



Queensland

# Nature Conservation and Other Legislation Amendment Regulation 2022

## Subordinate Legislation 2022 No. 37

made under the

*Environmental Offsets Act 2014*

*Environmental Protection Act 1994*

*Nature Conservation Act 1992*

*State Penalties Enforcement Act 1999*

## Contents

---

|               |  | Page |
|---------------|--|------|
| <b>Part 1</b> | <b>Preliminary</b>   |      |
| 1             | Short title . . . . .  | 4    |
| <b>Part 2</b> | <b>Amendment of Environmental Offsets Regulation 2014</b>  |      |
| 2             | Regulation amended . . . . .   | 4    |
| 3             | Amendment of s 6 (Environmental offsets policy—Act, s 12) . . .  | 4    |
| <b>Part 3</b> | <b>Amendment of Environmental Protection Regulation 2019</b>   |      |
| 4             | Regulation amended . . . . .   | 4    |
| 5             | Amendment of sch 2 (Prescribed ERAs and aggregate environmental scores) . . . . .  | 4    |
| <b>Part 4</b> | <b>Amendment of Nature Conservation (Animals) Regulation 2020</b>  |      |
| 6             | Regulation amended . . . . .   | 5    |
| 7             | Amendment of s 138 (Restrictions on grant) . . . . .   | 5    |
| 8             | Amendment of s 150 (Restrictions on grant) . . . . .   | 5    |
| 9             | Amendment of s 186 (Grant of permit) . . . . .   | 6    |
| 10            | Insertion of new s 189A . . . . .  | 6    |
|               | 189A Restriction on grant of permit for animal obtained and kept when not protected . . . . .  | 6    |
| 11            | Amendment of s 190 (Restriction on grant of permit for protected, international or prohibited animal kept under ended authority) . . | 7    |

Contents

---

|               |   |    |
|---------------|---|----|
| 12            | Amendment of s 191 (Restriction on grant of permit to holders of farming licence) . . . . .           | 7  |
| 13            | Amendment of s 192 (Keeping animals) . . . . .  | 8  |
| 14            | Insertion of new ch 12, pt 5 . . . . .  | 8  |
|               | Part 5 Transitional provision for Nature Conservation and Other Legislation Amendment Regulation 2022 |    |
|               | 424 Undecided applications for licences and permits . . . . .   | 8  |
| 15            | Amendment of sch 1, s 20 (Birds) . . . . .  | 9  |
| 16            | Amendment of sch 1, s 22 (Invertebrates) . . . . .  | 9  |
| 17            | Amendment of sch 1, s 23 (Mammals) . . . . .  | 9  |
| 18            | Amendment of sch 1, s 32 (Mammals) . . . . .  | 10 |
| 19            | Amendment of sch 1, s 33 (Reptiles) . . . . .   | 10 |
| 20            | Amendment of sch 1, s 39 (Fish) . . . . .   | 10 |
| 21            | Amendment of sch 1, s 48 (Mammals) . . . . .  | 11 |
| 22            | Amendment of sch 1, s 53 (Birds) . . . . .  | 11 |
| 23            | Amendment of sch 3, s 1 (Birds) . . . . .   | 11 |
| 24            | Amendment of sch 3, s 3 (Birds) . . . . .   | 11 |
| 25            | Amendment of sch 3, s 7 (Birds) . . . . .   | 11 |
| 26            | Amendment of sch 3, s 8 (Reptiles) . . . . .  | 12 |
| 27            | Replacement of sch 3, pt 4 (Farm animals) . . . . .   | 12 |
| 28            | Amendment of sch 6 (Fees) . . . . .   | 13 |
| 29            | Amendment of sch 7 (Dictionary) . . . . .   | 14 |
| <b>Part 5</b> | <b>Amendment of Nature Conservation (Estuarine Crocodile) Conservation Plan 2018</b>                  |    |
| 30            | Plan amended . . . . .  | 14 |
| 31            | Amendment of s 43 (Information that must be included in record) . . . . .                             | 14 |
| <b>Part 6</b> | <b>Amendment of Nature Conservation (Plants) Regulation 2020</b>                                      |    |
| 32            | Regulation amended . . . . .  | 15 |
| 33            | Amendment of sch 1, s 9 (Plants) . . . . .  | 15 |
| 34            | Amendment of sch 1, s 13 (Plants) . . . . .   | 15 |
| 35            | Amendment of sch 1, s 17 (Plants) . . . . .   | 16 |
| 36            | Amendment of sch 1, s 21 (Plants) . . . . .   | 16 |
| <b>Part 7</b> | <b>Amendment of Nature Conservation (Protected Areas Management) Regulation 2017</b>                  |    |
| 37            | Regulation amended . . . . .  | 17 |
| 38            | Amendment of s 138 (Unlawful disposal of offensive and harmful substances) . . . . .                  | 17 |

