animal collection authority (s 235(2)(c))	108.00
2    Application for grant of a dead animal collection authority (s 235(2)(c))	84.60

## **Division 4                      Fees for amendments**

	\$
1    Application for a licence type amendment (s 265(2)(b))	the difference between— (a) the fee that would apply for the grant or renewal of the authority before the amendment; and

	\$
(b) the fee that would apply for the grant or renewal of the authority after the amendment	
2 Application for another amendment of an animal authority for which a fee is payable, for each amendment (s 265(2)(b))	18.65

## **Division 5                      Fee for replacements**

	\$
1 Application for the replacement of an animal authority (s 279(3)(b))	nil

## **Part 2                              Fees for approved tags**

	\$
1 Supply of a tag for a farm crocodile skin (s 350(1))	2.18
2 Supply of a tag for a farm emu skin (s 350(1))	1.56
3 Supply of a tag for a macropod skin or carcass, for each lot of 50 tags supplied (s 350(1))—	
(a) on or before 31 December 2020	49.50
(b) on or after 1 January 2021	50.35
4 Application for approval of a tag (s 350(2)(b))	8.80

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**Part 3 Fees for sampling or implanting animals**

	\$
1 Supply of approved electromagnetic implant (s 374)	nil
2 Supply of sampling consumables and storage of the sample by an approved scientific institution (ss 366(2)(c) and 374)	nil

**Part 4 Fees for record books**

	\$
1 Supply of record book for holder of a dealer licence for macropods purchased (s 343(3))—	
(a) on or before 31 December 2020	35.40
(b) on or after 1 January 2021	36.00
2 Supply of a record book for holder of harvesting licence for macropods purchased (s 343(3))—	
(a) on or before 31 December 2020	8.55
(b) on or after 1 January 2021	8.70
3 Supply of a record book for another animal authority (s 343(3))—	
(a) for a book with 20 pages	8.80
(b) for a book with 50 pages	22.10

## **Part 5**                      **Fees for movement of animals**

		<b>\$</b>
1	Supply of a movement advice (s 375)	3.85

## Schedule 7 Dictionary

### section 3

***accept***, an animal, does not include a transfer of possession of the animal between the holder of an animal authority for the animal and a relevant person for the holder.

***affected person***, for chapter 11, part 1, see section 377.

***aircraft*** means any machine or craft that can derive support in the atmosphere from the reactions of the air or from buoyancy but does not include a hovercraft or wing in ground effect craft.

***airport***, for chapter 3, part 6, see section 41.

***animal authority*** means a licence, permit or authority mentioned in chapter 4, parts 3 to 18.

***animal breeding place***, of an animal, means a bower, burrow, cave, hollow, nest or other thing that is commonly used by the animal to incubate or rear the animal's offspring.

***animal record particulars***, for an animal, for chapter 8, see section 337.

***approved captive breeding program***, for an animal or species of animal, means a program for the captive breeding of the animal or species that has been approved by the chief executive.

***approved electromagnetic implant*** means an electromagnetic implant approved by the Minister for use on animals for identification purposes.

***approved electronic record system***, for chapter 8, see section 337.

***approved form*** means a form approved under section 396.

***approved interaction plan***, for an animal, means a plan that is—

- 
- (a) about interacting with the animal or animals of the same species; and
  - (b) approved by the chief executive.

***approved label***, for schedule 5, see schedule 5, part 1.

***approved mark***, for schedule 5, see schedule 5, part 1.

***approved person***, for a person mentioned in section 341(1), means a person approved, under section 341(2), to keep a record, or give a return of operations, for the person.

***approved scientific institution***, for an animal, means a scientific institution approved by the Minister for accepting biological tissue samples of the animal.

***approved tag***—

- (a) for schedule 5—see schedule 5, part 1; or
- (b) otherwise—see section 350(5).

***associate***, of a person whose suitability to hold an animal authority is being considered, for chapter 5, part 2, division 2, see section 237.

