



Queensland

Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2022

Subordinate Legislation 2022 No. 166

made under the

Environmental Offsets Act 2014

Nature Conservation Act 1992

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 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, ‘version 1.12’—

omit, insert—

version 1.13

Part 3 Amendment of Nature Conservation (Animals) Regulation 2020

4 Regulation amended

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

5 Amendment of s 83 (Selling, giving away and moving dependent animals)

(1) Section 83(2)(b)(iii), ‘mother’—

omit, insert—

egg

(2) Section 83(2)(b)—

insert—

(iv) the movement is to another person, who holds an animal authority for the animal's mother, for keeping the animal with its mother.

(3) Section 83(3), definition *dependent animal*—

omit, insert—

dependent animal means any of the following animals—

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

6 Amendment of s 224 (Restriction on grant)

(1) Section 224(a), 'the creation and sale of works of art'—

omit, insert—

a commercial art purpose

(2) Section 224—

insert—

(2) In this section—

commercial art purpose—

- (a) means creating a work of art for the purpose of selling it; but
- (b) does not include creating a work of art by processing an animal, or part of an animal,

[s 7]

to show the animal's original physical form or structure.

Examples for paragraph (b)—

creating an articulated skeleton or a taxidermy mount

7 Amendment of s 239 (Suitability based on other matters)

(1) Section 239(2)(b) and (c)(i), 'a relevant authority'—

omit, insert—

an animal authority

(2) Section 239(3)—

omit.

8 Amendment of s 240 (Accumulation of demerit points)

(1) Section 240(1)—

omit, insert—

(1) This section applies to a person who is given an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against the Act if the person—

- (a) is convicted of the offence; or
- (b) pays the fine stated in the infringement notice for the offence; or
- (c) applies under the *State Penalties Enforcement Act 1999*, section 23 to pay the fine stated in the infringement notice for the offence by instalments; or
- (d) fails to pay the fine stated in the infringement notice for the offence, resulting in a default certificate being given to SPER for the infringement notice.

(2) Section 240(2), 'The person'—

omit, insert—

For section 239(2)(a) and (b), the person

(3) Section 240(3)—

omit, insert—

- (3) The person accumulates the demerit points for the offence on the day that subsection (1) applies to the person.
- (4) However, if the day mentioned in subsection (3) is within the period in which a court proceeding for the offence has started but not ended, subsection (3) does not apply to the person until the day the period ends.
- (5) Subsections (3) and (4) apply subject to the *State Penalties Enforcement Act 1999*, section 31.
- (6) In this section—

default certificate see the *State Penalties Enforcement Act 1999*, section 33(1).

SPER means the State Penalties Enforcement Registry established under the *State Penalties Enforcement Act 1999*, section 7.

9 Amendment of s 336 (Releasing animals)

Section 336(2)(b) and (c)—

omit, insert—

- (b) for an animal other than a dingo—the chief executive gives the person a written approval authorising the release of the animal and the person releases the animal in accordance with the approval; or
- (c) the person is otherwise authorised under the Act to release the animal and releases the animal in accordance with the authorisation; or

[s 10]

10 Insertion of new ch 12, pt 6

Chapter 12—

insert—

Part 6

Transitional provision for Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2022

425 Existing demerit points continue

- (1) If, before the commencement, a person accumulated 1 or more demerit points under former section 240—
 - (a) the demerit points are not affected by the commencement of the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2022*, section 8; and
 - (b) the demerit points may be considered for applying section 239(2)(a).
- (2) In this section—

former section 240 means section 240 as in force from time to time before the commencement.

11 Amendment of sch 1, s 13 (Birds)

Schedule 1, section 13—

insert—

Cyclopsitta diophthalma coxeni

Coxen's fig-parrot

Turnix olivii

buff-breasted button-quail

12 Insertion of new sch 1, s 13A

Schedule 1—

insert—

13A Fish

Scientific name

Common name

Melanotaenia sp. nov. ‘Malanda’

Malanda rainbowfish

Melanotaenia sp. nov. ‘Running River’