---

|               |  |    |
|---------------|--|----|
| 39            | Amendment of sch 1 (Trustees of conservation parks) . . . . .                            | 17 |
| <b>Part 8</b> | <b>Amendment of State Penalties Enforcement Regulation 2014</b>                          |    |
| 40            | Regulation amended . . . . .   | 18 |
| 41            | Amendment of sch 1 (Infringement notice offences and fines for nominated laws) . . . . . | 18 |
| 42            | Amendment of sch 2 (Dictionary) . . . . .  | 21 |

[s 1]

---

## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Nature Conservation and Other Legislation Amendment Regulation 2022*.

## **Part 2 Amendment of Environmental Offsets Regulation 2014**

### **2 Regulation amended**

This part amends the *Environmental Offsets Regulation 2014*.

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

Section 6, ‘Queensland Environmental Offsets Policy (version 1.11)’—

*omit, insert—*

Queensland Environmental Offsets Policy  
(version 1.12)

## **Part 3 Amendment of Environmental Protection Regulation 2019**

### **4 Regulation amended**

This part amends the *Environmental Protection Regulation 2019*.

### **5 Amendment of sch 2 (Prescribed ERAs and aggregate environmental scores)**

(1) Schedule 2, section 1(3), table, item 1(a), after ‘100m<sup>2</sup>’—



[s 9]

---

licence for a farm animal unless the chief executive is satisfied—

- (a) the animal was taken from the wild by a person authorised under the Act to take the animal; or
- (b) the animal has been, or is being, lawfully moved into the State for use for farming; or
- (c) the animal was lawfully obtained and kept at a time when it was not a protected animal; or
- (d) the animal is a descendant of an animal mentioned in paragraph (a), (b) or (c).

(2) Section 150(1A) and (2)—

*renumber* as section 150(2) and (3).

## 9 Amendment of s 186 (Grant of permit)

(1) Section 186—

*insert*—

- (ba) to keep a protected animal that was lawfully obtained and kept at a time when it was not a protected animal;

(2) Section 186(ba) to (d)—

*renumber* as section 186(c) to (e).

## 10 Insertion of new s 189A

After section 189—

*insert*—

### **189A Restriction on grant of permit for animal obtained and kept when not protected**

The chief executive must not grant a person a permit to keep for a protected animal for a

purpose mentioned in section 186(c), unless—

- (a) the animal is not a class 1 animal or class 2 animal; and
- (b) the chief executive is satisfied—
  - (i) the person lawfully obtained and kept the animal at a time when it was not a protected animal; 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
- (c) the chief executive believes another animal authority, or an exhibited animal authority, would not be more appropriate for keeping the animal.

**11 Amendment of s 190 (Restriction on grant of permit for protected, international or prohibited animal kept under ended authority)**

- (1) Section 190, ‘section 186(c)’—

*omit, insert—*

section 186(d)

- (2) Section 190(a)—

*omit, insert—*

- (a) the animal is not a class 1 animal or class 2 animal; and

**12 Amendment of s 191 (Restriction on grant of permit to holders of farming licence)**

Section 191, ‘section 186(d)’—

*omit, insert—*

[s 13]

---

section 186(e)

**13 Amendment of s 192 (Keeping animals)**

(1) Section 192(1)(a), ‘section 186(a) or (b)’—  
*omit, insert—*

section 186(a), (b) or (c)

(2) Section 192(1)(b), ‘section 186(c) or (d)’—  
*omit, insert—*

section 186(d) or (e)

**14 Insertion of new ch 12, pt 5**

Chapter 12—

*insert—*

**Part 5**

**Transitional provision  
for Nature  
Conservation and  
Other Legislation  
Amendment Regulation  
2022**

**424 Undecided applications for licences and permits**

(1) This section applies if—

(a) before the commencement, an application was made for any of the following licences or permits—

(i) a dealer licence under former section 138;

(ii) a farming licence under former section 150;

- (iii) a permit to keep under former section 186; and
- (b) immediately before the commencement, the application had not been decided.
- (2) The application may be decided under the former section as if the amendment regulation had not been made.
- (3) In this section—

***amendment regulation*** means the *Nature Conservation and Other Legislation Amendment Regulation 2022*.

***former***, for a provision of this regulation, means the provision as in force from time to time before the commencement.