***authorised animal***, in relation to an animal authority, means an animal—

- (a) identified on the authority under section 249(1)(g) or 250; and
- (b) if section 251 applies to the animal—to which the authority applies under section 251(2).

***authorised buyer***, for an animal, means a person who is authorised to keep the animal under the Act, including, for example, a person authorised, under the Act, to keep the animal in another State or country.

***authorised display*** means a show or display that—

- (a) is not conducted for a commercial purpose; and
- (b) lasts for no longer than 11 days.

***authorised display purpose***, for a display of an animal, means any of the following purposes—

- (a) giving public information about the ecological role of the animal;
- (b) promoting education about, and the conservation of, the animal;
- (c) promoting an understanding of ecology and the conservation of the animal.

***authorised interstate seller***, for an animal, means a person who—

- (a) is authorised to sell or give away the animal under a law of another State; and
- (b) does not hold an animal authority authorising the person to sell or give away the animal.

***authorised premises***, for an animal, means premises where the animal is authorised to be kept under the Act.

***aviculture code*** means the document called ‘Code of practice—aviculture’, approved by the chief executive under section 174A of the Act.

*Note—*

Section 174A(3) of the Act requires a copy of the code to be open for public inspection during office hours on business days at the department’s head office and each regional office of the department.

***caution zone***, for a marine mammal, see section 282.

***claim period***, for chapter 11, part 2, see section 384.

***class 1 animal*** see section 21(2).

***class 2 animal*** see section 21(3).

***commercial interaction***, in relation to an animal, see section 331.

***commercial purpose*** see section 4.

***contractor*** includes an employee of a contractor or a subcontractor.

***corporation*** see the Corporations Act, section 57A.

***dangerous animal*** see section 21(4).

***dangerous seized thing***, for chapter 11, part 2, see section 384.

***departmental code of practice***, for an animal, means a code of practice that—

- (a) has been approved or made by the chief executive under section 174A of the Act; and
- (b) relates to animals of the same species as the animal, to the extent the code of practice states the way in which the animals must be kept or used.

***dingo*** means an animal of the species *Canis familiaris* (*dingo*).

***disturb***, an animal, includes—

- (a) approach, harass, harm, lure, pursue, tease or touch the animal; and
- (b) attempt to do an act mentioned in paragraph (a).

***dolphin*** means a member of the family Delphinidae or the family Phocoenidae.

***drive away***, a flying-fox from a flying-fox roost, see section 88C(6) of the Act.

***dugong*** means an animal of the species *Dugong dugon*.

***ecosystem process***, for schedule 1, see schedule 1, section 1.

***educational institution*** means—

- (a) an approved education and care service under the Education and Care Services National Law (Queensland); or
- (b) a QEC approved service under the *Education and Care Services Act 2013*; or
- (c) a State educational institution or non-State school under the *Education (General Provisions) Act 2006*; or
- (d) a registered higher education provider under the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth); or

- (e) a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

***educational or research purpose*** means—

- (a) scientific research at an institution administered by—
- (i) the Commonwealth or a State; or
  - (ii) an entity that is involved in scientific research; or
- (b) teaching at an educational institution.

***emu*** means an animal of the species *Dromaius novaehollandiae*.

***emu code***, for schedule 5, see schedule 5, part 1.

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

***excess animal***, in relation to an animal authority, means an animal taken, kept or used by the holder of the authority, or a relevant person for the holder if—

- (a) the same species of animal is stated in the authority within the meaning of section 249(1)(g) or 250; but
- (b) the taking, keeping or using of the animal means the holder or person has more than the stated number of animals for the authority, within the meaning of section 251(2).

***exempt animal*** see section 21(1).

***exhibited animal authority*** see the *Exhibited Animals Act 2015*, section 29.

***exhibition code*** means the document called ‘Code of practice of the Australasian Regional Association of Zoological Parks and Aquaria—minimum standards for exhibiting wildlife in Queensland’, approved by the chief executive under section 174A of the Act.