Running River rainbowfish

13 Amendment of sch 1, s 14 (Invertebrates)

Schedule 1, section 14—

insert—

Euastacus dalagarbe

mud gully crayfish

14 Amendment of sch 1, s 14A (Mammals)

Schedule 1, section 14A—

insert—

Hemibelideus lemuroides

lemuroid ringtail possum

15 Amendment of sch 1, s 15 (Reptiles)

Schedule 1, section 15—

insert—

Tiliqua scincoides intermedia

northern blue-tongued lizard

Varanus mitchelli

Mitchell’s water monitor

[s 16]

16 Amendment of sch 1, s 20 (Birds)

- (1) Schedule 1, section 20, entries for *Cyclopsitta diophthalma coxeni* and *Turnix olivii*—
omit.
- (2) Schedule 1, section 20—
insert—

<i>Lophochroa leadbeateri leadbeateri</i>	Major Mitchell's cockatoo (eastern)
<i>Melanodryas cucullata cucullata</i>	hooded robin (south-eastern)

17 Amendment of sch 1, s 21 (Fish)

- Schedule 1, section 21—
insert—

<i>Pseudomugil mellis</i>	honey blue eye
---------------------------	----------------

18 Amendment of sch 1, s 24 (Reptiles)

- Schedule 1, section 24—
insert—

<i>Lerista colliveri</i>	nubbined fine-lined slider
<i>Lerista rochfordensis</i>	Rochford slider
<i>Lerista vittata</i>	Mount Cooper slider
<i>Varanus mertensi</i>	Mertens' water monitor

19 Amendment of sch 1, s 29 (Birds)

- (1) Schedule 1, section 29, entry for *Lophochroa leadbeateri*—
omit.

(2) Schedule 1, section 29—

insert—

<i>Aphelocephala leucopsis</i>	southern whiteface
<i>Ardenna grisea</i>	sooty shearwater
<i>Climacteris picumnus victoriae</i>	brown treecreeper (south-eastern)
<i>Neophema chrysostoma</i>	blue-winged parrot
<i>Stagonopleura guttata</i>	diamond firetail

20 Amendment of sch 1, s 30 (Fish)

Schedule 1, section 30, entry for *Pseudomugil mellis*—
omit.

21 Amendment of sch 1, s 32 (Mammals)

Schedule 1, section 32, entry for *Sminthopsis leucopus*, after
'*leucopus*'—

insert—

janetzkieae

22 Amendment of sch 1, s 33 (Reptiles)

Schedule 1, section 33, entries for *Lerista ameles*, *Lerista storri* and *Lerista vittata*—

omit.

23 Amendment of sch 1, s 41 (Reptiles)

Schedule 1, section 41—

insert—

<i>Lerista ameles</i>	limbless fine-lined slider
-----------------------	----------------------------

[s 24]

Lerista hobsoni

Hobson's fine-lined slider

24 Amendment of sch 1, s 47 (Invertebrates)

Schedule 1, section 47—

insert—

- (4) A native crayfish of the species *Euastacus sulcatus* with the common name 'Lamington spiny crayfish'.

25 Amendment of sch 3, s 1 (Birds)

- (1) Schedule 3, section 1, entries for *Chalcophaps indica*, *Coturnix ypsilophora*, *Excalfactoria chinensis*, *Glossopsitta porphyrocephala*, *Northiella naretha* and *Trichoglossus haematodus rubritorquatus*—

omit.

- (2) Schedule 3, section 1—

insert—

Chalcophaps longirostris

emerald dove

Northiella haematogaster

blue bonnet

Parvipsitta porphyrocephala

purple-crowned lorikeet

Synoicus chinensis

king quail

Synoicus ypsilophorus

brown quail

Trichoglossus rubritorquis

red-collared lorikeet

26 Amendment of sch 3, s 2 (Amphibians)

- (1) Schedule 3, section 2, entry for *Neobatrachus centralis*—

omit.

- (2) Schedule 3, section 2—

insert—

Litoria balatus slender bleating treefrog

Neobatrachus pictus painted burrowing frog

27 Amendment of sch 3, s 3 (Birds)

- (1) Schedule 3, section 3, entries for *Northiella haematogaster naretha* and *Tadorna radjah*—

omit.

- (2) Schedule 3, section 3—

insert—

Northiella narethae Naretha blue bonnet

Radjah radjah radjah shelduck

28 Amendment of sch 3, s 5 (Reptiles)

- (1) Schedule 3, section 5, entries for *Amphibolurus gilberti* and *Parasuta dwyeri*—

omit.