## 15 Amendment of sch 1, s 20 (Birds)

- (1) Schedule 1, section 20, entry for *Erythrura gouldiae*—  
*omit*.
- (2) Schedule 1, section 20—  
*insert—*

*Chloebia gouldiae*

Gouldian finch

## 16 Amendment of sch 1, s 22 (Invertebrates)

- Schedule 1, section 22, ‘*Argyreus*’—  
*omit, insert—*  
*Argynnis*

## 17 Amendment of sch 1, s 23 (Mammals)

- (1) Schedule 1, section 23—  
*insert—*

[s 18]

---

*Phascolarctos cinereus* koala

- (2) Schedule 1, section 23, ‘*fraenata*’—  
*omit, insert—*  
*frenata*

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

Schedule 1, section 32, entry for *Phascolarctos cinereus*—  
*omit.*

**19 Amendment of sch 1, s 33 (Reptiles)**

- (1) Schedule 1, section 33, entries for *Calyptotis thornstonensis*,  
*Liburnascincus scirtetis* and *Nactus galgajuga*—  
*omit.*
- (2) Schedule 1, section 33—  
*insert—*

*Phyllurus amnicola* Mount Elliot broad-tailed gecko

*Phyllurus championae* Connors’ Range broad-tailed  
gecko

- (3) Schedule 1, section 33, ‘*lavarackorum*’—  
*omit, insert—*  
*oneiros*

**20 Amendment of sch 1, s 39 (Fish)**

Schedule 1, section 39, ‘*Dasyatis*’—  
*omit, insert—*  
*Hemistrygon*

---

**21 Amendment of sch 1, s 48 (Mammals)**

Schedule 1, section 48(2)(b), ‘*Ornithorynchus*’—  
*omit, insert—*

*Ornithorhynchus*

**22 Amendment of sch 1, s 53 (Birds)**

Schedule 1, section 53, ‘*Eclectus roratus macgillivrayi*’—  
*omit, insert—*

the Australian population of *Eclectus roratus*

**23 Amendment of sch 3, s 1 (Birds)**

(1) Schedule 3, section 1, entry for *Erythrura gouldiae*—  
*omit.*

(2) Schedule 3, section 1—  
*insert—*

*Chloebia gouldiae*

Gouldian finch

**24 Amendment of sch 3, s 3 (Birds)**

Schedule 3, section 3, ‘*Eclectus roratus macgillivrayi*’—  
*omit, insert—*

the Australian population of *Eclectus roratus*

**25 Amendment of sch 3, s 7 (Birds)**

Schedule 3, section 7, entry for *Eclectus roratus macgillivrayi*—  
*omit, insert—*

[s 26]

---

|                         |  |    |
|-------------------------|--|----|
| <i>Eclectus roratus</i> | eclectus parrot<br>(Australian population) | no |
|-------------------------|--|----|

## 26 Amendment of sch 3, s 8 (Reptiles)

(1) Schedule 3, section 8, ‘*spp.*’—

*omit, insert—*

*spp.*

(2) Schedule 3, section 8, ‘*lavarackorum*’—

*omit, insert—*

*oneiros*

## 27 Replacement of sch 3, pt 4 (Farm animals)

Schedule 3, part 4—

*omit, insert—*

### Part 4 Farm animals

#### 9 Birds

| Scientific name                 | Common name |
|---------------------------------|-------------|
| <i>Dromaius novaehollandiae</i> | emu         |

#### 10 Invertebrates

| Scientific name          | Common name                      |
|--------------------------|----------------------------------|
| <i>Cherax robustus</i>   | sand yabby                       |
| <i>Euastacus spp.</i>    | spiny crayfish (all species)     |
| <i>Ornithoptera spp.</i> | birdwing butterfly (all species) |
| <i>Papilio ulysses</i>   | Ulysses butterfly                |