*Note—*

Section 174A(3) of the Act requires a copy of the code to be open for public inspection during office hours on business days at the department’s head office and each regional office of the department.

*existing activities*, for chapter 5, part 5, see section 256.

*existing licence*, for chapter 5, part 5, see section 256.

*export permit* means a permit to export issued under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

*farm animal* see section 21(5).

*farm crocodile* means a farm animal that is an estuarine crocodile or a freshwater crocodile.

*farm emu* means a farm animal that is an emu.

*feed*, in relation to an animal, includes—

- (a) using food to tease or lure the animal; and
- (b) discarding or leaving edible rubbish or scraps near the animal; and
- (c) attempting—
  - (i) an act mentioned in paragraph (a) or (b); or
  - (ii) to otherwise feed the animal.

*flying-fox* means an animal of the genus *Pteropus*.

*flying-fox damage mitigation code* means the document called ‘Code of practice—ecologically sustainable lethal take of flying-foxes for crop protection’, approved by the chief executive under section 174A of the Act.

*Note—*

Section 174A(3) of the Act requires a copy of the code to be open for public inspection during office hours on business days at the department’s head office and each regional office of the department.

*flying-fox roost* see section 88C(6) of the Act.

*flying-fox roost low impact activities code* means the document called ‘Code of practice—low impact activities affecting flying-fox roosts’, approved by the chief executive under section 174A of the Act.

*Note—*

A copy of the code is available on the department’s website.

***flying-fox roost management code*** means the document called ‘Code of practice—ecologically sustainable management of flying-fox roosts’, approved by the chief executive under section 174A of the Act.

*Note—*

A copy of the code is available on the department’s website.

***food reptile*** means a reptile of the following species—

- (a) *Carlia decora*;
- (b) *Carlia pectoralis*;
- (c) *Carlia rubigo*;
- (d) *Carlia vivax*;
- (e) *Cryptoblepharus adamsi*;
- (f) *Cryptoblepharus australis*;
- (g) *Cryptoblepharus metallicus*;
- (h) *Cryptoblepharus pannosus*;
- (i) *Cryptoblepharus pulcher*;
- (j) *Cryptoblepharus virgatus*;
- (k) *Ctenotus robustus*;
- (l) *Lampropholis delicata*;
- (m) *Morethia boulengeri*.

***freshwater crocodile*** means an animal of the species *Crocodylus johnstoni*.

***harvest macropod*** see the *Nature Conservation (Macropod) Conservation Plan 2017*, schedule 2.

***harvest period***, for an animal, means a period during which a person may take the animal under a harvest period notice.

***harvest period notice*** means a notice declaring a harvest period under a conservation plan.

***helicopter*** includes a gyrocopter.

***holder***, of an animal authority—

- 
- (a) means the person to whom the authority was granted; and
  - (b) includes the person who held the authority immediately before it ended.

***humane*** means—

- (a) in relation to the taking of an animal—taking the animal in a way that complies with the *Animal Care and Protection Act 2001*; or
- (b) in relation to interacting with an animal—interacting with the animal in a way that complies with the *Animal Care and Protection Act 2001*.

***identification code*** means—

- (a) for an electromagnetic implant—a sequence of letters and numbers produced by the implant to identify the implant; or
- (b) for a tag—a sequence of letters and numbers that identify the tag.

***imprinted bird*** means a bird that suffers from the behavioural disorder known as human imprinting.

***incorporated association*** means an association incorporated under the *Associations Incorporation Act 1981*.

***information***, for schedule 1, see schedule 1, section 1.

***information notice***, for a decision, means a notice stating the following information—

- (a) the decision;
- (b) the reasons for the decision;

*Note—*

See the *Acts Interpretation Act 1954*, section 27B for matters that must be included with the reasons.

- (c) that the person to whom the notice is given may ask for a review of the decision under this regulation;
- (d) how, and the period within which, the review may be started;

- (e) if the person may apply for a stay of the operation of the decision under the Act—how the person may apply for the stay.