- (2) Schedule 3, section 5—

insert—

Lophognathus gilberti Gilbert's dragon

Lophognathus horneri Horner's dragon

Suta dwyeri Dwyer's snake

29 Amendment of sch 3, s 7 (Birds)

- (1) Schedule 3, section 7, entries for *Charadrius australis*, *Cracticus tibicen*, *Nectarinia jugularis* and *Todiramphus pyrrhopygia*—

[s 30]

omit.

(2) Schedule 3, section 7—

insert—

<i>Cinnyris jugularis</i>	olive-backed sunbird	no
<i>Gymnorhina tibicen</i>	Australian magpie	no
<i>Peltohyas australis</i>	inland dotterel	no
<i>Todiramphus pyrrhopygius</i>	red-backed kingfisher	no

30 Amendment of sch 3, s 8 (Reptiles)

(1) Schedule 3, section 8, entry for *Lucasium stenodactylum*—

omit.

(2) Schedule 3, section 8—

insert—

<i>Lucasium microplax</i>	southern sandplain gecko	no
<i>Lucasium stenodactylum</i>	northern sandplain gecko	no

Part 4 Amendment of Nature Conservation (Plants) Regulation 2020

31 Regulation amended

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

32 Amendment of s 74 (Taking of plant during harvest period)

Section 74(3) —

omit, insert—

- (3) However, subsection (2) does not apply if—
 - (a) the authorised plant taken is a whole restricted plant; and
 - (b) the holder or relevant person takes the authorised plant under the licence by way of operational salvage.

33 Amendment of s 78 (Restrictions on grant)

- (1) Section 78(4)—

omit.

- (2) Section 78—

insert—

- (7) However, subsections (3) and (5) do not apply to the grant of a protected plant harvesting licence to the extent the licence is for taking a whole restricted plant by way of contingent salvage.

- (3) Section 78(5) to (7)—

renumber as section 78(4) to (6).

34 Amendment of s 82 (Taking of plant during harvest period)

- (1) Section 82(1)(a), ‘, other than by way of contingent salvage’—

omit.

- (2) Section 82(3) —

omit, insert—

- (3) However, subsection (2) does not apply if—
 - (a) the authorised plant taken is a whole restricted plant; and

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- (b) the holder or relevant person takes the authorised plant under the licence by way of contingent salvage.

35 Amendment of s 83 (Compliance with sustainable harvest plan)

Section 83, ‘activities under the licence’—

omit, insert—

an activity under the licence to which the plan applies

36 Amendment of s 97 (Requirements for application)

Section 97—

insert—

- (3) However, subsection (2)(f) does not apply to an application for a protected plant harvesting licence to the extent the licence is for taking a whole restricted plant by way of contingent salvage.

37 Amendment of s 102 (Suitability based on other matters)

- (1) Section 102(2)(b) and (c)(i), ‘relevant authority’—

omit, insert—

plant authority

- (2) Section 102(3)—

omit.

38 Amendment of s 103 (Accumulation of demerit points)

- (1) Section 103(1)—

omit, insert—

-
- (1) This section applies to a person who is given an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against the Act if the person—
- (a) is convicted of the offence; or
 - (b) pays the fine stated in the infringement notice for the offence; or
 - (c) applies under the *State Penalties Enforcement Act 1999*, section 23 to pay the fine stated in the infringement notice for the offence by instalments; or
 - (d) fails to pay the fine stated in the infringement notice for the offence, resulting in a default certificate being given to SPER for the infringement notice.
- (2) Section 103(2), ‘The person’—
omit, insert—
For section 102(2)(a) and (b), the person
- (3) Section 103(3)—
omit, insert—
- (3) The person accumulates the demerit points for the offence on the day that subsection (1) applies to the person.
 - (4) However, if the day mentioned in subsection (3) is within the period in which a court proceeding for the offence has started but not ended, subsection (3) does not apply to the person until the day the period ends.
 - (5) Subsections (3) and (4) apply subject to the *State Penalties Enforcement Act 1999*, section 31.
 - (6) In this section—
default certificate see the *State Penalties Enforcement Act 1999*, section 33(1).

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SPER means the State Penalties Enforcement Registry established under the *State Penalties Enforcement Act 1999*, section 7.