---

## 11 Reptiles

| Scientific name             | Common name                      |
|-----------------------------|----------------------------------|
| <i>Crocodylus johnstoni</i> | freshwater crocodile             |
| <i>Crocodylus porosus</i>   | estuarine crocodile              |
| Elapidae                    | a reptile of the family Elapidae |

### 28 Amendment of sch 6 (Fees)

(1) Schedule 6, part 1, item 7—

*omit, insert—*

7 Application for grant of a farming licence (s 235(2)(c))—

(a) for birds—

(i) if the term of the licence is not more than 1 year 565.00

(ii) if the term of the licence is more than 1 year 1,614.00

(b) for invertebrates—

(i) if the term of the licence is not more than 1 year 192.30

(ii) if the term of the licence is more than 1 year 547.00

(c) for reptiles of the family Crocodylidae—

(i) if the term of the licence is not more than 1 year 1,505.00

(ii) if the term of the licence is more than 1 year 4,308.00

(d) for reptiles of the family Elapidae—

(i) if the term of the licence is not more than 1 year 383.00

(ii) if the term of the licence is more than 1 year 1,089.00

(2) Schedule 6, part 2, items 1 and 2—

*omit, insert—*

1 Supply of a tag for a skin of a crocodile that is a farm animal kept under a farming licence (s 350(1)) 2.22

[s 29]

---

- 2 Supply of a tag for a skin of an emu that is a farm animal kept under a farming licence (s 350(1)) 1.59

**29 Amendment of sch 7 (Dictionary)**

Schedule 7, definitions *farm crocodile* and *farm emu*—  
*omit.*

**Part 5 Amendment of Nature Conservation (Estuarine Crocodile) Conservation Plan 2018**

**30 Plan amended**

This part amends the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*.

**31 Amendment of s 43 (Information that must be included in record)**

Section 43, note, '*Nature Conservation (Administration) Regulation 2017*, section 138'—

*omit, insert—*

*Nature Conservation (Animals) Regulation 2020*, section 338

---

## Part 6                      Amendment of Nature Conservation (Plants) Regulation 2020

### 32      Regulation amended

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

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

(1) Schedule 1, section 9, entry for *Zieria furfuracea* subsp. *gymnocarpa*—

*omit.*

(2) Schedule 1, section 9—

*insert—*

*Gossia inophloia*

*Zieria gymnocarpa*

### 34      Amendment of sch 1, s 13 (Plants)

(1) Schedule 1, section 13, entries for *Acacia* sp. (Ruined Castle Creek P.I.Forster+ PIF17848), *Ammannia robertsii*, *Endiandra floydii*, *Eragrostis fenshamii*, *Leucopogon* sp. (Coolmunda D.Halford Q1635) and *Sannantha papillosa*—

*omit.*

(2) Schedule 1, section 13—

*insert—*

*Endiandra wongawallanensis*

*Rhodamnia arenaria*

*Rhodamnia sessiliflora*

*Rhodamnia whiteana*

[s 35]

---

*Rhodomyrtus canescens*

*Rhodomyrtus effusa*

*Rhodomyrtus pervagata*

*Styphelia* sp. (Coolmunda D.Halford Q1635)

**35 Amendment of sch 1, s 17 (Plants)**

(1) Schedule 1, section 17, entry for *Rhinerrhizopsis matutina*—  
*omit.*

(2) Schedule 1, section 17—  
*insert—*

*Acacia* sp. (Ruined Castle Creek P.I.Forster+  
PIF17848)

*Ammannia robertsii*

*Bogoria matutina*

*Eragrostis fenshamii*

*Lagenophora fimbriata*

*Melaleuca comosa*

*Sannantha papillosa*

**36 Amendment of sch 1, s 21 (Plants)**

(1) Schedule 1, section 21, entries for *Acianthus sublestus*, *Aglaia brassii*, *Goodyera viridiflora*, *Gossia inophloia*, *Hoya revoluta* and *Papillilabium beckleri*—  
*omit.*

(2) Schedule 1, section 21—  
*insert—*

*Aglaia monticola*

*Eucosia umbrosa*

*Hoya inconspicua*

*Plectorrhiza beckleri*

*Stigmatodactylus sublestus*

## **Part 7**

# **Amendment of Nature Conservation (Protected Areas Management) Regulation 2017**

### **37 Regulation amended**

This part amends the *Nature Conservation (Protected Areas Management) Regulation 2017*.