***intended activities***, for chapter 5, part 5, see section 256.

***internal review***, for chapter 11, part 1, see section 379(1).

***internal review decision***, for chapter 11, part 1, see section 377.

***international animal*** means an animal that is international wildlife.

***land manager*** includes—

- (a) a landholder; or
- (b) the State, an entity representing the State, or a local government, to the extent the State, entity or local government—
- (i) has in interest in public land under its management; or
- (ii) is otherwise responsible for the management or development of public land.

***lawfully***, in relation to an act, means acting in a way that is not prohibited under an Act or another law applying to the act.

***licence type amendment*** see section 264(a).

***licensed premises***, for an animal authority, means the premises stated in the authority as the licensed premises for the authority.

***local government***, for chapter 10, part 4, see section 368.

***macropod*** means a member of the family Macropodidae.

***management principles***, for schedule 1, see schedule 1, section 1.

***marine mammal*** means a dolphin, dugong or whale.

***marine mammal special management area*** means an area declared to be a marine mammal special management area under a marine mammal special management declaration.

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***marine mammal special management declaration*** means—

- (a) for a marine mammal special management area—
- (i) a permanent marine mammal special management area declaration; or
  - (ii) a temporary marine mammal special management area declaration; or
- (b) for a special marine mammal—
- (i) a permanent special marine mammal declaration; or
  - (ii) a temporary special marine mammal declaration.

***marine turtle*** means a member of the family Cheloniidae or the family Dermochelyidae.

***meat***, of an animal, includes the flesh and offal of the animal.

***member***, of the Australian Defence Force or a unit of the Australian Defence Force, means a Member under the *Defence Act 1903* (Cwlth), section 4.

***motorised diving aid*** means a vessel that has a motor and is used to aid diving.

*Examples—*

a diver propulsion vehicle, an underwater scooter

***movement***, of an animal, means a continuous journey between 2 places that is broken only for a stop that is necessary or incidental for the journey.

*Examples of stops necessary or incidental for a journey—*

- a stop ordinarily made by persons in transit for food, rest, bathing or using toilet facilities
- a stop for feeding, cleaning or resting an animal being transported
- a stop for placing an animal to be moved to another country in quarantine
- a stop for placing a live animal to be moved to another country in facilities to acclimatise the animal for the other country's conditions

***movement advice*** means a movement advice in the approved form.

***native animal*** means any taxon or species of animal indigenous to Australia, including, for example, a dingo.

***natural product*** means a product that is shed, lost or excreted by an animal without any human inducement or other human intervention.

*Examples of natural products—*

- 1 feathers of a bird that the bird naturally sheds or loses
- 2 skin of a snake that is naturally shed by the snake
- 3 teeth of a snake that are naturally excreted in the faeces of the snake

***no approach zone***, for a marine mammal, see section 281.

***notice*** means written notice.

***online record*** see section 337.

***original decision***, for chapter 11, part 1, see section 377.

***owner***, for chapter 11, part 2, see section 384.

***parent***, of a child, includes—

- (a) a person who exercises parental responsibility for the child, other than a person standing in the place of a parent of the child on a temporary basis; and
- (b) for an Aboriginal child—a person who, under Aboriginal tradition, is regarded as a parent of the child; and
- (c) for a Torres Strait Islander child—a person who, under Island custom, is regarded as a parent of the child.

***particulars***, of an animal, for chapter 8, see section 337.

***permanent marine mammal special management area declaration*** means a declaration under section 286.

***permanent special marine mammal declaration*** means a declaration under section 293.

***permitted boat*** means a boat other than a prohibited vessel.

***person in control***, of a permitted boat, prohibited vessel, or aircraft, includes—

- (a) the person in command of the boat, vessel, or aircraft; or

- (b) the person who appears to be in control or command of the boat, vessel, or aircraft.