39 Amendment of s 106 (Approval of sustainable harvest plan)

Section 106—

insert—

- (2) However, subsection (1) does not apply in relation to an application for a protected plant licence to the extent the licence is for taking a whole restricted plant by way of contingent salvage.

40 Insertion of new ch 12, pt 3

Chapter 12—

insert—

**Part 3 Transitional provision
for Nature
Conservation and
Other Legislation
Amendment Regulation
(No. 2) 2022**

228 Existing demerit points continue

- (1) If, before the commencement, a person accumulated 1 or more demerit points under former section 103—
- (a) the demerit points are not affected by the commencement of the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2022*, section 38; and

(b) the demerit points may be considered for applying section 102(2)(a).

(2) In this section—

former section 103 means section 103 as in force from time to time before the commencement.

41 Amendment of sch 1, s 9 (Plants)

(1) Schedule 1, section 9, entries for *Acacia castorum*, *Coleus minutus*, *Homoranthus vagans* and *Kunzea calida*—

omit.

(2) Schedule 1, section 9—

insert—

Digitaria basaltica

Digitaria veldkampiana

42 Amendment of sch 1, s 13 (Plants)

(1) Schedule 1, section 13, entries for *Dolichocarpa spathulata*, *Leionema elatius* subsp. *beckleri* and *Myriophyllum artesium*—

omit.

(2) Schedule 1, section 13—

insert—

Diuris curta

Leionema beckleri

43 Amendment of sch 1, s 17 (Plants)

(1) Schedule 1, section 17, entries for *Eremophila tetraptera*, *Mesua larnachiana* and *Rhaponticum australe*—

[s 44]

omit.

(2) Schedule 1, section 17—

insert—

Acacia castorum

Dolichocarpa spathulata

Homoranthus vagans

Kayea larnachiana

Kunzea calida

Leuzea australis

Philotheca obovatifolia

44 Amendment of sch 1, s 21 (Plants)

Schedule 1, section 21—

insert—

Coleus minutus

Eremophila tetraptera

Part 5 Amendment of Nature Conservation (Protected Areas Management) Regulation 2017

45 Regulation amended

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

46 Amendment of s 71AH (Suitability based on other matters)

(1) Section 71AH(2)(b) and (c)(i), ‘relevant authority’—

omit, insert—

protected area authority

(2) Section 71AH(3)—

omit.

47 Amendment of s 71AI (Accumulation of demerit points)

(1) Section 71AI(1)—

omit, insert—

(1) This section applies to a person who is given an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against the Act if the person—

(a) is convicted of the offence; or

(b) pays the fine stated in the infringement notice for the offence; or

(c) applies under the *State Penalties Enforcement Act 1999*, section 23 to pay the fine stated in the infringement notice for the offence by instalments; or

(d) fails to pay the fine stated in the infringement notice for the offence, resulting in a default certificate being given to SPER for the infringement notice.

(2) Section 71AI(2), ‘The person’—

omit, insert—

For section 71AH(2)(a) and (b), the person

(3) Section 71AI(3)—

omit, insert—

[s 48]

- (3) The person accumulates the demerit points for the offence on the day that subsection (1) applies to the person.
- (4) However, if the day mentioned in subsection (3) is within the period in which a court proceeding for the offence has started but not ended, subsection (3) does not apply to the person until the day the period ends.
- (5) Subsections (3) and (4) apply subject to the *State Penalties Enforcement Act 1999*, section 31.
- (6) In this section—

default certificate see the *State Penalties Enforcement Act 1999*, section 33(1).

SPER means the State Penalties Enforcement Registry established under the *State Penalties Enforcement Act 1999*, section 7.

48 Insertion of new ch 12

After chapter 11—

insert—

Chapter 12 Transitional provision for Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2022

188 Existing demerit points continue

- (1) If, before the commencement, a person accumulated 1 or more demerit points under

former section 71AI—

- (a) the demerit points are not affected by the commencement of the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2022*, section 47; and
 - (b) the demerit points may be considered for applying section 71AH(2)(a).
- (2) In this section—
- former section 71AI*** means section 71AI as in force from time to time before the commencement.

Endnotes

ENDNOTES

- 1 Made by the Governor in Council on 24 November 2022.
- 2 Notified on the Queensland legislation website on 25 November 2022.
- 3 The administering agency is the Department of Environment and Science.

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