### **38 Amendment of s 138 (Unlawful disposal of offensive and harmful substances)**

Section 138(3), ‘a management program’—

*omit, insert—*

under the management program

### **39 Amendment of sch 1 (Trustees of conservation parks)**

- (1) Schedule 1, entry for Southend Conservation Park, column 3, item (b)(ii), from ‘an apiary permit’ to ‘custom authority;’—

*omit, insert—*

an apiary permit;

(ia) an Aboriginal tradition authority or Island custom authority;

- (2) Schedule 1, entry for Southend Conservation Park, column 3, item (b)(ia) to (iv)—

*renumber* as schedule 1, entry for Southend Conservation Park, column 3, item (b)(iii) to (v).

[s 40]

---

## Part 8 **Amendment of State Penalties Enforcement Regulation 2014**

### 40 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2014*.

### 41 **Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

- (1) Schedule 1, entry for *Planning Act 2016*, entry for section 163(1)—

*insert—*

|    |   |    |     |
|----|---|----|-----|
| 9A | If the assessable development carried out involves interfering with koala habitat | 20 | 100 |
|----|---|----|-----|

- (2) Schedule 1, entry for *Planning Act 2016*, entry for section 163(1), column 1, paragraph 10, ‘9’—

*omit, insert—*

9A

- (3) Schedule 1, entry for *Planning Act 2016*, entry for section 164—

*insert—*

18A If—

- (a) the development approval is for assessable development that involves interfering with koala habitat; and

- 
- (b) the contravention  
relates to a  
development condition  
about interfering with  
koala habitat 20 100
- (4) Schedule 1, entry for *Planning Act 2016*, entry for section  
164, column 1, paragraph 19, ‘18’—  
*omit, insert—*  
18A
- (5) Schedule 1, entry for *Planning Act 2016*, entry for section  
168(5)—  
*insert—*  
20A If the enforcement notice  
relates to interfering with  
koala habitat under the  
*Planning Regulation 2017*,  
schedule 10, part 10,  
division 3 or 4 20 100
- (6) Schedule 1, entry for *Planning Act 2016*, entry for section  
168(5), paragraph 22, ‘paragraph 20 or 21’—  
*omit, insert—*  
paragraphs 20 to 21
- (7) Schedule 1, entry for *Planning Act 2016*, administering  
authority for an infringement notice offence entry—  
*insert—*  
(da) for an infringement notice served by a  
conservation officer appointed under the  
*Nature Conservation Act 1992*—the  
department in which that Act is  
administered; or
- (8) Schedule 1, entry for *Planning Act 2016*, administering  
authority for an infringement notice offence entry, paragraphs  
(da) to (f)—

[s 41]

---

*renumber* as schedule 1, entry for *Planning Act 2016*, administering authority for an infringement notice offence entry, paragraphs (e) to (g).

- (9) Schedule 1, entry for *Planning Act 2016*, authorised person for service of infringement notices entry, paragraph (a)(iii), ‘paragraphs 17’—

*omit, insert*—

paragraphs 17, 18A

- (10) Schedule 1, entry for *Planning Act 2016*, authorised person for service of infringement notices entry, paragraph (a)(v), ‘paragraphs 21 and 22’—

*omit, insert*—

paragraphs 20A to 22

- (11) Schedule 1, entry for *Planning Act 2016*, authorised person for service of infringement notices entry—

*insert*—

(da) a conservation officer appointed under the *Nature Conservation Act 1992*, section 127, for an offence against—

(i) section 163(1) as limited by the description relating to that section in column 1, paragraph 9A; or

(ii) section 164 as limited by the description relating to that section in column 1, paragraph 18A; or

(iii) section 168(5) as limited by the description relating to that section in column 1, paragraph 20A; or

- (12) Schedule 1, entry for *Planning Act 2016*, authorised person for service of infringement notices entry, paragraphs (da) to (f)—

*renumber* as schedule 1, entry for *Planning Act 2016*, authorised person for service of infringement notices entry, paragraphs (e) to (g).

## **42 Amendment of sch 2 (Dictionary)**

Schedule 2—

*insert*—

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

Endnotes

---

ENDNOTES

- 1 Made by the Governor in Council on 7 April 2022.
- 2 Notified on the Queensland legislation website on 8 April 2022.
- 3 The administering agency is the Department of Environment and Science.

© State of Queensland 2022