**planning scheme** means a planning scheme under the *Planning Act 2016*.

**prescribed distance**, in relation to a marine mammal, means—

- (a) for a prohibited vessel or aircraft—see section 283; or  
(b) for a person entering or in water—see section 284.

**prescribed fee** means a fee payable under chapter 11.

**prescribed natural habitat**, for an animal, means—

- (a) if a conservation plan includes a definition of a ‘prescribed natural habitat’ for the animal—a habitat within the meaning of the definition; or

*Note—*

For koalas, see the *Nature Conservation (Koala) Conservation Plan 2017*, schedule 2.

- (b) if paragraph (a) does not apply—a natural habitat that is appropriate for the animal.

**prescribed protected animal** means—

- (a) a protected animal that is a live mammal; or  
(b) a protected animal that is a fertilised egg of a mammal.

**problem crocodile** see the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*, section 5.

**prohibited animal** means an animal that is prohibited wildlife.

**prohibited vessel** means a hovercraft, hydrofoil, jet ski, motorised diving aid, parasail or wing in ground effect craft.

**proposed premises**, in relation to an application for an animal authority, means the place proposed to be the licensed premises for the authority if the application is granted.

**public place** means—

- (a) a place, or part of a place, that the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or

- (b) a place, or part of a place, other than a place of residence or part of a place of residence, the occupier of which allows members of the public to enter, whether or not on payment of money.

**QCAT information notice**, for chapter 11, part 1, see section 377.

**racing lizard** means—

- (a) *Tiliqua rugosa* (shingle back); or
- (b) *Pogona vitticeps* (central bearded dragon).

**rail government entity** see the *Transport Infrastructure Act 1994*, schedule 6.

**record**, for chapter 8, see section 337.

**record and return book** means a record and return book supplied by the chief executive.

**record book** means—

- (a) a record book supplied by the chief executive; and
- (b) includes a record and return book.

**recovery plan**, for an animal—

- (a) means a document stating what research and management is necessary to—
  - (i) stop the decline of the animal in the wild; or
  - (ii) support the recovery of the animal in the wild; or
  - (iii) enhance the chance of long-term survival of the animal in the wild; and
- (b) includes a recovery plan made or adopted under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), section 269A.

**recreational bird or herpetological society**, for a species of bird, reptile or amphibian, means a society that—

- (a) is an incorporated association; and
- (b) has, as its main function, the keeping and breeding of the same species of birds, reptiles or amphibians.

**relevant day**, for chapter 5, part 2, division 2, see section 237.

**relevant group of marine mammals**, for chapter 6, part 2, division 3, see section 292.

**relevant person**, in relation to an animal authority, see section 5.

**relevant protected animal**, for schedule 5, see schedule 5, part 1.

**relevant protected bird**, for schedule 5, see schedule 5, part 1.

**relevant protected butterfly**, for schedule 5, see schedule 5, part 1.

**relevant protected crocodile**, for schedule 5, see schedule 5, part 1.

**relevant protected emu**, for schedule 5, see schedule 5, part 1.

**relevant purpose**, for chapter 6, part 2, see section 285.

**relevant record particulars**, for a record, for chapter 8, see section 337.

**remotely piloted aircraft** means an RPA under the *Civil Aviation Safety Regulations 1998* (Cwlth).

**renewable licence** see section 257.

**reptile and amphibian code** means the document called ‘Code of practice—captive reptile and amphibian husbandry’, approved by the chief executive under section 174A of the Act.

*Note—*

Section 174A(3) of the Act requires a copy of the code to be open for public inspection during office hours on business days at the department’s head office and each regional office of the department.

**required period**, for chapter 8, see section 337.

**return of operations**, for chapter 8, see section 337.

**sampled or implanted animal** means a protected, international or prohibited animal in relation to which—

- (a) a biological tissue sample has been taken or given in compliance with a notice mentioned in section 366(2); or
- (b) an approved electromagnetic implant has been inserted in compliance with a notice mentioned in section 366(3); or
- (c) an identification code for an approved electromagnetic implant has been given in compliance with a notice mentioned in section 366(3).

**sampling consumable** means a consumable used to obtain a biological tissue sample of an animal.

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

**seal** means a member of the family Otariidae or the family Phocidae.

**seized thing**, for chapter 11, part 2, see section 385(2).

**seizure notice**, for chapter 11, part 2, see section 384.

**shark** means a cartilaginous fish of the superorder Euselachii.

**skinned carcass**, of an animal, means the carcass of the animal with the skin removed.

**special marine mammal** means a marine mammal declared to be a special marine mammal under a marine mammal special management declaration.

**special native animal** means the following native animals—

- (a) an echidna (*Tachyglossus aculeatus*);
- (b) a koala (*Phascolarctos cinereus*);
- (c) a platypus (*Ornithorhynchus anatinus*);
- (d) a wombat (Family Vombatidae).

**State museum** means a non-profit institution that—

- (a) is owned or administered by the State; and
- (b) has, as a function, the preservation of information in any branch of the natural sciences about animals.

***State planning policy***, for chapter 3, part 6, see section 41.

***stranded***, in relation to a marine mammal—

(a) means the mammal is—

(i) aground on a shore; or

(ii) in a helpless state; or

*Examples of a marine mammal in a helpless state—*

- an entangled marine mammal
- an incapacitated marine mammal

(iii) sick, injured or dead; and

(b) includes a marine mammal at risk of becoming a marine mammal mentioned in paragraph (a).

***surviving offspring***, of a breeding event, includes a live animal that hatches from an egg produced at the event.

***tag*** includes a band, ring, implant, label or other thing that may be attached to an animal to identify the animal.

***temporary marine mammal special management area declaration*** means a declaration under section 287(2).

***temporary special marine mammal declaration*** means a declaration under section 294(2).

***term***, of an animal authority, means the term of the authority under chapter 5, part 4.

***Tin Can Bay dolphin feeding program***, for chapter 3, part 7, division 1, see section 44.

***urban flying-fox management area***, for chapter 10, part 4, see section 368.

***urban flying-fox management area map***, for chapter 10, part 4, see section 368.

***venomous animal***—

(a) means an animal capable of producing venom; but

*Example—*

A reptile of the family Elapidae

(b) does not include an animal—

- (i) that is not capable of introducing the venom it produces into an individual; or

*Examples—*

- an animal with its fangs or sting removed
- an animal that is not capable of biting an individual because of the animal's small jaw size

- (ii) an animal whose venom would not, in usual quantities, be lethal to, or seriously injure, an individual who is not particularly susceptible to the venom.

*Example—*

a spider of the family Theraphosidae

***veterinary premises*** means—

- (a) veterinary premises under the *Veterinary Surgeons Act 1936*; or
- (b) premises in another State lawfully used by a veterinary surgeon to practise as a veterinary surgeon.

***veterinary surgeon*** means a person registered as a veterinary surgeon under—

- (a) the *Veterinary Surgeons Act 1936*; or
- (b) a corresponding law of another State.

***voluntary wildlife care association*** means a corporation with objects that include—

- (a) the voluntary rehabilitation of sick, injured or orphaned protected animals and, if possible, the return of the animals to the wild; and
- (b) the conservation of native animals.

***wake*** means a breaking wave created in water by a moving permitted boat or prohibited vessel.

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

***whale*** means a cetacean of the family Balaenidae, Balaenopteridae, Kogiidae, Physeteridae or Ziphiidae.

***wing in ground effect craft*** means a vessel constructed to move above the surface of the water using ground effect to lift off, land and maintain a limited altitude.

***year*** means a period of 12 months—

- (a) starting at the beginning of any day; and
- (b) ending—
  - (i) immediately before the beginning of the corresponding day of the following 12-month period; or
  - (ii) if the period started on 29 February—at the end of 28 February of the following 12-month period.